

DRAFT – Agenda
Tuscola County Board of Commissioners
Committee of the Whole – Thursday, September 29, 2011
HH Purdy Building – Following Board of Commissioners Meeting
125 W. Lincoln, Caro, MI

Finance

Committee Leaders-Commissioner Peterson and Bardwell

Primary Finance Items

1. **2012 County Budget Development**
2. **Update Regarding Purdy Building Purchase (See A)**
3. **Amendment to Road Patrol Fund for Foundation Grant**

Secondary/On-Going Finance Items

1. Intergovernmental Joint Service Delivery
2. Circuit Court Collections Plan
3. Development of State Recommended County Financial Information
4. County Hiring Freeze – Reducing Cost Through Attrition
5. GIS Parcel Layer – Amalgam LLC
6. ATM Machines
7. 2010 Audit (Comprehensive Annual financial Report) Comments
8. NACo - Rural Action Caucus Program and Fund Raising
9. Coordination of Issues Through MAC
 - Personal Property Tax
 - Wind Energy Taxation and Revenue Potential
 - State Revenue as a Percent of Total Court Expenditures – Requested by MAC

Personnel

Committee Leader-Commissioners Peterson

Primary Personnel Items

1. **Analysis Demonstrating County Complies with SB 7 Using the Capped Rates Method (See B)**

Secondary/On-Going Personnel Items

1. New Hire Wage/Fringe Benefits
2. Circuit/Family Court Personnel Policies
3. Alternative Health Department - Health Insurance Program
4. State Law Regarding Maximum County Payment for Health Insurance

Building and Grounds

Committee Leader-Commissioners Kern and Petzold

Primary Building and Grounds Items

1. **Off-Road Vehicles Draft Ordinance (See C)**
2. **Car Deer Accident Requested Information (See D)**

Secondary/On-Going Building and Grounds Items

1. Potential Sheriff Department Tower Replacement
3. Agricultural Irrigation and Residential Wells
4. Office Space Project
2. Purdy Building Security

Correspondence/Other Business as Necessary

Public Comment Period

Closed Session – If Necessary

Other Business as Necessary

1. **2011 Update Regarding Major County Work Activities (See E)**

Statutory Finance Committee

1. Claims Review and Approval

Notes:

Except for the Statutory Finance Committee, committee meetings of the whole are advisory only. Any decision made at an advisory committee is only a recommendation and must be approved by a formal meeting of the Board of Commissioners.

If you need accommodations to attend this meeting please notify the Tuscola County Controller/Administrator's Office (989-672-3700) two days in advance of the meeting.

This is a draft agenda and subject to change. Items may be added the day of the meeting or covered under other business at the meeting.

A

Mike Hoagland

From: Thomas R. Luplow [tomlup@BKF-LAW.COM]
Sent: Wednesday, September 28, 2011 11:20 AM
To: mhoagland@tuscolacounty.org
Cc: Ann Van Haute
Subject: H. H. Purdy Building Update
Attachments: Tuscola County - HH Purdy - Corporate Resolution (S0921854).DOC

Mike,

The following is a brief report regarding the progress on the closing. We are still on schedule for a closing the first on next week.

We need two things from the County in addition to the closing documents we are working on:

1. A copy of the signed IPA. Please scan and email to me.
2. A Resolution of the Board of Commissioners approving the exercise of the option to purchase and authoring you to sign the closing documents. Attached is a proposed Resolution. Please have this approved at the meeting tomorrow and scan and email it to me. I sent the title company the Minutes of the May 12, 2011 meeting which authorized you to proceed with the bonds to purchase but it did not expressly refer to the exercise of the option to purchase. The title company was not satisfied with the May 12 Minutes.

We are still waiting for the following for the closing;

1. An update title commitment from the title company. We received a draft of the commitment, but changes were needed, including our request that parking easement with the City be added to the deed and to the insured legal description.
2. A Settlement Statement that is approved by both parties. The title company sent the parties a draft, but the parties are working with the title company on corrections.
3. A release of the Notice Commencement filed by the developer. This will come from the developer.
4. A payoff letter from the developer's lender, Chemical Bank.
5. A draft of the proposed Warranty Deed from the Seller. This is being prepared by Phoebe Moore.
6. A Letter of Escrow Instructions which we are working on.
7. Documents from the seller's exchange intermediary. Phoebe Moore is working on this matter.
8. Wire transfer instructions from the seller.



BRAUN KENDRICK

THOMAS R. LUPLOW
Attorney

600 N. GARDNER ST. SUITE 200
ANN ARBOR, MI 48106-1500
734.769.1100

Mike Hoagland

From: Thomas R. Luplow [tomilup@BKF-LAW.COM]
Sent: Wednesday, September 28, 2011 11:36 AM
To: mhoagland@tuscolacounty.org
Cc: Ann Van Hautte
Subject: Addendum to IPA

Attachments: Tuscola County - HH Purdy - Corporate Resolution (S0921854).DOC; Option.Addendum.doc

Mike,

I forgot to address this issue in the email I just sent you. Attached is an Addendum to the IPA which the seller has asked to be signed. There is no impact on the County to permitting the 1031 exchange. Also attached is a revised Resolution authorizing you to sign the Addendum. After this is approved at the meeting tomorrow, please sign, scan and email the addendum back to me along with the signed Resolution.



BRAUN KENDRICK

THOMAS R. LUPLOW
Attorney

EMAIL CONFIDENTIALITY NOTICE

**MINUTES OF MEETING OF THE BOARD OF COMMISSIONERS
OF TUSCOLA COUNTY**

A meeting of the Board of Commissions of Tuscola County, a public body corporate (herein the "County"), was held on September 29, 2011.

A quorum of the Board of Commissioners was present.

One of the items discussed at the meeting was the proposed purchase of the property located at 125 West Lincoln Street, Caro, Michigan 48723, from H. H. Purdy Property, LLC.

After discussion, on motion duly made, seconded, and unanimously carried, it was:

RESOLVED, that Michael R. Hoagland, Controller/Administrator is authorized and directed to execute and deliver the Notice of Exercise of Option to Transfer Title pursuant to the Installment Purchase Agreement and exhibits thereto; to execute and deliver the attached Exchange Addendum to Option to Transfer Title of August 13, 2010, which allows the Seller to engage in a like-kind exchange under 1031 of the Internal Revenue Code; and to proceed with the purchase of the property and execute and deliver at the Closing a Settlement Statement, Affidavits, and any and all other documents he deems necessary or desirable in order to consummate the purchase of the property.

I, the duly appointed and serving Clerk for the County, hereby certify that the aforementioned Resolution is a complete, true, and accurate copy of the Resolution of the Board of Commissioners of the County adopted on September 29, 2011.

MARGIE A. WHITE
Tuscola County Clerk

**EXCHANGE ADDENDUM TO
OPTION TO TRANSFER TITLE OF AUGUST 13, 2010
RE: 125 WEST LINCOLN STREET, CARO, MI**

The Seller, H. H. Purdy Property, LLC, a Michigan limited liability company, and the Purchaser, the County of Tuscola, a Michigan public body corporate, hereby amend the Option to Transfer Title of August 13, 2010 ("Option Agreement"), having been entered into by the parties in conjunction with the Installment Purchase Agreement of even date relative to the real property located at what is commonly known as 125 West Lincoln Street, in Caro, Michigan (the "Premises"), as follows:

1. The following paragraph shall be added:

14. **LIKE KIND EXCHANGE:** Purchaser acknowledges that Seller is selling the Premises in order to conduct an exchange pursuant to the provisions of Section 1031 of the Internal Revenue Code (the "Exchange"). Purchaser agrees that Seller's rights hereunder shall be assignable as necessary to First American Exchange Company, LLC to conduct the Exchange. Seller agrees that the responsibility to carry out the Exchange shall be its own and Purchaser agrees that it shall assist Seller (at Seller's expense) in effectuating the same.

2. All other terms and conditions of the Option Agreement shall remain in full force and effect.

SELLER:

H. H. PURDY PROPERTY, LLC,
a Michigan limited liability
company

By: _____

Name: Mark Ransford

Its: Authorized Member

Date: _____

PURCHASER:

COUNTY OF TUSCOLA, a
Michigan public body corporate

By: _____

Name: _____

Its: _____

Date: _____



September 26, 2011

Mr. Michael Hoagland, County Administrator
 Ms. Mari Young, Fiscal/Personnel Analyst
 Tuscola County
 207 E. Grant Street
 Caro, MI 48723

Re: Senate Bill 007 Capping/Limiting Employer Health Insurance Contributions

Dear Mr. Hoagland and Ms. Young,

Public Employee Benefits Solutions (PEBS) has completed a financial analysis of your current BCBSM Community Blue 4 PPO health plan under Senate Bill 007. Following are our findings:

ANALYSIS OF SENATE BILL 007 CAPPING/LIMITING EMPLOYER CONTRIBUTIONS

PPO 4	CENSUS	9/1/2011 RATES	EMPLOYER COST	CAP AMOUNT
SINGLE	26	\$372.00	\$4,464.00	\$5,500.00
2-PERSON	30	\$892.83	\$10,713.96	\$11,000.00
FAMILY	76	\$1,080.64	\$12,967.68	\$15,000.00
TOTALS	132	\$118,586	\$1,423,026	\$1,613,000
PPO 4 OVER/(UNDER) CAP:			(\$189,974)	

We are projecting that you are currently \$190,000 under the "hard cap", based on your current census and BCBSM illustrative rates for medical and prescription drugs only effective September 1, 2011.

As always, PEBS stands ready to assist Tuscola County with all of your employee benefit needs. Thank you.

Sincerely,

Daniel R. Skiver, Vice President
 Public Employee Benefits Solutions, LLC

Mike Hoagland

From: Patrick Kaltenbach [PatKal@BKF-LAW.COM]
Sent: Friday, September 23, 2011 2:41 PM
To: mhoagland@tuscolacounty.org
Cc: Clayton J. Johnson
Subject: ORV Ordinance

Attachments: SKMBT_42111092313420.pdf; Tuscola County-- Proposed ORV Ordinance (S0921275).DOC



SKMBT_421110923 Tuscola County--
13420.pdf (113 ... Proposed ORV ...

Hello Mike,

As we discussed, please find attached a draft version of a proposed ordinance to allow ORVs to be operated on the roads within Tuscola County. Also attached is a copy of the relevant Michigan statute.

The proposed ordinance does not authorize operation of ORVs on the roads within a municipality or upon state highways. It also reserves with the road commission the right to close certain roads to ORV use. If any further restrictions are desired we could insert language to limit ORV use accordingly.

As set out in the draft and in the attached statute, ORV use upon roads may not exceed 25 miles per hour, no person under the age of 12 can operate an ORV on a road pursuant to this Ordinance, and a person under age 18 must have a valid driver license, or be in the supervision of a parent or guardian and possess a valid ORV safety certificate.

If there are questions, comments, or any modifications with which you would like our assistance, please do not hesitate to contact me, or in my absence you may also contact Clayton Johnson from our office, who is copied on this message.

Thank you,

Pat

Braun Kendrick C. PATRICK KALTENBACH
Attorney
Tel: 989.399.0212
Fax: 989.799.4666
Email: patkal@braunkendrick.com

EEmail Confidentiality Notice

The information contained in this message may be subject to the attorney-client privilege, constitute attorney work product, or be strictly

COUNTY OF TUSCOLA
[PROPOSED] ORV ORDINANCE

An ordinance adopted for the purpose of authorizing and regulating the operation of off road vehicles (ORVs) on roads in Tuscola County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2011 PA 107, MCL 324.81131.

THE COUNTY OF TUSCOLA ORDAINS:

Section 1. As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Tuscola.
- b) "Driver license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e) "ORV" means a motor driven off road recreation vehicle capable of cross country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.
- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 1951, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Tuscola.
- h) "Safety certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

- i) "Street" means a city or village major street or village local street as described in section 9 of 1951 PA 51, MCL 247.659.
- j) "Township" means an individual township within the County of Tuscola.
- k) "Township board" means a board of trustees of any township within the County of Tuscola.
- l) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Section 2. An ORV may be operated on the far right of the maintained portion of a road within the County with these exceptions:

- a) Provided however, that in the event that either the Road Commission has CLOSED, or in the event a Township has adopted an Ordinance or Resolution which CLOSED, certain road(s) to ORV use, pursuant to MCL 324.81131(4), operation otherwise permitted under this Ordinance shall not be considered authorized, with respect to such closed road(s).
- b) This Ordinance is not intended to authorize the operation of an ORV on a street or highway which is under jurisdiction of a municipality, nor upon a State Trunkline Highway.

Section 3. The Road Commission may close no more than 30% of the total linear miles of roads in the County to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The Road Commission may not close a municipal street to ORVs opened under MCL 324.81131 subsection 5.

Section 4. An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal highway in the County.

Section 5. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the County:

- a) At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- b) By a person not less than 12 years of age.
- c) With the flow of traffic.
- d) In a manner which does not interfere with traffic on the road or street.
- e) Traveling single file except when overtaking and passing another ORV.
- f) When visibility is not substantially reduced due to weather conditions.

- g) While displaying a lighted headlight and lighted taillight at all hours.
- h) While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- i) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- j) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- k) Pursuant to noise emission standards defined by law.

Section 6. A child less than 18 years of age shall not operate an ORV on a road in the County unless the child is in possession of a valid driver license or under the direct visual supervision of a parent or guardian and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

Section 7. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a Road or Street in the County if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Section 8. The Road Commission, the County Board of Commissioners, and the County are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and rights-of-way over which the Road Commission or the County Board of Commissioners has jurisdiction.

Section 9. In a court action in this state, if competent evidence demonstrates that a vehicle is permitted to operate on a road or street pursuant to the code was in a collision with an ORV required to be operated on the far right of the maintained portion of a road or street pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

Section 10. Any person who violates this Ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

Section 11. In addition to the penalties under Section 10 of this Ordinance, a court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

Section 12. The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV fund. The County Board of

Commissioners shall appropriate revenue in the ORV fund as specified in MCL 324.81131 (14):

- a) Fifty percent to the Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are opened or closed to the operation of ORVs.
- b) Fifty percent to the County Sheriff for ORV enforcement and training.

Section 13. An ORV may only be operated on Roads between the hours of 5:00 am and 10:00 pm.

Section 14. Should a portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 15. This ordinance becomes effective after publication and expiration of the time prescribed by law.

This Ordinance is adopted by action of the County of Tuscola Board of Commissioners this ____ day of _____ 2011.

Chairperson

CERTIFICATION

I, _____, Clerk of the County of Tuscola, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the County of Tuscola Board of Commissioners on the ____ day of _____ 2011.

Clerk

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.81131 Ordinance allowing disabled person to operate ORV; notice of public hearing; closure of road to operation of ORVs; operation of ORV with flow of traffic; maintaining road or street not required; immunity from liability; "gross negligence" defined; operator of ORV as prima facie negligent; violation as municipal civil infraction; deposit of fines; definitions.

Sec. 81131. (1) A municipality may pass an ordinance allowing a permanently disabled person to operate an ORV in that municipality.

(2) Subject to subsection (4), the county board of commissioners of an eligible county may adopt an ordinance authorizing the operation of ORVs on the maintained portion of 1 or more roads located within the county. Not less than 45 days before a public hearing on the ordinance, the county clerk shall send notice of the public hearing, by certified mail, to the county road commission and, if state forestland is located within the county, to the department.

(3) Subject to subsection (4), the township board of a township located in an eligible county may adopt an ordinance authorizing the operation of ORVs on the maintained portion of 1 or more roads located within the township. Not less than 28 days before a public hearing on the ordinance, the township clerk shall send notice of the public hearing, by certified mail, to the county road commission and, if state forestland is located within the township, to the department. This subsection does not apply to a township until 1 year after the effective date of the amendatory act that first defined eligible county so as to include the county in which that township is located.

(4) The board of county road commissioners may close a road to the operation of ORVs under subsection (2) or (3) to protect the environment or if the operation of ORVs under subsection (2) or (3) poses a particular and demonstrable threat to public safety. A county road commission shall not under this subsection close more than 30% of the linear miles of roads located within the county to the operation of ORVs under subsection (2) or (3). The township board of a township located in an eligible county may adopt an ordinance to close a road to the operation of ORVs under subsection (2).

(5) The legislative body of a municipality located in an eligible county may adopt an ordinance authorizing the operation of ORVs on the maintained portion of 1 or more streets within the municipality.

(6) Subject to subsection (4), if a local unit of government adopts an ordinance pursuant to subsection (2), (3), or (5), a person may operate an ORV with the flow of traffic on the far right of the maintained portion of the road or street covered by the ordinance. A person shall not operate an ORV pursuant to subsection (2), (3), or (5) at a speed greater than 25 miles per hour or a lower posted ORV speed limit or in a manner that interferes with traffic on the road or street.

(7) Unless the person possesses a license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, a person shall not operate an ORV pursuant to subsection (2), (3), or (5) if the ORV is registered as a motor vehicle under chapter II of the Michigan vehicle code, 1949 PA 300, MCL 257.201 to 257.259, and either is more than 60 inches wide or has 3 wheels. ORVs operated pursuant to subsection (2), (3), or (5) shall travel single file, except that an ORV may travel abreast of another ORV when it is overtaking and passing, or being overtaken and passed by, another ORV.

(8) A person shall not operate an ORV pursuant to this section without displaying a lighted headlight and lighted taillight.

(9) A person under 18 years of age shall not operate an ORV pursuant to this section unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A person under 12 years of age shall not operate an ORV pursuant to this section. The requirements of this subsection are in addition to any applicable requirements of section 81129.

(10) A township that has authorized the operation of ORVs on a road under subsection (3) does not have a duty to maintain the road in a condition reasonably safe and convenient for the operation of ORVs. A board of county road commissioners, a county board of commissioners, or a municipality does not have a duty to maintain a road or street under its jurisdiction in a condition reasonably safe and convenient for the operation of ORVs, except the following ORVs:

(a) ORVs registered as motor vehicles as provided in the code.

(b) ORVs permitted by an ordinance as provided in subsection (1).

(11) Beginning October 19, 1993, a board of county road commissioners, a county board of commissioners, and a county are, and, beginning on April 25, 1995, a municipality is, immune from tort

liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and rights-of-way over which the board of county road commissioners, the county board of commissioners, or the municipality has jurisdiction. The immunity provided by this subsection does not apply to actions that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

(12) In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road or street pursuant to the code was in a collision with an ORV required to be operated on the far right of the maintained portion of a road or street pursuant to an ordinance adopted under subsection (2), (3), or (5), the operator of the ORV shall be considered prima facie negligent.

(13) A violation of an ordinance described in this section is a municipal civil infraction. The ordinance may provide for a maximum fine of not more than \$500.00 for a violation of the ordinance. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a road or street, or public property damaged as a result of the violation.

(14) The treasurer of the local unit of government shall deposit fines collected by that local unit of government under section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379, and subsection (13) and damages collected under subsection (13) into a fund to be designated as the "ORV fund". The legislative body of the local unit of government shall appropriate revenue in the ORV fund as follows:

(a) Fifty percent to the county sheriff or police department responsible for law enforcement in the local unit of government for ORV enforcement and training.

(b) Fifty percent to the board of county road commissioners or, in the case of a city or village, to the department responsible for street maintenance in the city or village, for repairing damage to roads or streets and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether roads or streets are open or closed to the operation of ORVs under this section.

(15) As used in this section:

(a) "Eligible county" means any of the following:

(i) Oceana, Newaygo, Montcalm, Gratiot, Saginaw, Tuscola, or Sanilac county or a county lying north thereof, including all of the counties of the Upper Peninsula.

(ii) St. Clair county.

(b) "Local unit of government" means a county, township, or municipality.

(c) "Municipality" means a city or village.

(d) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.

(e) "Street" means a city or village major street or city or village local street as described in section 9 of 1951 PA 51, MCL 247.659.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2008, Act 240, Imd. Eff. July 17, 2008;—Am. 2009, Act 175, Imd. Eff. Dec. 15, 2009;—Am. 2011, Act 107, Imd. Eff. July 19, 2011.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

CONTRACT FOR DEER CARCASS REMOVAL SERVICES

Between

COUNTY OF HURON

And

DAVID J. PAWLOWSKI

EFFECTIVE FEBRUARY 1, 2010

THIS CONTRACT is made and entered into on this 1st day of February, 2010, by and between COUNTY OF HURON, 250 East Huron Ave., Bad Axe, MI, hereinafter called “County”, and DAVID J. PAWLOWSKI, 119 N. Second St., Harbor Beach, MI, hereinafter called “Contractor”.

I

The Contractor shall pick up and dispose of dead deer carcasses along prescribed highway right of ways for the County of Huron. The Contractor must meet all requirements and regulations as established by Michigan Department of Natural Resources and Environment (MDNRE) and Michigan Department of Agriculture (MDA) as to animal disposal. Orders for service will be issued directly to the Contractor by the Huron County Board of Commissioners Office.

II

The term of this Contract shall be effective February 1, 2010 through January 31, 2011; it being provided however, that either party may terminate this Agreement during this term by giving the other party thirty (30) days written notice of such termination.

III

The County shall pay the Contractor on a per deer basis in the amount of \$22.50 per deer for said removal from road right of ways. Payment by the County to the Contractor shall be made upon receipt of a billing from the Contractor following each removal service. All animals removed from the Right of Ways shall be disposed of in a Class II landfill and supporting documentation shall be provided with billing.

IV

The Contractor shall provide and keep in force during the term of this Contract, at his own expense:

- (A) Commercial General Liability Insurance with a financially responsible insurance company or companies authorized to do business in the State of Michigan in amounts not less than the following:

\$1,000,000 per occurrence
\$2,000,000 general aggregate
\$1,000,000 products and completed operations
\$5,000 per person medical expenses

(B) Workers Compensation Insurance as required by the State of Michigan. The Contractor shall provide certificates of compliance with these provisions to the Board no later than January 1, 2010.

- (C) Commercial Auto Insurance of \$1,000,000 per occurrence.

(D) Certificate of Insurance to be provided to the County prior to commencement of the Contract.

V

The Contractor shall defend, indemnify and hold harmless the County against any and all claims of any nature whatsoever, including damage to property of the County, or any person or injury to or death of any person or of employees or agents of the County arising out of services performed under this Contract. The Contractor hereby assumes responsibility for the performance of such service, as herein set forth and in his duties to the County in this regard shall be coextensive with and as comprehensive as are the same duties owned by the Board of Commissioners to the general public. The County of Huron shall also be named as an additional insured on the Contractor's Commercial General Liability insurance.

VI

The Contractor shall reimburse the Board, upon demand, for any damages to County property caused by the acts and/or omissions to act by the Contractor, his agents, employees, and/or servants.

VII

This contract may be renewed at the option of the County for up to two (2) consecutive terms with such variations as the parties may agree.

IN WITNESS WHEREOF, the parties have hereto executed this contract the day and year written below:

COUNTY OF HURON
BOARD OF COMMISSIONERS

CONTRACTOR

By: David G. Peruski
Its: Chairman
Dated: _____

By: David J. Pawlowski
Contractor
Dated: _____

STATE OF MICHIGAN)
) SS
COUNTY OF HURON)

On _____, 20____, before me, a Notary Public, in and for said County, personally appeared to me known to be the same persons described in and who executed the within instrument, who jointly and severally acknowledged the same to be their free act and deed.

Jodi M. Essenmacher, Notary Public
Huron County, Michigan
My Commission Expires: 02/01/2015
Acting in County of Huron, Michigan

Maintenance Memorandum

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
DESIGNATION OF EXEMPTION FOR ROAD KILLED DEER

Section 8(2) of the Solid Waste Management Act, 1978 PA 641, as amended (hereinafter the "Solid Waste Management Act"), states that:

"The Director may exempt from regulation under this Act solid waste which is determined by the Director to be inert material for uses and in a manner approved by the Director".

R299.4301(3) further states that:

" The disposal of inert materials on land does not require a construction permit or operating license. However, the size and location of disposal sites intended to receive more than 1,000 cubic yards shall be recorded with the Solid Waste Control Agency. Additional materials not specifically included as inert in R299.4103(g) may be designated in writing by the Director as inert for disposal at specific sites."

Accordingly, the Director of the Department of Natural Resources hereby grants a designation of exemption from solid waste for road killed deer provided that the disposal is accomplished by one of the following:

1. The deer is placed on the surface of the ground and all of the following conditions are met:
 - a. The deer is placed in a remote area that is at least 1,000 feet from any neighboring resident or at a greater distance as necessary to prevent a nuisance odor condition that may cause an unreasonable interference with the comfortable enjoyment of life and property for neighboring residents.
 - b. The deer is not placed within 100 feet of another dead deer.
 - c. The owner of the land has authorized the placement of the deer.
 - d. The deer does not come into contact with surface or groundwater.

2. The deer is buried in an individual grave and all of the following conditions are met:
 - a. The deer is covered with four feet of soil within 24 hours of burial.

Maintenance Memorandum

- b. The deer does not come into contact with surface or groundwater.
 - c. The number of individual graves does not exceed 100 graves per acre.
 - d. The grave is located at least 200 feet from any groundwater well that is used to supply potable drinking water.
3. The deer is buried in a common grave and all of the following conditions are met:
- a. The number of deer in the common grave does not exceed 20.
 - b. Each individual deer is covered with one foot of soil within 24 hours of burial.
 - c. The common grave does not remain open for more than 30 days and receives at least four feet of soil as final cover.
 - d. The number of common graves does not exceed 5 graves per acre.
 - e. The deer does not come into contact with surface or groundwater or is disposed in a 100 year flood plain or wetland area as defined by the Solid Waste Management Act.
 - f. The common grave is located at least 200 feet from any groundwater well that is used to supply potable drinking water.
4. The deer is taken by the driver or owner of the vehicle involved in the highway accident or by some other person to whom a "highway killed deer permit" is issued by a representative of the Department or the investigating local police officer.
5. The deer is taken by a dead animal dealer who is licensed pursuant to the Bodies of Dead Animal Act, Public Act 239 of 1982.
6. The deer is disposed of in accordance with the Solid Waste Management Act at a properly licensed solid waste disposal facility or at an out of state facility in accordance with that state's solid waste disposal regulations.

The effective date of this designation is the date signed by the Director.

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
David F. Hales, Director
(Signature on File)

Dated: 11-18-88



COUNTY ROAD ASSOCIATION OF MICHIGAN

417 SEYMOUR - P.O. BOX 12067 - LANSING, MI 48901

TELEPHONE 517.482.1189 - FAX 517.482.1253

TO: COUNTY ROAD COMMISSIONS & COMMISSIONERS

FROM: JOHN D. NIEMELA

DATE: SEPTEMBER 2, 2011

SUBJ: CRAM LEGISLATIVE PRIORITIES

We are beginning the process of reviewing the CRAM Legislative Priorities to give each council an opportunity to provide suggestions for changes and/or additions, and then to review all suggested changes and/or additions before final approval by the membership.

After all of the councils have reviewed the Legislative Priorities, CRAM staff will then review and compile them along with all of the recommended changes. The proposed Priorities will then be forwarded to all CRAM member county road commissions for review and comment, again, at a council meeting. The Legislative Review Committee will then review and compile them along with all of the recommended changes to be reviewed by the General Policy Committee and the Board of Directors, before the final approval by the membership at the Annual Highway Conference in March of 2012.

Please add the Legislative Priorities at your upcoming council meetings for the following months, and be prepared for a good discussion:

Blue Water Highway Council	October/January
Great Lakes Council	November/January
Paul Bunyan Council	November/February
Seven County Council	October/January
Southeastern Council	November/February
Southwestern Council	November/February
Straits Area Council	November/February
Vacationland Council	October/December

Please be sure everyone attending the council meeting has a copy of the Legislative Priorities.

Thank you.

Enclosure

**CRAM LEGISLATIVE PRIORITIES
2011-2012**



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Dead Animals on Roadway

22. Local road agencies are called to remove large dead animals, in most cases, dead deer, from the roadway. Historically, the process was simple, pull the animal far enough off the road so as not to interfere with travel on the road. Increasingly there is the demand that dead animals be removed completely from the right-of-way and disposed of in landfills or other designated areas. This is creating a substantial financial burden on local road agencies in terms of landfill and labor costs. CRAM believes there should be a statewide policy developed in cooperation with state and local officials to provide consistent direction on how to deal with this issue. The liability and responsibility for removing dead animals from the roadway and right-of-way needs to be addressed.

CRAM supports legislation to deal with the “dead animal” issue with consideration to assigning the responsibility to the Michigan Department of Natural Resources. A simple ecological way should be provided to dispose of carcasses. The state should provide a disposal system in each county. Local agencies that choose to pick up animals from roadways should be reimbursed from funds other than dedicated transportation revenues.

Land Development

23. Currently road commissions have the opportunity for input on roads when property is platted according to the Land Division Act. However, there are many cases where property is developed through the Condominium Act, the Land Division Act, and county or township zoning of Planned Unit Developments (PUD) and the road commission’s role is limited to recommendations on how roads connect to county roads and cannot require improvements beyond the immediate location of the development. Some developments create traffic problems on existing roads servicing the development causing the need for road commissions to make improvements to those roads in order to accommodate the development. The implementation of Access Management along roadways creates a safer transportation system with a longer effective service life.

CRAM supports legislation that allows each road commission the opportunity to review and approve all new development having access to county roads, including the right to require the developer to make off-site improvements to the public road system.

CRAM also supports legislation requiring townships or developers of site condominiums, land divisions, and Planned Unit Developments adjacent to existing county roads to provide a dedication of right-of-way along the existing road frontage in accordance with the road commission’s right-of-way standard.

CRAM supports state and local efforts to develop effective Access Management plans for roadways throughout the state.

2011 Major Work Tasks – Status Update

Completed

1. Purchased Purdy building – Completion anticipated 10/3/11
2. Medical Care Facility purchase of Davenport Building and Land
3. Medical Care Bond Refinancing – Significant savings achieved
4. State Police building potential cost savings through bond refinancing – bond attorney determine no saving potential
5. Complete 2010 audit (Comprehensive Annual Financial Report) with new auditing firm – Report issued and review by county auditors, all funds in a positive financial position
6. Review drain-at-large costs for 2012 and future years – Drain Commissioner has provided estimates
7. Office Space remodeling and reorganization – 99% Completed
8. District 1 Commissioner appointed and special election held
9. Airport Zoning Ordinance adopted, Board of Appeals formed etc.
10. Implementation of computer hardware/software changes in Register of Deeds
11. Energy grant implemented
12. Monitor the status of the first year of Mosquito Abatement with the Co-Director arrangement – Successful first year
13. County commissioner apportionment process – Completed
14. NACo Rural Action Caucus meeting in the Thumb – Planning nearly complete event begins 10/13/11
15. Developed a contract with Zimco for computer support services instead of a staffed county office
16. New EDC Director appointed
17. New Probate Court Judge appointed
18. Change Veterans Director from full-time to part-time

Underway

1. 2012 County Budget development – PowerPoint presentation of financial problems in August, alternative methods of balancing the 2012 budgeted under review, needs to be top priority

2. Wages/benefit changes for new hires – Certain items settled from labor negotiation, non-union employee still under discussion
3. Wind energy issues – Thumb Regional Renewable Energy Authority – ITC transmission line – Nextera project Gilford Township – taxing structure – Underway
4. Implementation of Dispatch equipment changes for new radio frequency – Underway

On-going

1. Monitor changes in taxable value and property tax revenue – On-going continued declines expected
2. Monitor county financial position and make adjustments as necessary
3. Monitor state financial changes and impacts on county
4. Review additional methods of intergovernmental service delivery with other Counties and local units of government in Tuscola County – Not started
5. Monitor health insurance and retirement system cost changes
6. Medical marijuana – State involvement started
7. Domestic Violence grant two year implementation
8. Monitor state legislation impacts on the county
9. Monitor the county lawsuit claim against BC/BS
10. Monitor broadband development in the county
11. Review funding potential through the Saginaw Bay Coastal Initiative and Great Lakes Restoration Initiative
12. Work with MAC and County EDC to identify and obtain grant funds for revolving loan funds, economic development and other county needs