

Public Safety Committee

11/8/2010

304 E. Grand River Ave., Howell, MI

7:30 PM

AGENDA

1. **CALL MEETING TO ORDER**
 2. **APPROVAL OF MINUTES**
Meeting minutes dated: October 12, 2010
 3. **APPROVAL OF AGENDA**
 4. **REPORTS**
 5. **CALL TO THE PUBLIC**
 6. **RESOLUTIONS FOR CONSIDERATION:**
-
- 07 Prosecutor**
REQUEST TO FILL VACANT ADMINISTRATIVE AIDE POSITION WITHIN THE PROSECUTORS OFFICE - Prosecutor/Public Safety/Finance/Board
-
- 08 Probate Court**
RESOLUTION TO FILL A VACANT PROBATE COURT RESEARCH ATTORNEY POSITION - Probate/Public Safety/Finance/Board
-
- 09 District Court**
RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF FY 2011 MICHIGAN MENTAL HEALTH COURT GRANT PROGRAM FUNDS (MMHCGP) FOR THE OPERATION OF THE LIVINGSTON COUNTY INTENSIVE TREATMENT COURT PROGRAM - District Court/Public Safety/Finance/Board
-
- 10 Sheriff**
RESOLUTION AUTHORIZING AN ANNUAL BLANKET APPROVAL OF OUT OF STATE TRAVEL TO OHIO FOR DIVE TEAM TRAINING –Sheriff Department/Public Safety/Finance/Board
-
- 11. ADJOURNMENT**

MEETING MINUTES

LIVINGSTON COUNTY

OCTOBER 12, 2010 – 7:30 P.M.

ADMINISTRATION BUILDING – BOARD CHAMBERS
304 E. Grand River Avenue, Howell, MI 48843

PUBLIC SAFETY

DAVID DOMAS **JACK LA BELLE** **JIM MANTEY** **RON VAN HOUTEN**

OTHERS:	JIM DUQUET	BOB BEZOTTE	LESLIE RIDDLE
	JUDGE HACKETT-GARAGIOLA	DON ARBIC	DAVID MORSE
	ANN WHITE	DON JAKRZEWSKI	CINDY MENDOZA
	BILL NEWHOUSE	TOM CREMONTE	MARYELLEN NYGREN
	JUDGE READER	MELISSA SCHARRER	JUDGE BRENNAN
	BELINDA PETERS	STAR KERR	JAY DRICK

1. **CALL TO ORDER:** Meeting called to order by: **COMM. DAVE DOMAS** at **7:55 P.M.**

2. **APPROVAL OF MINUTES:** **MINUTES OF MEETING DATED SEPTEMBER 13, 2010:**

MOTION TO APPROVE THE MINUTES, AS PRESENTED.
MOVED BY: LA BELLE / SECONDED BY: VAN HOUTEN
ALL IN FAVOR - MOTION PASSED

3. **APPROVAL OF AGENDA:**

MOTION TO APPROVE THE AGENDA, AS PRESENTED.
MOVED BY: MANTEY / SECONDED BY: VAN HOUTEN
ALL IN FAVOR - MOTION PASSED

4. **REPORTS:** None.

5. **CALL TO THE PUBLIC:** None.

6. **RESOLUTIONS FOR CONSIDERATION:**

7. SHERIFF: RESOLUTION AUTHORIZING CAPITAL PURCHASE OF 16 TASERS FOR ROAD PATROL AND JAIL

RECOMMEND MOTION TO: FINANCE
MOVED BY: LA BELLE / SECONDED BY: MANTEY
ALL IN FAVOR - MOTION PASSED

8. JAIL: RESOLUTION AUTHORIZING THE HIRING OF TWO (2) VACANT CORRECTIONS OFFICER POSITIONS

RECOMMEND MOTION TO THE: FINANCE
MOVED BY: MANTEY / SECONDED BY: VAN HOUTEN
ALL IN FAVOR - MOTION PASSED

9. JUVENILE COURT: RESOLUTION TO FILL A VACANT JUVENILE COURT ATTORNEY REFEREE POSITION

RECOMMEND MOTION TO THE: FINANCE
MOVED BY: MANTEY / SECONDED BY: LA BELLE
ALL IN FAVOR - MOTION PASSED

10. BUDGET DISCUSSIONS

➤ **PROSECUTOR:**

- Only issue was laser fiche project being moved to contingency, however, he is willing to follow process.

➤ **SHERIFF DEPARTMENT:**

- Sheriff Bezotte advised that he was satisfied with budget.
- Central Dispatch Director Don Arbic informed Members of complaints received regarding non-response or delayed response from officers. He will try to start keeping records of complaints that come in.
- Only 16 Road Patrol Deputies for 4 shifts.

➤ **911 CENTRAL DISPATCH:**

- Decline in revenue resulting in loss of two (2) positions every year. At this point, looks like no staff decrease until 2012.
- CIP: Large expense will have to be addressed. Radio purchase for all agencies. Conservative plan estimated cost of \$2 million now through 2015

➤ **COURTS:**

• **PROBATE COURT:**

- Judge Carol Hackett-Garagiola requested changing a part-time (20 Hours) position to a full-time position with savings from OLHSA Guardianship program. Caseload has increased but staff has not changed. The Judge provided caseload data to Commissioners.

- County Administrator Belinda Peters suggested utilizing two (2) part-time positions at 20 Hours versus one (1) full-time position.

MOTION TO AUTHORIZE ONE (1) FULL-TIME PROBATE COURT CLERK POSITION FROM CONTINGENCY.

MOVED BY: LA BELLE / NO SECOND

MOTION FAILED

MOTION TO MOVE PROBATE COURT REQUEST FOR ONE (1) FULL-TIME CLERK POSITION TO PERSONNEL SUB-COMMITTEE FOR CONSIDERATION.

MOVED BY: MANTEY / SECONDED: VAN HOUTEN

ALL IN FAVOR - MOTION PASSED

- **DISTRICT COURT:**

- Judge Theresa Brennan informed Members that District Court had lost three (3) positions over past three (3) years. Cannot continue with the present workload; too short-handed. The Judge requested Two (2) Part-time Deputy Clerk positions.

MOTION TO APPROVE TWO (2) PART-TIME DEPUTY CLERK POSITIONS UTILIZING CONTINGENCY FUNDS.

MOVED BY: LA BELLE / SECONDED: MANTEY

ALL IN FAVOR - MOTION PASSED

- **CIRCUIT COURT:**

- Judge David Reader confirmed that Circuit Court had no issues and was satisfied with budget.

11. ADJOURNMENT:

MOTION TO ADJOURN AT 10:05 P.M.

MOVED BY: LA BELLE / SECONDED BY: MANTEY

ALL IN FAVOR - MOTION PASSED

Respectfully Submitted

CINDY MENDOZA
RECORDING SECRETARY

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION APPROVING THE FILLING OF A VACANT FULL-TIME ADMINISTRATIVE AIDE POSITION IN THE PROSECUTOR'S OFFICE- PERSONNEL COMMITTEE / PUBLIC SAFETY COMMITTEE / FINANCE COMMITTEE

WHEREAS, the Prosecuting Attorney has a need to fill a vacant Administrative Aide Position:
and

WHEREAS, for purposes of continuity, the Prosecutor's Office would function more efficiently and be able to meet its mandated obligations; and

WHEREAS, this position is responsible for processing discovery requests from defense attorneys, running subpoenas for witnesses, handling and processing of legal documents.

WHEREAS, the filling of this position at the one year level would result in substantial savings over the amount budgeted for this position in the 2010 budget.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the filling of the vacant full-time Administrative Aide position in the Prosecutor's Office at the one year rate.

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MOVED:
SECONDED:
CARRIED:

October 13, 2010

Jennifer Palmbos
Human Resources Director
Livingston County

RE: Resolution to Fill Vacant Administrative Aide Position

Dear Director Palmbos:

Attached is a resolution to fill the vacant administrative aide position and the justification form required by County policy.

The vacancy has occurred due to the medical retirement of Denise Leach who worked in this position for 18 years. Mrs. Leach spent three months of this year on FMLA leave and was unable to return to work on September 22, 2010, due to health reasons.

The justification for filling the position at this time is set forth in detail in the attached form. To summarize, this position is critical to meeting the statutory duties of this Office and the policies of local judges. The position was filled during Mrs. Leach's leave by overtime and other administrative aides taking on additional work. However, much of the work was done by the Office Manager in addition to her other duties. The result was that we are substantially behind in the work Mrs. Leach normally does and the Office Manager has been forced to neglect her own responsibilities while she covered the vacant position.

We are fortunate in that we have an available replacement who has previously worked in a similar position here so there is virtually no training curve in replacing Mrs. Leach.

I would appreciate your scheduling this request before the appropriate Board subcommittee.

Sincerely,

David L. Morse

Livingston County Michigan Human Resources Policy Manual

Section: Subject:	Vacancy Review
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A. POLICY

1. PURPOSE:

Livingston County instituted a number of cost reduction measures in light of the financial forecasts indicating the County would be unable to sustain current levels of services within available resources. One of those measures is a hiring freeze. The objective of the hiring freeze for general fund departments and departments that receive a subsidy from the general fund is to contribute to the reduction of the budget deficit and to begin to make long-term structural changes and improved efficiencies in Livingston County's work force.

2. POLICY STATEMENT:

The Board of Commissioners instituted a hiring freeze on July 7, 2008, which resolved:

- No position in a General Fund department which becomes vacant shall be replaced. In departments not funded by the General Fund, vacancies shall be posted internally with employees in General Fund departments given first consideration. The Board encourages the sharing of responsibilities within or between Departments. In addition supervisory positions may be filled internally as long as a vacancy ultimately falls off the payroll. The Board of Commissioners also endorses consolidation of County offices in order to reduce operating expenses.

In addition, on December 1, 2008 the Board reaffirmed their position on the hiring freeze by resolving:

- Any services funded by State/Federal grants which costs exceed grant funding and which services are not basic to the health, safety, and welfare of the residents of Livingston County and/or which are provided by others; shall be discontinued and the grant funding declined.
- The approved Authorization and Funded Employee List contained in the budget shall limit the number of employees who are authorized to be employed and no funds are appropriated for any position or employees not on the approved Authorization and Funded Employee List.
- All vacancies that occur during this hiring freeze are hereby declared to be a position reduction on the Authorized and Funded Employee List for each such vacated position and funding shall be removed from the Courts, Elected Officials and Department Head budgets. Said vacated position shall not be filled, except by specific Board authorization.
- If the Board of Commissioners authorizes a vacant position to be filled, then all Judges, County Elected Officials and County Department Heads will hold that position vacancy that occurs during the 2009 fiscal year for the appropriate duration of time to properly compensate for vacation and/or sick payoffs to insure personnel expenditures don't exceed the 2009 authorized budget provided that the judges and elected officials can still perform their mandated functions at a serviceable level.

However, there may be a few instances in which the best interests of Livingston County are served by allowing a hire to take place. The attached Vacancy Review Guidelines explain the objective, criteria and procedures for granting exceptions to the hiring freeze.

Vacancy requests will be approved only when it is clear to the Board of Commissioners that:

- The work is essential to Livingston County;
- The Elected Official/Department Head has examined current work and staffing to identify and then implement changes that improve service, reduce costs and reduce the number of staff required to get the department's work done;
- Alternatives to getting the work done have been seriously explored including redesigning work, reassigning current staff, using additional technology or rethinking how work is performed, streamlining and any other staff-suggested means;
- Lower priority work has been eliminated, deferred, or handled some other way. In other words, with approval, can some of the department's current duties be discontinued?;
- There is no reasonable alternative to hiring.

Where there is no reasonable alternative to hiring, it is expected that another position will be surrendered. Step placement at hiring should be scrutinized to minimize overall personnel costs. Avoid incurring any costs that are not necessary. All County expenditures – not just personnel costs need to be examined to reduce costs to the greatest extent possible.

3. APPLICABILITY:

All budgeted full-time, part-time and temporary positions that become vacant during the period of time that the hiring freeze is in effect. The hiring freeze applies to positions in a general fund department and to departments that receive a general fund subsidy. Every position will be reviewed on an individual basis.

Replacing an incumbent during a leave must follow the Vacancy Review Process. No approval is required to return the incumbent employee to the original position.

The hiring freeze will be in effect until further notice, and will not be lifted without an affirmative action taken by the Board of Commissioners.

4. DEFINITIONS:

5. REFERENCE AND LEGAL AUTHORITY:

Board Resolution 604-193	Resolution Establishing a Position Review Process to Justify the Current Need for Vacant Positions under the General Hiring Freeze
Board Resolution 2008-07-201	Resolution Authorizing Implementation of Adjustments to the 2008 Livingston County Budget
Board Resolution 2008-12-352	Resolution Adopting the 2009 Livingston County Budget
Board Resolution 2009-05-156	Resolution Authorizing Livingston County's Annual Budget Process and Calendar for 2010

6. SEE ALSO:

Personnel Policy regarding Workforce Reduction
Form: Livingston County 2004 General Hiring Freeze, Request to Fill
Form: Request for Exception to the Hiring Freeze

7. SUPERSEDES:

8. APPROVED BY:

Personnel Committee: June 3, 2009
Finance Committee: June 10, 2009
Board of Commissioners: July 6, 2009

9. RESOLUTION: No. 2009-07-217

10. REVIEW HISTORY:

B. PROCEDURE:

The requesting Elected Official/Department Head will complete the analysis required to Request an Exception to the Hiring Freeze. The appropriate Board Sub-Committee will review all requests for hiring within their jurisdiction. Only when the appropriate Board Sub-Committee is confident that the hire meets the criteria will the request receive further review from the Finance Committee and ultimate authorization will be provided by the Board of Commissioners prior to making a job offer.

The Board Sub-Committee may request clarification or additional information as deemed necessary.

Administration will adjust budgets to reflect the savings from vacant positions.

REQUEST FOR EXCEPTION TO THE HIRING FREEZE

Request Submitted by: **David L. Morse**

Title of Position to be Filled: **Administrative Aide** Salary: **\$28,596.00**

Annual Cost of Budgeted Position: **\$45,800.00** Projected Cost for the next five years: **\$229,000.00**

New Position/Classification (Yes/No): **No**

If No: Name of Employee Last Occupying this Position

Denise Leach

To Temporarily Replace an Employee who is on approved leave of absence:

Name of Employee on Leave:

Date of Expected Return:

When did the position become vacant? **9/22/10**

Has sufficient time been given to properly compensate for vacation and/or sick pay-offs to insure personnel expenses do not exceed the authorized budget?

Former Employee had exhausted all sick and vacation time during FMLA.

1. Briefly describe this position and why you believe that it is essential enough to warrant an exception to the overall Livingston County hiring freeze. Provide a copy of the job description.

It is essential that this position be filled for a number of reasons. First, delays in processing cases, providing discovery and preparing subpoenas will likely occur if workloads must be shifted to the remaining support staff. If this occurs, the Prosecutor assumes substantial risk of being in violation of statute and court rule requirements for providing discovery and processing files. Second, it is impossible to shift the position's workload to other support staff. It is inevitable that the Prosecutor will incur substantial costs for payment of overtime and there is not enough staff to adequately cover all of the responsibilities of the vacant position. The position is responsible for extensive contact with the court, attorneys, public and police officers.

2. Indicate if this is a mandated program/service by citing the act, rule, resolution, order, etc. that has necessitated this work. Also, if mandated, explain what effect this program/service has on current operations. If not mandated, outline the reason(s) for the department providing this task/work.

This position itself is not mandated. However, it supports the statutory and court rule mandated functions of the Prosecutor. Without the support of this position, substantial additional burden would be placed on the remaining staff to continue meeting statutory and court rule mandates.

3. Budgeted department head count for the past five years:
Jan., 2005 23: Jan., 2006 23: Jan., 2007 23: Jan., 2008 22:
Jan., 2009 22: *This includes full-time and part-time*

Please explain changes: We were able to decrease our staff when we switched to a file less office to save funds.

4. Does the vacant position for which an exemption is being requested perform essential function(s) that cannot be performed with the existing staff resources within Livingston County? Identify all special skills, education and/or licensing requirements for the position.

This position requires specialized skills, in addition to general clerical and office support skills, which are not available through staff in other County positions. A knowledge of court processes, including an understanding of statutes and court rules that govern Court operations is necessary to be able to perform daily functions. The ability to assist citizens and attorney with complex questions is essential to the effectiveness of this position.

5. Recognizing that all Elected Officials/Department Heads are expected to provide quality supervision and be creative problem solvers, how could the department reassign work and/or personnel to get all essential work of the department done without additional hiring?

Staff has already taken on additional duties to those defined in their job descriptions on request. These changes have occurred without seeking to amend job descriptions or seeking increases in staff pay. Staff is very cognizant of the economic times in Livingston County and they have accepted the reality that they will have to take on additional work with no expectation that help is on the way.

6. Specifically list three reasonable options if your request to replace a position is denied.

1. **Evaluate the advisability of converting the position to contractual status.** This option would reduce the financial commitment for the position. It could make the recruitment for the position more difficult.
2. **Distribute the work of the position among remaining staff and obtain a budget amendment to cover anticipated overtime and other costs.** This option is likely to have a negative impact on office efficiency and accuracy and county fiscal issues. Service to victims and attorneys will be negatively impacted as staff will not be able to cover public inquiries and processing of files and proceedings. Costs will increase for overtime. In addition, positions will have to be re-evaluated for change in classification and/or pay to compensate for assumption of additional or new duties.

7. What are the consequences of deferring the vacant position over the next several months and beyond?

Cases will not be processed in a timely manner, resulting in violations of statute and court rule requirements. Direct services to the public – efficient responses to questions; assistance with problems; handling of crises – will immediately suffer. Staff morale will be a significant concern as workloads continue to increase.

8. What budget saving measures has this department implemented? Have additional measures been identified?

The Prosecutors Office has led county departments in utilizing technology to cut costs and reduce staff. Additionally, all non-personnel costs have been cut to the minimum necessary to remain operationally sound.

9. What position or other costs would you be willing to drop to enable hiring – if that becomes necessary to obtain approval for hire?

See answer to #8; it is impossible for us to identify any additional areas where staffing could be cut.

10. Please provide additional information regarding the staff of this department (i.e. organizational charts, workflow chart, staff on leaves from work/job restrictions, employee training downtime, etc.) to determine the workforce available for accomplishing the necessary tasks/services.

See attached organizational chart

11. Is the work required by statute to be performed at the County level or can it be shared with other Counties? With local governments?

The work performed by this position is assigned under the general supervision of the Prosecuting Attorney. The work supports the statutory and court rule required duties of the Prosecutor. The specialized nature of the work to Livingston County makes it impossible to share with other Counties or local governmental units absent changes to the Michigan Constitution.

12. Explain what services can be provided by others, private sector or non-profit? **Not applicable for this position.**

13. Are there other County employees with the skills and knowledge that can be transferred from another department thereby shifting the vacancy to another department where the position will not be filled?

No.

14. Has the use of temporary employees been evaluated to handle the work? Please provide explanation(s).

It is not possible to use temporary employees to complete the work

15. Has the use of part-time (less than 30 hours) employees been evaluated for feasibility and cost-effectiveness to accomplish the work? Please provide explanation(s).

The use of part-time employees is not possible for this position. Given the continuous flow of the work, setting primary duties aside or shifting between multiple part-time staff increases the risk of error and loss of continuity in dealing with attorneys, agencies and the public served by this office. We have utilized job sharing in the past with unsatisfactory results.

16. Has current staff been working overtime and, if so, how much is currently being worked or how much is planned to be worked per week (on the average)?

This department has been working overtime even before the vacancy existed. Usually an Administrative Aide will work between 2 to 4 hours of overtime a pay period to keep up with the caseload.

17. Has cross-trained staff been fully utilized to maximize the output of existing staff? Please provide explanation(s).

Many of our Administrative Aides are cross-trained into different positions to assist for coverage during sick and vacation issues; to have Administrative Aides cover full-time in another department, while doing their own jobs, is not feasible.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION TO FILL A VACANT PROBATE COURT RESEARCH ATTORNEY POSITION - Probate COURT - PUBLIC SAFETY: 11/8/10 - FINANCE: 11/10/10

WHEREAS, The Probate Court has an authorized position for a Research Attorney, whose duties include reviewing case files, researching applicable laws, and preparing memoranda, orders, and legal opinions for the judge's review, as well as assisting with daily operations of the judge's chambers; and

WHEREAS, The position becomes vacant on November 22, 2010 due to the resignation of current Research Attorney Barbara Hunyady; and

WHEREAS, The Probate Court and Circuit Court–Family Division rely on the Research Attorney to review case files, conduct legal research, analyze facts, make oral and written recommendations, and prepare written memoranda and proposed orders, in advance of hearings regarding a wide range of cases including, but not limited to: supervised and unsupervised decedent estates; trusts; civil actions; guardianships and conservatorships for legally incapacitated adults, persons with developmental disability, and minors; protective orders; involuntary hospitalization and judicial admission of individuals with mental illness; neglect and abuse of minors; juvenile guardianships; termination of parental rights; juvenile delinquency; divorce; and personal protection orders, including emergency hearings of all case types; and

WHEREAS, the Research Attorney is responsible for assisting the judge to manage the Probate Court docket (844 new caseload in 2009) and one-half of the Circuit Court-Family Division docket (i.e., 50% of the 2,598 new caseload in 2009), both of which are expected to increase significantly in 2010; and

WHEREAS, the Probate Court docket and one-half of the Circuit Court-Family Division docket cannot be managed without a full-time Research Attorney; and

WHEREAS, The Probate Court has a need to fill this position as quickly as possible so that Probate Court and Circuit Court-Family Division dockets do not become backlogged, as the Court would be unable manage its docket without a research attorney; and

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves this Resolution to fill the vacant Research Attorney position in the Probate Court as soon as practical.

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MOVED:
SECONDED:
CARRIED:

Carol Hackett Garagiola
Chief Judge



James M. Duquet
*Court Administrator/
Probate Register*

Livingston County Probate Court
204 S. HIGHLANDER WAY, HOWELL, MI 48843
PHONE: (517) 546-3750 – FAX: (517) 552-2510

To: **Livingston County Board of Commissioners**
From: James M. Duquet
Date: 11/1/2010
Re: RESOLUTION APPROVING THE FILLING OF A VACANT
RESEARCH ATTORNEY POSITION WITHIN THE
PROBATE COURT.

The Research Attorney position in the Probate Court is to become vacant on **November 22, 2010** due to the resignation of Barbara Hunyady.

The position is required to analyze and research legal issues, prepare legal memoranda, opinions, and orders for the Chief Judge of the Probate Court and Judge of the Family Division of the Circuit Court. The position is responsible for handling highly complex, varied, sensitive, and difficult legal assignments involving probate and family court litigation, as well as civil, juvenile, administrative, and regulatory matters. The position requires a degree in Law and a unique combination of experience and skills in court processes, legal research, and application of the law.

This position requires a full-time presence due to the volume and complexity of the Probate and Family Division dockets and the need to be available to prepare research for emergency hearings. The ongoing nature of Probate and Family Division cases make it impossible for two part-time employees to complete these duties. Not filling this position immediately would halt the court's docket, creating extensive backlogs for the Court and place legally incapacitated adults, individuals with developmental disabilities, juveniles, and the community at risk, if hearings do not occur in a timely manner.

If you have any questions regarding this matter please contact me.

James M. Duquet
Probate Court Administrator

REQUEST FOR EXCEPTION TO THE HIRING FREEZE

Request Submitted by: James M. Duquet

Title of Position to be Filled: **Research Attorney-Probate Court**

Salary of current research attorney: **\$46,480.51**
Salary range of new hire (post 11/9/09 salary scheduled: **\$42,707.65- \$54,101.16**

Current Budgeted Annual Cost of Position: **\$67,432** Projected Cost for the next five years: **\$358,006**

Annual Cost of Position (New Hire): **\$59,619** Projected Cost for the next five years: **\$309,982**

1st Year Savings:	\$7,813
5 Year Savings:	\$48,024

New Position/Classification (Yes/No): **No.**

If No: Name of Employee Last Occupying this Position: **Barbara Hunyady**

When did the position become vacant? **November 22, 2009**

Has sufficient time been given to properly compensate for vacation and/or sick pay-offs to insure personnel expenses do not exceed the authorized budget? **Yes, even if the position is filled immediately, the savings realized by bringing in someone at the new hire rate will more than make up for the vacation time to be paid out.**

1. Briefly describe this position and why you believe that it is essential enough to warrant an exception to the overall Livingston County hiring freeze. Provide a copy of the job description.

The Research Attorney position in the Probate Court is responsible to review case files, conduct legal research, analyze facts, make oral and written recommendations, and prepare written memoranda and proposed orders, in advance of hearings regarding a wide range of cases including, but not limited to: supervised and unsupervised decedent estates; trusts; civil actions; guardianships and conservatorships for legally incapacitated adults, persons with developmental disability, and minors; protective orders; involuntary hospitalization and judicial admission of individuals with mental illness; neglect and abuse of minors; juvenile guardianships; termination of parental rights; juvenile delinquency; divorce; and personal protection orders, including emergency hearings of all case types. The Research Attorney is responsible for assisting the judge to manage the Probate Court docket (844 new caseload in 2009) and one-half of the Circuit Court-Family Division docket (i.e., 50% of the 2,598 new caseload in 2009), both of which are expected to increase significantly in 2010. Due to the volume of cases in the Probate Court and Circuit Court - Family Division and the necessity to vulnerable adults, children, families, and citizens that court services to be delivered timely and according to the law, it is essential to fill the Research Attorney vacancy. [See Job Description – Attachment B.]

2. Indicate if this is a mandated program/service by citing the act, rule, resolution, order, etc. that has necessitated this work. Also, if mandated, explain what effect

this program/service has on current operations. If not mandated, outline the reason(s) for the department providing this task/work.

The Probate Court is mandated to hear proceedings involving:

- 1.) the administration and settlement of a decedent estate pursuant to MCL 700.1302(a);
- 2.) the administration and settlement of a trust pursuant to MCL 700.1302(b) and MCL 700.7201(1);
- 3.) guardianships, conservatorships, and protective proceedings over a minor pursuant to MCL 600.841 and MCL 700.1302(c);
- 4.) guardianships, conservatorships, and protective proceedings over a legally incapacitated adult pursuant to MCL 600.841 and MCL 700.1302(c).
- 5.) guardianship proceedings over an individual with developmental disability pursuant to MCL 330.1600(b), MCL 330.1604 and MCL 600.841; and
- 6.) civil commitment proceedings pursuant to MCL 330.1400(c).

The Circuit Court - Family Division is mandated to hear proceedings involving:

- 1.) juvenile delinquents pursuant to MCL 712A.1 to 712A.32; MCL 722.1 to 722.6;
- 2.) child protective proceedings pursuant to MCL 722.631;
- 3.) divorce proceedings pursuant to MCL 600.1021;
- 4.) spousal or child support pursuant to MCL 600.1021, 552.16, 552.23(1), 552.452(3), 722.27(2), and 722.714;
- 5.) determination of paternity pursuant to MCL 722.711 et seq.;
- 6.) adoption pursuant to MCL 600.1021 and MCL 710.21 et seq.; and
- 7.) domestic personal protection orders pursuant to MCL 600.1021 and 2950(1).

3. Budgeted department head count for the past five years:

Jan., 2005: 7.5 Jan., 2006: 7.5 Jan., 2007: 7.5 Jan., 2008: 7.5 Jan., 2009: 7.5
Jan., 2010: 7.7¹

Please explain changes:

Although there has been no net change in the number of positions within the Probate Court, the allocation of the positions did change in May 2009, with the Court Administrator and Probate Register positions being consolidated and the part-time Court Clerk position being created to make up for the loss. Prior to May 2009, the 7.5 employees consisted of:

- (1) Judge,
- (1) judicial secretary,
- (1) court recorder,
- (1) research attorney,
- (.5) Court Administrator (split 50% for Circuit Court and 50% for Probate Court),
- (1) Probate Register, and
- (2) Deputy Registers.

Subsequent to May 2009, the 7.5 employees consisted of (See attached court organizational chart):

¹ In the 2010 budget, 20% of Ann White's salary, which was previously in the Circuit Court budget, was moved to Probate- accounting for the additional 2/10^{ths} of an employee. This did not represent any addition of staff, but rather a shifting of line items to better reflect the distribution of Ann's work time.

- (1) Judge,*
- (1) judicial secretary,*
- (1) court recorder,*
- (1) research attorney,*
- (1) Court Administrator/Probate Register/Hearing Officer,
- (2) Deputy Registers, and
- (.5) Court Clerk.

***Note that despite their salaries being paid entirely out of the Probate Court budget, the four employees within the judicial chambers (judge, judicial secretary, court recorder, and research attorney) spend approximately 70% of their time handling matters for the Circuit Court Family Division and Juvenile Courts (only 1.5 days per week of courtroom time are dedicated to Probate Court matters). The additional Circuit and Juvenile Court duties, as well as physical distance between the judicial chambers and the front counter, generally make it impossible for the judicial chambers staff to cover duties for probate support staff.**

4. Does the vacant position for which an exemption is being requested perform essential function(s) that cannot be performed with the existing staff resources within Livingston County? Identify all special skills, education and/or licensing requirements for the position.

The Research Attorney must have a Juris Doctorate degree and be a licensed attorney through the State Bar of Michigan. No other staff member possesses these qualifications, except for the Court Administrator/Probate Register, but it would be impossible to cover the volume of cases necessary to keep the court's docket running.

5. Recognizing that all Elected Officials/Department Heads are expected to provide quality supervision and be creative problem solvers, how could the department reassign work and/or personnel to get all essential work of the department done without additional hiring?

It would be impossible as the only other staff to meet the qualifications needed to be a Research Attorney already has too many responsibilities to handle the additional duties.

6. Specifically list three reasonable options if your request to replace a position is denied.

There is no reasonable option. The judge and the Court Administrator/Probate Register would have to prepare the cases for hearing, but with all their other responsibilities, the Court would be able to hear only a small fraction of its current docket, which would cause delays in hearings well beyond the maximum time allowed by statute.

7. What are the consequences of deferring the vacant position over the next several months and beyond?

Currently, Judge Hackett Garagiola holds hearings every day. Without a Research Attorney, the Probate Court and Circuit Court-Family Division would have to cut its docket time only a couple days per week to allow the judge to conduct her own research. The consequences would be devastating to vulnerable individuals, children, families, and the citizens of Livingston County, as cases would languish, incapacitated adults would go without guardians, children could remain in dangerous environments, and public safety would be compromised.

- 8 What budget saving measures has this department implemented? Have additional measures been identified?

As noted above, the current Research Attorney is budgeted to be at pay Grade K, Step 4 in 2011. By hiring a new employee at the hire rate under the 2.5% market adjustment decrease, the County will save \$7,813 in 2011 and \$48,024 over the next 5 years.

With regard to other personnel, the consolidation of the Probate Court Administrator position and the Probate Register position, with the hiring of a 20-hour Court Clerk with no benefits, resulted in personnel cost savings. The former Circuit/Probate Court Administrator position was reclassified from a Grade Level Q, to a new position of Probate Court Administrator/Probate Register which is a Grade Level O. Additionally, the Administrator/Register position remained unfilled from February 2009 until 6/1/2009.

The Probate Court has sought operational cost savings in every area of its budget. Most notably, by moving from an hourly rate to a flat fee, the court has reduced the average amount paid to court-appointed attorneys and GALs by nearly \$40 per appointment. The Court has also extensively utilized unpaid interns to help satisfy other mandated functions such as reviewing accountings in conservatorships and storing and microfilming case files (also mandated functions). The probate court has also reduced the amount paid for guardianship reviews to \$25 per review for staff (\$30 for outside contractor) from \$40.

9. What position or other costs would you be willing to drop to enable hiring – if that becomes necessary to obtain approval for hire?

The Probate Court has already taken significant budget cuts, which have hindered its ability to effectively deliver services. The Court by nature is a reactive entity. It must use resources to meet demands of its caseload, which has increased 22% in the last two years alone.² The Court is conservative in managing its budget in all areas, but must accommodate the increased demand. Given the cuts already made and the Court's current staffing level, it is impossible to identify any additional areas where cuts can be made.

10. Please provide additional information regarding the staff of this department (i.e. organizational charts, workflow chart, staff on leaves from work/job restrictions, employee training downtime, etc.) to determine the workforce available for accomplishing the necessary tasks/services.

See the attached Court Organizational Chart. The Research Attorney position is unique, requiring a juris doctor degree. Only the Judge and the Administrator/Register possess such a degree. In light of current duties of the Judge and Administrator/Register, there is no workforce available to assume responsibility for performing the duties required of the Research Attorney.

11. Is the work required by statute to be performed at the County level or can it be shared with other Counties? With local governments?

The work performed by the Research Attorney is assigned under the general supervision of the Chief Judge of the Livingston County Probate Court. The work supports the statutory and court-rule-required duties of the Court, which are required of all probate courts throughout Michigan. The specialized nature of the work of the Livingston County Probate Court makes it impossible to share with other counties or local governmental

² Total Caseload: 2007=691, 2009=844. See published caseload reports available at: <http://courts.michigan.gov/scao/resources/publications/reports/summaries.htm#statsupp>.

units. Additionally, the courts are a separate branch of government, so other county departments cannot assist with the Research Attorney duties.

12. Explain what services can be provided by others, private sector or non-profit?

Not applicable to this position.

13. Are there other County employees with the skills and knowledge that can be transferred from another department thereby shifting the vacancy to another department where the position will not be filled?

No. There is no other Probate Court and Family Court Research Attorney in the county. It is a unique position.

14. Has the use of temporary employees been evaluated to handle the work? Please provide explanation(s).

Temporary employees are not feasible for this position. The Research Attorney must learn the court's processes, local practice, and docket and chambers functioning, in addition to the varied and complex legal issues that must be addressed in a rapid and accurate manner given the heavy caseload. The learning curve is steep for a research attorney to function at maximum productivity. A temporary employee cannot fulfill this position.

15. Has the use of part-time (less than 30 hours) employees been evaluated for feasibility and cost-effectiveness to accomplish the work? Please provide explanation(s).

It is not feasible to use part-time employees to handle the work of the Research Attorney. The Research Attorney handles a high volume of cases and acts as a legal resource to other court staff as well as to the Family Court Judges. There are full dockets on a daily basis. There are frequent emergency hearings in Probate Court and Circuit Court-Family Division, necessitating a full-time presence. There are longer-term research projects that must be completed in between regular docket preparation and emergency hearing preparation.

16. Has current staff been working overtime and, if so, how much is currently being worked or how much is planned to be worked per week (on the average)?

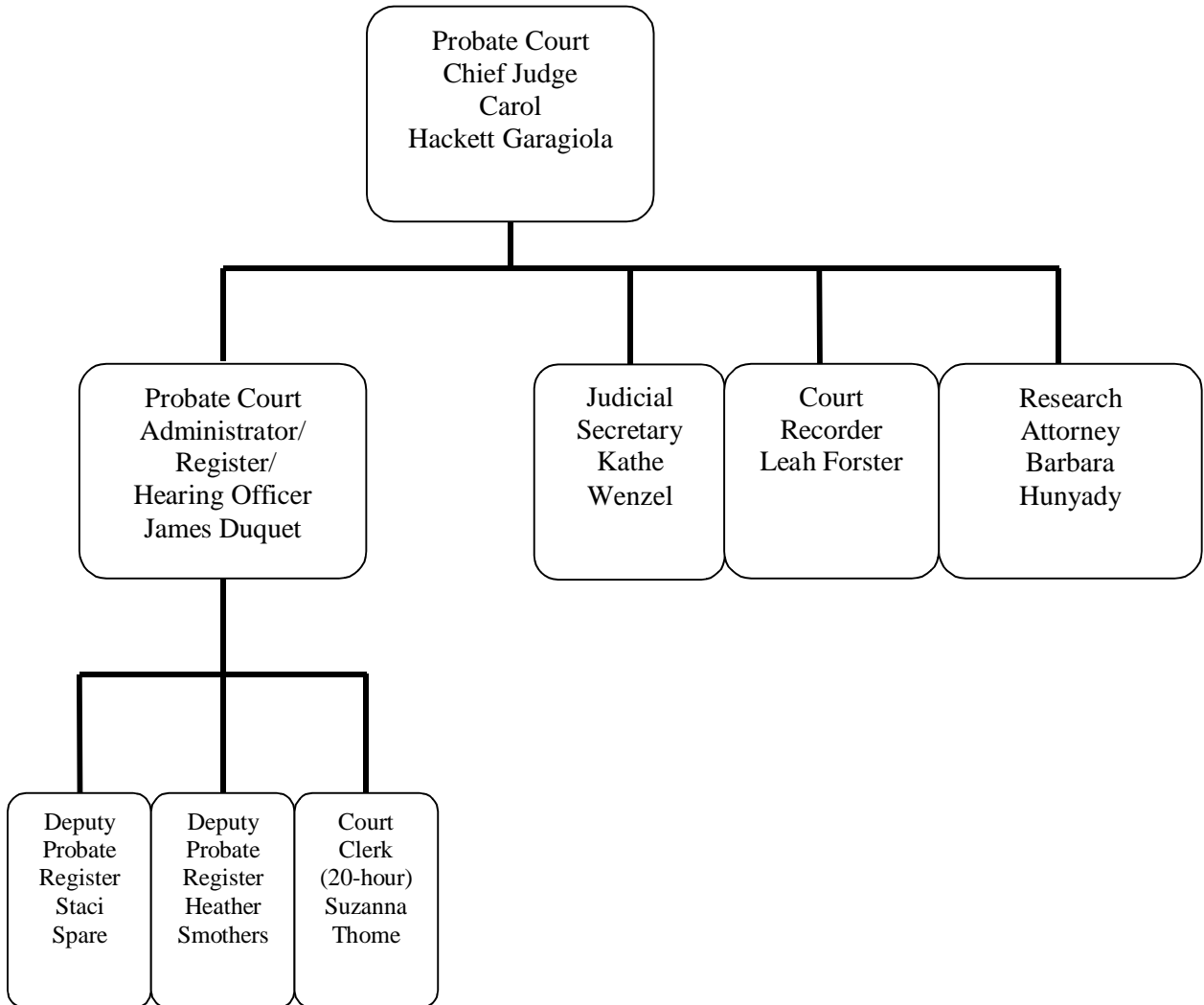
The Research Attorney is a non-union salaried employee who works the hours necessary to complete the work required. Those responsibilities include working hours beyond the normal work week. As indicated earlier, there are no employees with the education and experience requirements available to perform the duties of the Attorney Referee.

17. Has cross-trained staff been fully utilized to maximize the output of existing staff? Please provide explanation(s).

Yes - in other areas. However, as stated earlier no other available staff has the education and experience necessary to perform the duties of Research Attorney.

Attachment A

Probate Court Organizational Chart



ATTACHMENT B



EMPLOYEE NAME:

JOB TITLE: Research Attorney/Clerk

POSITION ID#: 101.148-003

EMPLOYEES SUPERVISED: None

IMMEDIATE SUPERVISOR: Hon. Carol Hackett Garagiola

TITLE OF IMMEDIATE SUPERVISOR: Chief Probate Judge

FLSA STATUS: Exempt

DEPARTMENT: Probate Court **LOCATION:** Judicial Center

EFFECTIVE: 01/01/10 **GRADE** K **RANGE:** \$21.06 - \$26.68
(Those hired on 11/01/09 or later: \$20.53 – 26.01)

WORKERS COMP. CODE: 9410

SUMMARY OF POSITION:

The research attorney is a professional position within the judicial chambers of the trial court. The research attorney works independent of direction or supervision and is required to analyze and research legal issues, prepare legal memoranda, opinions, and orders for the Chief Judge of the Probate Court and Judge of Family Division of the Circuit Court in all areas of the court's jurisdiction, including probate, family court, civil, juvenile, and administrative practice. The position has a broad scope of responsibility with considerable impact on litigants and/or the public. The research attorney routinely handles highly complex, varied, sensitive, and difficult legal assignments involving probate and family court litigation, as well as civil, juvenile, administrative, and regulatory matters. Considerable independent judgment is used in making decisions without consulting a supervisor.

ESSENTIAL FUNCTIONS:

1. Analyzes and assesses complex probate, civil, juvenile, and family law cases to identify relevant factual and legal issues based upon applicable law and circumstances involved. Analyzes disputed issues pursuant to applicable law and subjective interests of the parties. Advises the judge regarding the relative strengths and weaknesses of parties' respective positions making recommendations regarding options for judicial action.
2. Communicates with attorneys and litigants regarding court proceedings.
3. Reviews case files, briefs, cited authority, transcripts, and documentary evidence to determine relevance, reliability, and significance for civil, juvenile, probate, and family court matters, appeals, bench and jury trials, dispositive and other motions, and evidentiary hearings.

4. Performs independent computerized and manual legal research on a variety of court related issues and special projects. Provides written legal recommendations for pretrial motions, other motions, and evidentiary issues to the judge after conducting appropriate legal research.
5. Reviews matters which present highly complex legal, financial, or technical issues. Develops necessary expertise in, and reaches conclusions for, recommended disposition of issues in various cases.
6. Writes pre-hearing reports incorporating facts, relevant issues of applicable law, analysis and conclusions to assist the judge in determining the proper procedure and specific legal actions to be taken by the Court. Prepares Opinions and Orders for the disposition of legal matters, and reviews and approves orders for entry.
7. Prioritizes and schedules various hearings for petitions, and motions.
8. Assists the judge in Court during bench and jury trials, evidentiary hearings, oral arguments of motions and other matters brought before the Court which require immediate consideration. Assesses challenges to evidence. Listens to testimony, reviews evidence, makes recommendations on disposition, and facilitates consensual resolutions where appropriate.
9. Assists in coordinating chamber operations and dockets to ensure prompt resolution of disputes, maintaining an appropriate time-line for review of case files, to ensure compliance with statutes, court rules, case law, administrative orders, and chief judge directives. Develops and maintains screening devices pertaining to caseflow. Authorizes appropriate extensions based upon review.
10. Assists in administering orders in high profile and/or highly sensitive cases, including limitations on media conduct.
11. Acts as liaison between Court litigants, attorneys, special masters, facilitators, county clerk, other departments and officials, and the media as required by the Circuit or Probate Court Judge.
12. Reviews confidential and privileged material subject to protective orders.
13. Maintains up-to-date knowledge and utilizes various word processing and legal research computer applications.
14. Conducts hearings which are not required to be conducted on the record, including status conferences, settlement conferences, and pretrial hearings.
15. Monitors, reads, and analyzes new legislation, recent court decisions, and court rule changes related to a variety of substantive and procedural civil, juvenile, and probate matters decided in both state and federal jurisdictions. Provides legal advice to the judge regarding changes in and interpretation of all statutes, case law, court rules and procedures.
16. Assists the judge with daily operations of the office, such as answering phone calls, scheduling meetings, following-up on cases, tracking documents, and performing related assistance.

GENERAL DUTIES:

1. Behave and communicate in a manner that promotes a positive work atmosphere.
2. Maintain an awareness to provide a safe and healthy environment and will report all hazards and/or concerns.

3. Participate in approved staff development activities, in-services and supervisory sessions.
4. Adjust work schedule, with supervisory approval, to meet County needs.
5. Accept other responsibilities and duties required by the supervisor consistent with the objectives and essential functions of this position. Such responsibilities shall be incorporated into the position description if they involve a lengthy commitment of time or are on going.
6. Advise supervisor if actual practice (activity) begins to deviate significantly from specified essential functions.

SUPPLEMENTARY FUNCTIONS:

1. May represent the Probate and/or Circuit Court on internal/external committees or work groups to enhance service delivery or service planning.
2. May participate in community education activities.
3. May oversee research and writing activities of legal interns.
4. May be required to participate in the periodic evaluation of services and service planning.
5. May receive and assist in resolving complaints or inquiries related to services provided by the Probate and/or Circuit Court.
6. Participate in approved emergency activities and/or preparedness drills in the case of a county declared disaster or emergency.
7. Respond to written and verbal inquiries concerning procedure or special problems.

LICENSING or CERTIFICATIONS:

- Membership in good standing with the Michigan State Bar.

QUALIFICATIONS:

1. Licensed to practice law and maintain membership in good standing with the State Bar of Michigan.
2. Graduated from an ABA approved law school and passed a State Bar examination
3. Have at least two years professional legal experience including positions of comparable responsibility with other Courts, as a practicing attorney, or as a mediator, arbitrator or facilitator.
4. Have a working knowledge of family and/or probate substantive and procedural law in areas such as estates, trusts, guardianships and conservatorships, divorce, juvenile law, and adoption.
5. Excellent writing, communication and legal research skills

EDUCATION:

- Possession of a Juris Doctorate degree from an ABA approved school of law.

KNOWLEDGE OF:

- Criminal, civil, family, probate, and administrative law,
- judicial practices and procedures and of rules of evidence, court rules, administrative rules and procedures,
- principles, methods, materials, and practice of legal research techniques and procedures,

- the Michigan judicial system and state law and procedure,
- criminal and civil justice procedures and processes used in the prosecution and adjudication of litigation,
- laws rules, regulations, policies, procedures, processes methods and techniques related to appellate practice,
- applicable court jurisdiction and procedures,
- trial, hearing, and administrative procedures,
- the preparation of briefs and arguments for the trying of cases,
- pretrial practice, state licensing, or regulatory functions,
- administrative tribunal procedure.
- Code of Professional Conduct and judicial cannons.

SKILL IN THE ABILITY TO:

- interpret and apply laws, statutes, court decisions, rules and regulations, legal opinions and legal documents,
- quickly assimilate oral and written data, analyze facts apply law and make independent determination of legality,
- evaluate progress of cases,
- conduct legal research both manually and electronically,
- prepare Local Administrative Orders,
- prepare policy,
- review testimony, depositions, and court proceedings,
- assist with the operation of equipment used in the courtroom,
- review video, audio, photographic, transactional, commercial, written and other demonstrative exhibits,
- review highly complex issues in various disciplines and fields of study,
- review and understand highly complex records necessary to litigation including medical financial, scientific or other specialized fields,
- research and advise regarding highly complex matters where there is no definitive precedent,
- conduct complex research and provide advice on issues involving constitutional or statutory interpretation,
- effectively communicate both verbally and in writing,
- communicate and provide direction to attorneys, litigants, other court staff, and the public,
- establish and maintain effective professional working relationships with the Court, litigants, attorneys, administrators, other court staff, media, and the public,
- analyze and research complex legal issues and identify relevant case opinions and court policies,
- prepare legal memoranda and other documents,
- independently establish work assignments prioritizing and performing responsibilities with minimal supervision,
- establish work priorities,

- handle sensitive matters confidentially,
- analyze administrative issues and recommend feasible solutions,
- employ computer applications such as word processing, spreadsheet, databases, e-mail, internet software and web based research services such as Lexis/Nexis and Westlaw,
- understand complexity of multiple claims and multi party cases which require extensive and complicated analysis.

WORKING CONDITIONS:

Positions in this class typically require: talking, hearing, seeing, and repetitive motions.

Sedentary Work: Exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.

May be exposed to hazardous materials found in a home or general office environment.

Use of household cleaning products and disinfectants may be required.

For positions "at risk" for work-related musculoskeletal disorder (WMSD):

Will be aware of the risk factors and proper computer posture, as this position has been identified as a problem job for work-related musculoskeletal disorder (WMSD) risk.

Must recognize the signs and symptoms of WMSDs and the importance of early reporting to Human Resources with recommendations for control.

CRITERIA FOR MERIT INCREASES:

- Exceeds performance objectives for the position.
- Demonstrates on-going skill development.

I understand that failure to comply with all areas of this Position Description could result in disciplinary action. By signing below, I am indicating that I have read and understand all job requirements, agree to abide by them as written, and have received a copy of this document.

Signature of Employee

Signature of Supervisor

Date

Date

POSITION DESCRIPTION ESTABLISHED:

10/04

POSITION DESCRIPTION REVIEWED:

11/10

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF FY 2011 MICHIGAN MENTAL HEALTH COURT GRANT PROGRAM FUNDS (MMHCGP) FOR THE OPERATION OF THE LIVINGSTON COUNTY INTENSIVE TREATMENT COURT PROGRAM - District Court / Finance Committee

WHEREAS, The 53rd District Court of Livingston County's application to operate an Intensive Treatment Court Program was approved for funding through the State Court Administrative Office (SCAO); and

WHEREAS, The 53rd District Court is in its third year of operating the Livingston County Intensive Treatment Court Program; and

WHEREAS, Livingston County would receive \$35,000 from October 1, 2010 through September 30, 2011 with no County match required; and

WHEREAS, Funding will provide for the necessary program staff, contractual services (including treatment), testing and supplies; and

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the acceptance of MMHCGP funding by the State Court Administrative Office for the purpose of operation of the Livingston County Intensive Treatment Court.

BE IT FURTHER RESOLVED the chair of the Livingston County Board of Commissioners, the County Administrator, the Chief Judge of the 53rd District Court, and the District Court Administrator be authorized to sign the Grant Agreement and any future amendments for monetary and contractual language adjustments upon review by Civil Counsel.

#

MOVED:

SECONDED:

CARRIED:



LIVINGSTON COUNTY, MICHIGAN
53RD DISTRICT COURT

204 S. Highlander Way
Phone (517)540-7827 Fax (517)546-3731
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Joanne Hartmeyer
Date: 11/5/2010
**Re: Acceptance of FY2011 Funding for the Mental Health
Intensive Treatment Court Program**

The 53rd District Court is requesting approval to accept grant funding from the Michigan Mental Health Court Grant Program (MMHCGP) to continue operation of the Livingston County Intensive Treatment Court.

This award totaling \$35,000 provides for one probation officer to dedicate 19.5 hours per week to participants in the Intensive Treatment Court, participant testing, training for court staff (judge, law clerk, defense and prosecuting attorneys, and the probation officer), and contractual dollars allocated to services of peer support specialists.

Active, enrolled participants currently number 12-14, with an anticipated increase of 12-15 additional participants during the next year. Due to the demonstrated success of this program, funding for FY2011 was increased by \$5,000 over FY2010.

Should you have any questions, please do not hesitate to contact me.

MMHCGP Revised Budget Form

MMHCGP Revised Budget Form					
BUDGET CATEGORY	COURT OPERATIONS FY 2011	CMHSP-TREATMENT	OTHER: FY 2010 Extension	OTHER: DESCRIBE	TOTAL
EXPENDITURES					
A PERSONNEL	\$21,500.00				\$21,500.00
B FRINGE BENEFITS	1,885.00				1,885.00
C SUPPLIES/OPERATING	5,115.00				5,115.00
D TRAVEL	2,000.00				2000.00
E TREATMENT COSTS					
F Peer Support Specialists	4,500.00				4,500.00
CONTRACTUAL 3					
CONTRACTUAL 4					
G TOTAL PROJECT COST					
REVENUE					
H OTHER GRANT or FUNDING SOURCES					
OTHER:					
OTHER:					
OTHER:					
OTHER:					
I LOCAL CONTRIBUTIONS					
CASH					
IN KIND	64,302.00				64,302.00
J TOTAL REVENUE					
K MMHCGP GRANT REQUEST	\$35,000.00				\$99,302.00

NOTES:

Personnel: Probation Officer - 19.5 hours weekly.

Fringe Benefits: County share of FICA and Worker's Comp for personnel - 8.75%.

Supplies and Operating: Drug tests, incentives (pre-approved by SCAO), approved graduation tokens/certificates.

Travel: LETS Bus Tokens for participant travel to and from court, treatment and testing, IT Court attendance at pre-approved trainings (exclusive of CMH staff who have training allocation via CMHSP funds).

Peer Support Specialists: Contractual mentors (4 or 5 annually) who are not CMHSP treatment staff.

In-Kind Contributions: Includes donated time by Peer Support Specialists and Defense Counsel, and L.E.T.S. discounted bus service.

RESOLUTION

NO.

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING AN ANNUAL BLANKET APPROVAL OF OUT OF STATE TRAVEL TO OHIO FOR DIVE TEAM TRAINING –Sheriff Department

WHEREAS, the Sheriff, per ACT 139 of 1947 Section 51.301, is mandated to provide body recovery services and as such has had a dive team since the early 1970’s and,

WHEREAS, the Sheriff Department dive team utilizes Aquatic Adventures of MI, a local dive shop to obtain dive certification training for its members and,

WHEREAS, the dive shop in most instances utilizes Gilboa Quarry near Findlay, OH to conduct their “open water” dive training and,

WHEREAS, the dive team has sent divers to Gilboa Quarry for training for about 30 yrs and,

WHEREAS, the dive shop schedules these training dives typically less than a month in advance and,

WHEREAS, the County’s process for approval of out of state travel can not typically be completed in time to attend these training dives and,

WHEREAS, the dive team typically has 6-8 members and the cost of the training dives and travel to Ohio is minimal,

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby gives “blanket” approval to the Sheriff Department for actual dive fees and travel expenses to send divers to Gilboa Quarry. This approval shall not exceed 6 “trips” per year and not to exceed \$2,500.00 per year.

#

Moved:
Seconded:
Carried:



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF LIVINGSTON COUNTY SHERIFF

150 S. Highlander Way, Howell, MI 48843
Phone 517-540-7939 Fax 517-545-9627
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Undersheriff Michael J. Murphy
Date: 10/19/10
Re: Dive Team Out of State Travel

Attached for your consideration and approval is a resolution giving blanket approval of out of state travel to Ohio for the Sheriff Dive team. The Office of the Sheriff is mandated by ACT 139 of 1947 Section 51.301, to provide for body recovery. The department also provides underwater evidence recovery services. The department has had a dive team since the early 1970's and has been sending divers to Gilboa Quarry near Findlay, OH as a dive training site for around 30 years. The department utilizes Aquatic Adventures of MI, a local dive shop to provide dive certification training for divers. The dive shop typically uses Gilboa Quarry as the location for its training dives. In nearly all instances the dive shop gives less than a month notice when scheduling these training dives which means that there is typically not enough time to submit a resolution to the board for approval of out of state travel.

The costs associated with sending a diver to Gilboa Quarry is currently \$21.00 per day for dive fee's and the government room rate for a hotel if an overnight stay is needed, which is usually one night and of course the per diem. For these reason's we are seeking a "blanket" authorization to send divers to Ohio when needed, no more than 6 trips per year and not to exceed \$2,500.00.

If you have any questions regarding this matter please contact me.

Respectfully Submitted

Michael J. Murphy, Undersheriff