

OPERATIONS COMMITTEE
MONROE COUNTY BOARD OF COMMISSIONERS
TUESDAY, **DECEMBER 7, 2021 at 4:00 P.M.**
125 EAST SECOND STREET — MONROE, MI 48161
(734) 240-7003

COMMITTEE MEMBERS:
Randy Richardville, Chairman
Mark Brant, George Jondro, Greg Moore, Jr. and David Swartout

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES (11/02/2021)
- VI. COMMITTEE BUSINESS
 - 1. Letter dated December 1, 2021, from Hon. Jack Vitale, Chief Judge, 1st District Court requesting approval for the 1st District Court Reorganization plan.
 - 2. Letter dated December 3, 2021 from Ms. Donna Kuti, Director, Central Dispatch requesting approval to create a Quality Improvement Coordinator position in Central Dispatch.
 - 3. Letter dated December 2, 2021 from Mr. Michael Bosanac, Administrator/Chief Financial Officer submitting the following updated policy for consideration and approval.
 - a. Policy #205 Freedom of Information Act (FOIA) Procedures & Guidelines (Revises Policy 204.1)
- VII. NEW BUSINESS
- VIII. OLD BUSINESS
- IX. CITIZENS TIME
- X. INFORMATION
- XI. COMMISSIONERS TIME
- XII. ADJOURNMENT

MONROE COUNTY BOARD OF COMMISSIONERS
OPERATIONS COMMITTEE MEETING MINUTES
NOVEMBER 2, 2021 AT 4:00 P.M.

- I. The Meeting of the Operations Committee of the Monroe County Board of Commissioners was held in the Board Chambers in the City of Monroe on Tuesday, November 2, 2021. Chairman Richardville called the meeting to order at 4:00 p.m. Roll call by Clerk as follows:

PRESENT: Mark Brant, Greg Moore, Jr., Randy Richardville and David Swartout

ABSENT: George Jondro

A quorum being present, the Operations Committee was able to conduct business.

- II. APPROVAL OF AGENDA (11/02/2021)
Motion by Commissioner Brant, supported by Commissioner Swartout to approve the November 2, 2021 Agenda as presented.

Roll call by Clerk as follows:

AYE	NAY	EXCUSED
Mark Brant		George Jondro
Greg Moore, Jr.		
Randy Richardville		
David Swartout		

Motion carried.

- III. APPROVAL OF MINUTES (10/19/2021)
Motion by Commissioner Moore, seconded by Commissioner Swartout to approve the October 19, 2021 minutes of the Operations Committee as presented and waive the reading thereof.

Roll call by Clerk as follows:

AYE	NAY	EXCUSED
Mark Brant		George Jondro
Greg Moore, Jr.		
Randy Richardville		
David Swartout		

Motion carried.

IV. COMMITTEE BUSINESS

1. Letter dated October 28, 2021, from Mr. Michael Bosanac, Administrator/Chief Financial Officer submitting four (4) updated policies for consideration and approval.

Mr. Bosanac explained each policy. Discussion commenced.

Motion by Commissioner Brant, supported by Commissioner Moore to recommend to the full Board to approve the following County policies as presented or with any suggested edits:

- a. Policy #701 Employee and Visitor Solicitations
- b. Policy #702 County Facilities Closing Due to Inclement Weather and Emergencies
- c. Policy #704 General Liability Insurance
- d. Policy #203 County Resolutions, Special Tributes and Certificates

Roll call by Clerk as follows:

AYE	NAY	EXCUSED
Mark Brant		George Jondro
Greg Moore, Jr.		
Randy Richardville		
David Swartout		

Motion carried.

VI. NEW BUSINESS –None

V. OLD BUSINESS –None

VIII. CITIZENS TIME – None

IX. INFORMATION–None

X. COMMISSIONERS TIME –

Commissioner Moore commented on how well written policy #701 is.

No other Commissioners made any comments.

XI. ADJOURNMENT – With no further business, Commissioner Richardville adjourned the meeting at 4:29 p.m.

HON. JACK VITALE
CHIEF JUDGE & MENTAL HEALTH COURT
HON. MICHAEL C. BROWN
VETERANS COURT & DISTRICT JUDGE
HON. WILLIAM PAUL NICHOLS
DISTRICT JUDGE



JESSICA D. CHAFFIN
COURT ADMINISTRATOR
TELEPHONE (734) 240-7075
FAX (734) 240-7098

STATE OF MICHIGAN
DISTRICT COURT • FIRST JUDICIAL DISTRICT
106 EAST FIRST STREET • MONROE, MICHIGAN 48161-2186
MONROE COUNTY

December 1, 2021

Mr. Randy Richardville, Chariman
Monroe County Board of Commissioners
Operations Committee
125 E. Second Street
Monroe, Michigan 48161

Re: 1st District Court Reorganization Request

Dear Chairman Richardville and Members of the Committee:

The Court would like to present our plan for reorganization within the First District Court Clerk's Office and Probation Division as follows:

Treatment Court Probation Officer – The two (2) Problem Solving Court grants, Monroe County Mental Health and Recovery Court and Monroe County Veterans' Treatment Court require a probation officer to effectively monitor and manage those caseloads. Currently, two (2) probation officers cover these caseloads and are compensated by paying overtime for the work performed. We propose this position, and will eliminate the overtime, while streamlining services for court's clients. The job description for this position was included in the 2020 Wage Compensation Study. This is an upgrade to an existing department position and will not increase staffing counts.

Senior Probation Officer – This position will carry the most difficult caseload and will serve as a backup for the Director of Probation Services. Other responsibilities include assisting in training and management of probation officers and assisting in developing programs to facilitate the improvement of services on behalf of the Court. As with the above position, this job description was included in the 2020 Wage Compensation Study. This is not a new position, but a restoration of a position the Court temporarily vacated during the recession. This will be an upgrade to an existing department position and will not increase staffing counts.

Collections Coordinator/Systems Administrator – The Court is moving to a paperless and technology dependent OnBase System for electronic filing. The OnBase platform requires a systems administrator to actively manage the workflow and support the users of the system. To meet the needs of the Court, we are combining job titles along with duties rather than requesting funding for a new position. Our approach is consistent with what has been done within other county departments as they moved to e filing or technology dependent operations. We expect this system to go live in February 2022 and when it does, it would trigger the effective date of the employee upgrade. This is an upgrade to an existing department position and will not increase staffing counts.

Part-Time Attorney Magistrate – The Court went from two (2) full time non-attorney magistrates, to one full-time and one part-time due to the “early-out” program in 2009. The Court Administrator and Deputy Court Administrator, both magistrates, filled in the gaps for assigned magistrate cases. Due to recent retirements, there is now only one full time magistrate, in our South County office, and the Court Administrator. This is simply not sustainable in managing the cases within a timely schedule. An Attorney Magistrate will be able to carry the same workload as the recently retired part-time non-attorney magistrate, carry the Court’s Small Claims docket, and conduct mediations. This is a change in how the caseloads are managed and results in additional attorney magistrate part time hours being made available to Court operations.

Due to the many legislative changes affecting the trial courts over the last year and the retirement of key personnel, the Court believes our reorganization plan will position the Court both now and for the near-term future to perform more efficiently, accurately and without hiring additional staff.

With concurrence of the Central Office, we have worked extensively with Human Resources Director Armstrong and we are in agreement with what is proposed. Due to the timing and not knowing who will move into upgraded positions, a detailed accurate cost analysis is not possible to provide. The impact on the current year budget, when initially calculated in August, showed a savings of \$13,295. These savings have been incorporated into the 2022 budget and when determinations are made on the employee moving into the upgraded positions are known, the Finance Office is confident the cost impact in 2022 will be minimal.

Please contact me if you require additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jack Vitale", is written over a horizontal line.

Hon. Jack Vitale, Chief Judge
1st District Court-Monroe County

HIRING REVIEW FORM

Department: 1st District Court

Vacancy Job Title: Please see the 2021 Reorganization Plan

Brief Job Description:

Treatment Court Probation & Officer Senior Probation Officer (Re-classification of Probation Officers)
Collections Coordinator/Systems Administrator(Up-grade)
Part-Time Attorney Magistrate (Re-classification of a part-time non-attorney Magistrate)

Budgeted Position:

☐ YES

If YES, are Funds Available?

☒ YES

* Must be verified by Finance/HR

☐ NO

*Must provide Funding Plan, verified by

☒ NO

If NO, please provide the following:

Job Description (Must have with New Position, Reclassification)

Point Factoring (Must have with New Position, Reclassification)

Reorganization Plan (When applicable)

Funding Plan Required, Verified by Finance (Include Finance Worksheet)

Department Summary: (Importance of filling vacancy, risks, timing, etc.)

Due to legislative changes over the last few years and retirement of key personnel, the Court believes our reorganization plan will immediately position the Court to perform more efficiently and better serve the public.

Completed By: Jessica Chaffin

DATE: 12/01/2021

Human Resources/ Finance Use:

Conclusion:

Finance: The impact on the current budget is a savings {\$13,295}when we initially calculated it the re-organization. These savings have been incorporated into the 2022 budget. Once all positions are filled we are confident that the cost impact in 2022 will be minimal.
HR: Positions will be filled in compliance with County Policies and the Collective Bargaining Agreement

Finance Reviewer: Sue Maier

DATE: 12/01/2021

HR Reviewer: Aundrea Armstrong

DATE: 12/01/2021

APPROVED BY THE OPERATIONS COMMITTEE

APPROVED BY THE FULL BOARD

ATTORNEY MAGISTRATE-DISTRICT COURT

Department: 1st District Court

Wage Grade: Rye-15

FLSA Status: Exempt

Affiliation: Non-Union

GENERAL SUMMARY:

Under the direction and upon appointment by the Chief District Judge, with approval of the County of Monroe, serves in a quasi-judicial capacity as prescribed by statute and in the local administrative order; including, issuance of misdemeanor and felony arrest warrants, search warrants, conducting misdemeanor and felony arraignments, setting and collecting bonds, accepting guilty pleas and sentencing misdemeanors as enumerated by statute. Will hear and preside over small claims hearings, informal hearings, conduct pretrials and impose sanctions on civil infraction and misdemeanor as directed by the Chief Judge.

ESSENTIAL FUNCTIONS: *(An employee in this position may be called upon to do any of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily).*

- Hear and presides over informal hearings for all types of civil infractions. Explains the law and procedures to parties, swears in witnesses, hears and takes testimony, examines witnesses, makes findings of fact, makes conclusion of law and adjudicates the case.
- Hear and presides over small claim hearings. Explains the law and procedures to parties, hears testimony, swears in witnesses, hears and takes testimony, examines witnesses, makes findings of fact, makes conclusion of law and adjudicates the case.
- Conducts first appearances of defendants before the court in all criminal and ordinance violation cases, including acceptance of any written demand of waiver of preliminary examination and acceptance of any written demand or waiver of jury.
- Sets and accepts bail and bond in all criminal cases. Sets bond and notice for defendants to appear in the circuit court when arrested for violation of a personal protection order.
- Advises defendants of charges and legal rights, determines eligibility and grants appointment of attorney to represent indigent defendants, and sets next court date.
- Presides over criminal misdemeanor guilty pleas as authorized by statute, advises defendants of charges and legal rights, accepts pleas, determines and imposes sentence up to 90 days incarceration in jail.
- Presides over probable cause hearings for the issuance of misdemeanor and felony arrest warrants, advises defendants of rights and consequences of a plea, takes testimony under oath, reviews documents, makes determination regarding authorization and schedules future court action.

- Issues search warrants under general authorization
- Issues warrants for arrest of persons upon written authorization of the prosecuting or municipal attorney and sets pre-arraignment bonds.
- Upon written authorization of the prosecuting or municipal attorney, sign nolle prosequis, dismissing any criminal or ordinance violation cases over which the district court has jurisdiction and release any bail bonds or bail bond deposits to the persons entitled to them.
- Provides advice and assistance to court staff regarding matters related to traffic and other various offenses, small claims and other judicial matters.
- Reviews and responds to civil infraction and misdemeanor citations where violator pleads guilty with an explanation and accepts admission of responsibility.
- Performs civil ceremony weddings at the 1st District Court locations. May perform marriages away from the Court upon the approval of the Chief Judge.
- As part of the judicial availability plan with the 1st District Judges, serves as needed in an on call status for after hours, weekends and holidays for issuance of search warrants, arrest warrants and in custody bond hearings.

EMPLOYMENT QUALIFICATIONS:

Education: Graduation from an accredited law school.

Experience: Minimum of three years of experience in a general practice including criminal law experience.

Other Requirements:

Must be a registered voter in Monroe County and, must be licensed as an Attorney in the State of Michigan

Will take an oath of office.

Must sign a Monroe County Court Employee model code of conduct.

Must take the L.E.I.N. certification test and be fingerprinted.

May be in regular contact with persons charged and/or convicted of criminal offenses.

May have occupational exposure to persons with various communicable diseases.

Will be required to train annually and certify in the MIOSHA Bloodborne Pathogens provided by the County of Monroe if appointed to serve as a non-attorney magistrate.

May be required to become a certified Mediator through the State of Michigan Office of Dispute Resolution.

Must possess a valid driver's license.

Knowledge of:

- Applicable laws, court rules, and adopted SCAO standards.
- The State of Michigan Manual for District Court Magistrates.
- The structure and content of the English language, along with data analysis and report preparation techniques.
- Judicial Information System (JIS).
- Relevant equipment, court/county policies, procedures and strategies to promote effective local operations for the protection of people, data, property and institutions.

Skill in:

- Accurate data collection and active listening with court users, law enforcement or others.
- Communicating the order of the Court and conveying the importance of compliance to statutes, ordinances and court rules.

Ability to:

- Recognize the needs and concerns of the Court when dealing with court users, law enforcement or others.
- Communicate effectively both orally and in writing.
- Attend work regularly and work under stressful conditions.

The qualifications listed above are intended to represent the minimum skills and experience levels associated with performing the duties and responsibilities contained in this job description. The qualifications should not be viewed as expressing absolute employment or promotional standards, but as general guidelines that should be considered along with other job-related selection or promotional criteria.

Physical Requirements: *[This job requires the ability to perform the essential functions contained in this description. These include, but are not limited to, the following requirements. Reasonable accommodations will be made for otherwise qualified applicants unable to fulfill one or more of these requirements]:*

Ability to enter and access information from a computer.

Ability to access all areas of the court.

Ability to access office files.

Hearing and speech sufficient to communicate in person or over the telephone.

May need to drive a County or personal vehicle in the course of the work.

Working Conditions:

Works in office setting and have the ability to take evening/weekend calls from law enforcement.

May be in regular contact with persons charged and/or convicted of criminal offenses.

May have occupational exposure to persons with various communicable diseases.

Will be required to train annually and certify in the MIOSHA Bloodborne Pathogens provided by the County of Monroe.

SENIOR PROBATION OFFICER-DISTRICT COURT

Department: 1st District Court

Wage Grade: Rye-13

FLSA Status: Non-Exempt

Affiliation: TPOAM

General Summary:

Under the supervision of the Director of Probation Services, performs a variety of probation department functions for the 1st District Court and its Treatment Courts.

Essential Functions: *(An employee in this position may be called upon to do any of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily).*

- Interviews defendants/probationers regularly to set and evaluate their progress in accomplishing goals and maintain the terms specified in their probation orders.
- Recommend remedial action or initiate court action in response to noncompliance with terms of probation or pretrial release to the Judge. May be required to make home or other non-court site visits.
- Administer drug and alcohol tests; including random alcohol and/or drug screens of probationers, or individuals or clients on bond conditions, to verify compliance with substance abuse treatment programs.
- Prepare and maintain a non-public case folder for each defendant/probationer and provide oversight on all assigned probationers.
- Discuss with defendants/probationers how such issues as drug and alcohol abuse and anger management problems might have played roles in their criminal behavior.
- Inform defendants/probationers of their requirements for conditional jail release, such as reporting, restitution payments, fine, costs and fees reimbursement and/or educational or employment stipulations.
- Write reports describing defendant/probationers criminal history, presentence investigation or progress report to a judge. Attend court hearings as required.
- Supervise defendants/probationers on community-based sentences, including electronically monitored home detention and/or conduct in jail interviews to determine appropriate pretrial jail release. Monitor the compliance of pretrial release conditions.

- Assist the Director of Probation Services in reaffirming the training of probation officers as laws and regulations are changed or added, mentoring, and advising on difficult or unusual cases.
- Assist the Director of Probation Services in developing and/or locating programs to strengthen the supervision of probationers and improve community safety from further violations.
- Will be the Department point of contact, in conjunction with the Court Administrator, during the Director's absence. May be required to fill in as Treatment Court Probation Officer.

This list may not be inclusive of the total scope of job functions to be performed. Duties and responsibilities may be added, deleted or modified at any time.

Employment Qualifications:

Education: Bachelor's Degree in criminal justice, psychology, sociology, counseling or closely related area.

Experience: Seven (7) years or more in adult probation experience.

Other Requirements:

Must sign a Monroe County Court Employee model code of conduct.

Must become a member of the Michigan Association of District Court Probation Officer (MADCPO) within first (1) year and renew annually.

Must attain certification by the Michigan Certification Board of Addiction Professionals (MCBAP) within first (2) years of employment and maintain certification in order to conduct alcohol assessments.

Must take the L.E.I.N certification test & be fingerprinted.

Must possess a valid driver's license.

Knowledge of:

- Michigan criminal laws, legal definitions, court rules and probation practices.
- Human behavior and performance, individual differences in ability, personality and interests; learning and motivation abilities, basic assessment of behavioral and affective disorders.
- Relevant equipment, court/county policies, procedures and strategies to promote effective local operations for the protection of people, data, property and institutions.
- The structure and content of the English language including the meaning and spelling of words, rules of composition and grammar.

Skill in:

- Critical Thinking: Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusion or approaches to problems.
- Complex Problem Solving: Identifying complex problems and reviewing related information from LEIN, Criminal History Records, and Register of Actions in order to develop and evaluate pretrial release or complete a presentence investigation report.

- Social Perceptiveness: Being aware of others' reactions and understanding why they react as they do.
- Reading and Writing Comprehension: Communicating effectively by writing clear and concise reports by considering relative costs and benefits in the document provided to the Judge of Record or for the probation case notes folder.
- Using technology appropriate to the position held.
- Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate and not interrupting at inappropriate times.

Ability to:

- Compile information to answer staff questions in the absence of the Probation Director.
- Handle confidential information with great sensitivity.
- Work well under pressure, meeting multiple and sometimes conflicting deadlines.
- Effectively communicate in writing.
- Recognize issues that interfere with the ability to meet and maintain performance expectations and address them.

The qualifications listed above are intended to represent the minimum skills and experience levels associated with performing the duties and responsibilities contained in this job description. The qualifications should not be viewed as expressing absolute employment or promotional standards, but as general guidelines that should be considered along with other job-related selection or promotional criteria.

Physical Requirements: *[This job requires the ability to perform the essential functions contained in this description. These include, but are not limited to, the following requirements. Reasonable accommodations will be made for otherwise qualified applicants unable to fulfill one or more of these requirements]:*

- Ability to enter and access information from a computer.
- Ability to access court files.
- Vision to read printed materials and a computer screen.
- Hearing and speech sufficient to communicate in person or over the telephone.

Working Conditions:

Works in office conditions.

Will be in regular contact with persons charged and/or convicted of criminal offenses.

Will have occupational exposure to persons with various communicable diseases.

Will be required to train annually and certify in the MIOSHA Bloodborne Pathogens provided by the County of Monroe.

Regular visits to MCSO jail facilities and/or off site locations, including area treatment agencies.

Field work and home compliance checks.

TREATMENT COURT PROBATION OFFICER-DISTRICT COURT

Department: 1st District Court

Wage Grade: Rye-12

FLSA Status: Non-Exempt

Affiliation: TPOAM

General Summary:

Under the supervision of the Director of Probation Services and the presiding Treatment Court Judge, performs a variety of probation department functions for the 1st District Court and its Treatment Courts.

Essential Functions: *(An employee in this position may be called upon to do any of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily).*

- Interview potential treatment court participants regularly to set and evaluate their progress in accomplishing goals and maintain the terms specified in their probation orders.
- Intensive supervision of treatment court participants based on Standards and Best Practices for treatment courts. Attend required status hearings set no less than every two weeks during the first phase of the treatment court program and no less than every four weeks until participants are in their last phase.
- Recommend remedial action or initiate court action in response to noncompliance with terms of probation or pretrial release to the treatment court judge. May be required to make home or other non-court site visits.
- Administer random drug and alcohol tests for treatment court participants at least four to ten times per month to verify compliance of treatment plans. Monitor the after hour and weekend supervision provided to participants for drug and alcohol use.
- Prepare and maintain a non-public case folder for each treatment court participant and provide oversight on all assigned participants.
- Discuss with treatment court participants how such issues as drug and alcohol abuse and anger management problems might have played roles in their criminal behavior.
- Inform treatment court participants of their requirements for conditional jail release, such as reporting, restitution payments, fine, costs and fees reimbursement and/or educational or employment stipulations.
- Write reports describing treatment court participants criminal history, presentence investigation or progress report to the treatment court judge.

- Supervise treatment court participants on community-based sentences, including electronically monitored home detention and/or conduct in jail interviews to determine appropriate pretrial jail release.
- Attend treatment court team meetings, no less than two times per month, provide input on participants in compliance with 42 CFR Part 2 and HIPAA and attend current annual training on legal and constitutional issues, evidence-based substance abuse and behavior modification for treatment court participants.

This list may not be inclusive of the total scope of job functions to be performed. Duties and responsibilities may be added, deleted or modified at any time.

Employment Qualifications:

Education: Bachelor's Degree in criminal justice, psychology, sociology, counseling or closely related area.

Experience: Prior experience in criminal justice, counseling, case management or law enforcement or related capacity.

Other Requirements:

Must sign a Monroe County Court Employee model code of conduct.

Must become a member of the Michigan Association of District Court Probation Officer (MADCPO) within first (1) year and renew annually.

Must attend regular trainings provided by State Court Administrative Office (SCAO), other continuing education opportunities and/or maintain the specific standards and best practices for treatment courts.

Must become a member of the Michigan Association of Treatment Court Professionals (MATCP) and renew annually.

Must be able to enter data into the Drug Court Case Management Information System (DCCMIS) and the Drug Court Analysis System (DCAS).

Must take the L.E.I.N certification test & be fingerprinted.

Must possess a valid driver's license.

Knowledge of:

- Michigan criminal laws, legal definitions, court rules and probation practices.
- Human behavior and performance, individual differences in ability, personality and interests; learning and motivation abilities, basic assessment of behavioral and affective disorders.
- Relevant equipment, court/county policies, procedures and strategies to promote effective local operations for the protection of people, data, property and institutions.
- The structure and content of the English language including the meaning and spelling of words, rules of composition and grammar.
- The specific best practices set forth in the treatment court annual certification requirements.

Skill in:

- Critical Thinking: Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusion or approaches to problems.
- Complex Problem Solving: Identifying complex problems and reviewing related information from LEIN, Criminal History Records, and Register of Actions in order to develop and evaluate pretrial release or complete a presentence investigation report.
- Social Perceptiveness: Being aware of others' reactions and understanding why they react as they do.
- Reading and Writing Comprehension: Communicating effectively by writing clear and concise reports by considering relative costs and benefits in the document provided to the Judge of Record or for the probation case notes folder.
- Using technology appropriate to the position held.
- Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate and not interrupting at inappropriate times.

Ability to:

- Handle confidential information with great sensitivity.
- Work well under pressure, meeting multiple and sometimes conflicting deadlines.
- Effectively communicate in writing.
- Recognize issues that interfere with the ability to meet and maintain performance expectations and address them.

The qualifications listed above are intended to represent the minimum skills and experience levels associated with performing the duties and responsibilities contained in this job description. The qualifications should not be viewed as expressing absolute employment or promotional standards, but as general guidelines that should be considered along with other job-related selection or promotional criteria.

Physical Requirements: *[This job requires the ability to perform the essential functions contained in this description. These include, but are not limited to, the following requirements. Reasonable accommodations will be made for otherwise qualified applicants unable to fulfill one or more of these requirements]:*

Ability to enter and access information from a computer.

Ability to access court files.

Vision to read printed materials and a computer screen.

Hearing and speech sufficient to communicate in person or over the telephone.

Working Conditions:

Works in office conditions.

Will be in regular contact with persons charged and/or convicted of criminal offenses.

Will have occupational exposure to persons with various communicable diseases.

Will be required to train annually and certify in the MIOSHA Bloodborne Pathogens provided by the County of Monroe.

Regular visits to MCSO jail facilities and/or off site locations, including area treatment agencies.

Field work and home compliance checks.

COLLECTIONS COORDINATOR/SYSTEMS ADMINISTRATOR- DISTRICT COURT

Department: 1st District Court

Wage Grade: Rye-11

FLSA Status: Non-Exempt

Affiliation: Non-Union

GENERAL SUMMARY:

Under the direction of the 1st District Court Administrator, monitors case financial compliance and prepares financial reports to effectuate timely collections due to the 1st District Court. Provides status reports to the Judge of Record and/or the Court's Probation Department in the collection of court ordered fines, costs, restitution or other fees to coordinate the necessary compliance action by the Court. Responsible for knowledge of the Court's financial systems application and the appropriate training for those court users utilizing these applications. Additionally, coordinates, controls, oversees, and maintains various technology applications within the Court including, but not limited to: Judicial Information Systems (JIS), SeamlessGov, OnBase, Imaging System, and other systems, which interface with the Monroe County IT Department. May be required to perform limited Deputy Court Administrator duties.

ESSENTIAL FUNCTIONS: *[An employee in this position may be called upon to do any of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily]*

- Provides case compliances on defendants/offenders which may include the timeliness of payments, restitution, work service, outstanding court receivables and other Court ordered programs.
- Enforces financial obligations of court orders through the use of efficient, standardized collection procedures and supporting software including monthly statements, wage and income tax garnishments and prisoner account sweeps.
- Enters case information into various court systems, including the Judicial Information System (JIS), SCAO Collections Software (*COLLECT*), calendaring applications and/or County supplied financial applications (*FASBE*).
- Prepares financial progress reports as defined by the 1st District Court utilizing core skills of all current technology applications to assist the Court in compliance measures.
- Responsible as the Monroe County Courts certified compliance contact for the *Westlaw CLEAR* skip tracing software. This software along with county and state incarceration systems is used to identify changes to defendant's contact information. Any changes are communicated to the 1st District Court judges and probation officers.
- Conducts initial financial status interviews in order to qualify defendants/offenders for payment plans and/or wage assignments.
- Maintains chronological, confidential records on pre or post trial defendants/offenders and provides periodic reports of the same to the appropriate judge of record.

- May be responsible for assisting the Court Administrator in established court collections standards as mandated by the Michigan Supreme Court or State Court Administrative Office.
- Regularly performs some of the more complex functions of the Court, including defined clientele interaction. May be required to testify in Court.
- May be required to assist in the content management of the 1st District Court and/or the 38th Circuit Court web pages using the current Monroe County web developer software
- May be required to produce paperless assist in e-signature and/or e-filing systems development and the training of court users.
- Serves as the OnBase Administrator for the 1st District Court's Imaging System.
- Designs and implements new electronic office workflows and procedures to allow support staff to become more efficient and better serve the public.
- Oversees and coordinates daily maintenance and updates on the OnBase Imaging System to ensure paperless process is functioning in the most efficient manner.
- Provides rapid response to support staff and District Court judicial offices in addressing day to day operating questions.
- Provides regular training for support staff and District Court judicial offices on updates and enhancements to the OnBase Imaging System to ensure office is leveraging technology in the most efficient manner.
- Is the lead administrator for the 1st District Court website.
- May be required to perform limited Deputy Court Administrator duties such as the daily mail audit, video and/or interpreter conferencing, and assistance to the District Court Administrator
- Will implement the Michigan Supreme Court MiFile project in the 1st District Court. Will coordinate the training of all employees accessing MiFile.

EMPLOYMENT QUALIFICATIONS:

Education:

Bachelor's degree in Criminal Justice, Computer Science, or the equivalent. Equivalency may be established by the official certification as an OnBase Administrator and OnBase Workflow Administrator. Equivalent to possession of an Associate's Degree with coursework in business, accounting, business administration or a field related to the work. Possession of a Bachelor's Degree in business, accounting, business administration or related field preferred.

Experience:

Two years of paid full-time experience with collection of delinquent financial obligations, loss prevention, investigative or law enforcement experience. Prior experience in criminal justice field and in content management and delivery of electronic systems is a plus.

Licenses and Certification:

- Must possess a valid driver's license
- Certified as an OnBase Administrator

Other Requirements:

Must sign a Monroe County Court Employee model code of conduct.

Must take the deputy clerk oath of office.

Must take the L.E.I.N certification test and be fingerprinted.

Information Technology practices and Window based network systems.

Knowledge of:

- Administrative and clerical procedures and systems relating to computer applications, including Microsoft Office, managing files and records, designing forms and other office procedures and terminology.
- The structure and content of the English language, along with data analysis and report preparation techniques.
- Applicable laws, court rules, and adopted SCAO standards.
- Judicial Information System (JIS).
- Michigan Judicial Data Warehouse (JDW).
- Michigan Supreme Court MiFile Initiative

Skill in:

- Accurate data collection and active listening with defendants/offenders.
- Communicating the order of the Court and conveying the importance of compliance to defendants/offenders.
- Attention to detail and persistence in follow-up matters with defendants/offenders.
- Training others in collections workflow.

Ability to:

- Recognize the needs and concerns of the Court when dealing with court clients.
- Communicate effectively both orally and in writing.
- Attend work regularly and work under stressful conditions.

The qualifications listed above are intended to represent the minimum skills and experience levels associated with performing the duties and responsibilities contained in this job description. The qualifications should not be viewed as expressing absolute employment or promotional standards, but as general guidelines that should be considered along with other job-related selection or promotional criteria.

Physical Requirements: *[This job requires the ability to perform the essential functions contained in this description. These include, but are not limited to, the following requirements. Reasonable accommodations will be made for otherwise qualified applicants unable to fulfill one or more of these requirements]:*

Ability to enter and access information from a computer

Ability to access court/departmental files.

Ability to lift and carry files to work area(s).

Ability to access all areas of the Courthouse.

Vision to read printed materials and a computer screen.

Hearing and speech sufficient to communicate in person or over the telephone.

May need to drive a County or personal vehicle in the course of the work.

Working Conditions:

Works in office conditions.

May be in regular contact with persons charged and/or convicted of criminal offenses.

May have occupational exposure to persons with various communicable diseases.

Will be required to train annually and certify in the MIOSHA Bloodborne Pathogens provided by the County of Monroe.

SUMMARY OF JOB CLASSIFICATION POINT FACTORING

JOB TITLE/ FACTORS	1	#	2	3	4	#	5	6	7	8	9	10	Total	Grade
Collections Coordinator/Systems Administator	337	d3	370	300	-	-	370	100	130	325	60	5	1997	11
Treatment Court Probation Officer	337	d3	400	320	-	-	400	110	80	350	40	20	2057	12
Senior Probation Officer	360	d4	430	340	-	-	430	130	80	375	40	20	2205	13
Attorney Magistrate	435	f3	490	400	-	-	490	150	80	425	40	10	2520	15

2021 ITEM	DATE	DEPT	Allocation	Union	Grade	Step	Classification	WAGES	FRINGES	TOTAL
ANNUAL BUDGET	2021	13600	1	UNION_00	RYE17	7	DISTRICT COURT ADMINISTRATOR	\$ 96,123	\$ 88,510	\$184,633
ANNUAL BUDGET	2021	13600	1	UNION_00	RYE13	3	DEPUTY COURT ADMINISTRATOR	\$ 62,032	\$ 38,827	\$100,859
ANNUAL BUDGET	2021	13600	1	UNION_00	RYE12	3	PT NON ATTYMAGISTRATE	\$ 16,512	\$ 1,569	\$ 18,081
ANNUAL BUDGET	2021	13610	1	UNION_04D	RYE11	9	PROBATION OFFICER	\$ 57,907	\$ 67,518	\$125,425
ANNUAL BUDGET	2021	13610	1	UNION_04D	RYE11	9	PROBATION OFFICER	\$ 57,907	\$ 56,199	\$114,106
ANNUAL BUDGET	2021	13610	1	UNION_04D	RYE11	9	PROBATION OFFICER	\$ 57,907	\$ 67,518	\$125,425
ANNUAL BUDGET	2021	13600	0.15	UNION_00	RYE15	9	ATTORNEY/REFEREE-FOC	\$ 12,137	\$ 5,481	\$ 17,618
							TOTAL BUDGET	\$360,526	\$325,621	\$686,147
ACTUAL COST	THROUGH 080721	13600	1	UNION_00	RYE17	7	DISTRICT COURT ADMINISTRATOR	\$ 71,502	\$ 66,681	\$138,182
ACTUAL COST	THROUGH 080721	13600	1	UNION_00	RYE13	3	DEPUTY COURT ADMINISTRATOR	\$ 39,687	\$ 21,088	\$ 60,775
ACTUAL COST	THROUGH 082521	13600	1	UNION_00	RYE12	3	PT NON ATTYMAGISTRATE	\$ -	\$ -	\$ -
ACTUAL COST	THROUGH 092521	13610	1	UNION_04D	RYE11	9	PROBATION OFFICER	\$ 44,448	\$ 42,868	\$ 87,316
ACTUAL COST	THROUGH 092521	13610	1	UNION_04D	RYE11	9	PROBATION OFFICER	\$ 44,448	\$ 40,038	\$ 84,486
ACTUAL COST	THROUGH 082221	13610	1	UNION_04D	RYE11	9	PROBATION OFFICER	\$ 38,880	\$ 39,482	\$ 78,362
ACTUAL COST	THROUGH 092521	13600	0.15	UNION_00	RYE15	9	ATTORNEY/REFEREE-FOC	\$ 9,320	\$ 4,551	\$ 13,871
							TOTAL ACTUAL	\$248,285	\$214,707	\$462,992
							REMAINING BUDGET	\$112,240	\$110,915	\$223,155
PROPOSED	EFFECTIVE 080921	13600	1	UNION_00	RYE17	1	DISTRICT COURT ADMINISTRATOR	\$ 31,039	\$ 22,123	\$ 53,162
PROPOSED	EFFECTIVE 082321	13600	1	UNION_00	RYE13	5	DEPUTY COURT ADMINISTRATOR	\$ 21,746	\$ 30,206	\$ 51,952
PROPOSED	EFFECTIVE 092721	13610	1	UNION_04D	RYE13	5	SENIOR PROBATION OFFICER	\$ 15,846	\$ 26,720	\$ 42,565
PROPOSED	EFFECTIVE 092721	13610	1	UNION_04D	RYE12	8	TREATMENT COURT PO	\$ 15,835	\$ 18,221	\$ 34,056
PROPOSED	DOH 092721	13610	1	UNION_04D	RYE11	1	PROBATION OFFICER	\$ 11,978	\$ 2,201	\$ 14,179
PROPOSED*	EFFECTIVE 092721	14100	0.15	UNION_00	RYE15	9	ATTORNEY/REFEREE-FOC	\$ 986	\$ 326	\$ 1,311
PROPOSED-STEP 1	DOH 092721	13600	1	UNION_00A	RYE15	1	PT ATTORNEY MAGISTRATE	\$ 10,304	\$ 979	\$ 11,284
							TOTAL COST-STEP 1 PT ATTY MAG	\$107,734	\$100,777	\$208,511
							TOTAL COST/(SAVINGS)-STEP 1	\$ (4,506)	\$ (10,138)	\$ (14,644)
PROPOSED	EFFECTIVE 080921	13600	1	UNION_00	RYE17	1	DISTRICT COURT ADMINISTRATOR	\$ 31,039	\$ 22,123	\$ 53,162
PROPOSED	EFFECTIVE 082321	13600	1	UNION_00	RYE13	5	DEPUTY COURT ADMINISTRATOR	\$ 21,746	\$ 30,206	\$ 51,952
PROPOSED	EFFECTIVE 092721	13610	1	UNION_04D	RYE13	5	SENIOR PROBATION OFFICER	\$ 15,846	\$ 26,720	\$ 42,565
PROPOSED	EFFECTIVE 092721	13610	1	UNION_04D	RYE12	8	TREATMENT COURT PO	\$ 15,835	\$ 18,221	\$ 34,056
PROPOSED	DOH 092721	13610	1	UNION_04D	RYE11	1	PROBATION OFFICER	\$ 11,978	\$ 2,201	\$ 14,179
PROPOSED*	EFFECTIVE 092721	14100	0.15	UNION_00	RYE15	9	ATTORNEY/REFEREE-FOC	\$ 986	\$ 326	\$ 1,311
PROPOSED-STEP 5	DOH 092721	13600	1	UNION_00A	RYE15	5	PT ATTORNEY MAGISTRATE	\$ 11,536	\$ 1,096	\$ 12,633
							TOTAL COST-STEP 5 PT ATTY MAG	\$108,966	\$100,894	\$209,860
							TOTAL COST/(SAVINGS)-STEP 5	\$ (3,275)	\$ (10,021)	\$ (13,295)
FINANCE 2021 CONCLUSION:										
NO BUDGET ADJUSTMENT IS NECESSARY; COST OF REORGANIZATION IS INCLUDED IN BUDGET.										
*NOTE THIS ASSUMES TRANSFER OF ATTORNEY/REFEREE-FOC POSITION WILL BE APPROVED AND COVERED BY CRP REIMBURSEMENT AMOUNT LISTED IS GENERAL FUND PORTION; \$2,435 TO FOC FUND 215 CRP REIMBURSMENT										
ANNUAL PROPOSED	2021	13600	1	UNION_00	RYE17	1	DISTRICT COURT ADMINISTRATOR	\$ 79,840	\$ 46,457	\$126,297
ANNUAL PROPOSED	2021	13600	1	UNION_00	RYE13	5	DEPUTY COURT ADMINISTRATOR	\$ 61,365	\$ 69,988	\$131,353
ANNUAL PROPOSED-STEP 1	2021	13600	1	UNION_00A	RYE15	1	PT ATTORNEYMAGISTRATE	\$ 42,505	\$ 4,040	\$ 46,545
ANNUAL PROPOSED-STEP 5	2021	13600	1	UNION_00A	RYE15	5	PT ATTORNEYMAGISTRATE	\$ 47,587	\$ 4,523	\$ 52,110
ANNUAL PROPOSED	2021	13610	1	UNION_04D	RYE13	5	SENIOR PROBATION OFFICER	\$ 61,365	\$ 70,516	\$131,881
ANNUAL PROPOSED	2021	13610	1	UNION_04D	RYE12	8	TREATMENT COURT PO	\$ 61,323	\$ 59,161	\$120,484
ANNUAL PROPOSED	2021	13610	1	UNION_04D	RYE11	1	PROBATION OFFICER	\$ 46,388	\$ 23,537	\$ 69,924
ANNUAL PROPOSED	2021	14100	0.15	UNION_00	RYE15	9	ATTORNEY/REFEREE-FOC	\$ 12,137	\$ 5,481	\$ 17,618
2022 ITEM	DATE	DEPT		Union	Grade	Step	Classification	WAGES	FRINGES	TOTAL
ANNUAL BUDGET	2022	13600	1	Union_00	RYE09	9	COLLECTIONS COORDINATOR	\$ 52,978	\$ 25,087	\$ 78,064
PROJECTED COST	THROUGH 2/27/22	13600	1	Union_00	RYE09	9	COLLECTIONS COORDINATOR	\$ 8,583	\$ 4,075	\$ 12,659
							AVAILABLE BUDGET	\$ 44,394	\$ 21,011	\$ 65,405
PROPOSED	EFFECTIVE 2/28/22	13600	1	Union_00	RYE11	6	COLLECTIONS/SYSTEMS ADMIN	\$ 47,231	\$ 22,229	\$ 69,461
							TOTAL COST/(SAVINGS)	\$ 2,837	\$ 1,218	\$ 4,055
2022 FINANCE CONCLUSION:										
ADDITIONAL COST TO GENERAL FUND, DETERMINATION OF POSSIBLE ADDITIONAL APPROPRIATION WILL BE MADE LATER IN 2022.										
ANNUAL PROPOSED	2022	13600	1	Union_00	RYE11	6	COLLECTIONS/SYSTEMS ADMIN	\$ 56,372	\$ 26,153	\$ 82,526



MONROE COUNTY CENTRAL DISPATCH

987 S. Raisinville Rd. • Monroe Michigan 48161-2164

(734) 243-7070 • Fax (734) 241-5820

9-1-1 • Police • Fire / Rescue • EMS

December 3, 2021

Mr. Randy Richardville, Chairman
Monroe County Operations Committee
125 East Second Street
Monroe, MI 48161

Re: Quality Improvement Coordinator position

Dear Chairman Richardville and Committee Members:

On December 2, 2021, a Special Meeting of the Monroe County 911 Board was held to discuss the creation of a Quality Improvement Coordinator position within Central Dispatch. A Motion to support the creation of the Quality Improvement Coordinator and referral to the Operations Committee was made by Chief McCormick, IV with support from Lt. Borello. A vote was taken with all Members present voting in favor.

In 2019, the County purchased Priority Dispatch Pro-QA software as part of a capital improvement project. The software provides dispatchers with lifesaving protocols and pre-arrival instructions to citizens in need of medical services. Additionally, quality assurance software AQUA was purchased as a supplement to the Pro-QA to ensure dispatchers were providing the most consistent, efficient, and appropriate instruction to those medical calls in need of services.

Appropriate quality assurance (QA) goes beyond the review of medical calls. Consistent and accurate application of all dispatch standards, policies and procedures are needed to ensure that Central Dispatch is appropriately meeting the needs of our citizens and first responders. This can be achieved with a specialized full-time quality assurance coordinator and program providing regular and timely performance quality assurance reviews with feedback and improvement strategies.

Currently, the Assistant Director and a select-trained Supervisor complete quality Assurance (QA) reviews for medical calls only. These reviews are handled in a joint manner with the Supervisor (ideally) assessing dispatcher calls and the Assistant Director assessing supervisor calls. The process of only reviewing medical related calls for service has proven to be very time-consuming and inconsistent. Additionally, the regular daily tasks of the Assistant Director and Supervisor lead QA to fall to the end of the priority list, which of late has become non-existent. The delay or lack of review, only result in inconsistent feedback to dispatchers that ultimately affect the quality of service provided to citizens and first responders.

Dispatch Supervisors already work a desk within the dispatch center and often become the minimum fourth dispatcher in the room under normal circumstances. Their main role is in-the-



moment support of dispatchers while also taking care of citizen callers and first responders. The dispatch center atmosphere is not conducive for appropriate call review. Opportunities for QA is usually achieved by way of overtime, which occurs on a voluntarily basis and results in untimely reviews and feedback. In order to achieve the best use of a QA program, a consistent review of calls needs to occur on a regular basis with timely feedback to the employee whose performance is being reviewed.

In summary, the Coordinator would oversee the Quality Assurance and Quality Improvement Program. The Coordinator would ensure Central Dispatch meets best practice guidelines as appropriate for dispatch standards extending beyond ProQA to include non-emergency phone and radio customer service.

A detailed job description and point factor is attached for your reference along with cost calculations. As you recall, Central Dispatch is funding entirely from 911 a surcharge and this request is able to be funded within the revenue collected from the surcharge. There is no obligation to the General Fund.

I am respectfully requesting the Operations Committee recommend approval of the position of Quality Improvement Coordinator and subsequent Request to Hire.

Respectfully,

A handwritten signature in cursive script that reads "Donna L. Kuti".

Donna L. Kuti,
Director

Copy: Troy Goodnough, 9-1-1 District Board Chairman
Michael G. Bosanac, County Administrator/Chief Financial Officer
Aundrea Armstrong, Director of Human Resources

MISSION STATEMENT

“To coordinate Law-Enforcement, Fire, and EMS emergency service requests in Monroe County for the safety and protection of our citizens and public safety providers. Through our actions, we help save lives, protect property, assist the public in their time of need and proudly know that we made a difference.”

HIRING REVIEW FORM

Department: Central Dispatch

Vacancy Job Title: Quality Improvement Coordinator

Brief Job Description:

Under the direction of the Director/Asst. Director, oversees the Quality Assurance/Improvement Program. Ensures Monroe County Central Dispatch meets best practice guidelines as appropriate for dispatch standards. Reviews computer and audio systems for quality assurance and improvement, provides leadership, guidance, and support to meet medical protocol and M.C.C.D. policies and procedures

Budgeted Position:

☐ YES

If YES, are Funds Available?

☐ YES

* Must be verified by Finance/HR

☐ NO

*Must provide Funding Plan, verified by

☒ NO

If NO, please provide the following:

Job Description (Must have with New Position, Reclassification)

Point Factoring (Must have with New Position, Reclassification)

Reorganization Plan (When applicable)

Funding Plan Required, Verified by Finance (Include Finance Worksheet)

Department Summary: (Importance of filling vacancy, risks, timing, etc.)

Quality Assurance/Improvement is an important part of ensuring medical protocol, dispatch policies, and procedures are being used appropriately. Focused oversight is needed to decrease the risk of personnel developing bad habits and providing incorrect direction and/or information to citizens as well as their peers. To ensure qualified personnel are available to use their knowledge and skills received through the training already provided by Monroe County, it is important that this position be filled at the earliest possible time to avoid qualified personnel from taking their skills to other agencies.

Completed By: Donna L. Kuti DATE: 12/01/2021

Human Resources/ Finance Use:

Conclusion:

Finance: No additional appropriation is necessary. The cost of the position is included in the Central Dispatch 2022 budget.

Human Resources: The position will be filled in compliance with County policies.

Finance Reviewer: Sue Maier DATE: 12/2/2021

HR Reviewer: Aundrea Armstrong DATE: 12/2/2022

APPROVED BY THE OPERATIONS COMMITTEE

APPROVED BY THE FULL BOARD



Monroe County 911 Quality Improvement Coordinator

Department: Central Dispatch

Wage Grade: 11

FLSA Status: Exempt

Affiliation: Non-Union

GENERAL SUMMARY

Under the supervision of the Director and Assistant Director, oversees the Quality Assurance and Quality Improvement Program. Performs specialized telecommunications work involving the review of data from Monroe County Central Dispatch (herein after M.C.C.D.) computer systems and audio recordings for purposes of quality assurance and improvement; ensures M.C.C.D. meets best practice guidelines as appropriate for dispatch standards; provides leadership, guidance, and support to all telecommunicators in the proper application of the International Academies of Emergency Dispatch (IAED) Medical protocols and M.C.C.D. policies and procedures; may perform other administrative support duties as needed for the continual operation of M.C.C.D.

ESSENTIAL FUNCTIONS *[An employee in this position may be called upon to do any of the following essential functions. These examples do not include all of the duties, which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.]*

- Oversees the Quality Assurance and Quality Improvement Program. Completes protocol case review and quality improvement reports for the M.C.C.D.;
- Designs quality assurance and quality improvement evaluation methodologies;
- Utilizes dispatch center audio archive system, computer aided dispatch records and telephone systems to coordinate and conduct random and focused call for service case studies to measure protocol compliance;
- Coaches and provides feedback to personnel on case reviews and quality improvement reports;
- Supports employees to ensure department meets best practice guidelines as appropriate for dispatch standards including the handling of emergency calls by applying the International Academies of Emergency Medical Dispatch protocols and agency policies and procedures;
- Facilitates the EMD certification and recertification process;
- Develops and conducts continuing dispatch education training;
- Maintains required quality improvement and continuing education files, records, and tracking logs;
- Prepares and disseminates employee quality improvement reports;
- Provides benchmark assessments to inform telecommunicators of their standing;
- Conducts quality assurance review investigations and complies findings and recommendations;
- Participates and serves on the Quality Improvement Unit (QIU) and attends meetings for Quality Assurance;
- Conducts research and analysis of current and future 911 issue and trends for the continuous improvement of the dispatch center;

- Assists in the development of policy directives, procedures, and performance goals
- Identifies trends in performance and alerts management to the need for training or changes;
- Collaborates with the Training Supervisor in the review, development, maintenance, and implementation of public safety telecommunicator training standards and materials;
- Reviews report formats, benchmarks, and evaluation guidelines for adherence to protocol and procedures;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service.
- Assists with and reviews the effective use and compliance in the operation of CJIS (Criminal Justice Information System) database functions within the communications center.
- Practices proper security measures within the facility and with departmental system, including the safeguarding of confidential information.
- Assists with instruction and training of new public safety telecommunicator;
- May assist staff, when necessary, in the processing of emergency and non-emergency public safety calls for service and other Dispatch related functions;
- Performs other related job duties as assigned.

This list may not be inclusive of the total scope of job functions to be performed. Duties and responsibilities may be added, deleted or modified at any time.

EMPLOYMENT QUALIFICATIONS

Education and Experience:

- Must be at least 18 years of age;
- Possess an Associate's degree in business, public administration, or public safety field and have two (2) years of service in a Public Safety communications capacity involving the operation or telecommunications systems, and a working knowledge of police, fire and EMS operations; OR
- Possess a high school diploma or GED and have four (4) years of service in a Public Safety communications capacity involving the operation or telecommunications systems, and a working knowledge of police, fire and EMS operations.

Desired Experience:

- Experience with Emergency Medical Dispatch protocol, Pro-QA software, and AQUA software.

Other Requirements:

- Must complete Michigan LEIN operator training.
- Maintain LEIN/NCIC fingerprint clearance.
- Must possess a valid driver's license.
- Obtain and maintain Emergency Medical Dispatcher certification through the International Academy of Emergency Medical Dispatch.
- Obtain and maintain Quality Assurance certification through the International Academy of Emergency Medical Dispatch.

- Must be available to work a flexible schedule to maintain direct contact with personnel working all shifts.
- Must be available to work in special, emergency, and/or disaster situations.
- Must be able to travel to other locations within and outside of Monroe County.

Knowledge of:

- Local roads, streets, and jurisdictional boundaries, locations of local hospitals, schools, public and private buildings, roadway constructions locations and detours.
- Relevant equipment, policies, procedures, and strategies to promote effective local, state, or national safety operation for the protecting of people, data, property and institutions.
- Laws, legal codes, government regulations, agency rules and regulations.
- Principles and processes for providing customer and personal services, including needs assessment
- Basic radio equipment operations and procedures (receiving and transmitting);
- Basic telephone equipment operations and procedures;
- Public safety software applications;
- Health Insurance Portability and Accountability Act (HIPPA) and the rules and regulations pertinent to area of assignment;
- Police, fire, and medical terminology, grammar, spelling, and math;
- Recordkeeping practices and procedures;

Skills in:

- The application of quality customer service;
- The operation of automated office equipment;

Ability to:

- Must be able to type 35 words per minute as administered through County approved testing measures.
- Concentrate and devote attention necessary to work effectively.
- Complete work assignments and requirements in an independent manner.
- Possess a comprehensive knowledge of quality assurance practices and procedures related to public safety communications; dispatch data and communications systems, knowledge of basic statistical principles, ability to comprehend, interpret and apply a wide range of policies and procedures.
- Must be able to provide a wide variety of functions; communicate effectively in verbal and written English, execute computer analysis programs, conduct effective training sessions, foster effective working relationships with others, and provide evaluations, guidance and corrective action in a constructive, consistent, positive, and effective manner.
- Must successfully complete initial intensive and periodic training and maintain certifications to meet job proficiency requirements, as well as, receive random performance review ratings and guidance, that includes the acceptance of constructive critiques, and the ability to provide similar guidance to subordinates.

Physical Demands/Working Conditions: *[This job may require the ability to perform any of the essential functions contained in this description. These may include, but are not limited to, the following requirements. Specific requirements for a job will be*

identified at the time of employment. Reasonable accommodations will be made for otherwise qualified applicants unable to fulfill one or more of these requirements]:

Work is performed in a dynamic environment that requires sensitivity to change and responsiveness to changing goals, priorities, and needs.

The below stated working conditions are intended to provide a general overview of the environmental conditions inherent in the job setting, as well as the physical, mental, and sensory requirements necessary to perform the essential job functions.

The work is sedentary work that involves sitting for long periods of time, but may involve walking or standing for brief periods of time, involves exerting up to 10 pounds of force on a regular and recurring basis, and requires continual use of a computer keyboard and other peripheral devices. Additionally, the following physical abilities are required:

- Hearing and speech sufficient to communicate with other individual both in person and over the telephone; and to hear recordings on transcription/recording devices.
- Vision sufficient to read printed materials, effectively operate office equipment including copier, computer, etc., utilize multiple computer monitors and distinguish colors.
- Ability to make rational decisions through sound logic and deductive processes.
- Ability to use a variety of electronic equipment.
- Ability to withstand prolonged periods of sitting.
- Ability to climb, bend, stoop, lift 25 lbs, carry, push a cart and work in a normal office setting and use standard office equipment including a computer.
- May drive a County or personal vehicle in the course of the work.

SUMMARY OF JOB CLASSIFICATION POINT FACTORING

JOB TITLE/ FACTORS	1	#	2	3	4	#	5	6	7	8	9	10	Total	Grade
911 Quality Improvement Coordinator	267	b4	400	300	-	-	400	100	110	325	60	5	1967	11

ITEM	DATE	Department	Union	Grade	Step	Classification	WAGES	FRINGES	TOTAL
ANNUAL BUDGET	2022	32500	Union_12	RYE09	4	COMMUNICATION SPECIALIST	\$ 46,414	\$ 31,361	\$ 77,775
PROJECTED COST	THROUGH 3/12/22	32500	Union_12	RYE09	4	COMMUNICATION SPECIALIST	\$ 10,589	\$ 6,219	\$ 16,808
						AVAILABLE BUDGET	\$ 35,825	\$ 25,141	\$ 60,967
PROPOSED	EFFECTIVE 3/13/22	32500	Union_00	RYE11	5	QUALITY IMPR COORDINATOR	\$ 43,984	\$ 28,050	\$ 72,034
PROPOSED	DOH: 1/16/22	32500	Union_12	RYE09	1	COMMUNICATION SPECIALIST	\$ 40,579	\$ 17,548	\$ 58,127
						TOTAL PROPOSED	\$ 84,563	\$ 45,598	\$ 130,160
						SUBTOTAL COST/(SAVINGS)	\$ 48,737	\$ 20,456	\$ 69,194
						OTHER CONSIDERATION:			
	ADJUSTMENT TO SERVICE CONTRACTS TO REFLECT RMS IMPLEMENTATION						\$ (82,200)	\$ -	\$ (82,200)
						TOTAL COST/(SAVINGS)	\$ (33,463)	\$ 20,456	\$ (13,006)
FINANCE CONCLUSION:									
NO ADDITIONAL APPROPRIATION IS NECESSARY; COST OF POSITION IS INCLUDED IN BUDGET.									
ANNUAL PROPOSED	2022	32500	Union_00	RYE11	5	QUALITY IMPR COORDINATOR	\$ 54,833	\$ 34,358	\$ 89,191
ANNUAL PROPOSED	2022	32500	Union_12	RYE09	1	COMMUNICATION SPECIALIST	\$ 42,468	\$ 23,112	\$ 65,580



MONROE COUNTY

FINANCE DEPARTMENT

125 East Second Street · Monroe, Michigan 48161-2197
Telephone: (734) 240-7250 · Fax (734) 240-7266

December 2, 2021

Mr. Randy Richardville, Chairman
Board of Commissioners Operations Committee
125 East Second Street
Monroe, MI 48161

Re: Recommended Policy for Update

Dear Chairman Richardville and Committee Members:

Enclosed you will find a revised Freedom of Information Act policy for consideration by the Committee and subsequent action including a recommendation to the full Board of Commissioners. The policy has been revised to expand and provide for a more formal process in acting on appeals for both public documents and any cost of the response.

As part of the process of revising the policy, we have obtained input from outside municipal defense counsel with the MMRMA and County counsel. Overall, our process for fulfilling the requirements of FOIA requests works well and this policy revision will serve to strengthen our response when an appeal is made. With respect to appeals, we have less than one per year and we feel it is due to our approach in complying with the intent of the Michigan FOIA.

We can discuss this document and information contained within it at your meeting at your discretion.

Sincerely,

Michael Bosanac
Administrator/Chief Financial Officer

Enclosures

Section Name: Administrative Organization
Section Number: 200
Policy Number: 204
Page: 1 of

Effective Date: **June 17, 2015**
Date of Revision:

Subject: Freedom of Information Act (FOIA) Procedures & Guidelines

1. **Purpose:** The purpose of this policy is to assure compliance with the Freedom of Information Act by all Monroe County departments and offices.

2. **Statement of Principles**

- 2.1 It is the policy of Monroe County that all persons, except those sentenced and 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 may fully participate in the democratic process.
- 2.2 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.
- 2.3 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.
- 2.4 Monroe 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.
- 2.5 The Monroe 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 presented in a manner so as to be easily understood by the general public.

3. **General Policy:**

- 3.1 The Monroe County Board of Commissioners, acting pursuant to the authority at MCL 15.236, designates the County Administrator, Chief Financial Officer as the FOIA Coordinator for the County of Monroe.

- 3.2 He or she is authorized to designate other County staff to act on his or her behalf to accept and process written requests for the County's public records and approve denials. Through this policy, the FOIA coordinator designates these other County Officials to act in accordance with these procedures and guidelines for requests related to these specific officers:
- Monroe County Sheriff's Office
 - Major of Jail Operations and Captain of Uniformed Services
 - Central Dispatch
 - Director and Assistant Director
 - Prosecuting Attorney's Office
 - Prosecuting Attorney, Chief Assistant Prosecuting Attorney, and Office Manager
 - All other County Departments/Offices/Agencies
 - Deputy Clerk/Administrative Assistant- Board of Commissioners
 - Operations Coordinator
- 3.3 If a request for a public record is received by 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.
- 3.4 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 be assisted by the 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.
- 3.5 The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.
- 3.6 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.
- 3.7 The County will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the County cannot require

deposits or charge fees otherwise permitted under the FOIA until the County is in compliance.

- 3.8 A copy of this Procedures and Guidelines document and the County's Written Public Summary 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.
- 3.9 This Procedures and Guidelines document and the County's Written Public Summary will be maintained on the County's website at: www.co.monroe.mi.us. In lieu of providing paper copies of these documents, a link to the documents will be referenced in the County's response.

4. Requesting a Public Record

- 4.1 All requests must be in writing. No specific form to submit a request for a public record is required. However, the FOIA Coordinator has made available a FOIA Request Form for use by the public to assist those requesting public records. The FOIA Request Form is available on the County website at www.co.monroe.mi.us and is available upon request at the office of the FOIA Coordinator free of charge. However, the County may provide requested information available in public records without receipt of a written request if the request is made in sufficient detail and description for the FOIA Coordinator to identify the public record requested.
- 4.2 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 using the electronic submission feature on the County's website at www.co.monroe.mi.us or in any other form of writing (letter, fax, email, etc.).
- 4.3 Requests 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 direct the requestor to the pertinent website address.
- 4.4 A request must sufficiently describe a public record so as to enable County personnel to identify and find the requested public record.
- 4.5 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 or email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.
- 4.6 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.

- 4.7 A person may subscribe to future issues of public records that are created, issued or disseminated by Monroe County on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.
- 4.8 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.
- 4.9 The Monroe County Court records are not subject to FOIA requests. MCL 15.232(d)(v) specifically exempts the judiciary from the FOIA.

5. Processing a Request

- 5.1 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.
- (a) 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.
- 5.2 When a request is granted:
- (a) 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.
- (b) The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.
- (c) A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records*, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the County's website at: www.co.monroe.mi.us , a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

- (d) 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.
- (e) 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.
- (f) 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.

5.3 When a request is denied or denied in part:

- (a) 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 office of the Monroe County Board of Commissioners or seek judicial review in the Monroe 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.
- (b) 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.

5.4 Requests to inspect public records:

- (a) 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. Persons who decide to inspect records may do so but under supervision of a County Employee at all times while inspecting public records.

5.5 Requests for certified copies:

- (a) 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.

6. **Fee Deposits**

- 6.1 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.
- 6.2 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.
- 6.3 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.

7. **Calculation of Fees**

- 7.1 A fee may be charged for the labor cost of copying/duplication.
- 7.2 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.
- 7.3 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 (Attorney General Opinion 7083 of 2001) compared to the costs of the County’s usual FOIA requests, not compared to the County’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)
- 7.4 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.
- 7.5 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 the requestor asks 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 the requestor ask for the County to make copies.

- The cost to mail or send a public record to a requestor.

7.6 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 6 times the state minimum hourly wage.

7.7 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.

7.8 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.

7.9 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.
- 7.10 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.

8. Waiver of Fees

- 8.1 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 Monroe 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.

9. Discounted Fees

9.1 Indigence

- (a) 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.
- (b) 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.

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

9.2 Nonprofit organization advocating for developmentally disabled or mentally ill individuals:

- (a) The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:
- (b) 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.

10. Appeal of a Denial of a Public Record

- 10.1 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 Monroe County Board of Commissioners by filing an appeal of the denial with the office of the Monroe County Board of Commissioners.
- 10.2 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.
- 10.3 The Monroe County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled Board of Commissioner's meeting following submission of the written appeal.
- 10.4 Within 10 business days of receiving the appeal the Chairman of the Monroe 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 Board of Commissioners shall respond to the written appeal. The Monroe County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.
- 10.5 If the Monroe County Board of Commissioners fails to respond to a written appeal, or if the 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.
- 10.6 Whether or not a requestor submitted an appeal of a denial to the Monroe County Board of Commissioners, he or she may file a civil action in Monroe County Circuit Court within 180 days after the County's final determination to deny the request.
- 10.7 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.
- 10.8 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.
- 10.9 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.

11. Appeal of an Excessive FOIA Processing Fee

- 11.1 "Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.
- 11.2 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 Monroe County Board of Commissioners by submitting a written appeal for a fee reduction to the office of the Board of Commissioners.

- 11.3 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.
- 11.4 The Monroe County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled Board of Commissioner's meeting following submission of the written appeal.
- 11.5 Within 10 business days after receiving the appeal, the Chairman of the Monroe 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 Board of Commissioners will respond to the written appeal. The Monroe County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.
- 11.6 Where the Monroe County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the 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.
- 11.7 Within 45 days after receiving notice of the Monroe County Board of Commissioner's determination of an appeal, the requesting person may commence a civil action in Monroe County Circuit Court for a fee reduction.
- 11.8 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.
- 11.9 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 Board of Commissioners failed to respond to a written appeal as required, or
 - The Board of Commissioners issued a determination to a written appeal.
- 11.10 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.

- 11.11 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.
- 11.12 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 \$1,000.00, 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.

12. Conflict with Prior FOIA Policies and Procedures

- 12.1 To the extent that any provision of these 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 Administrator/Chief Financial Officer, 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 Monroe County Board of Commissioners of any change these Policies and Guidelines.
- 12.2 To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Monroe County Board of Commissioners or the County Administrator/Chief Financial Officer these 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 Monroe County Board of Commissioners or the County Administrator/Chief Financial Officer, the administrative rule promulgated by the FOIA Coordinator is controlling.

13. Appendix of Monroe 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

14. Definitions:

- 14.1 Act – The Michigan Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended.
- 14.2 FOIA Coordinator – The Monroe County official or the individual designated by the County, who is responsible for accepting and processing the request for public records as outlined in this Policy and the Act, and who is responsible for approving denials of requests.
- 14.3 Person – An individual, corporation, organization or other legal entity as modified by the Act.
- 14.4 Public Body – Monroe County and its duly constituted departments, commissions, boards or committees, except as otherwise provided by the Act.
- 14.4 Words Not Otherwise Defined – Words and phrases contained in this policy shall have the meaning given to them, if any, by the Act.

15. Application: This policy applies to all departments, agencies and offices of Monroe County.

16 Responsibility: The Monroe County Board of Commissioners, acting pursuant to the authority at MCL 15.236, designates the County Administrator, Chief Financial Officer as the FOIA Coordinator

17. Legislative History of Authority for Creation or Revision:

Adopted pursuant to action of the Monroe County Board of Commissioners, dated June 16, 2015.

Section Name: Administrative Organization
Section Number: 200
Policy Number: ~~205204.1~~
Page: 1 of

Effective Date: **June 17, 2015**
Date of Revision: December 7, 2021

Subject: Freedom of Information Act (FOIA) Procedures & Guidelines

1. **Purpose:** The purpose of this policy is to assure compliance with the Michigan Freedom of Information Act by all Monroe County departments and offices.

2. **Statement of Principles**

- 2.1 It is the policy of Monroe County that all persons, except those sentenced and 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 may fully participate in the democratic process.
- 2.2 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.
- 2.3 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.
- 2.4 Monroe 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.
- 2.5 The Monroe 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 presented in a manner so as to be easily understood by the general public.

3. **General Policy:**

- 3.1 The Monroe County Board of Commissioners, acting pursuant to the authority at MCL 15.236, designates the County Administrator~~—~~Chief Financial Officer as the FOIA Coordinator for the County of Monroe.

- 3.2 He or she is authorized to designate other County staff to act on his or her behalf to accept and process written requests for the County's public records and approve denials. Through this policy, the FOIA coordinator designates these other County Officials to act in accordance with these procedures and guidelines for requests related to these specific officers:
- Monroe County Sheriff's Office
 - ~~Captain~~Major of Jail Operations, ~~and~~ Perimeter Security Officer, Records Bureau, and Captain of Uniformed Services
 - Central Dispatch
 - Director and Assistant Director
 - Prosecuting Attorney's Office
 - Prosecuting Attorney, Chief Assistant Prosecuting Attorney, and Office Manager
 - All other County Departments/Offices/Agencies
 - Deputy Clerk/Administrative Assistant- Board of Commissioners
 - Operations Coordinator
 - County Legal Counsel
- 3.3 If a request for a public record is received by 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.
- 3.4 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 be assisted by the 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.
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- 3.7 The County will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the County cannot require deposits or charge fees otherwise permitted under the FOIA until the County is in compliance.
- 3.8 A copy of this Procedures and Guidelines document and the County's Written Public Summary 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.
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- 4.1 All requests must be in writing. No specific form to submit a request for a public record is required. However, the FOIA Coordinator has made available a FOIA Request Form for use by the public to assist those requesting public records. The FOIA Request Form is available on the County website at www.co.monroe.mi.us and is available upon request at the office of the FOIA Coordinator free of charge. However, the County may provide requested information available in public records without receipt of a written request if the request is made in sufficient detail and description for the FOIA Coordinator to identify the public record requested.
- 4.2 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 using the electronic submission feature on the County's website at www.co.monroe.mi.us or in any other form of writing (letter, fax, email, etc.).
- 4.3 Requests 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 direct the requestor to the pertinent website address.
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- 4.5 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 or email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.
- 4.6 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.

- 4.7 A person may subscribe to future issues of public records that are created, issued or disseminated by Monroe County on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.
- 4.8 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.
- 4.9 The Monroe County Court records are not subject to FOIA requests. MCL 15.232(d)(v) specifically exempts the judiciary from the FOIA.

5. Processing a Request

- 5.1 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.
- (a) 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.
- 5.2 When a request is granted:
- (a) 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.
- (b) The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.
- (c) A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records*, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the County's website at: www.co.monroe.mi.us , a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

- (d) 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.
- (e) 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.
- (f) 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.

5.3 When a request is denied or denied in part:

- (a) 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 office of the Monroe County Board of Commissioners or seek judicial review in the Monroe 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.
- (b) 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.

5.4 Requests to inspect public records:

- (a) 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. Persons who decide to inspect records may do so but under supervision of a County Employee at all times while inspecting public records.

5.5 Requests for certified copies:

- (a) 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.

6. Fee Deposits

6.1 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.

6.2 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.

6.3 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.

7. Calculation of Fees

- 7.1 A fee may be charged for the labor cost of copying/duplication.
- 7.2 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.
- 7.3 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 (Attorney General Opinion 7083 of 2001) compared to the costs of the County’s usual FOIA requests, not compared to the County’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)
- 7.4 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.
- 7.5 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 the requestor asks 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 the requestor ask for the County to make copies.

- The cost to mail or send a public record to a requestor.

7.6 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 6 times the state minimum hourly wage.

7.7 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.

7.8 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.

7.9 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.
- 7.10 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.

8. Waiver of Fees

- 8.1 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 Monroe 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.

9. Discounted Fees

9.1 Indigence

- (a) 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.
- (b) 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.

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

9.2 Nonprofit organization advocating for developmentally disabled or mentally ill individuals:

- (a) The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:
- (b) 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.

10. **Appeal of a Denial of a Public Record**

- 10.1 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 Monroe County Board of Commissioners by filing an appeal of the denial with the office of the Monroe County Board of Commissioners directed to the Chairman/Chairwoman of the Board. This contact information shall be included in the FOIA Coordinator's written response to the requestor of FOIA information.
- 10.2 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.
- 10.3 The Monroe County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled Board of Commissioner's meeting following submission of the written appeal.
- 10.4 Within 10 business days of receiving the appeal the County's Legal Counsel shall review the appeal and provide a written summary and recommendation for the Chairman or Chairwoman of the Monroe County Board of Commissioners. This written summary and

recommendation shall be included on the public agenda and the Board shall act on the matter at the next regularly scheduled Board of Commissioners meeting. The matter will be part of the agenda under Communications. The Board of Commissioners will consider the recommendation of County Legal Counsel and will respond in writing to the individual who submitted the appeal 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 Board of Commissioners shall respond to the written appeal. The Monroe County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.
- 10.5 If the Monroe County Board of Commissioners fails to respond to a written appeal, or if the 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.
- 10.6 Whether or not a requestor submitted an appeal of a denial to the Monroe County Board of Commissioners, he or she may file a civil action in Monroe County Circuit Court within 180 days after the County's final determination to deny the request.
- 10.7 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.
- 10.8 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.
- 10.9 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.

11. Appeal of an Excessive FOIA Processing Fee

- 11.1 “Fee” means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.
- 11.2 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 Monroe County Board of Commissioners by submitting a written appeal for a fee reduction to the office of the Board of Commissioners.
- 11.3 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.
- 11.4 The Monroe County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled Board of Commissioner’s meeting following submission of the written appeal.
- 11.5 Within 10 business days of receiving the appeal the County’s Legal Counsel shall review the appeal and provide a written summary and recommendation for the Chairman or Chairwoman of the Monroe County Board of Commissioners. This written summary and recommendation shall be included on the public agenda and the Board shall act on the matter at the next regularly scheduled Board of Commissioners meeting. The matter will be part of the agenda under Communications. The Board of Commissioners will consider the recommendation of County Legal Counsel and will respond in writing to the individual who submitted the appeal by:
~~Within 10 business days after receiving the appeal, the Chairman of the Monroe 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 Board of Commissioners will respond to the written appeal. The Monroe County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.
- 11.6 Where the Monroe County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the 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.
- 11.7 Within 45 days after receiving notice of the Monroe County Board of Commissioner’s determination of an appeal, the requesting person may commence a civil action in Monroe County Circuit Court for a fee reduction.

- 11.8 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.
- 11.9 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 Board of Commissioners failed to respond to a written appeal as required, or
 - The Board of Commissioners issued a determination to a written appeal.
- 11.10 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.
- 11.11 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.
- 11.12 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 \$1,000.00, 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.

12. Conflict with Prior FOIA Policies and Procedures

- 12.1 To the extent that any provision of these 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 Administrator/Chief Financial Officer, 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 Monroe County Board of Commissioners of any change these Policies and Guidelines.
- 12.2 To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Monroe County Board of Commissioners or the County Administrator/Chief Financial Officer these 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 Monroe County Board of Commissioners or the County Administrator/Chief Financial Officer, the administrative rule promulgated by the FOIA Coordinator is controlling.

13. Appendix of Monroe 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

14. Definitions:

- 14.1 Act – The Michigan Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended.
- 14.2 FOIA Coordinator – The Monroe County official or the individual designated by the County, who is responsible for accepting and processing the request for public records as outlined in this Policy and the Act, and who is responsible for approving denials of requests.
- 14.3 Person – An individual, corporation, organization or other legal entity as modified by the Act.
- 14.4 Public Body – Monroe County and its duly constituted departments, commissions, boards or committees, except as otherwise provided by the Act.
- 14.4 Words Not Otherwise Defined – Words and phrases contained in this policy shall have the meaning given to them, if any, by the Act.

15. Application: This policy applies to all departments, agencies and offices of Monroe County.

16. Responsibility: The Monroe County Board of Commissioners, acting pursuant to the authority at MCL 15.236, designates the County Administrator, Chief Financial Officer as the FOIA Coordinator

17. Legislative History of Authority for Creation or Revision:

Adopted pursuant to action of the Monroe County Board of Commissioners, dated June 16, 2015.

Adopted pursuant to action of the Monroe County Board of Commissioners, dated December 7, 2021.

Section Name: Administrative Organization
Section Number: 200
Policy Number: 205
Page: 1 of 14

Effective Date: June 17, 2015
Date of Revision: December 7, 2021

Subject: Freedom of Information Act (FOIA) Procedures & Guidelines

1. **Purpose:** The purpose of this policy is to assure compliance with the Michigan Freedom of Information Act by all Monroe County departments and offices.

2. **Statement of Principles**

- 2.1 It is the policy of Monroe County that all persons, except those sentenced and 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 may fully participate in the democratic process.
- 2.2 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.
- 2.3 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.
- 2.4 Monroe 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.
- 2.5 The Monroe 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 presented in a manner so as to be easily understood by the general public.

3. **General Policy:**

- 3.1 The Monroe County Board of Commissioners, acting pursuant to the authority at MCL 15.236, designates the County Administrator/Chief Financial Officer as the FOIA Coordinator for the County of Monroe.

- 3.2 He or she is authorized to designate other County staff to act on his or her behalf to accept and process written requests for the County's public records and approve denials. Through this policy, the FOIA coordinator designates these other County Officials to act in accordance with these procedures and guidelines for requests related to these specific officers:
- Monroe County Sheriff's Office
 - Captain of Jail Operations, Perimeter Security Officer, Records Bureau, and Captain of Uniformed Services
 - Central Dispatch
 - Director and Assistant Director
 - Prosecuting Attorney's Office
 - Prosecuting Attorney, Chief Assistant Prosecuting Attorney, and Office Manager
 - All other County Departments/Offices/Agencies
 - Deputy Clerk/Administrative Assistant- Board of Commissioners
 - Operations Coordinator
 - **County Legal Counsel**
- 3.3 If a request for a public record is received by 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.
- 3.4 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 be assisted by the 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.
- 3.5 The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.
- 3.6 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 is 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.

- 3.7 The County will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the County cannot require deposits or charge fees otherwise permitted under the FOIA until the County is in compliance.
- 3.8 A copy of this Procedures and Guidelines document and the County's Written Public Summary 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.
- 3.9 This Procedures and Guidelines document and the County's Written Public Summary will be maintained on the County's website at: www.co.monroe.mi.us. In lieu of providing paper copies of these documents, a link to the documents will be referenced in the County's response.

4. Requesting a Public Record

- 4.1 All requests must be in writing. No specific form to submit a request for a public record is required. However, the FOIA Coordinator has made available a FOIA Request Form for use by the public to assist those requesting public records. The FOIA Request Form is available on the County website at www.co.monroe.mi.us and is available upon request at the office of the FOIA Coordinator free of charge. However, the County may provide requested information available in public records without receipt of a written request if the request is made in sufficient detail and description for the FOIA Coordinator to identify the public record requested.
- 4.2 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 using the electronic submission feature on the County's website at www.co.monroe.mi.us or in any other form of writing (letter, fax, email, etc.).
- 4.3 Requests 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 direct the requestor to the pertinent website address.
- 4.4 A request must sufficiently describe a public record so as to enable County personnel to identify and find the requested public record.
- 4.5 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 or email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.
- 4.6 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.

- 4.7 A person may subscribe to future issues of public records that are created, issued or disseminated by Monroe County on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.
- 4.8 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.
- 4.9 The Monroe County Court records are not subject to FOIA requests. MCL 15.232(d)(v) specifically exempts the judiciary from the FOIA.

5. Processing a Request

- 5.1 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.
- (a) 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.
- 5.2 When a request is granted:
- (a) 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.
- (b) The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.
- (c) A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records*, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the County's website at: www.co.monroe.mi.us, a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

- (d) 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.
- (e) If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requester 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.
- (f) 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.

5.3 When a request is denied or denied in part:

- (a) 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 office of the Monroe County Board of Commissioners or seek judicial review in the Monroe 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.
- (b) 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.

5.4 Requests to inspect public records:

- (a) 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. Persons who decide to inspect records may do so but under supervision of a County Employee at all times while inspecting public records.

5.5 Requests for certified copies:

- (a) 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.

6. **Fee Deposits**

- 6.1 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.
- 6.2 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.
- 6.3 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.

7. **Calculation of Fees**

- 7.1 A fee may be charged for the labor cost of copying/duplication.
- 7.2 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.
- 7.3 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 (Attorney General Opinion 7083 of 2001) compared to the costs of the County’s usual FOIA requests, not compared to the County’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)
- 7.4 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.
- 7.5 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 the requestor asks 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 the requestor ask for the County to make copies.

- The cost to mail or send a public record to a requestor.

7.6 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 6 times the state minimum hourly wage.

7.7 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.

7.8 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.

7.9 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.

7.10 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.

8. Waiver of Fees

8.1 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 Monroe 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.

9. Discounted Fees

9.1 Indigence

- (a) 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.
- (b) 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.

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

9.2 Nonprofit organization advocating for developmentally disabled or mentally ill individuals:

- (a) The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:
- (b) 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.

10. Appeal of a Denial of a Public Record

- 10.1 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 Monroe County Board of Commissioners by filing an appeal of the denial with the office of the Monroe County Board of Commissioners directed to the Chairman/Chairwoman of the Board. This contact information shall be included in the FOIA Coordinator's written response to the requestor of FOIA information.
- 10.2 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.
- 10.3 The Monroe County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled Board of Commissioner's meeting following submission of the written appeal.
- 10.4 Within 10 business days of receiving the appeal the County's Legal Counsel shall review the appeal and provide a written summary and recommendation for the Chairman or Chairwoman of the Monroe County Board of Commissioners. This written summary and recommendation shall be included on the public agenda and the Board shall act on the matter at the next regularly scheduled Board of Commissioners meeting. The matter will be part of the agenda under Communications. The Board of Commissioners will consider

the recommendation of County Legal Counsel and will respond in writing to the individual who submitted the appeal 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 Board of Commissioners shall respond to the written appeal. The Monroe County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.

- 10.5 If the Monroe County Board of Commissioners fails to respond to a written appeal, or if the 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.
- 10.6 Whether or not a requestor submitted an appeal of a denial to the Monroe County Board of Commissioners, he or she may file a civil action in Monroe County Circuit Court within 180 days after the County's final determination to deny the request.
- 10.7 If a court 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.
- 10.8 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.
- 10.9 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.

11. Appeal of an Excessive FOIA Processing Fee

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

- 11.2 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 Monroe County Board of Commissioners by submitting a written appeal for a fee reduction to the office of the Board of Commissioners.
- 11.3 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.
- 11.4 The Monroe County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled Board of Commissioner's meeting following submission of the written appeal.
- 11.5 Within 10 business days of receiving the appeal the County's Legal Counsel shall review the appeal and provide a written summary and recommendation for the Chairman or Chairwoman of the Monroe County Board of Commissioners. This written summary and recommendation shall be included on the public agenda and the Board shall act on the matter at the next regularly scheduled Board of Commissioners meeting. The matter will be part of the agenda under Communications. The Board of Commissioners will consider the recommendation of County Legal Counsel and will respond in writing to the individual who submitted the appeal 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 Board of Commissioners will respond to the written appeal. The Monroe County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.
- 11.6 Where the Monroe County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the 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.
- 11.7 Within 45 days after receiving notice of the Monroe County Board of Commissioner's determination of an appeal, the requesting person may commence a civil action in Monroe County Circuit Court for a fee reduction.
- 11.8 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.

11.9 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 Board of Commissioners failed to respond to a written appeal as required, or
- The Board of Commissioners issued a determination to a written appeal.

11.10 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.

11.11 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.

11.12 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 \$1,000.00, 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.

12. Conflict with Prior FOIA Policies and Procedures

12.1 To the extent that any provision of these 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 Administrator/Chief Financial Officer, 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 Monroe County Board of Commissioners of any change these Policies and Guidelines.

12.2 To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Monroe County Board of Commissioners or the County Administrator/Chief Financial Officer these 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 Monroe County Board of Commissioners or the County

Administrator/Chief Financial Officer, the administrative rule promulgated by the FOIA Coordinator is controlling.

13. Appendix of Monroe 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

14. Definitions:

- 14.1 Act – The Michigan Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended.
- 14.2 FOIA Coordinator – The Monroe County official or the individual designated by the County, who is responsible for accepting and processing the request for public records as outlined in this Policy and the Act, and who is responsible for approving denials of requests.
- 14.3 Person – An individual, corporation, organization or other legal entity as modified by the Act.
- 14.4 Public Body – Monroe County and its duly constituted departments, commissions, boards or committees, except as otherwise provided by the Act.
- 14.4 Words Not Otherwise Defined – Words and phrases contained in this policy shall have the meaning given to them, if any, by the Act.

15. Application: This policy applies to all departments, agencies and offices of Monroe County.

16 Responsibility: The Monroe County Board of Commissioners, acting pursuant to the authority at MCL 15.236, designates the County Administrator, Chief Financial Officer as the FOIA Coordinator

17. Legislative History of Authority for Creation or Revision:

Adopted pursuant to action of the Monroe County Board of Commissioners, dated June 16, 2015.

Adopted pursuant to action of the Monroe County Board of Commissioners, dated December 7, 2021.