

GENERAL GOVERNMENT and HEALTH & HUMAN SERVICES COMMITTEE

6/8/2015

304 E. Grand River Ave, Howell, MI 48843

7:30 PM

AGENDA

1. **CALL MEETING TO ORDER**
 2. **APPROVAL OF MINUTES**
Minutes of Meeting Dated: May 11, 2015
 3. **APPROVAL OF AGENDA**
 4. **REPORTS**
 5. **CALL TO THE PUBLIC**
 6. **RESOLUTIONS FOR CONSIDERATION**
-

- 07 Human Resources**
RESOLUTION ESTABLISHING A FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES AND GUIDELINES, PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES, AND FOIA OPERATIONAL PROCEDURES FOR LIVINGSTON COUNTY - Human Resources / General Government / Finance / Board
-

- 08 Car Pool**
RESOLUTION TO AMEND THE FISCAL YEAR 2015 BUDGETS FOR CAR POOL, SHERIFF ROAD, AND JAIL – Car Pool / General Government / Finance / Board
-

- 09 Emergency Medical Services**
RESOLUTION APPROVING THE CREATION OF 4 FULL TIME PARAMEDIC POSITIONS – EMS/HEALTH AND HUMAN SERVICE / FINANCE
-

- 10 Register of Deeds**
RESOLUTION AUTHORIZING A TRANSFER OF FUNDS FROM THE REGISTER OF DEEDS AUTOMATION FUND INTO THE REGISTER OF DEEDS 2015 BUDGET TO COVER MICROFILMING COSTS THAT WERE NOT PAID OUT IN THE 2014 BUDGET / Register of Deeds / General Government / Finance / Board of Commissioners
-

- 11 Register of Deeds**
RESOLUTION AUTHORIZING REGISTER OF DEEDS TO AMEND THE AGREEMENT WITH FIDLAR TECHNOLOGIES FOR A MEDIA CONVERSION PROJECT - Register of Deeds / General Government / Finance /

Board

- 12 Purchasing**
RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT FOR UNIFORM-CLEANING SERVICES WITH MARCY'S LAUNDRY & DRY CLEANING, L.L.C. – Purchasing / General Government Committee / Finance Committee / Board
-

Resolution and Cover Letter are forthcoming; agreement is attached.

- 13 Administration**
RESOLUTION TO AUTHORIZE THE URBAN COOPERATION ACT (PUBLIC ACT 7) AGREEMENT TO ESTABLISH THE SOUTHEAST MICHIGAN CONSORTIUM AND TO APPOINT MEMBERS TO THE CONSORTIUM BOARD - Administration / General Government / Finance / Board
-

- 14 Michigan Works**
RESOLUTION APPROVING THE PROGRAM YEAR 2015 WORKFORCE INNOVATION AND OPPORTUNITY ACT ADULT PLAN FOR LIVINGSTON COUNTY - MI WORKS! / Health & Human Services / Finance / Board
-

- 15 Michigan Works**
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE LIVINGSTON COUNTY BOARD OF COMMISSIONERS AND THE LIVINGSTON COUNTY WORKFORCE DEVELOPMENT COUNCIL - MI WORKS! / Health & Human Services / Finance / Board
-

- 16 Michigan Works**
RESOLUTION APPROVING THE SUBMISSION OF THE PROGRAM YEAR 2015 WAGNER-PEYSER ACT LOCAL EMPLOYMENT SERVICE PLAN - MI WORKS! / Health & Human Services / Finance / Board
-

- 17 Michigan Works**
RESOLUTION APPROVING THE PROGRAM YEAR 2015 WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) YOUTH PLAN FOR LIVINGSTON COUNTY - MI WORKS! / Health & Human Services / Finance / Board
-

- 18 Michigan Works**
RESOLUTION APPROVING THE PROGRAM YEAR 2015 WORKFORCE INNOVATION AND OPPORTUNITY ACT DISLOCATED WORKERS PLAN FOR LIVINGSTON COUNTY - MI WORKS! / Health & Human Services / Finance / Board
-

19. CALL TO THE PUBLIC

20. ADJOURNMENT

MEETING MINUTES

LIVINGSTON COUNTY

MAY 11, 2015 - 7:30 PM

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

GENERAL GOVERNMENT & HEALTH AND HUMAN SERVICES COMMITTEE

COMM. CHILDS COMM. DOLAN COMM. GREEN COMM. WILLIAMS

OTHERS:
BELINDA PETERS
CINDY CATANACH
JESSICA MATTHEWS
SHERRY CHISOLM

DIANNE McCORMICK
MARK JOHNSON
BRYNT ELLIS
JEANNETTE FREELAND

RICH MALEWICZ
MARK ROBINSON
ELAINE BROWN

1. **CALL to ORDER:** Meeting called to order by: **COMM. DENNIS DOLAN AT 7:31 PM.**

2. **APPROVAL of MINUTES:** **MINUTES OF MEETING APRIL 6, 2015:**

MOTION TO APPROVE THE MINUTES, AS PRESENTED.
MOVED BY: GREEN / SECONDED BY: WILLIAMS
ALL IN FAVOR - MOTION PASSED

3. **APPROVAL of AGENDA:**

MOTION TO APPROVE THE AGENDA, AS PRESENTED.
MOVED BY: WILLIAMS / SECONDED BY: CHILDS
ALL IN FAVOR - MOTION PASSED

4. **REPORTS:** None.

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

6. **RESOLUTIONS for CONSIDERATION.**

7. **AIRPORT:** **RESOLUTION TO CONCUR WITH THE LIVINGSTON COUNTY AERONAUTICAL FACILITIES BOARD TO ENTER INTO A GROUND LEASE AGREEMENT WITH BTE INVESTMENTS FOR AIRPORT PROPERTY ON COUNTY AIRPORT DRIVE**

RECOMMEND MOTION TO: FINANCE
MOVED BY: CHILDS / SECONDED BY: WILLIAMS
ALL IN FAVOR - MOTION PASSED

➤ Mark gave the committee some background information regarding BTE's request and answered questions.

8. **PUBLIC HEALTH:** **RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO EXPLORE PROVIDING DENTAL HEALTH SERVICES TO RESIDENTS ON MEDICAID AND LOW-INCOME WITHOUT DENTAL INSURANCE**

RECOMMEND MOTION TO: FINANCE
MOVED BY: WILLIAMS / SECONDED BY: GREEN
ALL IN FAVOR - MOTION PASSED

➤ Resolution introduced by Commissioner Dolan. Dianne McCormick presented to the Committee a PowerPoint outlining the need for Dental Health Services and solutions, closed with questions from the committee. Commissioner Dolan expressed gratitude for the efforts put forth on the project.

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

10. **ADJOURNMENT:**

MOTION TO ADJOURN AT 7:58 PM.
MOVED BY: WILLIAMS / SECONDED BY: CHILDS
ALL IN FAVOR - MOTION PASSED

Respectfully Submitted

NATALIE HUNT
RECORDING SECRETARY

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION ESTABLISHING A FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES AND GUIDELINES, PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES, AND FOIA OPERATIONAL PROCEDURES FOR LIVINGSTON COUNTY

WHEREAS, the Michigan legislature adopted 2014 Public Act 563 enacting numerous amendments to the Michigan Freedom of Information Act (FOIA), being MCL 15.231 *et seq.*, that require revision of the current County FOIA Policy; and

WHEREAS, from time to time Livingston County Departments will receive Freedom of Information Act (FOIA) requests; and

WHEREAS, it is necessary to adopt, and to post online, “FOIA Procedures and Guidelines” and a “Public Summary of FOIA Procedures and Guidelines” to ensure that the FOIA requests are addressed in an efficient and consistent manner, and to comply with these FOIA statutory amendments; and

WHEREAS, it is necessary to adopt FOIA Operational Procedures to implement these County FOIA Procedures and Guidelines.

THEREFORE BE IT RESOLVED, the Livingston County Board of Commissioners hereby adopts, effective from and after July 1, 2015, the attached:

1. “Livingston County FOIA Procedures and Guidelines,” including the FOIA Forms attached to these Procedures and Guidelines; and
2. “Livingston County FOIA Public Summary of Procedures and Guidelines;” and
3. “Livingston County FOIA Operational Procedures.”

BE IT FURTHER RESOLVED that copies of the “Livingston County FOIA Procedures and Guidelines,” including the attached FOIA forms, and the “Livingston County FOIA Public Summary of Procedures and Guidelines” shall be posted on the County’s website.

BE IT FURTHER RESOLVED that the County Clerk is the County FOIA Coordinator for Livingston County per the designation by the Board Chairperson.

BE IT FURTHER RESOLVED that the attached Livingston County FOIA Procedures and Guidelines, including the attached FOIA Forms, the Livingston County FOIA Public Summary of Procedures and Guidelines, and the Livingston County FOIA Operational Procedures will be effective July 1, 2015, and will supersede any previous resolutions setting FOIA policies or establishing formulas for the cost of FOIA requests.

BE IT FURTHER RESOLVED that the County Clerk will forward a copy of this resolution to each County Department.

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MOVED:

SECONDED:

CARRIED:

County: Keep original and provide copies of both sides of each sheet, along with Public Summary, to Requestor at no charge.



Livingston County
200 E Grand River Ave, Howell, MI 48843
Phone: (517) 546-0500

Detailed Cost
Itemization

Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Prepared for Request No.: _____ Date Request Received: _____

The following costs are being charged / estimated in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the County's FOIA Procedures and Guidelines. If the County is seeking a 50% deposit prior to providing the public records sought, the estimate is itemized on this form, lines 1-5 below.

If all or a portion of the requested information is available on the County's website, the County is required to tell you it is available on the website and, where practicable, include a specific webpage address where the information is available. In this case

- None
- Some
- All

of the requested material can be found at the following webpage(s):

If the webpage is all the information you need, it is provided without charge. If, however, you still wish to receive a copy of material from the webpage, please let us know. The FOIA charges will apply if the County is required to produce copies of material from the webpage.

Requestor has stipulated that some / all of the requested records that are already available on the County's website but requests they be provided in a paper or non-paper physical digital medium and acknowledges that providing the records in that format shall be subject to the County's normal charges outlined below.

<p>1. <u>Labor Cost to Locate:</u> This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the County because of the nature of the request in this particular instance, specifically: _____ _____ _____</p> <p>The County will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15-minute time increments; all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.</p> <p>Hourly Wage Charged: \$ _____ Charge per ¼ hour: \$ _____</p> <p style="text-align: center;"><u>OR</u></p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. Charge per ¼ hour: \$ _____</p> <p>[For records already available on the County's website that Requestor has requested in a paper or non-paper digital medium, greater than the 50% limitation, not to exceed the actual costs may be used to calculate Fringe Benefit Costs to be added to the hourly wage].</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by 15 -minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>1. Labor Cost</p> <p>\$ _____</p>
<p>2. <u>Labor Cost for Copying / Duplication</u> This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the County's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15-minute time increments as set by the County Board of Commissioners (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.</p> <p>Hourly Wage Charged: \$ _____ Charge per ¼ hour: \$ _____</p> <p style="text-align: center;"><u>OR</u></p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. Charge per ¼ hour: \$ _____</p> <p>[For records already available on the County's website that Requestor has requested in a paper or non-paper digital medium, greater than the 50% limitation, not to exceed the actual costs may be used to calculate Fringe Benefit Costs to be added to the hourly wage].</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by 15 -minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>2. Labor Cost</p> <p>\$ _____</p>

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a County employee. If contracted, use No. 3b instead).

The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

This is the cost of labor of a County employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the County's lowest-paid employee capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged 15-minute time increments; all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____

Charge per ¼ hour: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

Multiply the hourly wage by the percentage multiplier: _____%
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per ¼ hour: \$ _____

[For records already available on the County's website that Requestor has requested in a paper or non-paper digital medium, greater than the 50% limitation, not to exceed the actual costs may be used to calculate Fringe Benefit Costs to be added to the hourly wage].

Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: _____, divide by 15 -minute increments, and round down. Enter below:

Number of increments

x _____ =

3a. Labor Cost

\$ _____

<p>3b. <u>Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):</u></p> <p>(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)</p> <p>The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.</p> <p>This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____</p> <p>_____</p> <p>As this County does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ (currently \$8.15).</p> <p>Name of contracted person or firm: _____</p> <p>These costs will be estimated and charged in 15-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.</p> <p>Hourly Cost Charged: \$ _____ Charge per increment: \$ _____</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by 15 -minute increments, and round down to: _____ increments. Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>3b. Labor Cost</p> <p>\$ _____</p>
<p>4. <u>Copying / Duplication Cost:</u></p> <p>Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).</p> <p>No more than the <u>actual</u> cost of a sheet of paper, <u>up to maximum 10 cents per sheet</u> for:</p> <ul style="list-style-type: none"> • Letter (8 ½ x 11-inch, single and double-sided): _____ cents per sheet • Legal (8 ½ x 14-inch, single and double-sided): _____ cents per sheet <p>No more than the <u>actual</u> cost of a sheet of paper for <u>other</u> paper sizes:</p> <ul style="list-style-type: none"> • Other paper sizes (single and double-sided): _____ cents / dollars per sheet <p><u>Actual and most reasonably economical cost of non-paper physical digital media:</u></p> <ul style="list-style-type: none"> • Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item: _____ <p>The cost of paper copies must be calculated as a total cost per <u>sheet</u> of paper. The fee cannot exceed 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. <u>The County must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.</u></p>	<p>Number of Sheets:</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>No. of Items:</p> <p>x _____ =</p>	<p>Costs:</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>4. Total Copy Cost</p> <p>\$ _____</p>

5. Mailing Cost:

The County will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The County may charge for the least expensive form of postal delivery confirmation.
- The County cannot charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$_____

Actual Cost of Postage: \$_____ per stamp

\$_____ per pound

\$_____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$_____

*Expedited Shipping or Insurance as Requested: \$_____

* Requestor has requested expedited shipping or insurance

Number of Envelopes or Packages:

X _____ = \$ _____
 X _____ = \$ _____
 X _____ = \$ _____
 X _____ = \$ _____
 X _____ = \$ _____
 X _____ = \$ _____

Costs:

5. Total Mailing Cost
 \$ _____

Subtotal Fees Before Waivers, Discounts or Deposits:

Estimated Time Frame to Provide Records:

_____ (days or date)

The time frame estimate is nonbinding upon the County, but the County is providing the estimate in good faith. Providing an estimated time frame does not relieve the County from any of the other requirements of this act.

- Cost estimate
 Bill

- 1. Labor Cost to Locate: \$ _____
- 2. Labor Cost for Copying: \$ _____
- 3a. Labor Cost to Redact: \$ _____
- 3b. Contract Labor Cost to Redact: \$ _____
- 4. Copying/Duplication Cost: \$ _____
- 5. Mailing Cost: \$ _____

Subtotal Fees: \$ _____

Waiver: Public Interest

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the County determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

All fees are waived OR All fees are reduced by: _____%

Subtotal Fees After Waiver: \$ _____

<p>Discount: <u>Indigence</u> A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR</p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.</p> <p>If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:</p> <p>(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, OR</p> <p>(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.</p> <p style="text-align: right;"><input type="checkbox"/> Eligible for Indigence Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>
<p>Discount: <u>Nonprofit Organization</u> A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:</p> <p>(i) Is made directly on behalf of the organization or its clients.</p> <p>(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.</p> <p>(iii) Is accompanied by documentation of its designation by the state, if requested by the County.</p> <p style="text-align: right;"><input type="checkbox"/> Eligible for Nonprofit Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>
<p>Deposit: <u>Good Faith</u> The County may require a good-faith deposit before providing the public records to the Requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____%</p>	<p>Date Paid: _____</p>	<p>Deposit Amount Required: \$ _____</p>

<p>Deposit: <u>Increased Deposit Due to Previous FOIA Fees Not Paid In Full</u> After the County has granted and fulfilled a written request from an individual under this Act, if the County has not been paid in full the total amount of fees for the copies of public records that the County made available to the individual as a result of that written request, the County may require an increased estimated fee deposit of up to 100% of the estimated fee <u>before it begins a full public record search</u> for any subsequent written request from that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the County's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the County notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the County. (f) The County calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>The County can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the County, OR (b) The County is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the County.</p>	<p>Date Paid: _____</p>	<p>Percent Deposit Required: _____%</p> <p>Deposit Required: \$ _____</p>
<p>14. Late Response <u>Labor Costs</u> Reduction If the County does not respond to a written request in a timely manner as required under MCL 15.235(2), the County must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the County exceeds the time permitted for a response to the request, with a maximum 50% reduction.</p>	<p>Number of Days Over Required Response Time: _____</p> <p>Multiply by 5% _____</p> <p>= Total Percent Reduction: _____</p>	<p>Total Labor Costs \$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p>
<p>15. Balance Due (Deduct amount on Line 14 from amount on Line 13c)</p>	<p>Date Paid _____</p>	<p>Total Balance Due: \$ _____</p>
<p>The Public Summary of the County's FOIA Procedures and Guidelines is available free of charge from: Website: www.livgov.com Email: countyclerk@livgov.com Phone: (517) 546-0050 Address: 200 E Grand River Ave, Howell, MI 48843</p>		
<p>Request Will Be Processed, But <u>Balance Must Be Paid Before</u> Copies May Be Picked Up, Delivered or Mailed</p>		

(Form created by MTA, MAMA and CS&T, PC, June 2015)

County: Keep original and provide copy of both sides, along with Public Summary, to Requestor at no charge.



Livingston County
200 E Grand River Ave, Howell, MI 48843
Phone: 517-546-0500

Request Form
Note: Requestors are not required to use this form. The County may complete one for recordkeeping if not used.

FOIA Request for Public Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ Date Received: _____ Check if received via: Email Fax Other Electronic Method
Date delivered to junk/spam folder: _____

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

(Please Print or Type) Date discovered in junk/spam folder: _____

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis

Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the County: _____

Note: The County is not required to provide records in a digital format or on digital media if the County does not already have the technological capability to do so.

Describe the public record(s) as specifically as possible. You may use this form or attach additional sheets:

Consent to Non-Statutory Extension of County's Response Time

I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the County must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension. However, I hereby agree and stipulate to extend the County's response time for this request until: _____ (month, day, year).

Requestor's Signature	Date
-----------------------	------

(Complete both sides)

Records Located on Website

If the County directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (separate exempt information from non-exempt information).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the County must notify the Requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the County must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the County has included the website address for a record in its written response to the Requestor and the Requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the County must provide the public records in the specified format (if the County has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

Request for Copies/Duplication of Records on County Website

I hereby stipulate that, even if some or all of the records are located on the County website, I am requesting that the County make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature

Date

Overtime Labor Costs

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

Consent to Overtime Labor Costs

I hereby agree and stipulate to the County using overtime wages in calculating the following labor costs as itemized in the following categories:

- 1. Labor to copy/duplicate
- 2. Labor to locate
- 3a. Labor to redact
- 3b. Contract labor to redact
- 6b. Labor to copy/duplicate records already on County's website

Requestor's Signature

Date

Request for Discount: Indigence

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a Requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Office Use: Affidavit Received Eligible for Discount Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Date:

Requestor's Signature:

Request for Discount: Nonprofit Organization

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the County.

Office Use: Documentation of State Designation Received Eligible for Discount Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:

Date:

Requestor's Signature:

County: Keep original and provide copy of both sides, along with Public Summary, to Requestor at no charge.



Livingston County
200 E Grand River Ave, Howell, MI 48843
Phone: 517-546-0500

Extension Form

Notice to Extend Response Time for FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ Date Received: _____ Check if received via: Email Fax Other Electronic Method
Date of This Notice: _____ Date delivered to junk/spam folder: _____
(Please Print or Type) Date discovered in junk/spam folder: _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis
Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the County: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

We are extending the date to respond to your FOIA request for no more than 10 business days, until _____ (month, day, year).
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact _____ at _____

Estimated Time Frame to Provide Records: _____ (days or date)
The time frame estimate is nonbinding upon the County, but the County is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Extension:

1. The County needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the County must:

2. The County needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the County office. Specifically, the County must coordinate documents from the following locations:

3. Other (describe): _____

Signature of FOIA Coordinator:	Date:
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[This page left blank on purpose.]

County: Keep original and provide copy of both sides, along with Public Summary, to Requestor at no charge.



Livingston County
200 E Grand River Ave, Howell, MI 48843
Phone: 517-546-0500

Denial Form

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ Date Received: _____ Check if received via: Email Fax Other Electronic Method
Date of This Notice: _____ Date delivered to junk/spam folder: _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

(Please Print or Type) Date discovered in junk/spam folder: _____
Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis

Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the County: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

All OR Part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact _____ at _____

Reason for Denial:

1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection _____ (insert number), because: _____

2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to the County. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: _____

3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection _____ (insert number), because: _____

A brief description of the information that had to be separated or deleted: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the Court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

County: Keep original and provide copy of both sides, along with Public Summary, to Requestor at no charge.



Livingston County
200 E Grand River Ave, Howell, MI 48843
Phone: 517-546-0500

Denial Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ Date Received: _____ Check if received via: Email Fax Other Electronic Method
Date of This Notice: _____ Date delivered to junk/spam folder: _____
(Please Print or Type) Date discovered in junk/spam folder: _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis
Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the County: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

Reason(s) for Appeal:

The appeal must identify the reason(s) for the denial. You may use this form or attach additional sheets:

Requestor's Signature: _____ Date: _____

County Response:

The County must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

County Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____ (month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County Determination:

Denial Reversed Denial Upheld Denial Reversed in Part and Upheld in Part

The following previously denied records will be released: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the Court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____ Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

County: Keep original and provide copy of both sides, along with Public Summary, to Requestor at no charge.



Livingston County
200 E Grand River Ave, Howell, MI 48843
Phone: 517-546-0500

Fee Appeal Form

FOIA Appeal Form—To Appeal an Excess Fee

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ Date Received: _____ Check if received via: Email Fax Other Electronic Method
Date of This Notice: _____ Date delivered to junk/spam folder: _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

(Please Print or Type) Date discovered in junk/spam folder: _____
Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis
Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the County: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

Requestor's Signature: _____ Date: _____

County Response:

The County must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

County Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____ (month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County Determination: Fee Waived Fee Reduced Fee Upheld

Written basis for County determination: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the County's written Procedures and Guidelines to the County Board of Commissioners or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the County Board of Commissioners. If a civil action is commenced in court, the County is not obligated to compete processing the request until the Court resolves the fee dispute. If the Court determines that the County required a fee that exceeded the permitted amount, the Court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____ Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.
Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

History: Add. 2014, Act 563, Eff. July 1, 2015



Livingston County FOIA Procedures and Guidelines

Preamble: Statement of Principles

It is the policy of Livingston County that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The County's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The County acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The County acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

Livingston County will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The County's policy is to disclose public records consistent with and in compliance with State law.

The County Board of Commissioners has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

The County Board of Commissioners, acting pursuant to the authority at MCL 15.236, designates the County Clerk as the FOIA Coordinator. She is authorized to designate other County staff to act on her behalf to accept and process written requests for the County's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a County spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review County spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with County Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect County systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in her discretion, implement administrative rules, consistent with State law and these FOIA Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The County is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other County staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves. The FOIA Coordinator shall keep a copy of all written requests for public records received by the County on file for a period of at least one year.

The County will make this FOIA Procedures and Guidelines document and the Written Public Summary of FOIA Procedures and Guidelines publicly available without charge. If it does not, the County cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this FOIA Procedures and Guidelines document and the County's Written Public Summary of FOIA Procedures and Guidelines must be publicly available by providing free copies both in the County's response to a written request and upon request by visitors at County offices.

This FOIA Procedures and Guidelines document and the County's Written Public Summary of FOIA Procedures and Guidelines will be maintained on the County's website at www.livgov.com, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the County may be submitted on the County's FOIA Request Form, in any other form of writing (letter, fax, email, etc.).

If a person makes a verbal, non-written request for information believed to be available on the County's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable County personnel to identify and find the requested public record.

Written requests for public records may be submitted in person or by mail to any County office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or otherwise provided to him or her in digital form in lieu of paper copies. The County will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by Livingston County on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, the County will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

The County will respond to a request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the County needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the County's website.

When a request is granted:

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of these FOIA Procedures and Guidelines and the Written Public Summary of FOIA Procedures and Guidelines will be provided to the requestor free of charge with the response to a written request for public records, provided however, that because these FOIA Procedures and Guidelines, and the Written Public Summary of FOIA Procedures and Guidelines are maintained on the County's website at: www.livgov.com, a link to the FOIA Procedures and Guidelines and the Written Public Summary of FOIA Procedures and Guidelines will be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the County will require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the County to process the request and also provide a best efforts estimate of a time frame it will take the County to provide the records to the requestor. The best efforts estimate shall be nonbinding on the County, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

When a request is denied or denied in part:

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the County; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the County Board of Commissioners, or seek judicial review in the Livingston County Circuit Court; and
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to inspect public records:

The County shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect County records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal County operations.

Requests for certified copies:

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the County in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in the County's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the County to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to the County; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the County;
- The County is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the County.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying/duplication.

A fee will *not* be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information *unless* failure to charge a fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance, and the County specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are “unreasonably high” when they are excessive and beyond the normal or usual amount for those services compared to the costs of the County’s usual FOIA requests, not compared to the County’s operating budget.

The following factors shall be used to determine an unreasonably high cost to the County:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether the public records are from more than one County department or whether various County offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits the County to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the County.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County’s website if you ask for the County to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County’s website if you ask for the County to make copies.
- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- The County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The County will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the County's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The County will provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The County may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the County must:

- Reduce the labor costs by 5% for each day the County exceeds the time permitted under FOIA up to a 50% maximum reduction, if **any** of the following applies:
 - The County's late response was willful and intentional,
 - The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or
 - The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

Section 6: Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The County Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

Section 7: Discounted Fees

Indigence

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the County twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
 - Is made directly on behalf of the organization or its clients.
 - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
 - Is accompanied by documentation of its designation by the state, if requested by the public body.

Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the County Board of Commissioners, by filing an appeal of the denial with the office of the County Board of Commissioners.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The County FOIA Appeal Form (To Appeal a Denial of Records), may be used.

The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.

Within 10 business days of receiving the appeal the County Board of Commissioners will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the County Board of Commissioners shall respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.

If the County Board of Commissioners fails to respond to a written appeal, or if the County Board of Commissioners upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the County Board, he or she may file a civil action in Livingston County Circuit Court within 180 days after the County's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the County to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or County prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the County has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the County to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 9: Appeal of an Excessive FOIA Processing Fee

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the County to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the County Board of Commissioners by submitting a written appeal for a fee reduction to the office of the County Board of Commissioners.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The County FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.

Within 10 business days after receiving the appeal, the County Board of Commissioners will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.

Where the County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the County Board of Commissioners that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the County Board's determination of an appeal, the requesting person may commence a civil action in Livingston County Circuit Court for a fee reduction.

If a civil action is commenced against the County for an excess fee, the County is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless *one* of the following applies:

- The County does not provide for appeals of fees,
- The County Board of Commissioners failed to respond to a written appeal as required, or
- The County Board of Commissioners issued a determination to a written appeal.

If a court determines that the County required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the County has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the County to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these FOIA Procedures and Guidelines conflict with previous FOIA policies promulgated by County Board of Commissioners or the County Administration these FOIA Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the County Board of

Commissioners or the County Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these FOIA Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the County Board of Commissioners or the County Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the County Board of Commissioners of any change these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

Section 11: Appendix of Livingston County FOIA Forms

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form



Livingston County Public Summary of FOIA Procedures and Guidelines

**It is the public policy of this state that all persons
(except those persons incarcerated in state or local correctional facilities)
are entitled to full and complete information regarding the affairs of government and
the official acts of those who represent them as public officials and public employees.**

The people shall be informed so that they may fully participate in the democratic process.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the County's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the County's FOIA Procedures and Guidelines. For more details and information, copies of the County's FOIA Procedures and Guidelines are available at no charge at any County office and on the County's website: www.livgov.com

1. How do I submit a FOIA request to the County?

- A request must sufficiently describe a public record so as to enable the County to find it.
- Please include the words "FOIA" or "FOIA Request" in the request to assist the County in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the County may be submitted on the County's FOIA Request Form, in any other form of writing (letter, fax, email, etc.).
 - No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the County's website at www.livgov.com, and at the County Clerk's Office, Livingston County Courthouse, 200 E Grand River Ave, Howell, MI 48843.
- Written requests may be delivered to the County Clerk's Office in person or by mail: Attn: County Clerk, FOIA Coordinator, 200 E Grand River Ave, Howell, MI 48843
- Requests may be faxed to: (517) 546-0500. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.
- Requests may be emailed to: countyclerk@livgov.com. To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

2. What kind of response can I expect to my request?

- Within 5 business days after receiving a FOIA request the County will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The County will respond to your request in one of the following ways:
 - - Grant the request,
 - Issue a written notice denying the request,
 - Grant the request in part and issue a written notice denying in part the request,
 - Issue a notice indicating that due to the nature of the request the County needs an additional 10 business days to respond, or
 - Issue a written notice indicating that the public record requested is available at no charge on the County's website
- If the request is granted, or granted in part, the County will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
- If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the County will require a deposit before processing the request.

3. What are the County's deposit requirements?

- If the County has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the County will require that you provide a deposit in the amount of 50% of the total estimated fee. When the County requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.
- If the County receives a request from a person who has not paid the County for copies of public records made in fulfillment of a previously granted written request, the County will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when **all** of the following conditions exist:
 - The final fee for the prior written request is not more than 105% of the estimated fee;
 - The public records made available contained the information sought in the prior written request and remain in the County's possession;
 - The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the County to provide the records;
 - Ninety (90) days have passed since the County notified the individual in writing that the public records were available for pickup or mailing;
 - The individual is unable to show proof of prior payment to the County; and
 - The County has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The County will not require the 100% estimated fee deposit if any of the following apply:
 - The person making the request is able to show proof of prior payment in full to the County;
 - The County is subsequently paid in full for all applicable prior written requests; or
 - Three hundred sixty-five (365) days have passed since the person made the request for which full payment was not remitted to the County.

4. How does the County calculate FOIA processing fees?

The Michigan FOIA statute permits the County to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the County.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.
- The cost to mail or send a public record to a requestor.

Labor Costs

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage)

A labor cost will not be charged for the search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the County. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature

of the request in the particular instance. The County must specifically identify the nature of the unreasonably high costs in writing.

Copying and Duplication

The County must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

Non-paper Copies on Physical Media

- The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will be charged only if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format.

Paper Copies

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.
- Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.

Mailing Costs

- The cost to mail public records will use a reasonably economical and justified means.
- The County may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless you request it.

Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The County Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

5. How do I qualify for an indigence discount on the fee?

The County will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are:

- Indigent and receiving specific public assistance; or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

You are **not** eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the County twice during the calendar year; or
- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

An affidavit is sworn statement. For your convenience, the County has provided an Affidavit of Indigence for the waiver of FOIA fees on the back of the County FOIA Request Form, which is available on the County's website: www.livgov.com.

6. May a nonprofit organization receive a discount on the fee?

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- Is made directly on behalf of the organization or its clients.
- Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
- Is accompanied by documentation of its designation by the state, if requested by the public body.

7. How may I challenge the denial of a public record or an excessive fee?

Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the County Board of Commissioners by filing a written appeal of the denial with the office of the County Board of Commissioners.

The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons you are seeking a reversal of the denial. You may use the County FOIA Appeal Form (To Appeal a Denial of Records), which is available on the County's website: www.livgov.com.

The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Commission meeting following submission of the written appeal. Within 10 business days of receiving the appeal the County Board of Commissioners will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the County Board of Commissioners, you may file a civil action in the County Circuit Court within 180 days after the County's final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the County acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the County to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the County Board of Commissioners by filing a written appeal for a fee reduction to the office of the County Board of Commissioners.

The appeal must specifically state the word “appeal” and identify how the required fee exceeds the amount permitted. You may use the County FOIA Appeal Form (To Appeal an Excess Fee), which is available at the County Building and on the County’s website: www.livgov.com

The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Commission meeting following submission of the written appeal. Within 10 business days after receiving the appeal, the County Board of Commissioners will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal.

Within 45 days after receiving notice of the County Board of Commissioner’s determination of the processing fee appeal, you may commence a civil action in the County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys’ fees, costs and disbursements. If the court determines that the County acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.



Livingston County Operational Procedures–Freedom of Information Act

I. PURPOSE: These Operational Procedures have been developed to implement the Livingston County FOIA Procedures and Guidelines adopted by the Board of Commissioners.

II. DEFINITIONS:

A. FOIA: The Michigan Freedom of Information Act, codified at MCLA 15.321 *et seq.*, as amended.

B. County FOIA Coordinator: The County FOIA Coordinator, pursuant to MCL 15.236(1), is the Chairperson of the County Board of Commissioners. As used in this policy, the term “County FOIA Coordinator” shall mean the Chairperson of the County Board of Commissioners, or the Chairperson’s designee under MCL 15.236(3).

C. Department FOIA Coordinator: The Department FOIA Coordinator is the person designated by an appointed County Department Head or by a County Elected Officer to coordinate with the County FOIA Coordinator in implementing the County FOIA Procedures and Guidelines and ensuring compliance with the Michigan Freedom of Information Act.

D. Public Body: Public Body shall include, but not be limited to, the following:

1. Livingston County departments: 911/Central Dispatch and Emergency Management, Airport, Animal Control, Building Inspections, Community Corrections, County Administration, DPW / Solid Waste, EMS – Ambulance, Equalization, Facilities Services, Finance, Health Department, GIS Mapping, Human Resources, Information Technology, Livingston Essential Transportation Service (LETS), Medical Examiner, Planning, Purchasing, and Veterans Affairs.

2. Elected Officers: Livingston County elected officers including the Board of Commissioners, County Clerk, County Register of Deeds, County Treasurer, County Sheriff, County Prosecuting Attorney, and County Drain Commissioner.

Exception: County Clerk and Clerk’s employees when acting as clerks of the Courts do not represent a Public Body.

- E. **Public Record:** A writing prepared, owned, used, in the possession of, or retained by a Public Body in the performance of an official function, from the time it is created.
Exception: computer software.
- F. **Redaction:** Editing of a public record by deletion, masking or separation to remove exempt material from non-exempt material.
- G. **Requesting Person:** An individual, corporation, Limited Liability Company, partnership, firm, organization, association, governmental entity, or other legal entity.
- H. **Writing:** The written word, a photocopy, photograph, map, microfilm, sound, symbol, computer file, e-mail or digitally scanned image.

III. FOIA COORDINATORS:

- A. **Designations:** The statutory County FOIA Coordinator, being the Chairperson of the County Board of Commissioners may, pursuant to MCL 15.236(3), designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial of requests under FOIA.

Each appointed Department Head, in conjunction with the County Administrator, and each elected County Officer, may designate an individual to act as Department FOIA Coordinators.

- B. **Responsibilities:** The County FOIA Coordinator and, where applicable, the Department FOIA Coordinators shall be responsible for accepting and processing requests for the Public Body's public records, and shall be responsible for granting or denying public records where appropriate.
 - 1. **Training:** The County FOIA Coordinator and Department FOIA Coordinators shall receive training in the application of FOIA and the use of the required form packet, and shall be advised of amendments to FOIA as necessary. The County FOIA Coordinator and Department FOIA Coordinators shall seek the advice of County Corporate Counsel, when questions of legal interpretation arise.
 - 2. **Form Packet:** The County FOIA Coordinator and Department FOIA Coordinators shall use the Livingston County FOIA Forms adopted with the Livingston County FOIA Procedures and Guidelines to process and respond to requests.
 - 3. **Filed Requests:** The County FOIA Coordinator shall keep all FOIA requests, responses and appeals on file for no less than one (1) year from the date of final response or written decision on appeal, whichever is later.

4. **Monitoring:** The County FOIA Coordinator and Department FOIA Coordinators shall ensure that any FOIA requests he/she receive by electronic device or system are monitored and responded to by a responsible person when the County FOIA Coordinator or Department FOIA Coordinators will not have access to said device or system for more than one (1) business day.

IV. PROCEDURES:

- A. **Receive Request:** The requesting person shall provide the Public Body with a written request that describes a public record sufficiently to enable the Public Body's FOIA Coordinator to find it. The written request may be transmitted by facsimile, electronic mail or other electronic means, but if it is transmitted by such means, it will be considered received by the Public Body one (1) business day after the transmission is made.
- B. **Forward Request to FOIA Coordinators:** All County officers and employees who receive a FOIA request shall note the date of receipt on the request and forward it within one (1) business day to the County FOIA Coordinator and, where applicable, the Department FOIA Coordinators for the department or agency where the records are kept. If a County officer or employee is unable to determine where to direct the request, it shall be submitted to the County FOIA Coordinator within one (1) business day of receipt. Upon receipt of a FOIA request, the County FOIA Coordinator and any Department FOIA Coordinators receiving a request shall promptly log the request for tracking FOIA requests.

If the County FOIA Coordinator receives a FOIA request directly from a Requestor, or from another Department FOIA Coordinator, a digital copy of the request shall be sent to the Department FOIA Coordinator(s) that may possess the requested documents within one (1) business day. If the Department involved does not have an appointed Department FOIA Coordinator, the request will be sent to applicable Department Head(s). When the County receives requests submitted to more than one department involving the same or closely related records, the County FOIA Coordinator shall advise each of the departments involved and assist coordination of handling the request to avoid duplication of efforts and costs, and in assuring that the requests are dealt with in a consistent matter.

- C. **Review Request:** After receiving a request and within sufficient time to ensure compliance with the FOIA response requirements, a Department FOIA Coordinator, or Department Head if there is no Department FOIA Coordinator, shall:
 1. Determine if there is an existing public record that satisfies the request.
 2. Determine if any requested records, in whole or in part, are available on the County's website.
 3. Determine if any requested records, in whole or in part, are subject to denial or exempt from disclosure. A requested record which is subject to denial, or is

exempt from disclosure, in whole or in part, shall not be disclosed unless approved by County Corporate Counsel.

D. Determine if Request Contains Grounds for Denial:

1. A FOIA request shall be denied if the requesting person is serving a sentence of imprisonment in a local, state or federal correctional facility.
2. A FOIA request shall be denied if the requesting person does not describe a public record sufficiently to enable the Public Body to find it.
3. A FOIA request shall be denied if it requires the Public Body to create a new public record or make a compilation, summary or report of information.

E. Examine Request for Exemptions: The requested public records shall be reviewed as to whether, in whole or in part, they are exempt from disclosure, and whether any portions of the records are subject to redactions prior to disclosure. Any questions concerning the general legal parameters of an exemption, redactions, or applicability in a particular situation, should be directed to County Corporate Counsel or the County FOIA Coordinator.

F. Redaction: If a public record contains both exempt and nonexempt material, the County FOIA Coordinator or Department FOIA Coordinators shall edit the record by deletion, masking or separation of the exempt from the nonexempt material, and shall then provide the nonexempt material to the requesting person. The County FOIA Coordinator or Department FOIA Coordinator shall generally describe the redacted material, unless the description would reveal its contents.

G. Tracking Status: Through forwarding copies of the FOIA forms, the Department FOIA Coordinator, or Department Head if there is no Department FOIA Coordinator, shall advise the County FOIA Coordinator as to whether the requested records exist and whether they are, in whole or in part, available on the County website, and are subject to denial or exempt from disclosure; and, if additional time is necessary to provide this information and the good faith estimate of when the information can then be provided. Digital copies of all FOIA forms sent to a Requester, as well as a digital copy of the FOIA request, will be provided the County FOIA Coordinator by the Department FOIA Coordinator or Department Head.

If there is no Department FOIA Coordinator, the Department Head shall within three (3) days of receipt of the request forward the records to the County FOIA Coordinator to be sent to the Requester, and if applicable, a draft copy shall be filled out of any applicable Notice of Denial of FOIA Request, or Notice to Extend Response Time for FOIA Request, and the FOIA Cost Worksheet when charges apply to the request.

When there is a designated Department FOIA Coordinator, the Department FOIA Coordinator will prepare the FOIA response forms and the FOIA Cost Worksheet.

- H. Respond to Request:** The County FOIA Coordinator or Department FOIA Coordinator shall respond to a request, using the required form packet, within five (5) business days from the date upon which he/she receives the request, unless otherwise agreed to in writing by the requesting person. Copies of the forms used to respond prepared by a Department FOIA Coordinator shall be forwarded to the County FOIA Coordinator.
- I. Process Response:** If the requested record is not subject to one of the grounds for denial or an exemption, it shall be processed in the following manner:
- 1. Response Options:** Within five (5) business days, unless otherwise agreed to in writing by the requesting person, the County FOIA Coordinator or Department FOIA Coordinator shall do one of the following:
 - a.** Grant the request.
 - b.** Deny the request and provide the reason why the request is subject to denial or exempt.
 - c.** Grant the request in part and deny the request in part.
 - d.** Using the FOIA response form, provide notice extending the response deadline for not more than an additional ten (10) business days. The notice shall contain the reasons for the extension and the date by which the Public Body will respond to the request. Not more than one (1) notice of extension shall be issued.
- J. Fees for Public Records:**
- 1. Permissible Fees:** The Public Body may charge a fee for copying public records for the requesting person or to enable inspection. A fee may also be charged for search, examination, review or redaction of public records, but only if failure to charge a fee would result in unreasonably high costs specifically identified by the Public Body. Collected fees shall be credited to the Public Body that incurred the cost of processing the request.
 - 2. Calculation of Fees:** The applicable fees shall be calculated by the County FOIA Coordinator or Department FOIA Coordinator in accordance with the County's FOIA Procedures and Guidelines and using the Detailed FOIA Cost Worksheet Form. When there is a Department FOIA Coordinator, the Department FOIA Coordinator will prepare the FOIA Cost Worksheet. When there is no Department FOIA Coordinator, the Department Head with the records shall prepare the FOIA Cost Worksheet, and may seek assistance from the County FOIA Coordinator. A copy of the FOIA Cost Worksheet will be forwarded to the County FOIA Coordinator.

K. Deposit: If the total fee exceeds \$50.00, the County FOIA Coordinator or Department FOIA Coordinators may require a deposit of not more than one-half of the fee. The Requestor will also be provided a good faith estimate of when the records will be provided to the requester when a deposit is required.

L. Fee Payment Enforcement: Once copies of the requested records have been made, the Public Body is authorized to require payment of fees in full before it delivers the records to the requesting person.

Exception: If a deposit is required, the Public Body may refuse to process the request until the deposit is paid.

M. Exceptions to Fee Procedure:

1. Public records may be provided without charge or at reduced charge if the Public Body determines that the record primarily benefits the general public, and it is in the public interest to provide it without charge or at reduced charge.
2. The first \$20.00 of the total fee for requested records shall be waived if the requesting person submits an Affidavit of Indigence (contained in the required form packet).

N. Appeal: A requesting person has the right to appeal the denial of a request for public records, or to appeal the fees charged. All such Appeals shall be filed with the County FOIA Coordinator and shall be processed in accordance with the Livingston County FOIA Procedures and Guidelines.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION TO AMEND THE FISCAL YEAR 2015 BUDGETS FOR CAR POOL, SHERIFF ROAD, AND JAIL – CAR POOL / GENERAL GOVERNMENT / FINANCE / BOARD

WHEREAS, funds for upfitting (installation/maintenance of Emergency Vehicle lighting and equipment) of five (5) replacement Sheriff’s vehicles and one (1) new prisoner transport vehicle for Jail were under-budgeted for 2015 due to unanticipated accidents and last-minute vehicle replacements; and

WHEREAS, the County’s contract with Cruisers, Inc. of Brighton to perform these services has been renewed for 2015 with no price increases; and

WHEREAS, the total cost to upfit five (5) Sheriff Road Patrol Tahoes at \$8,757 per vehicle and one (1) Chevy Express prisoner transport at \$2,267 shall not exceed \$46,052; and

WHEREAS, it is necessary to increase the Sheriff Road budget by \$13,525, the Jail budget by \$2,267, and the Car Pool budget by \$46,052 to cover these costs; and

WHEREAS, the proposed amendment ensures compliance with the Uniform Budgeting and Accounting Act, as amended.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes amendments to the Fiscal Year 2015 budgets for Car Pool, Sheriff Road, and Jail as follows:

<u>Fund</u>	<u>Approved 2015 Budget</u>	<u>Proposed Amendment</u>	<u>Proposed Amended 2015 Budget</u>
661 - Car Pool	\$1,671,870	\$46,052	\$1,717,920
101 - Sheriff Road	\$7,044,738	\$13,525	\$7,058,263
101 - Jail	\$7,697,621	\$ 2,267	\$7,699,888

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MOVED:

SECONDED:

CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Doug Britz, Car Pool Director
Date: 6/3/2015
Re: RESOLUTION TO AMEND THE FISCAL YEAR 2015 BUDGETS FOR CAR POOL, SHERIFF ROAD, AND JAIL – Car Pool / General Government / Finance / Board

Attached please find a resolution for your consideration and authorization to amend the Fiscal Year 2015 budgets for Carpool, Sheriff Road, and Jail for upfitting (installation/maintenance of Emergency Vehicle lighting and equipment) of new and replacement vehicles.

Funds for upfitting of five (5) replacement Sheriff's vehicles and one new (1) prisoner transport vehicle for Jail were under budgeted for 2015 due to unanticipated accidents and last-minute vehicle replacements. The County has renewed its 2014 contract with Cruisers, Inc. of Brighton to perform these services with no price increases for 2015.

The total cost to upfit five (5) Sheriff Road Patrol Tahoes at \$8,757 per vehicle and one (1) Chevy Express prisoner transport at \$2,267 shall not exceed \$46,052. This will require budget amendments to increase the Sheriff Road budget by \$13,525, the Jail budget by \$2,267, and the Car Pool budget by \$46,052 to cover these costs.

I am available at your convenience to discuss this resolution at 517-540-7847.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

**RESOLUTION APPROVING THE CREATION OF 4 FULL TIME PARAMEDIC POSITIONS –
EMS/HEALTH AND HUMAN SERVICE / FINANCE**

WHEREAS, the EMS Department has a need for 4 Full time Paramedic positions to meet Increasing Call Demand; and

WHEREAS, the demand for EMS services will increase an estimated 3000 requests for service from last year; and

WHEREAS, as call volume and response times continue to increase for the EMS Department we must appropriately plan to meet the needs of our citizens; and,

WHEREAS, funding for same is available in the EMS 2015 Budget.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the additional 4 full time paramedic positions.

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MOVED:

SECONDED:

CARRIED:



Memorandum

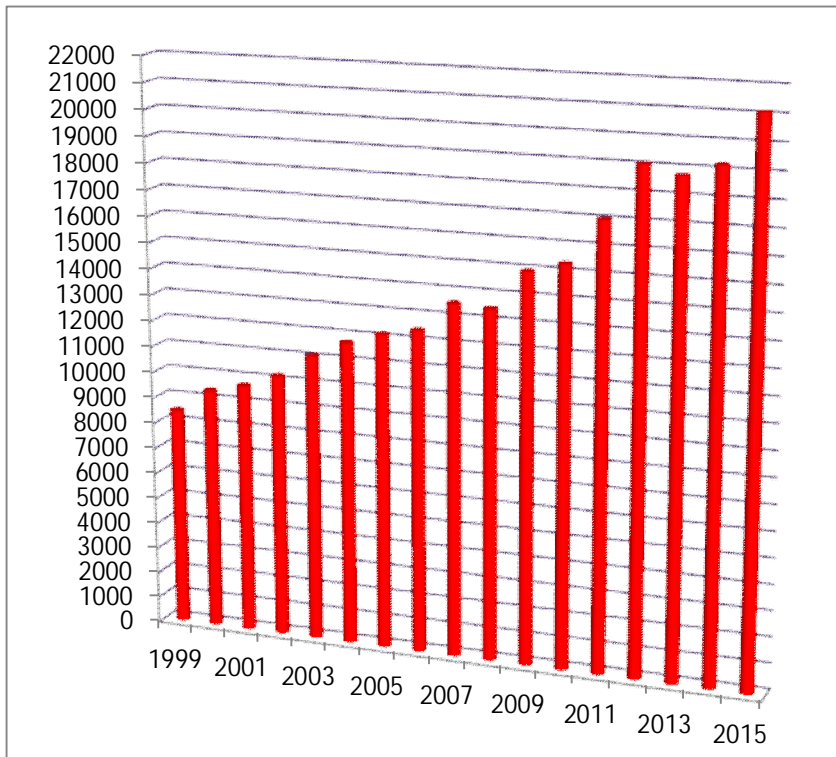
To: Livingston County Board of Commissioners
From: Jeffrey R. Boyd
Date: 06/03/2015
Re: Four additional Paramedic Positions

The continuous growth in call volume requires an increase in the number of units we deploy to meet the growing demand and maintain response times. EMS last added additional FTE's to the schedule in December of 2012. The FTE's have not kept up with this additional growth, response times are increasing and once again it is time to add new employees. EMS is seeking to add 4 additional Paramedic FTE's to meet the additional demand. The expenses are in the budget for 2015 and will be covered by the increased revenue associated with the increased volume.

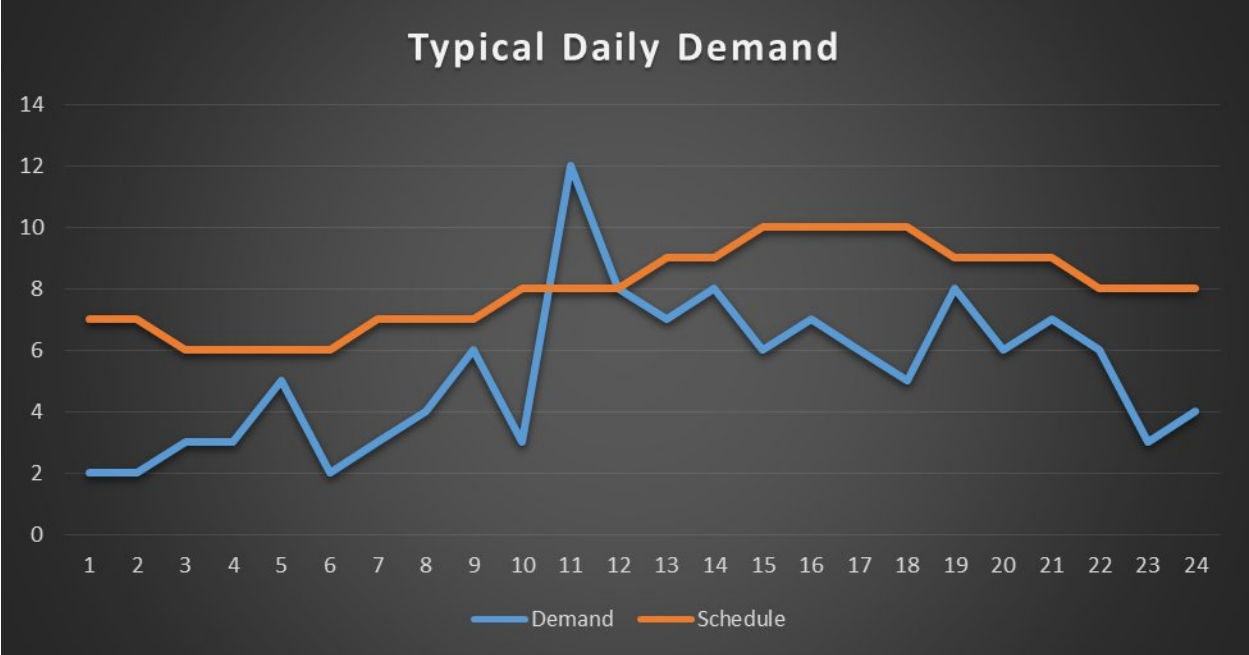
If you have any questions regarding this matter please contact me.

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

Below is a chart showing the growth in run volume since 1999. The continuous growth in call volume requires an increase in the number of units we deploy to meet the growing demand. EMS last added 4 additional FTE's to the schedule in December of 2012. The FTE's have not kept up with this additional growth and once again it is time to add new employees. EMS is seeking to add 4 additional Paramedic FTE's to meet the additional demand. The expenses are in the budget for 2015 and will be covered by the increased revenue associated with the increased volume.



The 4 additional paramedic FTE's will be used to add additional unit hours to the units already being deployed to meet the current call demand. In the sample below you can see that the peak demand for service is exceeding the units scheduled to respond to the calls. By adding an additional unit to the schedule we will be better prepared to meet the demand and ensure proper response times.



2015 is exceeding all expectations and is currently 150-300 calls per month ahead of the 3 year average with no signs of slowing down.

RESOLUTION

NO.

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING A TRANSFER OF FUNDS FROM THE REGISTER OF DEEDS AUTOMATION FUND INTO THE REGISTER OF DEEDS 2015 BUDGET TO COVER MICROFILMING COSTS THAT WERE NOT PAID OUT IN THE 2014 BUDGET - Register of Deeds / General Government / Finance / Board of Commissioners

WHEREAS, the Register of Deeds had monies allocated in the 2014 budget to cover the microfilming costs due for that year, but no microfilming invoices were presented until after the end of the year due to original vendor not providing an acceptable product; and

WHEREAS, the Register of Deeds had to seek another vendor to do the microfilming, which took a while to complete signing up for the hands free microfilming through our software vendor, so invoices were not submitted for payment until 2015; and

WHEREAS, the invoices for the microfilming were paid for out of the 2015 budget and the Register of Deeds had not added the 2014 filming costs into the 2015 budget because it was anticipated that they would be submitted before the 2014 year end; and

WHEREAS, the Register of Deeds microfilming line item for 2015 is completely depleted with the costs of filming for 2014 and is in need of funding for the 2015 microfilming invoices; and

WHEREAS, the Register of Deeds is requesting a transfer of \$6,000.00 from the Register of Deeds Automation Fund 25626801 be transferred into the Register of Deeds microfilming line item 10126800 815000 for 2015 as a blanket purchase order.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the transfer of \$6,000.00 from Register of Deeds Automation Fund to the Register of Deeds as a blanket purchase order into line item 815000 to cover 2015 microfilming costs.

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**MOVED:
SUPPORTED:
CARRIED:**



Memorandum

To: Livingston County Board of Commissioners
From: Sally Reynolds, Register of Deeds
Date: 06/03/2015
Re: RESOLUTION AUTHORIZING A TRANSFER OF FUNDS
FROM THE REGISTER OF DEEDS AUTOMATION FUND INTO
THE REGISTER OF DEEDS 2015 BUDGET TO COVER
MICROFILMING COSTS THAT WERE NOT PAID OUT IN THE
2014 BUDGET/ Register of Deeds/General Government/Finance/Board o
Commissioners

06/03/2015

Dear Board of Commissioners

I am requesting that \$6,000.00 be transferred from the Register of Deeds Automation Fund into the Register of Deeds 2015 Budget to line item 815000 for microfilming invoices.

I would like to explain the reason for this request.

Last year I had monies approved in my 2014 budget to cover my daily microfilming costs. The vendor that was contracted to do the microfilming could not produce an acceptable product for the permanent records filed within the Register of Deeds. I spent months trying to get it rectified with the company and an acceptable product, which didn't happen.

I then had to seek the service from another company. I learned that Fidlar Technologies had partnered with U.S. Imaging to do Hands Free Microfilming. I sought the services, but by the time the contract was signed and everything was set up to proceed, it was late in 2014. I didn't receive invoices until 2015. I did not anticipate that the invoices for the 2014 microfilm wouldn't be received until 2015 and therefore the additional funds to cover both years had not been requested for the 2015 budget.

It was an error on my part, and I take full responsibility, but one that I didn't realize until this year when the huge invoices were coming in and I didn't have monies left in my 815000 microfilming line item for the current year.

I am also asking that it be done as a blanket purchase order since the invoices are over \$500 because with the Hands Free Microfilm, they do bigger batches than we have done in the past. When we were sending images ftp to our vendor we generally sent batches of 6,000 images. With the Hands Free Microfilm the batches are larger and therefore the invoices are more than \$500. Since the microfilming is a statute driven necessity in my daily

operations it would suffice to say a blanket purchase order would serve this situation better, so I wouldn't have to keep coming before the board for approval of an invoice presented for my daily work.

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

Sally Reynolds
Register of Deeds
517.540.8823

RESOLUTION

NO.

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING REGISTER OF DEEDS TO AMEND THE AGREEMENT WITH FIDLAR TECHNOLOGIES FOR A MEDIA CONVERSION PROJECT - Register of Deeds / General Government / Finance / Board of Commissioners

WHEREAS, under PA 236 of 1961, 600.2568 Automation fund Sec 2, which is to be used for upgrading technology in the register of deeds office, with priority given to upgrading search capabilities and allow the register of deeds to receive, enter, record, certify, index, store, search, retrieve, copy, and otherwise process by automated procedures and advanced technology documents, instruments, abstracts, maps, plats, and other items recorded and maintained by the register of deeds; and

WHEREAS, the deed records from the 1800's residing in the Register of Deeds vaults continue to fade and the loss of the pertinent information is at a critical state for those permanent records, the Register of Deeds has requested the indexes and deeds to be digitized, indexed and imported, by their present vendor Fidlar Technologies with a scanning process that will get the most legible copy available to permanently preserve the records in perpetuity for the county; and

WHEREAS, Fidlar Technologies agreement has arranged for the books to be scanned on site so the one and only copy of the book does not leave the premises and the work will be completed within a 2 day time frame because they will be working around the clock; and

WHEREAS, this agreement includes everything from start to finish of indexing, scanning, and importing into our Avid system so they will be searchable with all the other present day recordings; and

WHEREAS, the total cost of \$20,155 for this project will be fully funded by the Register of Deeds Automation Fund which has the available funds to cover the project; and

WHEREAS, the Register of Deeds is aware that the land records are stored on the lower level of the courthouse, as other counties, some who have had their records compromised with water damage and has decided to have the records scanned and a set stored off site to avoid the loss of the permanent land records; and

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves to amend the agreement with Fidlar Technologies for a Media Conversion Project in the amount of \$20,155 to be fully funded from the Register of Deeds Automation Fund.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners and the Register of Deeds are hereby authorized to sign said amendment upon review and approval of Civil Counsel.

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MOVED:

SUPPORTED:

CARRIED:



Memorandum

To: Livingston County Board of Commissioners

From: REGISTER OF DEEDS, Sally Reynolds

Date: 06/03/2015

**Re: RESOLUTION AUTHORIZING REGISTER OF DEEDS TO AMEND
THE AGREEMENT WITH FIDLAR TECHNOLOGIES FOR A MEDIA
CONVERSION PROJECT TO DIGITIZE THE INDEXES AND
PERMANENT DEED RECORDS FROM THE 1800's WHICH WILL BE
SEARCHABLE IN THE REGISTER OF DEEDS RECORDS / Register of
Deeds / General Government / Finance / Board of Commissioners**

June 3, 2015

Dear Board of Commissioners,

I know I have spoken to you in the past about the older deed records and indexes being compromised with age and usage. We are losing a lot of data on the original documents that have faded over time and I have tried to get estimates for costs of scanning these books for the last 5 years.

I now have this Media Conversion Project addendum to add to my contract with Fidlar Technologies to start with the oldest books as a start to having them all scanned, indexed and uploaded into our system so they are searchable as well.

This particular Project will cover 13 Index books and the first 37 deed books, which are the ones that are in the greatest need of being scanned before we lose "all" the data contained within the documents. The deed books and indexes after that number are not hand written, but are in a typed format and not as urgent at this time. Eventually, I will have all of them scanned to preserve the permanent records and uploaded into our system so they also can be more easily searched.

The scanning process will be done on site, so our books never have to leave the building. The workers will be working around the clock in twelve hour shifts to complete the project and feel it will be completely done in 2 days.

The Register of Deeds Automation Fund has the funds of \$20,154.36 available and will cover the cost of the complete project. There will be no costs from the general fund.

Sally Reynolds, Register
517.540.8823

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

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

**RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT FOR UNIFORM-CLEANING SERVICES WITH MARCY’S LAUNDRY & DRY CLEANING, L.L.C. –
Purchasing / General Government Committee / Finance Committee / Board**

WHEREAS, various departments within Livingston County use uniform-cleaning services; and

WHEREAS, per the Purchasing Policy, a competitive bid process was performed in which two (2) sealed proposals were received and evaluated; and

WHEREAS, the review committee recommends an award to Marcy’s Laundry & Dry Cleaning, L.L.C., of Howell, Michigan, for the proposed flat rate price schedule, for the EMS Department, 911 Central Dispatch, Sheriff’s Department and the Department of Public Health as follows:

Service Location	Monthly Flat Rate	Annual Total	3-YR TOTAL
EMS Department	\$ 1,480.00	\$ 17,760.00	\$ 53,280.00
Sheriff Department	\$ 2,182.00	\$ 26,184.00	\$ 78,552.00
9-1-1 Central Dispatch	\$ 680.00	\$ 8,160.00	\$ 24,480.00
Department of Public Health	\$ 26.00	\$ 312.00	\$ 936.00
ANNUAL TOTAL		\$ 52,416.00	
3-YR TOTAL			\$157,248.00

WHEREAS, the contract will be for a three (3) year period, with the option for the County to extend the contract, at its discretion, for one (1) additional two-year period based upon available appropriated funds for each Department; and

WHEREAS, the expenditure for Uniform Cleaning Services for the above mentioned departments has been planned for and approved in the Departmental 2015 budgets.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes entering into a contract with Marcy’s Laundry & Dry Cleaning, L.L.C., in the amount not to exceed \$157,248.00 for the initial three (3) year contract period with an option for a two-year renewal, at the County discretion, for a total contract period not to exceed five (5) years.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners be authorized to sign any necessary documents pertaining to this matter upon review of Civil Counsel.

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MOVED:

SECONDED:

CARRIED:



LIVINGSTON COUNTY PURCHASING

LIVINGSTON COUNTY, MICHIGAN

304 E. Grand River Avenue, Suite 204 Howell MI 48843

ELIZABETH J. YOUNG
PURCHASING ASSISTANT

TEL: (517) 540-8740
FAX: (517) 546-7266

June 4, 2015

TO: Livingston County Board of Commissioners

RE: RESOLUTION TO AUTHORIZE ENTERING INTO A CONTRACT FOR UNIFORM CLEANING SERVICES

Purchasing released a Request for Proposal (RFP) for Uniform Cleaning Services for the EMS Department, 911 Central Dispatch, Sheriff's Department and the Department of Public Health. Bid documents were posted on the MICHIGAN INTER-GOVERNMENTAL TRADE NETWORK (MITN) website and an ad was placed in the local Argus & Press.

Purchasing received two (2) proposals. Attached, please find the tabulation sheet outlining the pricing submitted by each vendor. The RFP requested pricing based on both a monthly flat rate per Department and per piece based pricing.

The review committee consisting of members from EMS, 911 Central Dispatch, Sheriff's, Department of Public Health and Purchasing Department recommends an award to Marcy's Laundry & Dry Cleaning, L.L.C., of Howell, Michigan, for Uniform Cleaning Services based on the proposed monthly flat rate.

As a result, we are requesting that the attached resolution be approved to authorize entering into a contract with Marcy's Laundry & Dry Cleaning, L.L.C., 920 East Grand River Ave., Howell, Michigan, for uniform-cleaning services for a three-year period with an option for a two-year renewal, at the County discretion, for a total contract period to not exceed five (5) years.

Additional back-up documentation regarding this solicitation is available in the Purchasing Office for review. Should you have any questions or concerns regarding this matter, please contact me at 517-540-8740 or via email at eyoung@livgov.com.

FLAT RATE MONTHLY COST PER DEPARTMENT	MARCY'S LAUNDRY & DRY CLEANING CENTER	FREE ALTERNATIONS FROM MARCY'S INCLUDED IN FLAT RATE	TROY CLEANERS
EMS DEPARTMENT	\$ 1,480.00	\$ 150.00	\$ 3,934.00
SHERIFF DEPARTMENT	\$ 2,182.00	\$ 200.00	\$ 8,788.00
911 CENTRAL DISPATCH	\$ 680.00	\$ 100.00	\$ 3,122.00
DEPARTMENT OF PUBLIC HEALTH	\$ 26.00		\$ 32.50

**REVISED AGREEMENT AND CHARTER
OF THE
SOUTHEAST MICHIGAN CONSORTIUM**

ARTICLE 1: ESTABLISHMENT OF THE SOUTHEAST MICHIGAN CONSORTIUM

Pursuant to the Michigan Constitution of 1963, Article VII, Section 28, and 1967 PA 7, as amended, being MCLA. 124.501, et seq., the Southeast Michigan Consortium ("Consortium"), as established through an Urban Cooperation Agreement initially approved and entered into by the mutual agreement of the duly elected legislative bodies of the Counties of Jackson, Lenawee and Hillsdale, Michigan in 1984, and previously amended, is hereby renamed, expanded to add the Counties of Livingston and Washtenaw, and revised in its entirety, and the established Consortium shall continue as a separate legal entity and public body corporate pursuant to the Urban Cooperation Act and this Agreement.

ARTICLE II: DEFINITIONS

For the purposes of this Agreement and Charter, the following terms shall have the following meanings respectively designated for each:

- A. "Act" means the Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), as amended.
- B. "Consortium" means the Southeast Michigan Consortium.
- C. "Consortium Board" means the Southeast Michigan Consortium Board.
- D. "Workforce Development Board" means Southeast Michigan Workforce Development Board.

ARTICLE III: CERTIFICATION

Each of the Counties to this Interlocal Agreement hereby certifies:

- A. That it is not prevented by State or local law from entering into this Interlocal Agreement.
- B. That the person signing this Interlocal Agreement on its behalf is fully authorized to do so.

C. That this Interlocal Agreement is a valid and binding obligation of such County, subject only to approval by the Governor and Michigan Workforce Development Agency and filing with the County Clerk of each of the Counties and the Michigan Secretary of State.

D. That any and all Grant Signature Sheets, Assurances and Certifications, and other Documents as may be necessary will be signed by the Chairperson of the Consortium Board established in Article VI.

ARTICLE IV: LIABILITY-ASSETS

A. Consistent with state and/or local law, each County, respectively, understands that it shares ultimate responsibility for the operation of the programs of the Consortium and that each County will be jointly and severally liable for the use of Act funds and other federal and state funds it receives from the Michigan Workforce Development Agency consistent with federal and state laws and regulations. Any disallowances will be apportioned among the counties based on the most recent census data which will serve to establish a percentage of total liability not to exceed 100%. Other than such liability to the state and/or federal government, no county that is a party to this Agreement and Charter shall have any liability for the debts, expenses or liabilities of the Consortium.

B. It is agreed that the Consortium Board will require any agency designated as sub-grant recipient to take all safeguards against disallowed costs and to recoup disallowed costs from the appropriate sources (sub-contractors), to the extent permitted by law. Such safeguards will include contract provisions for financial viability, hold harmless, and the reporting of stand-in costs to recoup misused funds. In the event that the misused funds cannot be recouped, it is agreed that the liability will be allocated across the five counties on the formula established in Article IV, A, above, of this Agreement.

C. *No Waiver of Governmental Immunity.* The Counties agree that no provision of the Agreement is intended, nor shall it be construed, as a waiver by any County of any governmental immunity as provided by the Urban Cooperation Act or otherwise under law.

D. In the event of the termination of the Consortium, any remaining assets shall be distributed to the participating counties based on the proportion of each participating counties population as reflected in the most recent federal census as compared to the aggregate population from this census of the signatories of this Agreement.

ARTICLE V: CONSORTIUM SERVICE AREA

A. The geographical area served, population and address of each party is as follows: Jackson County, 120 West Michigan Avenue, Jackson, Michigan 49201; Lenawee County, Lenawee County Courthouse, Adrian, Michigan 49221; Hillsdale County, Hillsdale County Court House, Hillsdale, Michigan 49242, Livingston County, 304 E Grand River Ave, Howell, MI 48843; and Washtenaw County, 220 North Main, Ann Arbor 48104. Each County agrees that the population figures used for each of the Counties shall be based on the most recent census, as developed by Michigan Statistical Abstract, Bureau of Business Research, School of Business Administration, Wayne State University, Detroit, Michigan and that they are representative and that the geographical area served in each instance will be the five-county Southeast Michigan Consortium area.

B. If an additional county wishes to join the Southeast Michigan Consortium, such a consolidation must meet provisions of the Act. As a prerequisite, such a consolidation request must be approved by a majority of the existing counties if Monroe County is seeking to join, and all existing counties for other counties seek to join. Approval of requests to join will not be unreasonably withheld. The requesting county must agree to any the terms and conditions required by the Consortium Board, as well as agree to the terms of this intergovernmental Agreement. To become an equal partner, at a minimum, a new county joining the Consortium must make commitments to:

1. Sufficiently to support programming consistent with the other counties.
2. For the provision of any local funding equivalent in per capita and level consistent with the other counties.

If a County is added, its representation on the Consortium Board and the Workforce Development Board will be at the same level as the existing county member with the fewest Board members, unless all of the existing counties agree to another level.

ARTICLE VI: ESTABLISHMENT OF THE SOUTHEAST MICHIGAN CONSORTIUM BOARD

The Counties hereby establish a Board of the Consortium (“Consortium Board”) as a separate legal entity to administer this Interlocal Agreement. The Consortium Board shall be a separate legal entity and public body corporate for purposes of the Urban Cooperation Act of 1967. The Consortium Board shall consist of ten (10) members who are serving as county commissioners pursuant to Public Act 261 of 1966 (being MCL 46.401 *et seq*), and who have been duly administered the oath of office.

Jackson County shall have two (2) members, Lenawee County shall have two (2) members, Hillsdale County shall have two (2) members, Livingston County shall have two (2) members and Washtenaw County shall have two (2) members. All designees shall be appointed in writing and shall act on the Consortium Board with full authority of the individual county they represent. Each county shall establish its own rules and procedures for selecting representatives to the Consortium Board and their compensation shall be borne by the Consortium for the conduct of Consortium business. Upon selection, the persons appointed by each unit of government shall serve for their elected term of office or until they are removed at the will of the selecting respective unit of government.

A. Organization of the Consortium Board: The Consortium Board shall at its first official meeting after the approval of this Agreement, approve by-laws for the conduct of its activities, and shall elect a Chairperson and Vice-Chairperson from its members at the first regular Board meeting of each calendar year.

B. Responsibilities of Chairperson: The Chairperson of the Consortium Board shall have the following responsibilities:

1. Preside at all regular and special Consortium Board meetings;
2. Recommend Consortium Board members to serve as liaison committee members to the Workforce Development Board.
3. Affix his/her signature to all documents requiring the Chairperson's signature as approved by the Consortium Board.

C. Responsibilities of Vice-Chairperson: The Vice-Chairperson of the Consortium Board shall have the following responsibilities:

1. Preside at regular and special Consortium Board meetings in the absence of the Chairperson;
2. Affix his/her signature to all documents requiring the Chairperson's signature when, under authorized circumstances, the Chairperson is unable to do so.
3. Perform other duties which may be assigned by the Chairperson or the Consortium Board.

D. Consortium Board Meetings: The Consortium Board shall meet in a place which is accessible to the public and shall schedule at least one (1) regular

June 3, 2015

meeting every calendar quarter. However, a regular quarterly meeting may be canceled by the Chairperson of the Consortium Board in the event that there is no business to be considered at that meeting. Special meetings of the Consortium Board shall be called upon the request of any two Board members submitted in writing to the Chairperson or as necessary in order to conduct Consortium business in a timely manner. Twenty-four (24) hour notice shall be given to all Consortium Board members before any meeting. Any special meetings of the Consortium Board which are convened shall be limited in scope to discussion of the special issue for which the meeting was called and notice given. A quorum for all Consortium Board meetings shall be a majority of the regular voting members or designated alternates, and representatives from all five counties must be present, **and a majority vote at a meeting at which a quorum is present shall be necessary for the transaction of business. Notwithstanding the forgoing, at the request of at least three (3) Consortium Board members, any specific matters of interest to the board will be voted on population-based proportional voting, and a majority of the population-based proportional votes will be required for approval.** The Consortium Board shall comply with the Open Meetings Act, 1976 PA 267, as amended.

E. Consortium Board Offices: The administrative offices of the Consortium Board shall be with the local grant subrecipient and fiscal agent as designated by the Consortium Board and the Workforce Development Board.

F. Annual Report. The Consortium Board shall make a yearly report to the Boards of Commissioners of the Counties of the participating Counties.

ARTICLE VII: POWERS AND RESPONSIBILITIES OF THE CONSORTIUM BOARD

The powers and responsibilities of the Consortium Board shall be as follows:

A. To appoint the members of the Workforce Development Board, or successor organization, in accordance with the procedures set forth in the Act and other applicable federal and state laws, rules and regulations.

B. To serve as the local grant recipient or designate a local grant sub-recipient for the purpose of administering workforce development funds. The local grant recipient shall also act for the acceptance of gifts, grants, assistance funds, bequests, or any other federal, state, or local funding.

June 3, 2015

C. To serve as the local fiscal agent or designate a local fiscal agent for the purpose of administering workforce development funds. The local fiscal agent shall provide for an annual independent audit of all receipts and disbursements. Said audit report shall be presented to each participating county to this Agreement.

D. To review and approve the budget developed by the Workforce Development Board for each fiscal year.

E. To conduct oversight with respect to local programs of youth activities, local employment and training activities and the one-stop delivery system in partnership with the Workforce Development Board.

F. To negotiate and reach agreement on local performance measures with the Workforce Development Board and the Governor.

G. To partner with the Workforce Development Board in the development of a comprehensive Workforce Development plan and its coordination with the State Unified Plan.

H. To partner with the Workforce Development Board in establishment of Memoranda of Understanding (MOUs) with required partners.

I. To partner with the Workforce Development Board in designating or certifying one-stop operator(s) and to terminate for cause the eligibility of such operator(s).

J. To approve or disapprove any waiver request from the local Workforce Development Board regarding provision of core or intensive services or designation as the one-stop operator.

K. In its own name, to make and enter into contracts, conveyances, and other instruments, to employ agencies or employees, to acquire, construct, manage, maintain, or operate buildings, works or improvements, to acquire, hold or dispose of property, to incur debts, liabilities or obligations which do not constitute the debts, liabilities or obligations of any of the Counties to this Interlocal Agreement, and to sue and be sued, subject to any limitations, conditions or restrictions contained in this Interlocal Agreement; provided, however, that the Consortium Board is prohibited from deficit financing and has no authority to levy any type of tax or to issue any type of bond in its own name, or to in any way indebted one of the Counties to this Interlocal Agreement, except to the extent provided in Article IV of this Agreement.

L. To adopt rules, bylaws, and policies and procedures that do not conflict with the provisions of this Interlocal Agreement.

June 3, 2015

M. To purchase and maintain general liability and errors and omissions insurance, with policy limits reasonable in light of the Board's responsibilities to protect against losses incurred or realized in the discharge of its functions, and provide the participating counties with evidence of such insurance coverage upon request.

N. To require surety bonds for those employees and/or contractors designated by the Board to directly handle and process state, federal and other funds received by the Board.

O. To direct the grant sub-recipient and/or fiscal agent to prepare regular reports concerning the status, both financial and operational, of all Consortium programs.

P. To perform all other actions deemed necessary and proper to carry out the Act or other programs and this Agreement.

Q. The powers of the Consortium Board shall be liberally construed consistent with the Constitution and statutes of this state.

R. The Board shall not have authority to:

1. Levy any type of tax within the boundaries of any County; or
2. Except as expressly provided elsewhere in this Agreement, incur debt, liabilities or obligations, including any pension obligations, which constitute debts, liabilities or obligations of any County, without that County's express written consent.

ARTICLE VIII: WORKFORCE DEVELOPMENT BOARD

The Consortium Board shall appoint the Workforce Development Board or successor organization in accordance with the requirements of the Act and other applicable federal and state laws, rules and regulations. The functions of the Workforce Development Board shall be in accordance with the Act and other applicable federal and state laws, rules and regulations, including nominating for the Consortium Board's approval and exercising oversight of any administrative entity, sub-grant recipient entity, and other program subcontractors. Nothing in this Interlocal Agreement shall be construed as inconsistent or in conflict with those functions or with the terms of any agreement entered into between the Consortium and the Workforce Development Board. The Workforce Development Board shall not incur debt, liabilities or obligations, including any pension obligations, which constitute debts, liabilities or obligations of any County that go beyond the 1-year annual budget cycle without the formal consent of the Consortium Board.

The Workforce Development Board shall be comprised of members appointed consistent with the requirements of the Act and its regulations, and shall include no less than two (2) members from each participating county.

The Consortium Board will make every effort to maintain proportional representation of private sector members on the Workforce Development Board. The remaining public sector representatives shall be appointed from required sectors consistent with agreed upon procedures by the Consortium Board.

ARTICLE IX: DESIGNATION OF LOCAL GRANT RECIPIENT/FISCAL AGENT SUBCONTRACTORS

A. The Consortium Board is designated as the Local Grant Recipient and is authorized to enter into an independent contractor agreement which assigns to an independent contractor the duties and responsibilities required of a Grant Sub-Recipient, Fiscal Agent, or Grant Sub-Recipient/Fiscal Agent for Federal and State funded employment and training programs within the Consortium Workforce Development Area. The Consortium Board will consider for approval nominations of the Workforce Development Board for Grant Sub-Recipient, Fiscal Agent, or Grant Sub-Recipient/Fiscal Agent and any Administrative Entity and Subcontractors for those functions. Any such designations or contracts shall be contingent upon written certification of the designated entity meets the following Financial Viability Standards.

B. Financial Viability Standards. Any entity that may be nominated for designation as a Grant Sub-Recipient, Fiscal Agent, or Grant Sub-Recipient/Fiscal Agent and any Administrative Entity and Subcontractors for those functions, shall certify in writing to the Consortium Board and Workforce Development Board that the entity seeking to be designated is duly organized as a municipal, public, private or non-profit corporation, partnership, or sole proprietorship, and has demonstrated the ability to repay any disallowed costs, to the extent permitted by law. The entity may demonstrate the ability to repay a disallowed cost by one of the following methods:

1. by having taxing authority.
2. by providing audit exception insurance with a copy of the policy being provided to the Consortium Board and Workforce Development Board and being acceptable to the Consortium Board and Workforce Development Board.
3. by pledging assets in an amount sufficient to cover all disallowed costs.

4. by having a deposit of non-workforce development funds sufficient to cover all disallowed costs.
5. by other means of guaranteeing the financial viability to demonstrate the ability to repay any disallowed costs approved by the Workforce Development Board and the Consortium Board.

In addition, the entity seeking the designation shall execute a "Hold Harmless Agreement" in a form satisfactory to Consortium Board and Workforce Development Board agreeing to hold the Consortium Board, the Workforce Development Board, and Hillsdale, Jackson, Lenawee, Livingston, and Washtenaw Counties harmless from any and all disallowed costs, liability, etc., to the extent permitted by law, substantially similar to the following:

 [NAME OF ENTITY] hereby agrees to indemnify, defend and hold harmless the Southeast Michigan Consortium, the Southeast Michigan Consortium Board, the Southeast Michigan Workforce Development Board, and Hillsdale, Jackson, Lenawee, Livingston, and Washtenaw Counties and their Officers and employees from any and all disallowed costs, liability, causes of action, or claims arising from or in any way connected with its function as the designated [TITLE DESIGNATION] for the Southeast Michigan Consortium Area, to the extent permitted by law.

ARTICLE X: NONDISCRIMINATION

The Consortium shall not violate the provisions of the Michigan Handicappers' Civil Rights Act, P.A. 1976, No. 220, being sections 37.1101, et seq. of the Michigan Compiled Laws, or the Elliott-Larsen Civil Rights Act, P.A. 1976, No. 453, being sections 37.2100, et seq. of the Michigan Compiled Laws, and specifically agrees and covenants not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, gender, gender identity, gender expression, sexual orientation, political belief, height, weight, marital status, or a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position.

ARTICLE XI: SEVERABILITY

If any part or section of this Agreement is found to be invalid by a court of law, the remaining sections shall remain in full force and effect.

ARTICLE XII: AMENDMENT PROCEDURES

This Interlocal Agreement and Charter may be amended only by agreement in writing of the constituent county Board of Commissioners of Hillsdale, Jackson, Lenawee Livingston and Washtenaw, and approval by the Governor of the State of Michigan as provided in 1967 PA 7, as amended, being MCLA 124.501, et seq.

ARTICLE XIII: DURATION AND TERMINATION

A. This amended Interlocal Agreement and Charter shall become effective upon the later of October 1, 2015, or the date when the amended Interlocal Agreement and Charter is approved by the Governor of the State of Michigan, as provided for in 1967 PA 7, being MCL 124.501, et seq.

B. This Agreement and Charter and the Consortium shall continue until such time that the Act is repealed by Congress and all necessary close out functions are completed or when its termination and/or dissolution is mutually agreed upon by the Board of Commissioners of each of the counties composing membership in the Consortium.

C. Notwithstanding the above, any county which is a party to this Agreement and Charter may withdraw from the Consortium upon prior written notice of one hundred twenty (120) days before the end of any Consortium fiscal year, to the remaining respective County Board of Commissioners composing membership in the Consortium. However, any withdrawing county shall remain responsible for any liability that could accrue through the fiscal year of their withdrawal under Article IV, A, of this Agreement.

COUNTY OF HILLSDALE

COUNTY OF JACKSON

By: _____
Andy Welden, Chair
Hillsdale County Board of
Commissioners

By: _____
James E. Shotwell, Jr., Chair
Jackson County Board of
Commissioners

Dated: _____

Dated: _____

COUNTY OF LENAWE

By: _____
David Stimpson, Chair
Lenawee County Board of
Commissioners

Dated: _____

COUNTY OF LIVINGSTON

By: _____
Carol S. Griffith., Chair
Livingston County Board of
Commissioners

Dated: _____

COUNTY OF WASHTENAW

By: _____
Felicia Brabec, Chair
Washtenaw County Board of
Commissioners

Dated: _____

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION APPROVING THE PROGRAM YEAR 2015 WORKFORCE INNOVATION AND OPPORTUNITY ACT ADULT PLAN FOR LIVINGSTON COUNTY – MI WORKS! / GENERAL GOVERNMENT / FINANCE / BOARD

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) authorizes the expenditure of federal funds of job training programs in locally determined Michigan Works! Agencies; and

WHEREAS, The County of Livingston constitutes a jurisdiction designated as a Michigan Works Agency by the Governor of the State of Michigan; and

WHEREAS, each Michigan Works! Agency is required to submit job training plans which describe the planned services and goals for the programs; and

WHEREAS, The Livingston County WIOA Adult plan proposes to provide career and training services to eligible adults with an allocation of \$362,715; and

WHEREAS, The Act requires that the Workforce Development Council and the local elected officials jointly approve and submit all job training plans; and

WHEREAS, The Livingston County Workforce Development Council approved the plan at their meeting on May 21, 2015.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the PY 2015 Workforce Innovation and Opportunity Act (WIOA) Adult Plan in the amount of \$362,715 for the period of July 1, 2015 to June 30, 2016.

BE IT FURTHER RESOLVED that the Chair be authorized to sign said plan for submission to the Workforce Development Agency, State of Michigan as well as any future amendments for monetary and contract language adjustments.

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MOVED:

SECONDED:

CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Bill Sleight, Director, Livingston County Michigan Works!
Date: 6/1/2015
Re: PY 2015 Workforce Innovation and Opportunity Act (WIOA)
Adult Plan

The Workforce Development Agency, State of Michigan has released draft allocations for the WIOA Adult Program for (PY) 2015 (July 1, 2015, through June 30, 2016).

WIOA Adult funds are allocated to Michigan Works! Agencies by formula, to provide assistance for adult employment and training activities. Our allocation for PY 2015 is \$362,715. In PY 2014 our allocation was \$360,592. This represents an increase of \$2,123.

Fund transfers are permitted between the Adult and Dislocated Worker Programs. 100% of our PY 2015 allocation for adult employment and training activities and dislocated worker program employment and training activities may be transferred between the two programs. At this time there are no plans for transfer of funds. During the course of the program year, we will assess the needs of each program and make a determination if a transfer of funds is needed. A short plan for funding expenditure must be submitted to the State of Michigan in order to receive funding. Like in past years, the use of these adult funds will focus on the unemployed, under-employed and others with a need for training in order to secure employment.

The plan must be approved by both the Workforce Development Council and the Board of Commissioners. Attached is a resolution for your consideration.

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

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE LIVINGSTON COUNTY BOARD OF COMMISSIONERS AND THE LIVINGSTON COUNTY WORKFORCE DEVELOPMENT COUNCIL – MI WORKS! / HEALTH & HUMAN SERVICES / FINANCE / BOARD

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) will become the main workforce legislation authorizing most of the programs run by Livingston County Michigan Works on 7/1/2015; and

WHEREAS, this new legislation will require certain rules and provisions including a local agreement between the Local Elected Official (Board of Commissioners) and the Workforce Development Board (Workforce Development Council); and

WHEREAS, a draft agreement was prepared by Michigan Works! staff, approved by the County Administrator and Chair of the Workforce Development Council, and is now being reviewed by Civil Counsel; and

WHEREAS, Livingston County, as the “grant recipient” and the Workforce Development Council have roles and responsibilities detailed around items such as the Comprehensive Local plan, program oversight, fiscal management and staff selection and hiring in addition to grievance procedure/policy and non-discrimination adherence; and

WHEREAS, the agreement shall stay in effect until terminated by either party by providing at least a 90 day notice; and

WHEREAS, The Workforce Development Council will review the agreement at their meeting on June 11, 2015.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners approves the Livingston County Board of Commissioners/Livingston County Workforce Development Council agreement with a July 1, 2015 start date, pending review by Civil Counsel.

BE IT FURTHER RESOLVED, that the Chair of the Livingston County Board of Commissioners is authorized to sign the Livingston County Board of Commissioners/Livingston County Workforce Development Council agreement.

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**MOVED:
SECONDED:
CARRIED:**



Memorandum

To: Livingston County Board of Commissioners
From: Bill Sleight, Director, Livingston County Michigan Works!
Date: 6/2/2015
**Re: Livingston County Board of Commissioners/Livingston County
Workforce Development Council agreement**

Beginning on July 1, 2015, the Workforce Innovation and Opportunity Act (WIOA) will become the main workforce legislation authorizing most of the programs run by Livingston County Michigan Works! As a result, many of the legal documents and agreements executed as part of the prior law need to be renewed and/or replaced prior to July 1. Similar to the current law, WIOA requires a partnership between the Local Elected Officials (County Board of Commissioners) and the Livingston County Workforce Development Council. The provisions of the partnership are contained in a legal agreement between the two parties. We are seeking a renewal of the current agreement with appropriate updates to comply with provisions and references to the new law. A draft agreement has been prepared by Michigan Works! staff and approved by the County Administrator and Chair of the Workforce Development Council. It is currently under review by Civil Counsel. The basic outline is as follows:

The Livingston County Workforce Development Council will:

- Provide policy guidance to the LEO and exercise oversight with respect to activities under the Comprehensive Local job training plan
- Exercise oversight of the training program operated by the County
- Solicit the input and participation of the local business and education communities in the provision of program services to eligible residents of the County
- Construct its own by-laws
- Provide periodic feedback to the County Board of Commissioners on matters relative to the operation of local workforce development programs
- Award and approve service provider and Incumbent Worker contracts

The Grant Recipient (Livingston County) will:

- Direct County Staff to develop a Comprehensive Local job training plan pursuant to the WIOA
- Perform fiscal management duties
- Administer programs as described in the Comprehensive Local job training plan and pursuant to the WIOA
- Select and hire appropriate staff, receive and disburse funds related to program operations, collect program data necessary for management and evaluation and contract with organizations for program services
- Procure audits of funds as requested under WIOA

Both the County and Workforce Development Council will ensure effective service delivery which provides the most beneficial mix of program options to the eligible residents and employers of Livingston County. It is the shared responsibility and authority of the partners to stimulate active, effective participation of all sectors of the community in the provision of job-training services

The agreement does not differ much from the one agreed to for the current workforce development law, the Workforce Investment Act (WIA). The agreement will allow for flexibility if Livingston County Michigan Works! merges with other neighboring counties, as is being proposed. If the merger occurs it will likely be in full effect on July 1, 2016. This agreement between the County and the Livingston County Workforce Development Council will govern operations until the merger is finalized.

The Workforce Development Council will review the agreement at their meeting on June 11, 2015. Attached is a resolution for your consideration.

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

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION APPROVING THE SUBMISSION OF THE PROGRAM YEAR 2015 WAGNER-PEYSER ACT LOCAL EMPLOYMENT SERVICE PLAN – MI WORKS! / HEALTH & HUMAN SERVICES / FINANCE / BOARD

WHEREAS, The federal Wagner-Peyser Act establishes the United States Employment Service (USES) to provide a nationwide labor exchange system and establishes State Employment Security Agencies (SESA's) to administer the system in each state and;

WHEREAS, The Workforce Investment Act of 1998 mandated that Employment Services become part of the "One-Stop" system; and

WHEREAS, The Workforce Development Agency, State of Michigan requires the Livingston County Workforce Development Council to develop an Employment Services Plan for the period from July 1, 2015 through June 30, 2016; and

WHEREAS, Livingston County's employment service plan allocation is \$168,909; and

WHEREAS, Staff will prepare a plan based on the planning allocation; and

WHEREAS, At their meeting on 5/21, The Livingston County Workforce Development Council approved submission of the plan.

IT IS THEREFORE RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of the PY 2015 Wagner-Peyser Act Employment Services Plan for the period of July 1, 2015 to June 30, 2016 in the amount of \$168,909 to the Workforce Development Agency, State of Michigan

BE IT FURTHER RESOLVED that the Chair of the Board of Commissioners be authorized to sign said plan for submission to the Workforce Development Agency, State of Michigan as well as any future amendments for monetary and contract language adjustments.

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MOVED:

SECONDED:

CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Bill Sleight, Director, Livingston County Michigan Works!
Date: 6/1/2015
Re: PY 2015 Wagner-Peyser Act Employment Service Plan

The Workforce Development Agency, State of Michigan has sent us a draft policy issuance for plan instructions for the Wagner-Peyser Employment Service program for Program Year (PY) 2015 (July 1, 2015 – June 30, 2016).

The federal Wagner-Peyser Act establishes the United States Employment Service (USES) to provide a nationwide labor exchange system and establishes State Employment Security Agencies (SESA's) to administer the system in each state. The Workforce Investment Act of 1998 mandates that Employment Services become part of the "One-Stop" system. The ES focuses on a variety of employment-related labor exchange services including, job search assistance, assessment, job referral, and placement of job seekers, re-employment services to unemployment insurance claimants and recruitment services to employers.

Our planning allocation for PY 2015 is \$168,909. Our allocation for PY 2014 was \$243,225. This represents a decrease from last year's allocation by \$74,316.

The Wagner-Peyser Employment Service plan must be approved by both the Workforce Development Council and the Livingston County Board of Commissioners.

Attached is the FY 2015 Employment Services resolution for your consideration.

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

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION APPROVING THE PROGRAM YEAR 2015 WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) YOUTH PLAN FOR LIVINGSTON COUNTY – MI WORKS! / GENERAL GOVERNMENT / FINANCE / BOARD

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) authorizes the expenditure of federal funds for job training programs in locally determined Michigan Works! Agencies; and

WHEREAS, The County of Livingston constitutes a jurisdiction designated as a Michigan Works! Agency by the Governor of the State of Michigan; and

WHEREAS, Each Michigan Works! Agency is required to submit job training plans which describe the planned services and goals for the programs; and

WHEREAS, The Livingston County WIOA Youth Plan proposes to serve eligible Youth with an allocation of \$368,345; and

WHEREAS, The WIOA requires that the Workforce Development Council and the local elected officials jointly approve and submit all job training plans; and

WHEREAS, at their meeting on 5/21/15, the Workforce Development Council approved the WIOA Youth plan.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the PY 2015 Workforce Innovation and Opportunity Act Youth Plan in the amount of \$368,345 for the period of July 1, 2015 to June 30, 2016.

BE IT FURTHER RESOLVED that the Chair be authorized to sign said plan for submission to the Workforce Development Agency, State of Michigan as well as any future amendments for monetary and contract language adjustments.

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MOVED:

SECONDED:

CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Bill Sleight, Director, Livingston County Michigan Works!
Date: 6/1/2015
Re: PY 2015 Workforce Innovation and Opportunity Act (WIOA)
Youth Plan

The Workforce Development Agency, State of Michigan has issued draft allocations for the Workforce Innovation and Opportunity Act (WIOA) Youth program for Program Year (PY) 2015 (July 1, 2015, through June 30, 2016). Federal law requires that we submit a WIOA Youth Plan to the State signed by both the chair of the Workforce Development Council and by the Chair of the County Board of Commissioners.

The WIOA law requires that eligible youth seeking academic and employment success be provided effective and comprehensive activities to improve their educational and skill competencies while providing effective connections to employers. The WIOA program changes youth eligibility standards and requires that 75% of all program expenditures be for “out-of-school” youth and 20% of all program expenditures be used for “work-based learning.”

The vision for the youth activities is to provide all eligible area youth completing the Michigan educational system with the necessary academic, technical, and work behavior knowledge and skills for success in a career of their choice and lifelong learning. We will meet the WIOA provisions regarding youth program design through existing services provided through the Michigan Works! Service Center, subcontracts, and referral for the following activities:

- preparation for postsecondary educational opportunities;
- strong linkages between academic and occupational learning;
- preparation for unsubsidized employment opportunities;
- effective linkages with intermediaries with strong employer connections;
- alternative secondary school services;
- summer employment opportunities;
- paid and unpaid work experiences;
- occupational skill training;
- leadership development opportunities;

- supportive services;
- follow-up services;
- financial literacy education
- entrepreneurial skill training
- Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- Activities that help youth prepare for and transition to postsecondary education and training.

Our allocation for PY 2015 is \$368,345. In PY 2014 our allocation was \$358,802. This represents an increase of \$9,543.

The plan must be approved by both the Workforce Development Council and the Board of Commissioners. Attached is a resolution for your consideration.

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

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION APPROVING THE PROGRAM YEAR 2015 WORKFORCE INNOVATION AND OPPORUNTIY ACT DISLOCATED WORKERS PLAN FOR LIVINGSTON COUNTY

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) authorizes programs and services targeted to dislocated workers, and

WHEREAS, The County of Livingston constitutes a jurisdiction designated as a Michigan Works! Agency (MWA) by the Governor of the State of Michigan; and

WHEREAS, Each MWA is required to submit job training plans which describe the planned services and goals for the programs; and

WHEREAS, The Livingston County WIOA Dislocated plan proposes to serve dislocated workers with an allocation of \$481,093; and

WHEREAS, The Act requires that the Workforce Development Council and the local elected officials jointly approve and submit all job training plans; and

WHEREAS, The Workforce Development Council approved the plan at their meeting on May 21, 2015.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners approves the PY 2015 WIOA Dislocated Worker Plan in the amount of \$481,093 for the period of July 1, 2015 to June 30, 2016.

BE IT FURTHER RESOLVED that the Chair of the Board of Commissioners be authorized to sign said plan for submission to the Workforce Development Agency, State of Michigan as well as any future amendments for monetary and contract language adjustments.

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MOVED:

SECONDED:

CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Bill Sleight, Director, Livingston County Michigan Works!
Date: 6/1/2015
Re: PY 2015 Workforce Innovation and Opportunity Act (WIOA)
Dislocated Worker Plan

The Workforce Development Agency, State of Michigan has issued planning allocations for the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker program. Federal law requires that we submit a WIOA Dislocated Worker Plan for Program Year (PY) 2015 (July 1, 2015, through June 30, 2016).

WIOA Dislocated Worker PY 2015 allocations are determined by formula. Our allocation for PY 2015 is \$481,093. The most significant change is the increase in our allocation. In PY 2014 our allocation was \$444,289. This represents an increase of \$36,804.

Fund transfers are permitted between the Adult and Dislocated Worker Programs. 100% of our PY 2015 funds for WIOA adult employment and training activities or for Dislocated Worker employment and training activities may be transferred between the two programs. At this time there are no plans for transfer of funds. During the course of the program year, we will assess the needs of each program and make a determination if a transfer of funds is needed. A short plan for funding expenditure must be submitted to the State of Michigan in order to receive funding. Like in past years, the use of these dislocated worker funds will focus on those currently receiving (or have exhausted) unemployment insurance who are need for training to secure employment.

The plan must be approved by both the Workforce Development Council and the Board of Commissioners. Attached is a resolution for your consideration for PY 2015 Dislocated Worker program.

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