



# BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor  
Mount Clemens, Michigan 48043  
586-469-5125 FAX 586-469-5993  
macombcountymi.gov/boardofcommissioners

## COURTS AND LEGAL AFFAIRS COMMITTEE

TUESDAY, APRIL 21, 2009

### AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Approval of Minutes Dated 03-17-09 (previously distributed)
5. Public Participation
6. Monthly Reports from Corporation Counsel (mailed)
7. Approve Procedures for Selection of Outside Legal Counsel (mailed)
8. New Business
9. Public Participation
10. Adjournment

**MEMBERS:** Crouchman-Chair, Sprys-Vice Chair, DiMaria, Sauger, Rocca, Doherty, Tocco, Carabelli, Lampar and Gieleghem (ex-officio)

### MACOMB COUNTY BOARD OF COMMISSIONERS

Andrey Duzj - District 1  
Marvin E. Sauger - District 2  
Phillip A. DiMaria - District 3  
Toni Mocerri - District 4  
Susan L. Doherty - District 5

Sue Rocca - District 7  
David Flynn - District 8  
Robert Mijac - District 9  
Ken Lampar - District 10  
Ed Szczepanski - District 11

James L. Carabelli - District 12  
Don Brown - District 13  
Brian Brdak - District 14  
Keith Reagent - District 15  
Carey Torrice - District 16

Paul Gieleghem  
District 19  
Chairman

Kathy Tocco  
District 20  
Vice Chair

Ed Bruley - District 17  
Dana Camphous-Peterson - District 18  
Irene M. Kepler - District 21  
Frank Accavini Jr. - District 22

Joan Flynn  
District 6  
Sergeant-At-Arms

William A. Crouchman - District 23  
Michael A. Boyle - District 24  
Kathy D. Vosburg - District 25  
Jeffery S. Sprys - District 26

RESOLUTION NO.

FULL BOARD MEETING DATE: 4/30/09

AGENDA ITEM: \_\_\_\_\_

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: RECEIVE AND FILE MONTHLY REPORTS FROM CORPORATION COUNSEL

INTRODUCED BY: WILLIAM CROUCHMAN, CHAIRPERSON, COURTS & LEGAL AFFAIRS COMMITTEE

COMMITTEE/MEETING DATE

Courts & Legal Affairs – 4/21/09

**FREEDOM OF  
INFORMATION ACT REQUESTS**

<u>Date</u>	<u>Department</u>	<u>Requesting Party</u>	<u>Material Requested</u>	<u>Attorney</u>
3/9/09	Sheriff	Chris Bush	Reports re Dion Griffin	Brumbaugh
3/11/09	Sheriff/Civil	Francis Butler	Sheriff Sale: 17783 Huron Dr. Macomb, MI	Meyerand
3/17/09	Purchasing	Carl Wittenberg	Bid 14-06 Correctional Medical Services	Brumbaugh
3/17/09	Sheriff/Civil	Layala A-Yacoub Nafsu	Foreclosure Sale: 4702 Lucerne Dr. Sterling Heights, MI	Meyerand
3/18/09	Sheriff/Civil	Larry Campbell	Sheriff Sale: 11509 Scarborough Shelby Twp, MI	Meyerand
3/18/09	Corp Counsel	Linda Parks	List of Investments	Brumbaugh
3/18/09	Sheriff	Janafer Bahri-Shaba	Name of person filing a complaint	Brumbaugh
3/19/09	Sheriff/Civil	Claudia Green	Foreclosure sales/adj for 2008-2008	Meyerand
3/20/09	Sheriff	Frank DeFrank	Investigative reports & video regarding Incident involving T. Barkovic	Brumbaugh
3/20/09	Sheriff	Jason Malkiewicz	Videotape regarding incident Involving T. Barkovic	Brumbaugh
3/20/09	Sheriff	Corey Mclsaac	Videotape regarding incident Involving T. Barkovic	Brumbaugh
3/23/09	Sheriff/Civil	Walter Jones	Sheriff Sale: 15297 Spruce Drive Macomb, MI	Meyerand
3/23/09	MTB	Anthony Bursey	Documents regarding Workers Compensation Claims	Brumbaugh
3/23/09	Animal Shelter	Angie Marasco	Names & Address of dog License holders	Smith
3/24/09	Sheriff	Lauri Ellias	Videotape regarding incident Involving T. Barkovic	Brumbaugh
3/24/09	Sheriff	Kelly Kibler	Conversations in jail with Frances Dingle & visitors	Brumbaugh

3/25/09	Sheriff	Patrick Rooney	Documents pertaining to Kimberly Campbell	Brumbaugh
3/25/09	Sheriff/Civil	Kimberly Jewhurst	Sheriff Sale: 2146 Emmons Ave Warren, MI	Meyerand
3/27/09	Sheriff/Civil	Leonard Malysz	Sheriff Sale: 22437 Cunningham Warren, MI	Meyerand
3/30/09	Sheriff/Civil	Rosemary Bruck	Bid Sheet: 24840 Teppert Eastpointe, MI	Meyerand

## FILES REVIEWED FOR BILLING

<u>Date</u>	<u>File</u>
4/9/09	Alexander
4/9/09	Birkholz
4/9/09	Bishop
4/9/09	Burrell
4/9/09	Cleary
4/9/09	Hatchett
4/9/09	Kawecki
4/9/09	Uhrynowski
4/9/09	Wilson
4/9/09	Bruder
4/9/09	EllisDon
4/9/09	Gudger
4/9/09	Hillside
4/9/09	KRS-A.E. Equities
4/9/09	Project Control Systems
4/9/09	Barnes
4/9/09	Whitehead
4/9/09	Hall
4/9/09	Floyd
4/9/09	McCarty
4/9/09	Van Heck
4/9/09	Willneff
4/9/09	Walker
4/9/09	EI
4/9/09	Arnold
4/9/09	Bertolini
4/9/09	Cristini
4/9/09	Dimeo
4/9/09	Fisher
4/9/09	LeBeau
4/9/09	Moldowan
4/9/09	Woo
4/9/09	Pfister

**CONTRACTS REVIEWED BY CORPORATION COUNSEL  
3/7/09 to 4/8/09**

**COMMUNITY SERVICES**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
3/9/09	Department of Energy Weatherization Agreement	G. Brumbaugh	
3/20/09	Department of Energy Weatherization Agreement (DOE-S)	G. Brumbaugh	

**COOPERATIVE EXTENSION**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
3/31/09	Universal Credit Services	G. Brumbaugh	

**EMERGENCY MANAGEMENT**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
3/9/09	Tower Agreement between Bruce Twp. & Macomb County	J. Smith	

**MENTAL HEALTH BOARD - CONTRACT APPROVAL IS THE RESPONSIBILITY OF MENTAL HEALTH BOARD**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
3/23/09	Lease Renewal 13311 Carol, Warren, MI 48093	J. Smith	

**PLANNING**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
3/23/09	Department of Planning & Economic Dvlp	J. Smith	
3/24/09	Macomb Urban County HOME Program	J. Smith	

**SHERIFF**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
4/8/09	Cops Grant	G. Brumbaugh	

**WORKFORCE DEVELOPMENT BOARD - CONTRACT APPROVAL IS THE RESPONSIBILITY OF THE PRIVATE INDUSTRY COUNCIL.**

<u>Date</u>	<u>Contract</u>	<u>Reviewed By</u>	<u>Approved By</u>
3/11/09	Application to Perform as a Service Provider to Operate a Michigan Works Service Center	G. Brumbaugh	

**REIMBURSEMENT FILES**  
**2008 to Present**

<b><u>Name</u></b>	<b><u>Year</u></b>	<b><u>Reason for Debt</u></b>	<b><u>Amount</u></b>	<b><u>Status</u></b>
Achorn, April	2008	Prisoner Reimb. (57 Defendants)	\$158,140.00	Judgment
Adams, Gerald	2008	Prisoner Reimb. (56 Defendants)	\$105,120.00	Judgment
Adams, Montez	2008	Prisoner Reimb. (50 Defendants)	\$91,530.00	Judgment
Adamson, Kristin	2009	Prisoner Reimb. (57 Defendants)	\$116,538.00	Judgment
Addis, Jeremy	2008	Prisoner Reimb. (49 Defendants)	\$104,360.00	Judgment
Addleman, James II	2008	Prisoner Reimb. (47 Defendants)	\$75180.00	Judgment
Adkins, Cheryl	2009	Prisoner Reimb. (41 Defendants)	\$73990.00	Suit filed
Aguilar, Juan	2008	Prisoner Reimb. (46 Defendants)	\$80,760.00	Judgment
Arko, John (Akers)	2008	Prisoner Reimb. (55 Defendants)	\$104,070.00	Judgment
Albert, Rene	2009	Prisoner Reimb. (61 Defendants)	\$139,790.00	Judgment
Alexander, Charles	2008	Prisoner Reimb. (56 Defendants)	\$99,300.00	Judgment
Allen, Robert	2008	Prisoner Reimb. (52 Defendants)	\$89,707.00	Judgment
Allen, Rosemary	2008	Prisoner Reimb. (57 Defendants)	\$95,550.00	Judgment
Amato, James	2009	Prisoner Reimb. (49 Defendants)	\$89910.00	Judgment

Armstrong, Recina	2009	Prisoner Reimb. (45 Defendants)	\$128,970.00	Suit filed
Baltsas, Themestocke	2008	Prisoner Reimb. (59 Defendants)	\$101,070.00	Suit filed
Blaski, Daniel	2008	Prisoner Reimb. (9 Defendants)	\$8,190.00	Judgment
Braswell, Dwayne	2008	Prisoner Reimb. (13 Defendants)	\$7,170.00	Judgment
Brown, Shelton, et al	2008	Prisoner Reimb. (37 Defendants)	\$67,290.00	Judgment
Connor, Lorne	2008	County hospitalization (MTB Reimb)	\$5,100.00	File opened
Cox, William Jr.	2008	Prisoner Reimb. (1 Defendant)	\$1,290.00	Consent Jmt.
Cribbs, Edward	2008	County hospitalization (MTB Reimb.)	\$3,925.66	File opened
Deitz, Marc	2008	Prisoner Reimb. (1 Defendant)	\$1,440.00	Judgment
Hatch, Edsel	2008	County hospitalization (MTB Reimb)	\$31,850.00	Rec'd pro rata distr 25,798.50
Jeske, Kathleen	2008	Juvenile care Havenwyck	\$12,495.00	Settled 3500.00
Johnson, Tyrae	2008	Prisoner Reimb. (57 Defendants)	\$78,900.00	Judgment
Kawecki, John	2008	M-probate atty fees	\$154.96	Claim filed
Kawecki, Norbert	2008	County Hospitalization (MTB Reimb)	\$4,492.00	Claim filed
Kelley, Maurice	2008	Prisoner Reimb. (53 Defendants)	\$92,520.00	Judgment



King, Randall K.	2008	Prisoner Reimb. Probate Claim	\$15,120.00	Claim filed
Kipke, Joseph	2008	Prisoner Reimb. (55 Defendants)	\$101,130.00	Judgment
Klein, James	2009	Prisoner Reimb (63 Defendants)	\$135,270.00	Judgment
Klinkenberg, Iris	2008	Pension overpayment	\$428.71	PIF 428.71
Kopp, Bernard	2008	County hospitalization (MTB Reimb)	\$880.00	File opened
Kubacki, Samuel	2008	Prisoner Reimb. (52 Defendants)	\$100,980.00	Judgment
Lafrance, Ronald	2008	Prisoner Reimb. (54 Defendants)	\$59,880.00	Judgment
Latella, John	2009	County hospitalization (MTB Reimb.)	\$7,817.62	Filed opened
Latshaw, Jeremy	2008	Prisoner Reimb. (59 Defendants)	\$109,410.00	Judgment
Litzan, Daniel	2008	Prisoner Reimb (56 Defendants)	\$56,370.00	Judgment
Lunsford, Georod	2008	Prisoner Reimb. (1 Defendant)	\$3,930.00	Judgment
Maddox, Jesse	2008	Prisoner Reimb (43 Defendants)	\$90,960.00	Judgment
Manion, David J.	2008	Prisoner Reimb. (44 Defendants)	\$92,340.00	Judgment
Martos, Antonia	2008	Prisoner Reimb. (52 Defendants)	\$110,700.00	Judgment
Matthews, Ricky	2008	Prisoner Reimb. (51 Defendants)	\$111,825.00	Judgment
Maus, Esther	2009	County hospitalization (MTB Reimb.)	\$858.67	Filed opened

McGlown, James	2008	Guardianship		Guardian appt'd
Morency, Brian	2009	Youth Home detainee	\$ 4811.25	File opened
Nowicki, Norbert	2008	County hospitalization (MTB Reimb.)	\$4,492.00	Claim filed
Piekney, Arlene	2008	County Hospitalization	\$2,384.34	Claim filed
Ponka, Jerome	2008	County hospitalization (MTB Reimb)	\$6,303.00	Conservator appt'd
Ratiu, Michael Jeffrey	2008	Youth Home Detainee	\$38,000.00	Settlement Pd 7,500
Rubin, Deborah	2008	County hospitalization (MTB Reimb)	\$10,228.75	File opened
Sinnawe, Michael K.	2008	Prisoner Reimb. (1 Defendant)	\$ 9,390.00	Judgment
Tolliver, Greta	2008	County hospitalization (MTB Reimb)	\$12,436.00	File opened
Tucholski, Margaret	2008	County hospitalization (MTB Reimb)	\$17,880.00	Motion filed
Verwee, Thurlin	2008	County hospitalization (MTB Reimb)	\$2,116.40	PIF
Waller, Isadora	2008	County hospitalization (MTB Reimb)	\$14,445.00	File opened
Walters, Marguerite	2008	County hospitalization (MTB Reimb)	\$10,452.66	File closed, CA appt'd
White, Cora	2008	Mental - Attorney fees	\$648.19	PIF 648.19
Zachary, Arlene	2008	County hospitalization (MTB Reimb)	\$5,126.94	File closed; uncollectible

<u>DATE REC'D</u>	<u>CASE #</u>	<u>CASE NAME</u>	<u>SUBJECT</u>	<u>STATUS</u>	<u>DEPT.</u>	<u>ASSIGNED TO</u>
			<b>LAWSUITS - 2009</b>			
1/6/2009	08-5602-CH	Kenmoore Contracting v Commissioners, et al	Foreclosure on mechanic's lien on prop (taxes owed on prop)	Open	Treasurer	Frank Krycia
1/12/2009	08-5673-CZ	Brodie Corporation v Acquired Manufacturing	Tax lien foreclosure	Open	Treasurer	Frank Krycia
1/13/2009	08-5385-NZ	Burnett, Everett v Eric J. Smith, et al	Prosecutor failed to protect Plif's rights as an inmate	Open	Prosecutor	George Brumbaugh
2/26/2009	2:08-cv-15011	Ei, Marlon v Sheriff's Department, et al	Alleged excessive force/assault by officers	Open	Sheriff	Plunkett Cooney
2/10/2009	09-0540-PD	Waller, Matthew v Sheriff's Department	Seizure of property (guns)	Open	Sheriff	Frank Krycia
2/20/2009	09-769-NI	Woo, Walter v Sheriff's Department	Traffic accident involving a Sheriff's vehicle	Open	Sheriff	Marlin Bacon
3/9/2009	2:09-cv-10981	Pfister, Richard, Estate of v Sheriff's Dept	Inmate death (heart attack)	Open	Sheriff	Garan Lucow



# **RECYCLABLE PAPER**

RESOLUTION NO.

FULL BOARD MEETING DATE: 4/30/09

AGENDA ITEM: \_\_\_\_\_

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: APPROVE PROCEDURES FOR SELECTION OF OUTSIDE  
LEGAL COUNSEL

INTRODUCED BY: WILLIAM CROUCHMAN, CHAIRPERSON, COURTS & LEGAL  
AFFAIRS COMMITTEE

The attached procedures outlines steps to be taken by Corporation Counsel in the assignment of outside legal counsel to represent the County, its Elected Officials, Employees in pending litigation.

COMMITTEE/MEETING DATE

Courts and Legal Affairs – 4/21/09

## **PROCEDURES FOR SELECTION OF OUTSIDE LEGAL COUNSEL**

Upon receipt of a Summons and Complaint in which the County, its Elected Officials, Boards, Commissions, Departments or Employees are named Defendants, the Office of Corporation Counsel shall:

1. Review the pleadings and obtain all relevant information concerning the event(s) which the plaintiff alleges is the basis for his/her causes of action.
2. Notify the appropriate Elected Official or Department Head of the lawsuit.
3. Make an evaluation as to whether or not this matter should be handled internally or if the matter would be best handled by retaining the services of a law firm specializing in the particular area of litigation which is the subject matter of the lawsuit.
4. The selection of law firms and attorneys to represent the County shall be done on a rotating basis based upon the nature of the lawsuit and the attorney and law firm's expertise in the area of law which is the basis of the suit.
5. In the event that Corporation Counsel believes it is in the best interest of the County to retain the services of outside legal counsel, the following steps shall be taken:
  - A. The appropriate law firm shall be notified and provided with the pleadings and background information to prepare a timely response to the suit.
  - B. The affected Department, as well as the individuals named in the lawsuit, will be notified of the assignment of counsel.

C. The Chairman of the Courts and Legal Affairs Committee shall be notified of the lawsuit and assignment of counsel and the assignment of counsel shall be reported to that Committee at its next meeting.

D. The assignment of counsel shall be placed on an agenda of the Finance Committee to request that the Commissioners concur in the appointment of the outside counsel.