

**DRAFT - Agenda**  
**Tuscola County Board of Commissioners**  
**Committee of the Whole**  
**Thursday, January 28, 2010 – 8:00 A.M.**  
**Annex Board Room (207 E. Grant Caro, Mi.)**

**Finance**

Committee Leaders-Commissioner Peterson and Bardwell

**Primary Finance Items**

1. State Revenue Sharing (See A)
2. Mosquito Abatement Request to Purchase Treatment Materials (See B)
3. Dispatch Rebanding – Update
4. Dispatch and Other Procedures Related to Code Red
5. FOC Maximus Contract Change to MGT (See C)
6. Bench Warrant Enforcement (See D)
7. Travel/Meal Policy (See E)
8. Health Insurance Proposals – PEBS 2-2-10 at 9:00 A.M.
9. Legal Service Proposals – Next Steps ?
10. Child Care Fund Concerns and Resolution
11. Road Patrol and Senior Citizen Millage Renewal Language Development (See F)
12. Development of Financial Guidelines for Labor Negotiations
13. Wind Energy and Revenue Potentials (See G)
14. Treasurer Investment Report

Secondary/On-Going Finance Items

1. Treasurer Bank Statement Reconciliation
2. Update Regarding Broadband Grant Application
3. BCBSM Lawsuit Claim
4. Discussion of Tether Program Potentials
5. ATM, PayPal, Touch Pay Options for Courthouse
6. Red Flag Rule Policy and Committee Formation
7. Discontinued Membership in RC&D
8. MSUe Budgetary/Organizational Changes
9. Evaluate Reactivating the Financial Planning Task Force
10. Potential 2010 Budget Amendments
  - Probation Officer Position
  - Clerk's Office – Increase in Part-Time General Office Clerk's Hours

**Personnel**

Committee Leader-Commissioners Peterson and Roggenbuck

**Primary Personnel Items**

1. Mosquito Abatement Handbook

## Secondary/On-Going Personnel Items

1. Open Meetings Act Discussion for Boards and Commissions – Corporate Council and County Prosecutor
2. Incorporate County Personnel Policies and Other key Personnel Information on the County Web Site
3. Circuit/Family Court Personnel Policies
4. Electronic Time Recording System Update
5. Road Commission Elected Versus Appointed – Next Steps – February 24, 2010 Public Hearing
6. Schedule for Department Head Meetings

## **Building and Grounds**

Committee Leader-Commissioners Petzold and Kern

1. **Niland Building Studio-Apartment Information**
2. **Adult Probation Building Update**
3. **Energy Grant Approval, \$498,990 – Next Steps**
4. **Draft Airport Zoning Ordinance – County Planning Commission Public Hearing 2/3/10 – 4:00P.M., Attorney and Airport Authority Comments (See H)**
5. **Road Commissioner - Snowmobiles**
6. **Off-Road Vehicle Ordinance (See I)**
7. **Request to Use Courthouse Lawn (See J)**

## **Primary Building and Grounds Items**

Secondary/On-Going Building and Grounds Items

1. Review of FOC Potential Relocation to the Courthouse
2. Courthouse Access

## **Correspondence/Other Business as Necessary**

1. March 12, 2010 Farm Bureau Meeting Date 10:00 to Noon Brentwood
2. Great Lakes Restoration Initiative Grant Submittal
3. Resolutions from Other Counties
4. National Flood Insurance Program
5. Economic Development
  - County EDC Strategic Planning and CAT Integration
  - Enterprise Facilitation – 2-4-10 at 6:00 P.M.
  - Economic Gardening
  - East Central Michigan Council of Governments Coastal Zone Management Grant
  - Regional Tourism

## **Public Comment Period**

## **Closed Session – If Necessary**

## **Other Business as Necessary**

**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.

**Statutory Finance Committee**

1. Claims Review and Approval

**Mike Hoagland**

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**From:** Clayette Zechmeister [zclay@tuscolacounty.org]  
**Sent:** Friday, January 22, 2010 10:06 AM  
**To:** MHoagland@TuscolaCounty.org  
**Subject:** FW: Tuscola County Revenue Sharing

Mike,

Ok it looks like \$985,000 is our magic number for the Revenue Sharing Budget for 2010. But upon amending that budget we also have to keep in mind that the last quarter will be based on the 2011 State budget and who knows where that is landing. So, should we budget less that the \$985,000???

-----Original Message-----

**From:** Evah Cole [mailto:ColeE@michigan.gov]  
**Sent:** Friday, January 22, 2010 9:51 AM  
**To:** zclay@tuscolacounty.org  
**Subject:** Re: Tuscola County Revenue Sharing

The August payment is a reconciliation payment and will make up the difference between what the county will receive in total for the fiscal year and all prior payments Dec - Jun.

>>> "Clayette Zechmeister" <zclay@tuscolacounty.org> 1/22/2010 9:26 AM >>>

Evah,  
Thank you for calling me back. I have been working on the amounts that you gave me and I do have more questions.  
The bi-monthly payments are approximately \$147,800 but the total for the year you give me is \$985,000 is this correct?

I would show:  
Oct 2009 147,800  
Dec 2009 147,800  
Feb 2010 147,800  
Apr 2010 147,800  
Jun 2010 147,800  
Aug 2010 147,800

This would show a total for the year of \$886,800 a difference of \$98,200

Can you please clarify this?

Thanks,  
Clayette

Clayette A. Zechmeister  
Chief Accountant, Tuscola County  
207 E Grant St  
Caro, MI 48723  
zclay@tuscolacounty.org  
voice 989-672-3710  
fax 989-672-4011  
www.tuscolacounty.org <<http://www.tuscolacounty.org/>>

**Mike Hoagland**

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**From:** Tom Hickson [hickson@micounties.org]  
**Sent:** Wednesday, January 27, 2010 1:55 PM  
**To:** mhoagland@tuscolacounty.org  
**Cc:** jerry58c@yahoo.com; tbardwell@hdghmi.org; aroggenbuck@tuscolacounty.org; tkern@tuscolacounty.org  
**Subject:** revenue sharing

Mike and Tuscola County Commissioners:

In response to a recent call from Mike regarding the state appropriation for county revenue sharing, here is a brief synopsis of the budget so as to clear up any confusion. As the budget cleared the conference committee this fall and was signed into law, the legislature had billed the reduction to revenue sharing as an 11.06% cut to CVTs and counties.

Technically this is correct, but the devil is in the details. In this case the details are rather complicated. The first order of business is that for counties, if there were no cut, we should have received just over \$65 million. The cut in the budget was just over \$10 million, with an appropriation of \$55 million for the 20 counties who are slated to receive revenue sharing in FY 2010. If you use simply the proposed general fund appropriation as the denominator and the actual appropriation as the numerator, the cut looks more like 15.4%.

Keep in mind that this figure is state funds toward revenue sharing, and most of the counties (except Tuscola and a few others) would still have some reserve account money for 2010.

To arrive at the 11.06% number, the legislature is technically correct as if you look at the **total pot** for the 20 counties and **combine** what they were slated to receive in revenue sharing from the state **plus** what they are allowed to withdraw from their reserve accounts, this is an overall 11.06% reduction from what those 20 counties in total received in FY 2009.

Treasury's interpretation is that the boilerplate is unworkable for a number of reasons, including actual totals in counties' reserve accounts, the fact that 3 of the 20 counties would receive no state revenue sharing at all under this plan among other factors. Hence, they plan on paying the 20 counties, but dividing up a proportional share of the cut. Of the 10 million in reduction, Wayne County will stand to lose more than half, perhaps as much as \$6 million. Evah Cole has likely shared with you Tuscola's numbers.

One other factor to consider is that under the law, counties are subject to an inflationary factor for revenue sharing both in the reserve account and in the appropriation amount. This year, for the first time in decades, inflation is negative, which will amount to a small reduction just on this.

Hope this is helpful in understanding how 11.06% was arrived at, and that there are other ways to look at this. Obviously, to the legislature, let by Senator Pappageorge (R-Oakland) and the House with Fred Durhal (D-Wayne County), this 11.06% sounds better than 15%, but both are technically correct, depending on how you look at it.

Thanks,

Tom



## TUSCOLA COUNTY MOSQUITO ABATEMENT

1500 Press Drive  
 Caro, Michigan 48723-9291  
 989-672-3748 Phone ~ 989-672-3724 Fax



TO: Tuscola County Board of Commissioners  
 Michael Hoagland – Controller/Administrator

FROM: Jenifer Robb, Director  
 Tuscola County Mosquito Abatement

Date: January 25, 2010

RE: Request to purchase control materials for 2010 season

On January 13, 2010 sealed bids for insecticide materials were opened at the Midland County Board of Commissioners Finance Committee meeting. After review of these bids we are requesting permission to purchase the following materials.

Insecticide	Quantity	Price Per Unit	Total Amount
<b>Adapco Inc.</b>			
Aquabac XT (Liquid <i>Bacillus thuringiensis israelensis</i> )	120 Gallons	\$22.73	\$2,727.60
Spheratax G ( <i>Bacillus sphaericus</i> ) **	160 Pounds	\$6.25	\$1,000.00
<b>Clarke Inc.</b>			
VectoLex WDG ( <i>Bacillus sphaericus</i> )	72 Pounds	\$55.60	\$4,003.20
Natular G (Spinosad)	200 Pounds	\$3.43	\$686.00
Natular XRG (Spinosad)	25 Bags (1,000 Pounds)	\$437.96	\$10,949.00
VectoLex CG ( <i>Bacillus sphaericus</i> )	480 Pounds	\$7.42	\$3,561.60
<b>Univar USA</b>			
Masterline Kontrol 4-4 (Permethrin)	4,400 Gallons	\$15.65	\$68,860.00
Maverik Perimeter (Tau-fluvalinate)	3 Cases	\$299.00	\$897.00
<i>Bacillus thuringiensis israelensis</i> Briquets	5 Cases (100 ea.)	\$60.00	\$300.00
<b>Valent BioSciences Corporation (no bids – 3 year contract was signed January 12, 2009)</b>			
VectoBac G ( <i>Bacillus thuringiensis israelensis</i> )	20,000 Pounds	\$1.245	\$24,900.00
<b>Grand Total</b>			<b>\$117,884.40</b>

These purchases total \$117,884.40 and will be deducted for the 2010 Mosquito Abatement budget from account 240-620-750-000, Abatement Materials.

\*\*Spheratax G is a new formulation of *Bacillus sphaericus* that was presented as an alternate bid item in place of VectoLex CG this year. We are purchasing a small amount to test during the 2010 season.

©

**STATE OF MICHIGAN**

**54<sup>TH</sup> JUDICIAL CIRCUIT AND FAMILY COURT**

COURT ADMINISTRATOR  
440 NORTH STATE STREET  
CARO, MICHIGAN 48723-1594

Honorable Patrick R. Joslyn  
Circuit Judge

Mary Lou Burns  
Court Administrator/Friend of the Court

TO: Tuscola County Board of Commissioners  
FROM: Mary Lou Burns  
RE: Maximus Contract Termination  
DATE: January 22, 2010

The Friend of the Court has had a contract with Maximus since 2003 to prepare budgets, amendments, monthly billings, incentive reinvestment worksheets, compute personnel activity reports, calculate depreciation schedules, prepare applications and quarterly incentive reinvestment reporting at the cost of \$6,000 per year plus additional for the computation of th personnel worksheets. Maximus would also conduct presentations and enter into negotiations with the State on the FOC's behalf.

The service has been invaluable in getting the highest return on expenditures through the Cooperative Reimbursement Program.

Maximus was formerly Olson & Associates started by Jim Olson who is a Michigan native and knows very well about the financing and functioning of the Friends of the Court. Most all of the counties have used his services. Jim Olson sold his business to Maximus around 2003 and worked there until a dispute occurred and his employment was terminated in 2009. Mr. Olson's employment had a "no compete" provision so Friends suffered the loss of a strong negotiator with the State with his departure.

This is to advise that Jim Olson is working with a new firm by the name of MGT of America, Inc., and its mission is "to improve the efficiency and effectiveness of governments, nonprofits and other organizations serving the public" and will be based in same building where Maximus is located now in Bay City.

The Friends of the Court anticipate that many of the personnel who worked for Jim Olson through Maximus will soon be employed with MGT, Inc. as well. In order to maintain the high level of reimbursement under the CRP, I wish to terminate the contract with Maximus giving the required 90 day notice and enter

into a new contract with MGT so that the FOC and County can benefit from the expertise of Jim Olson and his associates.

There is funding in the 215 budget for these changes and no additional appropriation will be needed. The cost of these services is reimbursable under the CRP.

**POSSIBLE MOTIONS:**

**Move to approve the termination of the contract between Maximus, Tuscola County and Circuit Court and authorize the Chairperson to sign the letter of notification.**

**Move to allow the Friend of the Court to enter into a new contract with MGT of America, INC. in April 2010, for all services previously held with Maximus, and authorize the Chairperson to sign.**



**STATE OF MICHIGAN**

**54<sup>TH</sup> JUDICIAL CIRCUIT AND FAMILY COURT**

COURT ADMINISTRATOR  
440 NORTH STATE STREET  
CARO, MICHIGAN 48723-1594

Honorable Patrick R. Joslyn  
Circuit Judge

Mary Lou Burns  
Court Administrator/Friend of the Court

January 27, 2010

Maximus  
Attn: Gordon Stryker  
2343 Delta Road  
Bay City, MI 48706

RE: Notice of Termination

Dear Mr. Stryker,

This letter is notification to terminate the contract between the Tuscola County FOC and Maximus. The current contract dated October 15, 2003 states that "This agreement will be in effect from December 1, 2003, until such a time as either party wishes to change the scope of services or the professional fee. Either party may terminate the agreement with a ninety-day notice."

At this time this is the ninety day notice to terminate the contract for Maximus to prepare the 286 and the CRP budget application and the budget monitoring. Since there is a ninety day clause, the termination date will be April 27, 2010.

The other contract Tuscola FOC has with Maximus is for the preparation of the PER time sheets at \$ 1.40 per sheet. That contract is dated November 6, 2003. There is a clause in there which provides "Either party may terminate the agreement with at thirty-day notice." The termination for the preparation of the time sheets for Tuscola County shall be the same date as the termination for the CRP contract, April 27, 2010.

Sincerely,

Honorable Patrick R. Joslyn  
Circuit Judge

Thomas Bardwell  
Chairman, Tuscola County Board of Commissioners

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**STATE OF MICHIGAN**

**54<sup>TH</sup> JUDICIAL CIRCUIT AND FAMILY COURT**

COURT ADMINISTRATOR  
440 NORTH STATE STREET  
CARO, MICHIGAN 48723-1594

Honorable Patrick R. Joslyn  
Circuit Judge

Mary Lou Burns  
Court Administrator/Friend of the Court

TO: Tuscola County Board of Commissioners

FROM: Mary Lou Burns, Court Administrator/Friend of the Court

RE: Bench Warrant Enforcement Fund

DATE: January 27, 2010

Attached is documentation regarding elimination of the bench warrant funds under the Memorandum of Understanding which required that a portion of the bench warrant collection fees by the FOC were sent to the State, and repaid back to the County (i.e. for 2009, the State reimbursed \$6,988.67 and it was placed in the general fund under line item 101-000-578-143).

To save on administrative costs, PA 238 was passed effective 01/08/2010, and provides the bench warrant funding should no longer be sent to the State of Michigan and the portion of those fees are assigned to the circuit court for child support enforcement purposes. All funds collected between 10/01/09 and 01/07/2010 should be sent to the State as has previously occurred.

I request a new line item in the 215 fund (comparable to how the security expenses are handled) for new funding after 01/08/2010.

Should you have any questions, please contact me.

CC: Honorable Patrick R. Joslyn, Chief Judge  
Margie White-Cormier, County Clerk  
Patricia Donovan-Gray, Treasurer  
Glen Skrent, Undersheriff  
Nancy L. Thane, Deputy FOC  
Clayette Zechmeister, Chief Accountant

## Travel Meal Policy Summary

### Mileage

- if traveling from home to destination & it's shorter than from work to destination, use this route for number of miles
- if traveling from home to destination & it's farther than from work to destination, use mileage from work to destination for number of miles
- mileage is never allowed from home to normal work location
- County mileage rate is being increased to IRS rate of \$.50 per mile effective Jan.1, 2010

### Meals

- daily meal allowance is \$31.00
  - if all 3 meals are provided by conference or training, then no meal reimbursement is warranted
- alcoholic beverages are not eligible for reimbursement
- tips are limited to 20% of total meal cost

### Accommodations

- overnight accommodations will only be reimbursed if event is more than 60 miles from the County Caro complex
- single room is reimbursed only
- if a 'double' room is shared by 2 county employees, each may claim reimbursement for 1/2 of the rate
- if a 'double' room is shared with a non-county employee, reimbursement will be for the lesser of that rate of the rate of a single room
- department head must approve travel requiring overnight stay
- no overnight stay will be approved for meetings within the state that are for transacting county business (ex: meeting with State Officials or discussion of common concerns with other government officials)

### Out-of-State Travel

- must be pre-authorized by the Board

### Travel Vouchers

- vouchers must be turned in for payment within 60 days of event to receive reimbursement and itemized receipts need to be included

**TRAVEL/MEAL POLICY**  
**Revised 01/27/09**

**1. PURPOSE**

The purpose of this policy is to establish guidelines to reimburse Tuscola County officials and employees for travel expenses incurred as a result of their official duties at rates established by the Board of Commissioners and in accordance with the specific provisions enumerated herein.

The policy shall apply to all officials and employees who by the nature of their assigned responsibilities, or because of special circumstances, are required by the County to use their privately-owned vehicle for travel and/or perform functions at a location other than their normal work location.

**2. POLICY**

2.1 Mileage. Mileage will be paid at the rate established by the Board of Commissioners to those officials and employees required to use their privately owned vehicle in conducting County business. The rate may be updated each year based on the Internal Revenue Service rate. The Board may choose to not increase the rate or fully/partially increase the rate to the IRS rate.

2.1.1 When traveling to out-of-county activities, transportation must be shared whenever possible. Economical use of County funds has priority over personal convenience or preference.

2.1.2 All mileage shall be computed from the normal work location to the destination point and return except in the following situations:

2.1.2.1 Mileage will be computed from residence to destination if actual departure is from the residence and if the distance is less than the distance from work location to destination.

2.1.2.2 If the distance is greater from the residence, the employee may still leave from there, but mileage will be calculated from the work location to destination.

2.1.2.3 Under no circumstances is mileage allowed between residence and normal work location.

2.2 Meals. The daily meal allowance is \$31.00.

## TRAVEL/MEAL POLICY

- 2.2.1 Official travel, which takes the individual outside the boundaries of Tuscola County during the entire mealtime hours, will render eligibility for a per diem meal allowance, based on when the employee was required to leave and return. Meal allowances are not cumulative from meal to meal or day to day. The Controller's Office shall publish from time to time the approved rates.
  - 2.2.2 If all three meals (breakfast, lunch, and dinner) are provided by the conference or training session, then the employee is not eligible for a daily meal reimbursement from the County.
  - 2.2.3 Alcoholic beverages are not eligible for reimbursement from the County.
  - 2.2.4 Tips are limited to 20% of the total meal cost.
- 2.3 Accommodations. Reimbursement may be made for actual expenditures for overnight accommodations subject to the following restrictions and limitations:
- 2.3.1 Overnight lodging expenses for County business will only be reimbursed if said event is 60 miles or more from the County complex in Caro.
  - 2.3.2 Reimbursement is limited to the cost of a single room at prevailing rates for accommodations normally used in business; however:
    - 2.3.2.1 Double accommodation may be utilized when appropriate.
    - 2.3.2.2 If a "double" is shared with a County Official or Employee, each may claim reimbursement for one-half (1/2) of the rate.
    - 2.3.2.3 If the cost of a "double" is shared with a non-county employee, reimbursement may be claimed for the actual expenditure or an amount equal to the rate for a single occupancy accommodation, whichever is less.
- 2.4 Budget for Travel Related Expenses. Expenses associated with attendance at meetings, conferences, and seminars shall be requested by the Department Head during the preparation of the annual budget. Routine mileage allowance associated with day-to-day business within the County will be a separate line item.
- 2.4.1 A written request for all out-of-state travel must be submitted to the

## TRAVEL/MEAL POLICY

Board of Commissioners for review and approval prior to attending.

2.4.2 Travel within the State requiring overnight stay will be allowed subject to approval of the Department Head and to availability of funds within the department budget. No additional funds will be transferred to the travel account after adoption of the budget, unless approved by the County Board of Commissioners.

2.4.3 Travel within the State of Michigan for the purpose of transacting County business, i.e., meeting with State Officials or to discuss common concerns with other governmental officials will be allowed subject to approval of the responsible Department Head or Elected Official and no overnight stay is required.

2.5 Violation of Policy. If there is any infraction of this policy, no reimbursement of expenses will be allowed.

2.6 Preparation of the Travel Expense Voucher. The County Travel Expense Voucher must be completed within 60 days of the event. **Detailed, itemized receipts including a breakdown of all purchases at dining establishments must be supplied in order to receive reimbursement.**

**2004 Tuscola County  
Primary Election Millage Requests**

**RENEWAL  
SENIOR CITIZENS**

*passed*

For the years 2004 through 2009, shall the previously approved total taxable property rate limitation authorization in Tuscola County be maintained at two-tenths of a mil (20 cents for each \$1,000 of valuation) for the operation of Senior Citizens' programs in Tuscola County? This is a millage renewal and if approved and levied in its entirety raises an estimated \$240,613 in the first calendar year after its approval.

**RENEWAL  
SHERIFF'S ROAD PATROL**

*passed*

For the years 2004 through 2009, shall the previously approved total taxable property rate limitation authorization in Tuscola County be maintained at nine-tenths of a mil (90 cents for each \$1,000 of valuation) for the operation of the Tuscola County Sheriff's Road Patrol? This is a millage renewal and if approved, and levied in its entirety raises an estimated \$1,082,758 in the first calendar year after its approval.

**NEW  
SHERIFF'S ROAD PATROL**

*failed*

For the years 2004 through 2009, shall the total taxable property rate limitation in Tuscola County be enlarged by five-tenths of a mil (50 cents for each \$1,000 of valuation) for the operation of the Tuscola County Sheriff's Road Patrol? This millage is designed to maintain funding for the Tuscola County Sheriff's Road Patrol in the face of declining County revenues. If approved and levied in its entirety this millage raises an estimated \$601,532 in the first calendar year after its approval.



# Wind Farms - 5 year Estimate of IFT tax to be paid in Huron County

Note: IFT tax is based on 1/2 of the full millage

## Huron County

	122,794,400	2009	2010	2011	2012	2013	Five Year Total
av and tv							
Operating	2.1904	\$268,969	\$255,520	\$242,072	\$228,624	\$215,175	\$1,210,360
Transit	0.1000	\$12,279	\$11,665	\$11,051	\$10,438	\$9,824	\$55,257
Older Citizens	0.0996	\$12,230	\$11,619	\$11,007	\$10,396	\$9,784	\$55,036
Medical Care	0.2500	\$30,699	\$29,164	\$27,629	\$26,094	\$24,559	\$138,144
County Roads	0.5000	\$61,397	\$58,327	\$55,257	\$52,188	\$49,118	\$276,287
Veterans	0.0400	\$4,912	\$4,666	\$4,421	\$4,175	\$3,929	\$22,103
<b>Huron County Total</b>		<b>\$390,486</b>	<b>\$370,962</b>	<b>\$351,438</b>	<b>\$331,913</b>	<b>\$312,389</b>	<b>\$1,757,188</b>
<b>Huron ISD</b>	2.3743	\$291,551	\$276,973	\$262,396	\$247,818	\$233,241	\$1,311,978
Huron ISD Bond	0.0850	\$10,438	\$9,916	\$9,394	\$8,872	\$8,350	\$46,969
<b>Huron ISD Total</b>		<b>\$301,989</b>	<b>\$286,889</b>	<b>\$271,789</b>	<b>\$256,690</b>	<b>\$241,591</b>	<b>\$1,358,947</b>

## Assumptions:

All costs are reported as 2008 acquisitions.

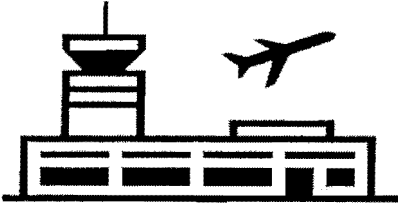
Future values are based on the multipliers in section B of STC Form 4565.

All IFTs run until December 31, 2012 or later.

Millages are estimates based on 2008 levies and votes. IFTs pay 1/2 of full millage.

						0.95	2010
						0.90	2011
						0.85	2012
						0.80	2013
						0.75	2014
County Mills	Millage / 2	to 5 places					
Operating	4.3807	2.1904	2.19035		2.1904	0.70	2015
Transit	0.2000	0.1000	0.10000		0.1000	0.65	2016
Older Citizens	0.1991	0.0996	0.09955 *		0.0996	0.60	2017
Medical Care	0.5000	0.2500	0.25000 *		0.2500	0.55	2018
County Roads	1.0000	0.5000	0.50000 *		0.5000	0.50	2019
Veterans	0.0800	0.0400	0.04000		0.0400	0.45	2020
Huron ISD	4.7486	2.3743	2.37430		2.3743	0.40	2021
Huron ISD Bond	0.1700	0.0850	0.08500		0.0850	0.35	2022
Ugly School Debt	1.1300	0.5650	0.56500		0.5650	0.30	2023
Laker School Debt	2.0000	1.0000	1.00000		1.0000	0.30	2024
Laker Sch Sinking Fund	1.0000	0.5000	0.50000		0.5000		
Pigeon Library	1.0000	0.5000	0.50000		0.5000		
Bingham Operating	1.2190	0.6095	0.60950		0.6095		
Bingham Roads	1.9972	0.9986	0.99860		0.9986		
Bingham EMS	0.7500	0.3750	0.37500		0.3750		
Chandler Operating	1.1104	0.5552	0.55520		0.5552		
Chandler Roads	5.5419	2.7710	2.77095 *		2.7710		
Chandler EMS	0.9300	0.4650	0.46500		0.4650		
Oliver Operating	1.2729	0.6365	0.63645 *		0.6365		
Oliver Roads	3.0000	1.5000	1.50000		1.5000		
Oliver Fire	0.7500	0.3750	0.37500		0.3750		
Oliver Library	0.2500	0.1250	0.12500		0.1250		
Sheridan Operating	1.0743	0.5372	0.53715 *		0.5372		
Sheridan Roads	2.0000	1.0000	1.00000		1.0000		
Sheridan Fire/Amb	0.5000	0.2500	0.25000		0.2500		
hisd bond	0.17						
sheridan op?	1.0026						
or ??	1.0743						





Tuscola Area Airport Authority  
157 N. State Street  
Caro, MI 48723  
989-673-2849  
989-673-2517 Fax

January 20, 2010

Tuscola County Planning Commission  
c/o Keith Kosik  
207 E Grant Street  
Caro, Michigan 48723

Dear Tuscola County Planning Commission,

On behalf of the Tuscola Area Airport Authority board of directors, we would like to thank the Planning Commission and its committee for all the work done on the Airport Zoning ordinance. We also want to express our appreciation to Linn Smith from the Michigan Aeronautics Commission for all of his valuable input over the past year.

The ordinance was reviewed by the Airport Authority Board members at its January meeting. Comments from Linn Smith were also discussed.

It is the consensus of the Airport Authority Board that in most areas, the ordinance seems to meet or exceed the standards set by the Michigan Aeronautics Commission. The Airport Authority Board understands the rationale in defining the hazard area as the entire County – rather than a 10 mile radius around the airport.

However, the Airport Authority Board does have a concern with the involvement of multiple zoning administrators in the process. It is our understanding that the State of Michigan has a window of ten business days in which to review and act on submitted applications. With the involvement of so many zoning administrators, the Airport Authority feels that having timely action take place will be difficult to accomplish. The Board feels that having a single point of contact – such as the Tuscola County Building Codes Authority – may be a more timely and consistent method to follow.

Thank you again for all of the time and energy spent on preparing this ordinance which we hope will have a positive impact on the Tuscola Area Airport and the many people and businesses that use the airport, as well as those involved with wind energy development.

Sincerely,

James McLoskey, Assistant Board Secretary

cc: Linn Smith, County Commissioners  
Committee members, Mike Hoagland  
Doug Van Essen

*Copy to all Comm  
& Belois Damm*



**Silver & Van Essen** P.C.  
Litigation & Counseling

300 OTTAWA AVENUE N.W., SUITE 620  
GRAND RAPIDS, MICHIGAN 49503  
616-988-5600  
FAX 616-988-5606

January 13, 2010

Tuscola County Planning Commission  
Tuscola County Board of Commissioners  
207 E. Grant Street  
Caro, MI 48723

**Re: Tuscola Area Airport Authority Zoning Ordinance—January 2010 Model**

Dear Commissioners:

At your request, I have reviewed the January 2010 Draft of the Tuscola Area Airport Zoning Ordinance, which I attach. Contained herein are the results of my review. In performing this review, I am mindful of the request that I keep my comments to significant, material changes that I believe should be made.

Before offering those limited comments, I wish to advise both the Planning Commission and Board of Commissioners of how well I believe the “Working Committee” on this Project performed. They spent countless hours learning these subjects and educating an interested public. Their diligence defused much of the local controversy that initially surrounded the Project and threatened to derail it. While they may provoked initial frustration in the Michigan Aeronautics Commission (“MAC”) staff because they accepted nothing without proof of purpose or legal legitimacy, I truly believe that frustration has been largely replaced with respect, maybe begrudgingly given, but present nevertheless because of the energy, enthusiasm, diligence and good faith that the Committee exhibited. Good Job Committee!

I must also add at this juncture that the Committee had a healthy respect but also skepticism for the advice of legal counsel. They didn’t and don’t accept everything I recommend simply because it is coming from a lawyer. However, they offered such skepticism with respect for my position and without questioning that my motives, like theirs, are simply to offer the best product in service to the residents of Tuscola County. In that regard, some of my recommendations below are known to the Working Committee. We may have agreed to disagree on them and I trust that we can continue to do that without being disagreeable or without loss of respect.

Without further qualification, let me offer my recommended changes:

1. 2.7, 2.11, 3.1 “Airport Hazard Area and Airport Zoning Area. I would recommend against extending either beyond the 10 miles radius that MAC recommends for several reasons:

- A. This is supposed to be an airport specific zoning ordinance not a county specific zoning ordinance. In other words, it is supposed to be tailored to the Tuscola Area Airport. Extending the zone of regulation to the entire County implies that this is being done for the county's interests, not those of the airport. This weakens its legitimacy and maybe its legality.
- B. This extension needlessly involves additional local units into having to educate themselves on what this ordinance does and what it doesn't and then decide whether to locally administer it when they are well outside of the unique approach zones for the Tuscola Area airport.
- C. It needlessly complicates the landed interests beyond the 10 miles that MAC deems reasonable for approaches. Since there will likely be a permit fee, this will look like revenue grab, bring discredit on County government. It will also look like needless regulation, bringing discredit on County government.
- D. We will look foolish in the aeronautics community. Metro Airport's zoning area is only 20 miles for that international mega airport. Ours will be the biggest in the State.
- E. If there are legal challenges, we will appear to be overreaching if we go beyond the airport approaches and we cannot defend this overreach.
- F. While I am mindful that anything over 200 feet AGL must get a MAC tall structure permit and FAA variance, this fact alone doesn't justify our intrusion into areas we shouldn't be regulating because of our airport.

2. 3.4 Zone E. Permit Requirements

Permits should be required in increasing increments from the center of the airport and at heights far enough below the maximum height required to make sure that we try to avoid violations before they are erected. Setting the permit height at 499 feet and the limit at 500 feet defeats this purpose. For instance, how do you know that a tower supposedly at 498 feet is really only 498 feet<sup>9</sup>, without a permit process where you are requiring a survey, etc...?

Moreover, there are other interests besides just the height. Anything over 200 feet has to have lights. You might have something in the flight path that the Zoning Administrator genuinely believes requires some additional lighting beyond what MAC requires because of proximity to the actual flight path of planes. The permitting process enables you to add some reasonable conditions.

Furthermore, there could be imminent and material interference with obstacle clearance areas, a departure area or turn and termination area or circling area even below the maximum

heights. These are all grounds in 3.5 for the denial of a permit. By so tightly drawing the permit area to one foot, we are making a mockery of that type of denial in this area.

3. 4.2(D) Permit decision

This section implies that the only reason for denying a permit is height limitation. However, Section 3.5, as alluded to above, rightfully identifies other reasons besides height that may result in a denial. This section must mirror 3.5.

4. 5.1 Primary Administration

The local unit must not only adopt the Ordinance and pledge to administer it, it should also commit to adopting any amendments within 45 days of the County Commissioners' adoption and if not, the Ordinance should automatically revoke the delegation. Otherwise, we could end up with a jurisdictional dispute if there are amendments that local units don't like and don't make. This could lead to a nightmare as to what the ordinance provides and where.

5. 5.1(B)(1). Default Administration

One person or position should be identified as the default zoning administrator. MSU's Land Policy group thought that identifying the Planning Commission as this body was illegal because of a conflict of interest problem. I don't necessarily agree with that position, however, I don't like a body being the administrator because that requires a public meeting under the Open Meetings Act before the zoning administrator can even consider, much less decide to issue a permit. That unduly politicizes the issuance, plus makes the process cumbersome.

6. 6.4 Civil Action

The Airport Zoning Administrative Agency, if a local unit, or default zoning administrator should bring an action in the name of the local unit or County, respectively, but only if the local unit's administrative body or the county board of commissioners, respectively, have authorized a civil action. There should be no lawsuit filed for injunctive or other enforcement without such authorizations. This should be distinguished from a civil infraction, which is a district court citation, such as speeding. The way this section currently reads, a local zoning administrator could sue someone seeking injunctive relief in the name of the County without any township board or county commission approval.

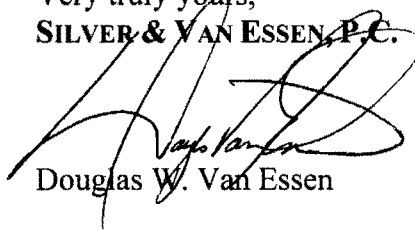
If these changes are made, I approve the form of the Ordinance. Since the Prosecutor may be asked to enforce it, I suggest Article 6 be presented to Mark Reene for his input before it is presented to the County Board of Commissioners. If there are any questions, do not hesitate to contact me.

Tuscola County Planning Commission  
Tuscola County Board of Commissioners  
January 13, 2010  
Page 4

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This letter is exempt from disclosure under Section 13 of the Freedom of Information Act because it is subject to the Attorney/Client Privilege. Discussion regarding the content of the letter may occur in Closed Session pursuant to Section 8(h) of the Open Meetings Act, which is the exemption for discussion of material exempt from disclosure under another statute.

Very truly yours,  
**SILVER & VAN ESSEN, P.C.**



Douglas W. Van Essen

Enc/



Act No. 175  
Public Acts of 2009  
Approved by the Governor  
December 15, 2009  
Filed with the Secretary of State  
December 15, 2009  
EFFECTIVE DATE: December 15, 2009

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2009**

Introduced by Reps. Espinoza, Sheltroun and Terry Brown

**ENROLLED HOUSE BILL No. 4507**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 81131 (MCL 324.81131), as amended by 2008 PA 240.

*The People of the State of Michigan enact:*

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

(2) Subject to subsections (4) and (7), 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 subsections (4) and (7), beginning July 17, 2009, 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.

(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) Subject to subsection (7), 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 subsections (4) and (7), 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. 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.

(7) Subsections (2) to (6) and an ordinance adopted under subsection (2), (3), or (5) do not apply after July 16, 2013.

(8) In addition to any applicable requirement of section 81133(c), a person shall not operate an ORV pursuant to this section when visibility is substantially reduced due to weather conditions without displaying a lighted headlight and lighted taillight. Beginning January 1, 2010, 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) Mason, Lake, Osceola, Clare, Gladwin, Arenac, or Bay county or a county lying north thereof, including all of the counties of the Upper Peninsula.

(ii) Huron, Tuscola, Sanilac, Saginaw, Gratiot, Montcalm, or St. Clair county.

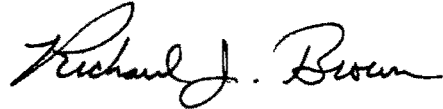
(b) "Local unit of government" means a county, township, or municipality.

(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.

This act is ordered to take immediate effect.



.....  
Clerk of the House of Representatives



.....  
Secretary of the Senate

Approved .....

.....  
Governor



*National Day of Prayer*

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

January 26, 2010

Board of Commissioners (672-3700)

207 E. Grant 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 6, 2010**. 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