

MUSKEGON COUNTY BOARD OF COMMISSIONERS
Courts & Public Safety Committee

AGENDA

February 2, 2021
Via Zoom

Malinda Pego, Chair
Marcia Hovey-Wright, Vice-Chair

Join Zoom Meeting:

<https://zoom.us/j/94312151013?pwd=VmJWUTNINEZQUHd1Q3RlMFQzMzE4UT09>

Phone: (312) 626-6799

Meeting ID: 943 1215 1013

Passcode: 330247

Cell phones may mute & unmute by dialing *6
Raise and lower hand to speak by dialing *9

To raise your digital hand from your PC or
MAC, at the bottom of the window on the right
side of the screen, click the button labeled
"Raise Hand"

View the meeting on YouTube at:

<https://www.co.muskegon.mi.us/1597/Board-Meeting-Videos>

- 1) Call to Order
- 2) Roll Call (w/location)
- 3) Approval of Minutes of January 7, 2021
- 4) Public Comment (on an agenda item)
- 5) Items for Consideration
 - CPS21/02 - 11 (Public Defender – Fred Johnson) - To permit the Muskegon County Public Defenders Office to create the position of Legal Investigator at pay table/grade NX-00265, \$24.830/hr - \$31.339/hr. All costs of this position to be funded via the Michigan Indigent Defense Commission state grant.
 - CPS21/02 – 12 (Public Defender – Fred Johnson) - Tto permit the Muskegon County Public Defenders Office to create the position of Office Manager at pay table/grade NX-00197, \$22.000/hr - \$27.715/hr, pursuant to the MIDC grant contract.
 - CPS21/02 – 13 (Public Defender – Fred Johnson) - To permit the Muskegon County Public Defenders Office to contract for a Managed Assignment Counsel (MAC) to administer conflict attorney assignments. Compensation under the MAC contract is to be funded by Michigan Indigent Defense Commission state grant.
 - CPS21/02 – 14 (Emergency Services – Rich Warner) - To authorize the release of a request for proposals for the purchase of 10 self-contained breathing apparatus (SCBA).

Public Comment

Persons may address the Commission during the time set aside for Public Comment or at any time by suspension of the rules. All persons must address the Commission and state their name for the record. Comments shall be limited to **two (2) minutes** for each participant, unless time is extended prior to the public comment period by a vote of the majority of the Commission.

5) Items for Consideration continued

CPS21/02 - 15 (Emergency Services – Rich Warner) To apply and accept the FY2020-2021 Hazardous Material Emergency Preparedness (HMEP) grant for the Muskegon County Local Emergency Planning Committee (LEPC).

6) Unfinished Business

7) New Business

8) Public Comment

9) Final Board Comment

10) Adjournment

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The County of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting upon 24-hours' notice to the County of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the County of Muskegon by writing or calling: Administration, 990 Terrace Street, Muskegon, MI 49442 (231) 724-6520

MUSKEGON COUNTY BOARD OF COMMISSIONERS
Courts & Public Safety Committee

January 7, 2021
4:00 p.m. via Zoom

Malinda Pego, Chair
Marcia Hovey-Wright, Vice-Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Commissioner Pego at 4:00 p.m.

ROLL CALL

Present: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Bob Scolnik, Rillastine Wilkins, Malinda Pego

Also Present: Mark Eisenbarth, County Administrator; Kathy Tharp, Administrative Coordinator

APPROVAL OF MINUTES

It was moved by Commissioner Wilkins, supported by Commissioner Nash, to approve the minutes of the December 1, 2020 meeting as written. Motion Carried.

Roll Call:

Yes: Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Robert Scolnik, Rillastine Wilkins, Doug Brown, Malinda Pego

No: None Motion carried.

PUBLIC COMMENT - None

ITEMS FOR CONSIDERATION

CPS21/01 - 01 It was moved by Commissioner Hovey-Wright, supported by Commissioner Nash, to accept the 2019 Homeland Security Grant Program Intergovernmental Agreement between the West Michigan Regional Medical Consortium (WMRMC) and the Muskegon County on behalf of the Muskegon County Emergency Services/Management, and direct the Board Chair and appropriate staff to sign the agreement.

Roll Call:

Yes: Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Robert Scolnik, Rillastine Wilkins, Doug Brown, Kim Cyr, Malinda Pego

No: None Motion carried.

CPS21/01 - 02 It was moved by Commissioner Nash, supported by Commissioner Wilkins, to accept the FY21 Snowmobile and Off Road Vehicle (ORV) Law Enforcement Grant in the amount of \$2,000.00 (Snowmobile) and \$10,000.00 (ORV) from the Michigan Department of natural resources.

Roll Call:

Yes: Susie Hughes, Zach Lahring, Charles Nash, Robert Scolnik, Rillastine Wilkins, Doug Brown, Kim Cyr, Marcia Hovey-Wright, Malinda Pego

No: None Motion carried.

CPS21/01 - 03 It was moved by Commissioner Hovey-Wright, supported by Commissioner Nash, to approve the Sheriff's Office to accept their portion of the Innovations in Supervision Initiative Grant in the amount of \$67,167.00 and amend the budget accordingly.

Courts & Public Safety Committee

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Roll Call:

Yes: Zach Lahring, Charles Nash, Robert Scolnik, Rillastine Wilkins, Doug Brown, Kim Cyr,
Marcia Hovey-Wright, Susie Hughes, Malinda Pego

No: None Motion carried.

CPS21/01 - 04 It was moved by Commissioner Nash, supported by Commissioner Wilkins, to authorize the Sheriff's Office to pay the outstanding invoices to Concierge Corrections, LLC and ProMed totaling \$58,711.44 related to FY2020 based on the attached listing.

Roll Call:

Yes: Charles Nash, Robert Scolnik, Rillastine Wilkins, Doug Brown, Kim Cyr, Marcia Hovey-Wright,
Susie Hughes, Zach Lahring, Malinda Pego

No: None Motion carried.

CPS21/01 - 05 It was moved by Commissioner Nash, supported by Commissioner Hovey-Wright, to authorize the Board Chairperson to sign the contract with the Michigan Department of Corrections and accept the FY21 Community Corrections grant in the amount of \$196,200.00.

Roll Call:

Yes: Robert Scolnik, Rillastine Wilkins, Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes,
Zach Lahring, Charles Nash, Malinda Pego

No: None Motion carried.

CPS21/01 - 06 It was moved by Commissioner Hughes, supported by Commissioner Nash, to amend item CPS21/01-06 to add the language "to apply for *and accept*" the OJJDP FY 2021 Enhancing Juvenile Indigent Defense Grant.

Roll Call:

Yes: Rillastine Wilkins, Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring,
Charles Nash, Robert Scolnik, Malinda Pego

No: None Motion carried.

It was moved by Commissioner Nash, supported by Commissioner Hovey-Wright, to grant permission for the Public Defender Office to apply for and accept the OJJDP FY 2021 Enhancing Juvenile Indigent Defense Grant.

Roll Call:

Yes: Rillastine Wilkins, Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring,
Charles Nash, Robert Scolnik, Malinda Pego

No: None Motion carried.

CPS21/01 - 07 It was moved by Commissioner Wilkins, supported by Commissioner Nash, to authorize the Public Defender to reassign the remaining Board approved contract with Amanda Heys-Westendorp to a new contract with Carly McNeil for conflict attorney services on neglect/abuse and juvenile delinquency cases from January 1, 2021 through September 30, 2021 for the amount of \$22,500.

Roll Call:

Yes: Doug Brown, Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash,
Robert Scolnik, Rillastine Wilkins, Malinda Pego

No: None Motion carried.

CPS21/01 - 08 It was moved by Commissioner Nash, supported by Commissioner Hovey-Wright, to authorize the Public Defender's Office to create a new Holistic Mitigation Specialist position and fill the position with the Board's approval. The Holistic Mitigation Specialist will receive pay grade NX-00210 (\$22.39-\$28.18/hr).

Roll Call:

Yes: Kim Cyr, Marcia Hovey-Wright, Susie Hughes, Charles Nash, Robert Scolnik, Rillastine Wilkins,
Doug Brown

No: Zach Lahring, Malinda Pego Motion carried.

CPS21/01 - 09 It was moved by Commissioner Nash, supported by Commissioner Wilkins, to authorize the Prosecutor to accept and authorize the County Administrator to sign the FY2021 Byrne JAG – WEMET grant (MSP #JAG-70834-W.E.M.E.T.-2021) in the amount of \$16,284.00 and amend the budget accordingly.

Roll Call:

Yes: Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Robert Scolnik, Rillastine Wilkins,
Doug Brown, Kim Cyr, Malinda Pego

No: None Motion carried.

CPS21/01 - 10 It was moved by Commissioner Nash, supported by Commissioner Hovey-Wright, to accept and sign the FY21 Byrne JAG – WEMET grant (MSP #JAG 70834 WEMET-21) in the amount of \$16,284.00 and amend the budget accordingly.

Roll Call:

Yes: Susie Hughes, Zach Lahring, Charles Nash, Robert Scolnik, Rillastine Wilkins, Doug Brown, Kim Cyr,
Marcia Hovey-Wright, Malinda Pego

No: None Motion carried.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENT

Ryan Bennett addressed the Board regarding comments Commissioner Lahring made on social media.

FINAL BOARD COMMENT

Commissioner Lahring congratulated Commissioner Pego on her appointment.

ADJOURNMENT

There being no further business to come before the Courts & Public Safety Committee, the meeting adjourned at 4:47 p.m.

Muskegon County Courts & Public Safety Committee

Request for Board Approval

Requestor: Fred Johnson, Jr.

Committee Date: 02/02/2021

Requesting Department: Public Defender

Full Board Date: 02/09/2021

Budget: Budgeted

Agenda Number: CPS21/02 - 11

Suggested Motion: *(State the following exactly as it should appear in the minutes.)*



Move to permit the Muskegon County Public Defenders Office to create the position of Legal Investigator at pay table/grade NX-00265, \$24.830/hr - \$31.339/hr. All costs of this position to be funded via the Michigan Indigent Defense Commission state grant.

Summary of Request: *(General description of financing, other operational impact, possible alternatives.)*

To satisfy Michigan Indigent Defense Commission (MIDC) compliance Standards the Muskegon County Public Defenders' Office (Office) seeks to create the position of Legal Investigator within the Office. The Legal Investigator performs investigations as necessary to support the mission of the Office, including but not limited to witness development, securing and evaluating evidence, providing professional consultations, and support in the Office's educational and training missions.

The Office is requesting that this position be terminated automatically no longer than five (5) years from the authorization for its creation by this Commission and that no Legal Investigator may serve more than five (5) years consecutively in this position.

The Investigator is compensated at pay table/grade NX-00265, \$24.830/hr - \$31.339/hr and receives the standard Muskegon County (County) benefits. No costs shall be incurred by the County in the creation of this position as it is fully funded through the MIDC grant.

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| <p>Kristen Wade, HR Director Analysis Required? Yes Approved by: Kristen Wade</p> | <p>Beth Dick, Finance Director/Management Analysis: ✓ </p> |
| <p>Michael Homier, Corporate Counsel Analysis Required? No</p> | <p>Mark Eisenbarth, County Administrator Recommendation: ✓ </p> |

Muskegon County Courts & Public Safety Committee

Request for Board Approval

Requestor: Fred Johnson, Jr., Director

Committee Date: 02/02/2021

Requesting Department: Public Defender

Full Board Date: 02/09/2021

Budget: Budgeted

Agenda Number: CPS21/02 - 12

Suggested Motion: *(State the following exactly as it should appear in the minutes.)*



Move to permit the Muskegon County Public Defenders Office to create the position of Office Manager at pay table/grade NX-00197, \$22.000/hr - \$27.715/hr, pursuant to the MIDC grant contract.

Summary of Request: *(General description of financing, other operational impact, possible alternatives.)*

To satisfy Michigan Indigent Defense Commission (MIDC) compliance Standards, the Muskegon County Public Defender Office (Office) seeks to create the position of Office Manager within the Office. The Office Manager ensures the proper workflow of the department, coordinates resources, assesses and manages supply and equipment, plans for contingencies, supervises continuing training of support staff, interacts with management of the Office and other employees in support of staff, collects departmental data, processes departmental expenses, participates in the Office leadership group and assists with Office strategic and budget planning.

It is requested that the Office Manager position be created at a pay table/grade NX-00197, \$22.000/hr - \$27.715/hr for FY21 and receives the standard Muskegon County (County) benefits.

No costs shall be incurred by the County in the creation of this position. The entire Office Manager compensation and benefit package is MIDC funded.

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| <p>Kristen Wade, HR Director Analysis Required? Yes Approved by: Kristen Wade</p> | <p>Beth Dick, Finance Director/Management Analysis: ✓ </p> |
| <p>Michael Homier, Corporate Counsel Analysis Required? No</p> | <p>Mark Eisenbarth, County Administrator Recommendation: ✓ </p> |

Muskegon County Courts & Public Safety Committee

Request for Board Approval

Requestor: Fred Johnson, Jr.

Committee Date: 02/02/2021

Requesting Department: Public Defender

Full Board Date: 02/09/2021

Budget: Budgeted

Agenda Number: CPS21/02 - 13

Suggested Motion: *(State the following exactly as it should appear in the minutes.)*

Move to permit the Muskegon County Public Defenders Office to contract for a Managed Assignment Counsel (MAC) to administer conflict attorney assignments. Compensation under the MAC contract is to be funded by Michigan Indigent Defense Commission state grant.



Summary of Request: *(General description of financing, other operational impact, possible alternatives.)*

To satisfy Michigan Indigent Defense Commission (MIDC) compliance Standards and Michigan Rules of Professional Conduct the Muskegon County Public Defenders (PD) seek to Contract with an administrator, called a "MAC" (Managed Assignment Counsel). The MAC will recruit a panel of lawyers who will represent indigent criminal defendants when the PD cannot due to irreconcilable conflicts of interest or other good causes. In practice, the PD will refer conflict clients to the MAC who will then arrange for another lawyer, who has no conflict, to represent the client. Currently, the PD performs this function which is, both unethical and a violation of MIDC Standards (and therefore, Muskegon County's grant with them).

The PD office is and will remain the payer of conflict attorneys. The MAC will forward billings from the panel attorneys to the PD.

The MAC is compensated at \$20,000.00 annually or \$1,667.00 per month for the duration of the contract which ends September 30, 2021 unless renewed.

No costs shall be incurred by the County in the creation of this contract. The entire MAC compensation is MIDC funded. The total grant award for this purpose shall be \$20,000.00 or less.

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| <p>Kristen Wade, HR Director Analysis Required? No</p> | <p>Beth Dick, Finance Director/Management Analysis:</p> <p>✓ </p> |
| <p>Michael Homier, Corporate Counsel Analysis Required? No</p> | <p>Mark Eisenbarth, County Administrator Recommendation:</p> <p>✓ </p> |

Muskegon County Courts & Public Safety Committee

Request for Board Approval

Requestor: Richard Warner

Committee Date: 02/02/2021

Requesting Department: Emergency Services

Full Board Date: 02/09/2021

Budget: Budgeted



Agenda Number: CPS21/02 - 14

Suggested Motion: *(State the following exactly as it should appear in the minutes.)*

Move to authorize the release of a request for proposals for the purchase of 10 self-contained breathing apparatus (SCBA).

Summary of Request: *(General description of financing, other operational impact, possible alternatives.)*

Move to authorize the Muskegon County Board of Commissioners to authorize the release of a request for proposals to purchase 10 Self-contained Breathing Apparatus (SCBA) for the Hazmat team. The current SCBA's are no longer serviceable. This will be funded with a Homeland Security Grant, with no cost to Muskegon County.

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| <p>Kristen Wade, HR Director Analysis Required? No</p> | <p>Beth Dick, Finance Director/Management Analysis:</p> <p>✓ </p> |
| <p>Michael Homier, Corporate Counsel Analysis Required? No</p> | <p>Mark Eisenbarth, County Administrator Recommendation:</p> <p>✓ </p> |

Muskegon County Courts & Public Safety Committee

Request for Board Approval

Requestor: Richard Warner

Committee Date: 02/02/2021

Requesting Department: Emergency Services

Full Board Date: 02/09/2021

Budget: Budgeted

Agenda Number: CPS21/02 - 15



Suggested Motion: *(State the following exactly as it should appear in the minutes.)*

The office of Emergency Management is requesting to apply and accept the FY2020-2021 Hazardous Material Emergency Preparedness (HMEP) grant for the Muskegon County Local Emergency Planning Committee (LEPC).

Summary of Request: *(General description of financing, other operational impact, possible alternatives.)*

The office of Emergency Management is requesting to apply and accept the FY2020-2021 Hazardous Material Emergency Preparedness (HMEP) grant for Muskegon County Local Emergency Planning Committee (LEPC) This Grant will be \$1500.00

Grant Funding will emphasize the completion of superfund Amendment and Reauthorization Act (SARA), title III of site response plans and provide support for emergency planning for fixed facilities and transportation.

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| Kristen Wade, HR Director Analysis Required? No | Beth Dick, Finance Director/Management Analysis: ✓  |
| Michael Homier, Corporate Counsel Analysis Required? No | Mark Eisenbarth, County Administrator Recommendation: ✓  |