

**TUSCOLA COUNTY BOARD OF COMMISSIONERS
MEETING AGENDA
THURSDAY, MARCH 13, 2014 – 3:30 P.M.****

**H. H. PURDY BUILDING BOARD ROOM
125 W. Lincoln Street
Caro, MI**

125 W. Lincoln Street
Caro, MI 48723

Phone: 989-672-3700
Fax : 989-672-4011

- 3:30 P.M.** Call to Order – Chairperson Bardwell
***note time change** Prayer – Commissioner Trisch
Pledge of Allegiance – Commissioner Bierlein
Roll Call – Clerk Fetting
Adoption of Agenda
Action on Previous Meeting Minutes (See Correspondence #1)
Brief Public Comment Period
Consent Agenda Resolution (See Correspondence #2)
New Business
 -Health Department 2013 Audit Presentation
 -Sheriff 2013 Annual Report
 -Dispatch Director
 -Request to use Courthouse Lawn (See Correspondence #3)
 -Former Employee Claim
 -Animal Control Update and Citizen Questions (See Correspondence #4)
 -Request to Use MI Green Thumb Logo (See Correspondence #5)
Old Business
Correspondence/Resolutions

COMMISSIONER LIAISON COMMITTEE REPORTS

BIERLEIN

Thumb Area Consortium/Michigan Works
TRIAD
Behavioral Health Systems Board
Human Development Commission (HDC)
Tuscola 2020
Recycling Advisory Committee
Local Emergency Planning Committee (LEPC)
Multi County Solid Waste
Local Unit of Government Activity Report
Tuscola In Sync
MAC Board of Directors
Human Services Collaborative Council

BARDWELL

NACo
NACo Rural Action Caucus
Economic Development Corp/Brownfield Redevelopment
Caro DDA/TIFA
MAC Economic Development/Taxation
MAC 6th District
Local Unit of Government Activity Report
MAC – Past President

KIRKPATRICK

Thumb Area Consortium/Michigan Works
Board of Health
Community Corrections Advisory Board
Dept. of Human Services/Medical Care Facility Liaison
Land Acquisition
MI Renewable Energy Coalition
MEMS All Hazards
MAC-Environment Energy Land Use
Oil/Shale Work Group
Cass River Greenways Pathway
Local Unit of Government Activity Report
Tuscola In Sync

ALLEN

Dispatch Authority Board
County Road Commission
Board of Public Works
Senior Services Advisory Council
Mid-Michigan Mosquito Control Advisory Committee
Saginaw Bay Coastal Initiative
Dental Clinic for Indigents
Parks & Recreation
Local Unit of Government Activity Report

TRISCH

Board of Health
Planning Commission
Economic Development Corp/Brownfield Redevelopment
Local Unit of Government Activity Report

Closed Session (If Necessary)

Other Business as Necessary

Extended Public Comment

Adjournment

Note: 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.

CORRESPONDENCE

- #1 February 27, 2014 Full Board Minutes
- #2 Consent Agenda Resolution
- #3 Request to Use Courthouse Lawn
- #4 Animal Control Information Regarding Dog License Fees
- #5 Request to Use MI Green Thumb Logo
- #6 March 10, 2014 Committee of the Whole Minutes
- #7 February 13, 2014 Road Commission Minutes

Draft
TUSCOLA COUNTY BOARD OF COMMISSIONERS
February 27, 2014 Minutes
H. H. Purdy Building

Commissioner Thomas Bardwell called the meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the City of Caro, Michigan, on the 27th day of February, 2014 to order at 7:30 o'clock a.m. local time.

Prayer – Commissioner Bardwell

Pledge of Allegiance – Commissioner Kirkpatrick

Roll Call – Clerk Fetting

Commissioners Present: District 1 - Roger Allen (via Skype), District 2 – Thomas Bardwell, District 3 – Christine Trisch (excused at 9:12 a.m.), District 4 – Craig Kirkpatrick, District 5 – Matthew Bierlein

Commissioners Absent: None

Also Present: Mike Hoagland, Clerk Jodi Fetting, Bob Klenk, Walt Schlichting, Mike Miller, Treasurer Pat Donovan-Gray, Steve Anderson

14-M-028

Motion by Kirkpatrick, seconded by Bierlein to adopt the agenda as amended.
Motion Carried.

14-M-029

Motion by Bierlein, seconded by Trisch to adopt the meeting minutes from the February 13, 2014 meeting. Motion Carried.

Brief Public Comment Period - None

Consent Agenda Resolution -

14-M-030

Motion by Trisch, seconded by Bierlein that the following Consent Agenda Resolution be adopted. Motion Carried.

CONSENT AGENDA

- Agenda Reference:** A
- Entity Proposing:** COMMITTEE OF THE WHOLE 2/24/14
- Description of Matter:** Move that a letter be submitted from the Board of Commissioners to State Senator Green stating that the intent of the county is to acquire certain property from the state at no cost to the county. This acquisition could involve properties in portions of sections 15, 16, 17, 18, 19, 20, 21 and 22 of Indianfields Township. Final acquisition is contingent upon factors such as but not limited to environmental conditions and use restrictions.
- Agenda Reference:** B
- Entity Proposing:** COMMITTEE OF THE WHOLE 2/24/14
- Description of Matter:** Move that the hiring freeze be temporarily lifted to allow the Sheriff to refill the vacant Jail Administrator position.

New Business

- Dispatch Director Alternatives - Bob Klenk spoke to the Board regarding replacing the 911 Director's position.
- Intergovernmental Agreement with Sanilac for Health Services - Sanilac County has voted to not approve the intergovernmental agreement at this time.
- MAC Legislative Report – Counties Producing Tax Bills - Treasurer Donovan-Gray spoke to the Board regarding a proposed bill that would allow the County to contract with local townships to collect property taxes.
- MAC Legislative Report Assessor Level Bill - Bill is under discussion in Committee.
- Personal Property Tax Proposal - This would be implemented in a phase out process so the effects would be noticed over approximately a 12-year period.
- Policy Regarding Disciplinary Actions - Mike Hoagland is continuing to work on this matter. Matter Discussed.
- Zimco Technology Service Contract - Mike Hoagland is continuing to work on the service contract bid process.
- Potential Property Acquisition from State - Senator Green's office will be sent a letter of interest. Questions and information gathering is still taking place to help move the project forward in a positive matter.

- Thumb Area Works Board

14-M-031

Motion by Trisch, seconded by Kirkpatrick to appoint Joseph Tencza and Olena 'Len' Jensen to the Thumb Works Board. Motion Carried.

14-M-032

Motioned by Kirkpatrick, seconded by Bierlein that the Board of Health be authorized to enforce the County hiring freeze for the County Board of Commissioners using the review criteria established by Commissioner motion and the use of other criteria deemed important by the Board of Health.

Old Business - None

Commissioner Trisch excused at 9:12 a.m.

Correspondence/Resolutions -

-Huron County is looking at implementing a Mosquito Abatement Program. They are also looking at the option of partnering with Tuscola County for services. Mike Hoagland will continue to work on the matter.

-Laser Marking Technologies has requested that Fremont Township approve the establishment of an Industrial Development District.

-Jail Inmate communication that was received will be sent to the Sheriff.

-Bay County issued a resolution regarding repairing potholes and funding.

-Wendy Falls said Mike Hoagland could sign the necessary paperwork to amend the grant already requested.

-Steve Anderson is continuing to work on 2012 Grant Funding.

COMMISSIONER LIAISON COMMITTEE REPORTS

BARDWELL

NACo

NACo Rural Action Caucus

Economic Development Corp/Brownfield Redevelopment

Caro DDA/TIFA

MAC Economic Development/Taxation

MAC 6th District - Scheduled for March 6, 2014

Local Unit of Government Activity Report

MAC – Past President

KIRKPATRICK

Thumb Area Consortium/Michigan Works - Commissioner Kirkpatrick will be stepping down due to a scheduling conflict with a meeting for MAC.

Board of Health

Community Corrections Advisory Board - Commissioner Bierlein will fill in at the next meeting.

Dept. of Human Services/Medical Care Facility Liaison

MI Renewable Energy Coalition

MEMS All Hazards - Continuing to work on generator hook-ups for county buildings.

MAC-Environment Energy Land Use

Oil/Shale Work Group

Cass River Greenways Pathway - Met last week with the group and with Senator Green. The project is moving forward.

Local Unit of Government Activity Report

Tuscola In Sync - NACo has implemented a great website.

ALLEN

Dispatch Authority Board

County Road Commission

Board of Public Works

Senior Services Advisory Council

Mid-Michigan Mosquito Control Advisory Committee

Saginaw Bay Coastal Initiative

Dental Clinic for Indigents

Parks & Recreation

Local Unit of Government Activity Report - Akron water project public meeting is March 20th

Village of Akron has submitted a request for \$250.00 for the deductible for the sign repair. Matter Tabled.

TRISCH

Board of Health

Human Development Commission (HDC) - Commissioner Bierlein has been appointed to this committee. Meets March 19, 2014.

Planning Commission

Economic Development Corp/Brownfield Redevelopment

Local Unit of Government Activity Report

BIERLEIN

Thumb Area Consortium/Michigan Works - Vacancies were filled today.
TRIAD - No new update about Project Lifesaver.
Behavioral Health Systems Board - Meets tonight.
Tuscola 2020
Recycling Advisory Committee
Local Emergency Planning Committee (LEPC)
Multi County Solid Waste
Local Unit of Government Activity Report
Tuscola In Sync
Great Start Collaborative - Meets February 28, 2014.
MAC Board of Directors -
Human Services Collaborative Council

Closed Session - None

Other Business as Necessary -

- The water is back on at the MSU Building per Mike Miller.

- The Jail Boiler has been installed and is operational. Mike Miller is waiting on final state approval.

-Commissioner Bardwell met with Eric John regarding the grant for the detective car and the paperwork has been signed. The paperwork has been forwarded to the Sheriff's Department.

-Commissioner Kirkpatrick questioned Denmark Township changing the township ordinances for the windmills

Extended Public Comment - None

Meeting Adjourned at 9:41 a.m.

Jodi Fetting
Tuscola County Clerk

Statutory Finance Committee Minutes
February 27, 2014
H.H. Purdy Building
125 W Lincoln St, Caro MI

Meeting called to order at 9:42 a.m.

Commissioners Present: Allen (via Skype), Bardwell, Kirkpatrick, Bierlein

Commissioner Absent: Trisch

Also Present: Mike Hoagland, Jodi Fetting

Claims and Per Diems were reviewed and approved.

Public Comment - None

Meeting adjourned at 9:44 a.m.

Jodi Fetting
Tuscola County Clerk

'DRAFT'

COUNTY OF TUSCOLA

STATE OF MICHIGAN

RESOLUTION TO ADOPT CONSENT AGENDA

At a regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the Village of Caro, Michigan, on the 13th day of March, 2014 at 3:30 p.m. local time.

COMMISSIONERS PRESENT:

COMMISSIONERS ABSENT:

It was moved by Commissioner _____ and supported by Commissioner _____ that the following Consent Agenda Resolution be adopted:

CONSENT AGENDA

Agenda Reference: A

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that the 2013 Mosquito Abatement Annual Report be received and placed on file.

Agenda Reference: B

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that the ballot language, as recommended by the Corporate Council, to renew the Mosquito Abatement special purpose millage for a six year period be submitted to the County Clerk for inclusion on the August 2014 primary ballot for a public vote.

Agenda Reference: C

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that per the recommendation from the Board of Health, the Health Department personnel policy changes contained in the March 10, 2014 Committee of the Whole packet be approved.

Agenda Reference: D

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that the letter of agreement between Huron and Tuscola counties to provide joint information management services be approved and all appropriate signatures are authorized.

Agenda Reference: E

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that the 2013 Drain Commission Annual Report be received and placed on file.

Agenda Reference: F

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that the Undersheriff be authorized to pursue a State Farm Neighborhood Assistance program for a PA 511 Van for the county prisoner work crew.

Agenda Reference: G

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that per the communication from the Chief Accountant that in order to prevent the Victim Services (Fund 236) and Victim of Crime Act (Fund 255) from finishing the 2013 fiscal year in a deficit position supplemental general fund appropriations of \$250 and \$300, respectively be approved.

Agenda Reference: H

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that per the recommendation of Tuscola Behavioral Systems Board as contained in the February 28, 2014 letter that Ms. Paula Cavanaugh, Mr. Daniel Grimshaw, Ms. Joan Helmbold and Mr. Mark Putnam be reappointed to the Board of Directors for a three-year term.

Agenda Reference: I

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that per the March 3, 2014 letter from the County Prosecutor to concur with the appointment of Mila C. Sackett to the position of Assistant Prosecuting Attorney.

Agenda Reference: J

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that per the March 7, 2014 letter from the Sheriff to concur with the promotion of Sgt. Brian Harris to the position of Lieutenant/Jail Administrator with said position change to be effective 3/15/14.

Agenda Reference: K

Entity Proposing: COMMITTEE OF THE WHOLE 3/10/14

Description of Matter: Move that per the March 7, 2014 letter from the Sheriff to concur with the promotion of Corrections Officer Michael Schuman to the position of Corrections Sergeant to fill the shift supervisor vacancy with said change to be effective 3/15/14.

IT IS FURTHER RESOLVED that any motion, resolution, or other act of Tuscola County inconsistent with this Resolution is hereby rescinded, modified, replaced or superseded by this Resolution.

YEAS:

NAYS:

ABSTENTIONS:

RESOLUTION ADOPTED.

Thomas Bardwell, Chairperson
Tuscola County Board of Commissioners

Jodi Fetting
Tuscola County Clerk

#3

Mike Hoagland

From: Kara Rohn [kara_rohn@yahoo.com]
Sent: Monday, March 10, 2014 11:06 AM
To: mhoagland@tuscolacounty.org
Subject: 1st Annual Candlelight Vigil for Autism Awareness - Hosted by ASGTC

Mr. Hoagland,

The date for the candlelight vigil in front of the courthouse has been set for Tuesday, April 1st at 6:30 pm. Senator Green will be present to speak at the vigil.

Thank you for your support of autism awareness in our county!

Kara Rohn
Autism Support Group of Tuscola County
(989) 615-6218

National Day of Prayer

P. O. Box 289 Caro, MI 48723
(989) 673-2500

March 10, 2014

Board of Commissioners (672-3700)

125 W. Lincoln Street

Caro, MI 48723

Dear Chairman of the Tuscola Board of Commissioners:

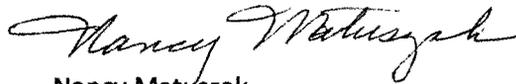
This is our annual request to hold the National Day of Prayer gathering on the Tuscola County courthouse lawn on **Thursday, May 1, 2014**. We plan to meet at 12:00 noon until 1:00 p.m.

We also request permission to put up our banner a few days ahead as we have done in the past; as well as to put up a tent for the event. (The tent would go up the day before or the morning of the event and taken down that day or the next.)

As previously, we would need your approval for the use of an electrical outlet for a portable sound system and we will check with the building codes department after we get approval. We will pick up any paper trash left behind.

If you have any questions, please call me at 989-673-2500. Thank you.

Sincerely,



Nancy Matuszak

National Day of Prayer Chairperson

Mike Hoagland

Subject: FW: Tuscola County -- Dog Licensing

Attachments: SBK14031013360.pdf

From: Mike Hoagland [mailto:mhoagland@tuscolacounty.org]

Sent: Tuesday, March 11, 2014 8:23 AM

To: Jim Matson (scac@avci.net); Patricia Gray; Bierlein Matthew (mbierlein@tuscolacounty.org); Kirkpatrick Craig (kirkpatrick_craig@sbcglobal.net); Roger Allen (beetman95@yahoo.com); Tom Bardwell (tbardwell@hillsanddales.com); Trisch Christine (ctrisch@tuscolacounty.org)

Subject: FW: Tuscola County -- Dog Licensing

Commissioners, Animal Control Officer and County Treasurer

In a previous communication Mr. Keehn sent a letter to the Board with the opinion that the Dog Law requires counties to set uniform animal control fees including license fees and kennel licenses. You asked that I obtain a legal opinion regarding this matter. Attached is an opinion letter from Clayton Johnson who is one of the county attorneys. Mr. Johnson explains that because the county has an Animal Control Ordinance and an Animal Control Officer the county does have the authority to set fees at levels they believe are reasonable and they do not have to be uniform as was stated in the letter form Mr. Keehn.

Mike

Michael R. Hoagland
Tuscola County/Controller Administrator
125 W. Lincoln
Caro, MI. 48723
989-672-3700
mhoagland@tuscolacounty.org

From: Clayton J. Johnson [mailto:CLAJOH@BraunKendrick.com]

Sent: Monday, March 10, 2014 2:40 PM

To: 'MHoagland@TuscolaCounty.org'

Cc: Patrick Kaltenbach; Diane M. Dvorak

Subject: Tuscola County -- Dog Licensing

Hello Mr. Hoagland,

Please find attached a letter summarizing our analysis regarding the letter which was received from David Keehn.

I apologize for the delay in getting this response to you. Please feel free to contact me with any aspects at all that you would like to discuss.

Kind regards,

Clay



BRAUN KENDRICK
ATTORNEYS AT LAW

CLAYTON J. JOHNSON
Attorney
TEL: 989.399.0606
FAX: 989.799.4666
EMAIL: clajoh@braunkendrick.com

March 10, 2014

Mr. Michael Hoagland, Controller
Tuscola County Controller/Administrator
Tuscola County
125 W. Lincoln Street
Caro, MI 48723

Re: Dog License Fees

Dear Mr. Hoagland:

You have requested our analysis in response to correspondence received by the Tuscola County Board of Commissioners from a citizen, Mr. David Keehn, regarding dog licensing fees. Mr. Keehn asserted therein that the State of Michigan's Dog Law required uniform dog license fees, and referenced several provisions of the Act, as applicable to his kennel fee. Mr. Keehn suggested that a fee of \$45.00 per 10 dogs, established by the Tuscola County Treasurer, violated this Act. Upon review, it is our conclusion that Mr. Keehn's interpretation of the law is not accurate.

Tuscola County is legally authorized to establish its own fees for dog licensing by virtue of the County's Animal Control Ordinance and Office. The State's Dog Law does not require uniform dog license fees, nor does it entirely preempt county ordinances on the subject. Counties that have an animal control ordinance and office are subject to Section 6 and Section 30 of the Dog Law, which mandate licensing in general and specific reporting requirements. These provisions do not create a mandated uniform fee schedule.

Section 10 of the Dog Law of 1919, which Mr. Keehn emphasizes in his letter as the basis for his assertion that fees are required to be uniform, is specifically not effective in counties which have an animal control officer. MCL 287.270. The statute further reads:

The provisions of this act shall not be effective in the counties of this state that are operating under the provisions of section 16 wherein the board of supervisors have appointed a county animal control officer with certain powers and duties, unless the counties by a resolution duly adopted by the board of supervisors accept the provisions of this Act.

Therefore, counties which have complied with Sec. 16 of the Act to appoint a county animal control officer are not required to follow Section 10's fee statement, unless they choose to accept it by resolution.

BRAUN KENDRICK FINKBEINER P.L.C.
4301 Fashion Square Blvd., Saginaw, MI 48603-5218
BRAUNKENDRICK.COM

SAGINAW
TEL: 989.498.2100
FAX: 989.799.4666

MIDLAND
TEL: 989.631.1027
FAX: 989.631.9880

MT. PLEASANT
TEL: 989.775.7404
FAX: 989.775.3764

{S1125585.DOCX.1}

Further, Sec. 29a of the Act authorizes the County to establish, with an animal control ordinance, an animal control agency, which can be assigned to any existing county department. MCL 287.299a. The county's animal control ordinance "shall provide for animal control programs, facilities, personnel and necessary expenses incurred in animal control." Most importantly, "the ordinance is subject to sections 6 and 30."

Section 6 mandates the licensing of dogs in general, and allows counties to set the date by which these licenses must be purchased. The statute also provides for a discount for spayed and neutered dogs. MCL 287.266. Section 30 requires that an application for a license, except a kennel license, must include proof of rabies vaccination. MCL 287.290. It is important to note that these sections reflect the only specific "carve outs" where county ordinances are still subject to the State Dog Law. A close reading of the Dog Law of 1919, then, suggests that counties are indeed able to opt out of Section 10, but must still comply with Sections 6 and 30. Tuscola County's ordinance therefore does not violate the Act by virtue of the fee schedule which is currently in place.

Mr. Keehn also cites what are asserted as "other references to the 'State Dog Law' as being 'preempted,'" within Michigan Attorney General Opinion No. 5341 (July 31, 1978). However, the opinion letter he cites merely shows that counties are given specified delegated powers in the "Dog Law" within which they must operate. By establishing its own animal control shelter and program, Tuscola County is clearly operating within the specifications of the state law, as discussed above.

The cited Attorney General Opinion letter concerned whether a county may legally operate a spay and neuter clinic for dogs and cats. The Attorney General cited *Youngblood v Jackson County*, 28 Mich App 361; 184 NW2d 290 (1970), for the proposition that "the authority in Michigan to control dogs . . . is provided by the Dog Law." The Attorney General reasoned that since no provision of the Act specifically or impliedly authorizes a county to establish and maintain a spay and neuter clinic, and as cats are not mentioned in either the title or body of the act, the Dog Law "may not be used as a source of authority to operate a spay and neuter clinic for (dogs) and cats." This opinion implies that the State provides counties with the authority to control dogs as is specified in the Dog Law. A county cannot operate a spay and neuter clinic, because that is not a method of control specified in the Dog Law. Therefore, the conclusion appears to be that the Dog Law delegates certain powers for enforcement, and a county must carry out those delegated powers, yet not exceed them. A spay and neuter clinic would be excessive, since it is not specified. On the other hand, Tuscola County, in establishing its own fees, is not exceeding the delegated powers specified in the Act.

Tuscola County has an Animal Control Shelter which consists of 12 dog kennels, and is dedicated to the welfare of the animals and safety of the citizens in Tuscola County. Animal Control appears to be assigned to the Chief Administrative Office of the County. This comports with MCL 287.299a and its provision that the animal control agency may be assigned to any other county department. By having an animal control office, and an animal control ordinance, Section 10 is not effective in Tuscola County, and the county is indeed authorized to establish its own kennel fees. The ordinance and animal control office, under Section 29a, are only subject to the Dog Law's license requirement in general (meaning it that it must issue dog licenses) and the rabies vaccination requirement.

There is no statutory or precedential evidence that supports uniform dog license fees, as advocated by Mr. Keehn, where a county has established an animal control program. Nothing in the Michigan Dog

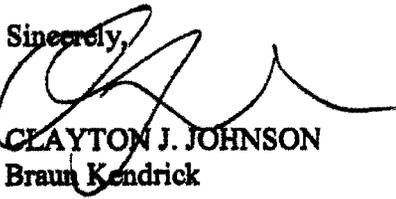
Page 3

Law suggests that counties are required to follow Section 10 governing kennel fees if they have adopted their own animal control program as Tuscola County has done.

In light of the above analysis, it is our opinion that Tuscola County is indeed authorized to establish its own fees for the licensing of dogs. The Dog Law does not preempt this authority and there is not a state-mandated fee schedule which would apply to preclude the County's established fees.

Thank you for the opportunity to provide input in this regard. Please do not hesitate to contact us if there is any aspect on which you would like further analysis or comment.

Sincerely,



CLAYTON J. JOHNSON
Braun Kendrick

Copy to all Comm
2/4/14

ACO Jim

I am writing this letter at your request in our phone conversation of November 25th 2013. In reading the Dog Law of 1919, Tuscola County Animal Control Ordinance, talking with the Tuscola County Treasures Office(TCTO), and You, that the Dog Kennel License and fee schedule being enforced by the TCTO at your request is in violation of the written laws.

The MCL Dog Law of 1919 is written in a preempted format, it gives local units of government specific options and requires state wide uniformity in fees and license schedules.

287.270b Kennel licensing ordinance.

Sec. 10b. Any city, township or village having in its employment a full-time animal control officer may adopt an ordinance providing for the issuance of kennel licenses by the animal control officer on the same terms, conditions and fees as is provided in section 10. Upon the adoption of the ordinance the city, township or village shall be excepted from the provisions of sections 10 and 11 of this act.

History: Add. 1966, Act 132, Eff. Mar. 10, 1967;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

Further the Animal Control Ordinance of Tuscola County recognizes State Preemption in Article 1 entitled "Purpose".

TUSCOLA COUNTY ANIMAL CONTROL ORDINANCE

County of Tuscola, Michigan

ARTICLE I

PURPOSE

To protect the public health, safety, convenience and welfare and to provide for the

•
orderly and uniform administration of the dog licensing provisions of the State of Michigan and, in particular, Act 339 of Public Acts of 1919, as amended, being Sections 287.261-287.290 of the Compiled Laws of 1948, (MSA Sections 12.511-12.543), and to regulate and control the conduct, keeping care of dogs and certain other animals, livestock and poultry; the County of Tuscola, Michigan adopts the following Ordinance:

As you noted there is a provision in the County Ordinance to change fees, I have asked both TCTO and Animal Control for this "new ordinance" and have yet been provided with any answer except "this is what we are doing". Even if the County could change fees there is no provision to change the format of the license, it would still need to be 10 dogs and under, and over 10, not the per 10 at \$45 you are trying to charge now.

State Law

287.270 "Kennel" defined; kennel license; fee; tags; certificate; rules; inspection; exception.

Sec. 10. For the purposes of this act, a kennel shall be construed as an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel. Any person who keeps or operates a kennel may, in lieu of individual license required under this act, apply to the county treasurer for a kennel license entitling him to keep or operate a kennel. Proof of vaccination of dogs against rabies shall not be required with the application.

The license shall be issued by the county treasurer on a form prepared and supplied by the director of the department of agriculture, and shall entitle the licensee to keep any number of dogs 6 months old or over not at any time exceeding a certain number to be specified in the license. The fee to be paid for a kennel license shall be \$10.00 for 10 dogs or less, and \$25.00 for more than 10 dogs. A fee of double the original license fee shall be charged for each previously licensed kennel, whose kennel license is applied for after June 1. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All the tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

The county treasurer or county animal control officer shall not issue a kennel license for a new kennel under the provisions of this act unless the applicant furnishes an inspection certificate signed by the director of the department of agriculture, or his authorized representative, stating that the kennel to be covered by the license complies with the reasonable sanitary requirements of the department of agriculture, and that the dogs therein are properly fed and protected from exposure commensurate with the breed of the dog. The director of the department of agriculture shall promulgate reasonable rules with respect to the inspections in the manner prescribed by law. The inspection shall be made not more than 30 days before filing the application for license. The provisions of this act shall not be effective in the counties of this state that are operating under the provisions of section 16 wherein the board of supervisors have appointed a county animal control officer with certain powers and duties,

unless the counties by a resolution duly adopted by the board of supervisors accept the provisions of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5254;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1945, Act 245, Eff. Sept. 6, 1945;—CL 1948, 287.270;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973. Administrative rules: R 285.129.1 of the Michigan Administrative Code.

Tuscola County

Section 7. Any person who owns or operates a kennel may, in lieu of individual licenses required under this Ordinance and under the laws of the State of Michigan, apply to the Tuscola County Treasurer for a kennel license entitling him to keep or operate a kennel in accordance with the applicable laws of the State. The license shall be issued by the Treasurer on a form prepared and supplied by the director of the Michigan Department of Agriculture and shall entitle the licensee to keep any number of dogs six (6) months or over, but not at any time exceeding a certain number to be specified in the license. The fee to be paid for a kennel license shall be \$10.00 for 10 dogs or less, and \$25.00 for more than 10 dogs, unless the fee is changed by the Tuscola County Board of Commissioners through a resolution subsequent to the date of this Ordinance. A fee of double the original license fee shall be charged for each previously licensed kennel, whose kennel license is applied for after June 1. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All the tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

There are other reference's to the "State Dog Law" as being "preempted" such as Attorney General opinion #5341.

My solution to this issue is to have the TCTO start charging the appropriate fees using current law as soon as is convenient. Definitely for the 2014 license year. I will take you, Jim, up on your offer for a refund of overpaid 2013 fees if this is not cleared up before I pay for my kennel license.

David Keehn 

989-325-1739

1649 O'Brien RD

Mayville MI

48744

12/3/2013

Mike Hoagland

From: DENNIS H. MARVIN [DENNIS.MARVIN@cmsenergy.com]
Sent: Friday, March 07, 2014 9:31 AM
To: carl@huroncounty.com; Mike Hoagland; EDC Tuscola (tuscolacountyedc@yahoo.com)
Cc: Mary A. Kulis
Subject: Theme
Attachments: LWEPBillboard-Outstate.pdf

Good morning Carl, Mike, and Steve:

Consumers Energy is getting ready to launch a public safety campaign in preparation for resuming construction of the Cross Winds Energy Park especially focused on the fact that we will start to transport turbine components into the region later in the spring through the summer. Our outreach will include a combination of local resident mailings in the immediate vicinity of the project area, newspaper ads, and billboards along the transportation route in major traffic areas as the components travel by truck from either the southwestern or southeastern parts of Michigan. I have attached a copy of the billboard we used for building our Lake Winds project in Mason County.

My purpose in reaching out to the three of you is to confirm if we can use reference to "MI Green Thumb" in our messaging. Taking the Lake Winds billboard as the example, the one we use for Cross Winds might say something like:

"Turbines on the Road to MI Green Thumb"

The design might be slightly different, but I want to make sure there is no issue if we use the "MI Green Thumb" reference.

Please advise. Thank you.



Dennis H Marvin | *Public Affairs Director, New Generation | Consumers Energy*
One Energy Plaza, EP8-206 | Jackson, MI 49201 | T: 517-788-0318 | M: 517-740-0209

Be Safe
Turbines on the road to Ludington



**Tuscola County Board of Commissioners
Committee of the Whole
Monday, March 10, 2014 - 7:30 A.M.
HH Purdy Building - 125 W. Lincoln, Caro, MI**

Commissioners Present: District 1 - Roger Allen (via Skype), District 2 - Thomas Bardwell (excused at 8:45 a.m.), District 3 - Christine Trisch, District 4 - Craig Kirkpatrick (via Polycom Phone), District 5 - Matthew Bierlein

Others Present: Mike Hoagland, Clerk Jodi Fetting, Mary Drier, Tisha Jones, Mike Miller, Kim Green, Charles Kurtansky, Lorraine Kurtansky, Gretchen Tenbush, Jon Suber, Register John Bishop, Drain Commissioner Bob Mantey, Dara McGarry

Finance

Committee Leaders-Commissioners Trisch and Kirkpatrick

Primary Finance

1. **Mosquito Abatement 2013 Annual Report** - Kim Green, Mosquito Abatement Director, provided an overview of the 2013 Annual Report. Matter to be moved to Consent Agenda.
2. **Mosquito Abatement Millage Renewable Language for May Ballot** - Matter to be moved to the Consent Agenda.
3. **Health Department Personnel Policy Recommended Changes** - Gretchen Tenbush provided a review of the changes made to the Health Department Personnel Policy. Matter to be moved to the Consent Agenda.
4. **Health Department MIS Manager Joint Service with Huron County** - Gretchen Tenbush presented the proposal to share IT Services with Huron County. Matter to be moved to Consent Agenda.
5. **Drain Commissioner Annual Report** - Bob Mantey, Drain Commissioner, provided an overview of the 2013 Annual Report for the Tuscola County Drain Commissioner. Matter to be moved to Consent Agenda.

Commissioner Bardwell excused at 8:45 a.m.

6. **State Farm Neighborhood Assistance Program Grant Application** - Undersheriff Skrent has applied for a grant that would be used toward the PA511 van if received. Matter to be moved to the Consent Agenda.
7. **Proposed Gun Board Changes – Revenue Impacts** - New Changes could have some impact to the County's portion of revenue. Clerk Fetting to keep the Board informed of any changes.
8. **Year-End 2013 Accounting Adjustments** - Mike Hoagland reviewed necessary adjustments to two Grant Funds. Matter to be moved to the Consent Agenda.
9. **Potential Acquisition of State Property** - Mike Hoagland provided an update on the progress of the potential acquisition.

10. Recap March 6, 2014 Sanilac County - Regional Planning - State of Michigan has been divided into 10 different regions. Mike Hoagland, Commissioner Bierlein and Commissioner Trisch attended the meeting last week. An update from the meeting was provided.

On-Going Finance

1. Prisoner Medical Costs - Mike Hoagland reviewed current costs that have been incurred. Mike is working with the Sheriff for possible ways to lower costs. Mike has also contacted Dan Skiver for possible solutions.
2. Next Steps to Five Year Financial Plan Development – Forwarded to County Officials
3. Renewable Energy - New Minimum Requirement?
4. Oil Shale Mining Assessing/Taxation – MAC Involvement
5. Any Changes or Additions to 2013 Accomplishments
6. Changes or Additions to 2014 Issues and Work Program
7. Personnel Property Tax Replacement with Use Tax – Public Vote
8. State Police Lease - When lease expires, will need to look at what to include in next lease.
9. Potential Re-Use of former Camp Tuscola
10. Periodic Updates on Major Budget Factors
11. Register of Deeds Recording of Wind Project Land Transactions
12. NG911 Multi-County Purchase
13. New Method of Cost Sharing for MREC Legal Invoices – Reese Library
14. Jail Law Suit - Matter ongoing nothing new to report.
15. Managing Jail Bed Space
16. County Web Page and Further Enhancements
17. Digital Parcel Mapping/GIS
18. Indigent Dental Program
19. Unfunded State Mandates
20. Abused, Neglect and Delinquent Child Care Costs
21. Project Lifesaver Bracelet
22. Dog Kennel License and Fees - Commissioner Trisch has received some concerns from county residents. Mike Hoagland to contact Jim to attend an upcoming Board meeting.

Personnel

Committee Leader-Commissioners Kirkpatrick and Trisch

Primary Personnel

1. **Dispatch Director Replacement** - Deadline for applicants was Friday, March 7, 2014. Applications will be presented to the Interview Committee. Matter to be placed on for agenda for Thursday's meeting.
2. **Behavioral Health System Board Vacancies** - Matter to be moved to the Consent Agenda.
3. **Prosecutor Position Appointment** - Matter to be moved to the Consent Agenda.

4. **Sheriff Jail Administrator Appointment** - Matter to be moved to the Consent Agenda.

On-Going Personnel

1. Recycling Committee Vacancy - No applications have been received yet. Commissioners to reach out for any interest at local Township Meetings.
2. Reclassification Procedures – New HR to Review
3. Health Insurance Affordable Care Act
4. Draft Court and Non-Union Personnel Policies – Labor Attorney Conducting Review – New HR to Review
5. Hiring of Part-time Replacements for former Full-Time Maintenance Person - Update provided.
6. Region VII Area Agency on Aging Advisory Council Vacancies - No applications have been received yet. Commissioners to reach out for interest at local Township Meetings.
7. MAC 6th District Meeting Date and Agenda
8. Claim Filed by Former County Employee - Updated Provided.

Building and Grounds

Committee Leader-Commissioners Allen and Bierlein

Primary Building and Grounds

1. **State Police Issue** - Mike Miller will work on the issue.
2. **Treasurer Office Security** - Meeting is scheduled on Tuesday to work on layout.
3. **Door Signage** - Mike Miller will work on the project.

On-Going Building and Grounds

1. Cass River Greenway
2. Dead Ash Trees Roadway Problems
3. State Police Post Lease – When lease expires, will need to look at what to include in next lease.
4. Agricultural Irrigation/Residential Wells
5. 20 Year Maintenance Plan Update - Update Provided.
6. Solid Waste Management Plan - EDC

Other Business as Necessary

1. Farm Bureau Lunch is on March 17, 2014
2. Request to Schedule Meeting with MDOT - Meeting to be scheduled.

Public Comment Period

Lorraine Kurtansky asked for information on the Agricultural Irrigation/Residential Wells.

Closed Session - None

Other Business as Necessary

Next Board of Commissioners meeting is at **3:30 p.m. on Thursday, March 13th.**

Meeting adjourned at 9:37 a.m.

Jodi Fetting
Tuscola County Clerk

February 13, 2014

A regular meeting of the Board was held in their offices at 1733 S. Mertz Rd., Caro, Michigan on Thursday, February 13, 2014 at 8:00 A.M.

Present: Road Commissioners John Laurie, Gary Parsell, Mike Zwerk, Julie Matuszak, and Pat Sheridan; County Highway Engineer Michele Zaverucha, Superintendent/Manager Jay Tuckey, Director of Finance/Secretary-Clerk Michael Tuckey.

Motion by Parsell seconded by Sheridan that the minutes of the January 30, 2014 regular meeting of the Board be approved. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Payroll in the amount of \$122,300.30 and bills in the amount of \$171,678.14 covered by vouchers #14-06 and #14-07 were presented and audited.

Motion by Zwerk seconded by Matuszak that the payroll and bills be approved. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Brief Public Comment Segment:

- (1) Mr. Jeff Brinkman appeared before the Board to discuss a commercial driveway installation on Fairgrove Road across from McCalcan Road. Mr. Brinkman reported to the Board and apologized for not completing the project to Road Commission standards last season, and promises to complete the project this spring. The Board accepted Mr. Brinkman's report and will extend his permit to complete the project when weather permits this spring.

Motion by Zwerk seconded by Parsell that the bids for 2014 Pavement Marking taken and accepted at the last regular meeting of the Board be awarded to M&M Pavement Marking, as recommended by the County Highway Engineer. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to approve the Settlement Agreement as amended between the Tuscola County Road Commission and NextEra Energy Resources, all in accordance with the Tuscola Wind II Project Road Agreement. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Matuszak that the offer from Pavement Recycling Inc. to extend their 2013 HMA Crushing, Shaping, and Stabilization bid prices to the 2014 season be approved, as recommended by the County Highway Engineer. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to approve the Cost Agreement for Traffic Signal Control with the Michigan Department of Transportation for the traffic signal on M-24 at Frank Street in Indianfields Township, and authorize County Highway Engineer Michele Zaverucha to electronically sign the agreement. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Zwerk that the Road Commission coordinate with the Almer Township Board and send a resolution to the Michigan Department of Transportation and Michigan Legislature requesting a traffic signal at the intersection of M-81 and Deckerville Road and Remington Road in Almer Township. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

County Highway Engineer Zaverucha presented to the Board a further revised proposed Utility Road Use Policy. The Board requested additional revisions in order to define the type of projects.

PUBLIC HEARING

At 8:30 A.M. a public hearing was held for the proposed improvements to Vassar Road from M-81 to M-138 in Sections 6 and 7 of Juniata Township, Sections 19, 30, and 31 of Fairgrove Township, Sections 1 and 12 of Denmark Township, Sections 24, 25, and 36 of Gilford Township. County Highway Engineer Zawerucha presented the plans for the project. Members of the public were given the opportunity to speak at the hearing, of which a complete transcript of the hearing is available at the Road Commission Office. After hearing comments from the public, the following motion was introduced:

Motion by Parsell seconded by Zwerk to close the public hearing and to proceed with letting the Federal Aid Project for the proposed improvements to Vassar Road from M-81 to M-138 in Sections 6 and 7 of Juniata Township, Sections 19, 30, and 31 of Fairgrove Township, Sections 1 and 12 of Denmark Township, Sections 24, 25, and 36 of Gilford Township. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Matuszak that the Superintendent/Manager internally post the upcoming vacant position of Vassar Division Foreman. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Superintendent/Manager Jay Tuckey discussed with the Board the need for re-establishing the position of Assistant Superintendent within the organizational chart of the Road Commission. After discussion, the Board tabled the issue until after the scheduled public hearing.

PUBLIC HEARING

At 8:45 A.M. a public hearing was held for the proposed improvements to the Ormes Road Bridge over Perry Creek between Barkley and Slafter in Sections 28 and 33 of Tuscola Township. County Highway Engineer Zawerucha presented the plans for the project. Members of the public were given the opportunity to speak at the hearing, of which a complete transcript of the hearing is available at the Road Commission Office. After hearing comments from the public, the following motion was introduced:

Motion by Parsell seconded by Zwerk to close the public hearing and to proceed with letting the Federal Aid Project for the proposed improvements to the Ormes Road Bridge over Perry Creek between Barkley and Slafter in Sections 28 and 33 of Tuscola Township. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Management and the Board further discussed the need for re-establishing the position of Assistant Superintendent within the organizational chart of the Road Commission. After further discussion, the following motion was introduced:

Motion by Parsell seconded by Zwerk to approve re-establishing the position of Assistant Superintendent within the organizational chart of the Road Commission. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

PUBLIC HEARING

At 9:00 A.M. a public hearing was held for the proposed improvements to the Thomas Road Bridge over the Allen Extension Drain between M-138 and Elmwood Road in Sections 32 and 33 of Akron Township. County Highway Engineer Zawerucha presented the plans for the project. Members of the public were given the opportunity to speak at the hearing, of which a complete transcript of the hearing is available at the Road Commission Office. After hearing comments from the public, the following motion was introduced:

Motion by Sheridan seconded by Matuszak to close the public hearing and to proceed with letting the Federal Aid Project for the proposed improvements to the Thomas Road Bridge over the Allen Extension Drain between M-138 and Elmwood Road in Sections 32 and 33 of Akron Township. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Mr. Jack Schmitz with Burnham & Flower Insurance Company appeared before the Board to present some options for the Road Commission's health insurance plans. Mr. Schmitz proposed adding to the plan a Flexible Spending Account for active employees, which would be administered through Burnham & Flower at no expense. Mr. Schmitz also proposed options for retiree health insurance coverage with significant estimated premium savings. After the presentation and discussion, the following three (3) motions were introduced:

Motion by Sheridan seconded by Parsell that the Road Commission add a Flexible Spending Account for active employees, all in accordance with the group Blue Cross & Blue Shield Health Insurance Plan. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Parsell to adopt the proposed Medicare Advantage health insurance coverage for Road Commission retired employees that are 65 years old or older. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Zwerk to adopt the proposed Blue Cross & Blue Shield PPO-12A Health Insurance Plan with dental insurance coverage for Road Commission retired employees that are under the age of 65. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Zwerk to approve the revised Tuscola County Road Commission Organizational Chart as presented. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak that the meeting be adjourned at 10:20 A.M. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Chairman

Secretary-Clerk of the Board