

**STATE OF MICHIGAN
COUNTY OF OTTAWA**

RESOLUTION

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Street Complex in the Township of Olive, Michigan on the 25th day of September, 2018, at 1:30 o'clock p.m. local time.

PRESENT: Commissioners: Joseph Baumann, Donald Disselkoe, Allen Dannenberg, Michael Haverdink, Kelly Kuiper, James Holtvluwer, Gregory DeJong, Philip Kuyers, Roger Bergman, Matthew Fenske. (10)_____

ABSENT: Commissioners: Frank Garcia. (1)_____

It was moved by Commissioner Disselkoe and supported by Commissioner Dannenberg that the following Resolution be adopted:

WHEREAS, Ottawa County ("County") operates a County Jail and is obligated to charge a \$12 "County Jail Fee" by MCL 801.4b and may charge up to \$60 per day for every day that a person sentenced to a county jail is incarcerated for the entire time that the person was confined to the jail including pretrial detention pursuant to MCL 801.83 ("PRCA");

WHEREAS, the Ottawa County Board of Commissioners ("Board") determines that the actual average cost of incarceration exceeds \$60 per day but that it is difficult to collect the entire sum of a prisoner's obligations under MCL 801.83 for a variety of reasons including but not limited to the fact that most incarcerated persons are typically unable to maintain their employment during incarceration and after release can encounter difficulties securing well-paying work such that the County's practical ability

to collect the full payment of their stay at the Ottawa County jail is compromised and often unproductive;

WHEREAS, there is ambiguity as to PRCA's applicability to inmates who are convicted of a charge but released on time served and/or fines at the time of conviction, which sentence effectively endorses the confinement but does not sentence the prisoner to additional time in jail;

NOW, THEREFORE, BE IT RESOLVED that the Ottawa County Sheriff's Department and/or Finance Department shall collect \$12 from every inmate in the Ottawa County Jail as a County Jail Fee pursuant to MCL 801.4b and such funds shall be distributed by the Ottawa County Finance Department as provided in that Act;

BE IT FURTHER RESOLVED the Board resolves PCRA's ambiguity and addresses the inefficiencies of the PCRA fee collection by finding and directing that the Ottawa County Sheriff's Department and/or Finance Department shall assess and collect a flat fee of \$60 from every inmate who is convicted of a crime for which they were detained in lieu of any further PRCA fees unless the County Administrator waives the fee after determining that the inmate is indigent after reviewing the inmate's circumstances including a review of the inmate's financial form developed under MCL 801.83;

BE IT FURTHER RESOLVED that this Resolution shall be forwarded to the Judges of Ottawa County with the request that they make such reasonable PCRA reimbursement a condition of any probation and sentence as provided under MCL 801.83(2);

BE IT FURTHER RESOLVED that in the event that the inmate does not timely pay the \$60, the Finance Department may exercise the discretion to initiate collection proceedings as authorized under MCL 801.83(1);


BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed to the extent of such conflict.

YEAS: Commissioners: Michael Haverdink, James Holtvluwer, Donald Disselkoen, Philip Kuyers, Roger Bergman, Kelly Kuiper, Joseph Baumann, Matthew Fenske, Allen Dannenberg, Gregory DeJong. (10) _____

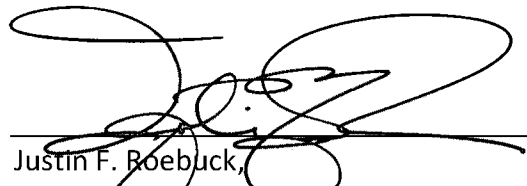
NAYS: Commissioners: None _____

ABSTENTIONS: Commissioners: None _____

RESOLUTION ADOPTED



Gregory J. DeJong, Chairperson,
County Board of Commissioners



Justin F. Roebuck,
Ottawa County Clerk/Register