

A RESOLUTION ADOPTING THE WASHTENAW COUNTY COST REIMBURSEMENT ORDINANCE
ALONG WITH A FEE SCHEDULE OUTLINING THE RECOVERABLE LAW ENFORCEMENT
PERSONNEL COSTS AND THE COST OF PROSECUTION FOR DRUNK DRIVING CASES.

WASHTENAW COUNTY BOARD OF COMMISSIONERS

December 3, 2003

WHEREAS, Washtenaw County incurs over two hundred thousand dollars each year in arresting and prosecuting individuals ultimately convicted of drunk driving offenses; and

WHEREAS, the Michigan Code of Criminal Procedure (MCLA 769.1f) permits the County to pass an Ordinance to seek the recovery of law enforcement personnel costs and the costs of prosecution from individuals convicted of drunk driving offenses; and

WHEREAS, County Administration estimates that the County could collect at least 50% of its law enforcement personnel costs and cost of prosecution incurred in processing such drunk driving cases; and

WHEREAS, the County has contracted with Maximus to develop a standard fee schedule for use with the Cost Recovery Ordinance, which schedule is attached to the Ordinance.

NOW THEREFORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners approves the Washtenaw County Cost Recovery Ordinance permitting the County to seek reimbursement for costs it incurs in arresting and prosecuting individuals ultimately convicted of drunk driving offenses.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners approves the standard fee schedule for use with the Ordinance.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners directs the Clerk to publish the Ordinance in a newspaper of general circulation as soon as is practicable.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Armentrout	X			Irwin	X			Sizemore	X		
Bergman	X			Kern	X			Solowczuk	X		
Brackenbury	X			Peterson	X			Yekulis	X		
Gunn	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY ROLL CALL VOTE: TOTALS 11 0 0

STATE OF MICHIGAN)
COUNTY OF WASHTENAW)^{SS.}

I, Peggy M. Haines, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on December 3, 2003, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this _____ day of _____, _____.

PEGGY M. HAINES, Clerk/Register

BY: _____

Deputy Clerk



Res. No. 03-0253

WASHTENAW COUNTY
COST RECOVERY ORDINANCE



Adopted: December 3, 2003

Ordinance No.

An Ordinance requiring the payment of costs incurred by Washtenaw County in arresting and prosecuting individuals convicted of certain offenses, as authorized by Act 372 of the Public Acts of 2000, as amended (MCLA 769.1f et seq), establishing how such costs shall be collected and providing the effective date of the Ordinance.

THE WASHTENAW COUNTY BOARD OF COMMISSIONERS ORDAINS:

Section 1. PURPOSE: The Washtenaw County Board of Commissioners has determined that it is in the best interests of Washtenaw County citizens to provide for the recovery of costs associated with the arrest and prosecution of certain criminal offenses leading to a conviction as permitted by Act 372 of the Public Acts of 2000, as amended, MCLA 769.1f, et seq.

Section 2. DEFINITIONS:

- (a) The term “cost of prosecution” shall mean the salaries, or other compensation, including, but not limited to, overtime pay as well as all other actual costs and expenses incurred by Washtenaw County Prosecutor personnel for the time spent investigating and prosecuting, to conviction, any crime or crimes listed by this Ordinance.
- (b) The term “law enforcement personnel costs” shall mean the County’s pro rata road patrol general subsidy percentage of the salaries, or other compensation, including overtime pay of Sheriff’s department personnel for time spent responding to an incident which ultimately results in a conviction of a crime or crimes listed by this Ordinance. Such reimbursable costs shall include, time spent arresting the suspect, processing the person after the arrest, preparing reports on the incident, investigating the incident and collecting and analyzing evidence, including determining bodily alcohol content and the presence of controlled substances in the blood, breath or urine.

Section 3. LIABILITY FOR COSTS OF ARREST AND PROSECUTION FOR CERTAIN OFFENSES:

- (1) Upon conviction of any of the following offenses, the person convicted shall reimburse Washtenaw County for law enforcement personnel costs as well as the cost of prosecution as defined by this Ordinance:
 - (a) A violation or attempted violation of section 625 (1)(3)(4) (5)(6)(7) or section 625m of the Michigan Vehicle Code, 1949 PA 300, MCLA 257.625 and 257.625m, or of a local ordinance substantially corresponding to section 625(1)(3)or (6) or section 625m of the Michigan Vehicle Code, 1949 PA 300, MCLA 257.625 and 257.625m.

- (b) Felonious driving, negligent homicide, manslaughter or murder or attempted felonious driving, negligent homicide, manslaughter or murder resulting from the operation of a motor vehicle, snowmobile, off-road vehicle, aircraft, vessel or locomotive engine while the person was impaired by or under the influence of intoxicating liquor or a controlled substance as defined in section 7104 of the public health code, 1978 PA 368, MCLA 333.7104, or a combination of intoxicating liquor and a controlled substance, or had an unlawful blood alcohol content.

Section 4. IMPOSITION OF COSTS BY COURT: Nothing contained in this Ordinance shall prohibit the Washtenaw County Unified Trial Court from imposing law enforcement personnel costs and the costs of prosecution as part of a sentence following conviction of any of the offenses listed in Section 3, as authorized by MCLA 769.1f, provided, however, that Washtenaw County shall not be reimbursed more than once for the expenses incurred in the arrest, processing and prosecution of any individual.

Section 5. PROCEDURES TO DETERMINE AND RECOVER COSTS: The law enforcement personnel costs and cost of prosecution for the offenses listed in Section 3 shall be determined and recovered as follows:

- (a) Charge Against Person: Any expenses incurred by the County, including law enforcement personnel costs and the costs of prosecution, resulting from an offense listed in Section 3, shall be charged against the individual convicted of that offense. The charge constitutes a debt of that person and is collectible by the County in the same manner as a contractual obligation.
- (b) Cost Recovery Schedule: The Washtenaw County Board of Commissioners may, by Resolution, adopt a schedule of costs specifying the law enforcement personnel costs and the costs of prosecution for the offenses listed in Section 3. Any adopted schedule of costs shall be available to the public from the Washtenaw County Clerk's Office. The schedule adopted by the Board of Commissioners may be a flat fee based upon a study of average costs sustained in arresting, investigating and prosecuting to conviction any of the listed offenses in Section 3. In the absence of an adopted schedule, the County may seek its actual costs incurred as a result of the conviction. County Administration may annually adjust the fees under this Ordinance and shall promptly notify the Board of Commissioners of such adjustment.
- (c) Billing: The Washtenaw County Finance Department shall, within ten (10) days of receiving itemized costs, or any part thereof, incurred for the arrest, investigation and prosecution to conviction of an individual for an offense listed under Section 3, submit a bill to that individual for such costs by first class mail or personal service. The bill shall require full payment in thirty (30) days from the date of mailing or personal service.
- (d) Failure to Pay; Procedure to Recover Costs: Any individual responsible for costs under this Ordinance who fails to pay those costs within the time required by this Ordinance shall be in default. In case of default, Washtenaw County may file a civil suit to recover the total amount of the costs or may contract with a collection agency to recover such costs on behalf of the County.

Section 6. CONFLICT WITH CRIMINAL LAWS: COORDINATION OF COLLECTION EFFORTS: Nothing in this Ordinance shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge for any criminal offense under Michigan law. If recovery of law enforcement personnel costs and the costs of prosecution are required as part of a criminal sentence, the Washtenaw County Finance Department shall work with the Washtenaw County Unified Trial Court to coordinate recovery of such costs.

Section 7. Severability: The phrases, sentences, sections and provisions of this Ordinance are severable; if any portion of this Ordinance is found to be unconstitutional or otherwise unenforceable, the remaining sections of the Ordinance shall remain in full force and effect.

Section 8. Repeal of Conflicting Ordinances: All other Ordinances, parts of Ordinances or amendments to such Ordinances which conflict with this Ordinance are repealed to the extent of such conflict.

This Ordinance was adopted by the Washtenaw County Board of Commissioners on December 3, 2003 and shall be effective when published in a newspaper of general circulation in the County.

h: general/ddordinance

Fee Schedule		
Drunk Driving Cost Recovery Ordinance		
Fiscal Year 2004		
Activity Area	Full Cost	Proposed Fee
Arrest	\$187	\$84
Blood Draw	\$57	\$26
Accident Investigation	\$60	\$27
Testify at Trial	\$57	\$26
District Court		
Authorize Warrant/Pretrial/Pleas	\$101	\$101
Motions/Hearing	\$550	\$550
Bench Trial	\$353	\$353
Final Set Conference	\$75	\$75
Jury Trial	\$817	\$817
Circuit Court		
Preliminary Exam (Waived)	\$31	\$31
Preliminary Exam (Held)	\$72	\$72
Pretrial	\$18	\$18
Motions/Hearing	\$127	\$127
Bench Trial	\$227	\$227
Jury Trial	\$860	\$860
Sentencing	\$18	\$18