

**TUSCOLA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING AGENDA**

THURSDAY, MARCH 25, 2021 – 08:00 A.M.

125 W. Lincoln Street
Caro, MI 48723

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

Electronic remote access will be implemented for this meeting, in accordance with the Department of Health and Human Services Emergency Order under MCL 333-2253 Gathering Prohibition and Face Covering Order and Public Act No. 254 of 2020.

**To participate in the Electronic Meeting you can join by phone:
(US) +1 413-341-4804 PIN: 463 372 672#
Join by Hangouts Meet: meet.google.com/crz-rvjr-wwi**

- 8:00 A.M. Call to Order – Chairperson Bardwell
Prayer – Commissioner Bardwell
Pledge of Allegiance – Commissioner Young
Roll Call – Clerk Fetting
Adoption of Agenda
Action on Previous Meeting Minutes (*See Correspondence #1 & 2*)
Brief Public Comment Period for Agenda Items Only
Consent Agenda Resolution (*See Correspondence #3*)

New Business

- Senator Kevin Daley – Legislative update
- Lawn Mowing Services Bids/Costs (*See Correspondence #4*)
- TCHD Fee Schedule Revision - COVID-19 Vaccine (*See Correspondence #5*)

10:00 a.m. Break

Old Business

- County Potential for Golf Cart Ordinance (*See Correspondence #6*)
- Creation of Numbers for Tuscola County Ordinances
- Board of Commissioners Rules of Order (*See Correspondence #7*)
- Animal Control Budget
- Potential Dates for Special Committee of the Whole Meeting – To Discuss the Cost Allocation Plan

Correspondence/Resolutions

COMMISSIONER LIAISON COMMITTEE REPORTS

VAUGHAN

Board of Health
County Planning Commission
Economic Development Corp/Brownfield Redevelopment
MAC Environmental Regulatory
Mid-Michigan Mosquito Control Advisory Committee
NACO-Energy, Environment & Land Use
Parks and Recreation Commission
Tuscola County Fair Board Liaison
Local Units of Government Activity Report

GRIMSHAW

Behavioral Health Systems Board
Recycling Advisory
Local Units of Government
Jail Planning Committee
MI Renewable Energy Coalition (MREC)

DuRUSSEL

Board of Health
Community Corrections Advisory Board
Dept. of Human Services/Medical Care Facility Liaison
Genesee Shiawassee Thumb Works
Local Emergency Planning Committee (LEPC)
MAC Judiciary Committee
MEMS All Hazard
Local Units of Government Activity Report

BARDWELL

Behavioral Health Systems Board
Caro DDA/TIFA
Economic Development Corp/Brownfield Redevelopment
MAC 7th District
MAC Workers Comp Board
MAC Finance Committee
TRIAD
Local Units of Government Activity Report

YOUNG

Board of Public Works
County Road Commission Liaison
Dispatch Authority Board
Genesee Shiawassee Thumb Works
Great Start Collaborative
Human Services Collaborative Council (HSCC)
Jail Planning Committee
MAC Agricultural/Tourism Committee
Region VI Economic Development Planning
Saginaw Bay Coastal Initiative
Senior Services Advisory Council
Tuscola 2020
Local Units of Government Activity Report

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. March 11, 2021 Full Board and Statutory Finance Minutes
2. March 22, 2021 Committee of the Whole Meeting Minutes
3. Consent Agenda Resolution
4. Lawn Mowing Services Costs
5. TCHD Fee Schedule Revision - COVID-19 Vaccine
6. County Potential for Golf Cart Ordinance
7. Board of Commissioners Rules of Order
8. NACO CEO Letter to U.S. Department of Treasurer
9. Tuscola County Road Commission Minutes from March 4, 2021
10. Berrien County Resolution in Support of Senate Bill No. 207

1.

Draft
TUSCOLA COUNTY BOARD OF COMMISSIONERS
March 11, 2021 Minutes

Meeting held via Google Meet Electronic remote access, in accordance with the Department of Health and Human Services Emergency Order Under MCL 333.2253 – Gathering Prohibition and Mask Order and Public Act 254 of 2020.

Commissioner Young called the regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held via Google Meet on the 11th day of March 2021, to order at 8:00 o'clock a.m. local time.

Prayer – Commissioner DuRussel

Pledge of Allegiance – Commissioner Young

Roll Call – Clerk Jodi Fetting

Commissioners Present Virtual:

District 1 - Thomas Young - Columbia Township, Tuscola County, State of Michigan

District 2 - Thomas Bardwell - Ellington Township, Tuscola County, State of Michigan

District 4 - Doug DuRussel - Tuscola Township, Tuscola County, State of Michigan

District 5 - Daniel Grimshaw - Vassar Township, Tuscola County, State of Michigan

Commissioner Absent - District 3 - Kim Vaughan

Also Present Virtual:

Clerk Jodi Fetting, Clayette Zechmeister, Eean Lee, Tracy Violet, Debbie Powell, Mary LeValley, Treasurer Ashley Bennett, Larry Zapfe, Matt Brown, Wes Nakagiri, Mary Drier, Sandy Nielsen, Mark Haney, Mike Miller, Pam Shook, Lisa Ozbat, Mark Ransford, Barry Lapp, Debbie Babich, Brian Harris, Kim Brinkman

At 8:15 a.m., there were a total of 26 participants attending the meeting.

Adoption of Agenda -
2021-M-046

Motion by DuRussel, seconded by Grimshaw to adopt the agenda as amended.

Roll Call Vote: Young - yes; Vaughan – absent; DuRussel - yes; Grimshaw - yes; Bardwell - yes. Motion Carried.

Action on Previous Meeting Minutes -
2021-M-047

Motion by Grimshaw, seconded by DuRussel to adopt the meeting minutes from the February 25, 2021 Regular meeting as presented and the March 8, 2021 Committee of the Whole as corrected. Roll Call Vote: Vaughan - absent; DuRussel - yes; Grimshaw - yes; Young - yes; Bardwell - yes. Motion Carried.

Brief Public Comment Period for Agenda Items Only – None

*Consent Agenda Resolution -
2021-M-048*

Motion by Grimshaw, seconded by DuRussel that the Consent Agenda Resolution from the March 8, 2021 Committee of the Whole Meeting be adopted. Roll Call Vote: DuRussel - yes; Grimshaw - yes; Young - yes; Vaughan - absent; Bardwell - yes. Motion Carried.

CONSENT AGENDA

- Agenda Reference:** A
- Entity Proposing:** COMMITTEE OF THE WHOLE 3/08/21
- Description of Matter:** Move to receive and place on file the 2020 Drain Commissioners Annual Report.

- Agenda Reference:** B
- Entity Proposing:** COMMITTEE OF THE WHOLE 3/08/21.
- Description of Matter:** Move to approve the request from Nancy Matuszak for the Annual gathering of the National Day of Prayer on the Courthouse lawn Thursday, May 6, 2021 from 12:00 noon until 1:00 p.m.

- Agenda Reference:** C
- Entity Proposing:** COMMITTEE OF THE WHOLE 3/08/21
- Description of Matter:** Move that per the request from Jodi Fetting, County Clerk, to approve the budget adjustment through the use of fund balance in the CPL Fund Account 263-100-934-500 for \$9,000 to purchase a Live Scan Fingerprinting machine.

- Agenda Reference:** D
- Entity Proposing:** COMMITTEE OF THE WHOLE 3/08/21
- Description of Matter:** Move to establish account 101-000-439-000 in the General Fund for Recreational Marijuana Payments. Also, establish a budget for \$84,004 based on the distribution amounts from the Department of Treasury for 2021.

New Business -

-2020 Tuscola County Mosquito Abatement Annual Report – Larry Zapfe, Mosquito Abatement Director presented to the Board a highlight of the Annual Report.

2021-M-049

Motion by DuRussel, seconded by Grimshaw to receive and place on file the 2020 Tuscola County Mosquito Abatement Annual Report. Roll Call Vote: Grimshaw – yes; Young – yes; Vaughan – absent; DuRussel – yes; Bardwell – yes. Motion Carried.

-Resolution # 2021-05 Regarding Virtual Participation in Board Meetings – The resolution was presented and discussed at the March 8, 2021 Committee of the Whole meeting.

2021-M-050

Motion by Grimshaw, seconded by DuRussel that County Resolution 2021-05 Regarding Virtual Participation in Board Meetings be approved and placed on file. Roll Call Vote: Young – yes; Vaughan – absent; DuRussel – yes; Grimshaw – yes; Bardwell – yes. Motion Carried.

-2020 Year End General Fund Review - Clayette Zechmeister reviewed various funds from the year-end review.

-2020 Animal Control Budget – Clayette Zechmeister reviewed the Animal Control budget with the struggles to stay on budget for the year 2020 and why the budget is in a deficit position. Clayette provided options to bring that budget back into balance.

2021-M-051

Motion by DuRussel, seconded by Young that per the recommendation from the Controller/Administrator that the General Fund appropriate an additional \$50,400 to the Animal Control Fund 239 for 2020 to keep it from operating in a deficit position. Also, all budget amendments are approved. Roll Call Vote: Vaughan – absent; DuRussel – yes; Grimshaw – no; Young – yes; Bardwell – yes. Motion Carried.

-Pricing for Livescan Fingerprints Other than for Concealed Pistol Licenses (CPL) – Clerk Fetting provided the findings of what other local agencies are charging. Sanilac County charges a flat \$70.00 fee and the agencies in Bay, Saginaw and Frankenmuth areas are charging a \$25.00 service fee in addition to the governmental fee. Clerk Fetting also asked for clarification on the company to purchase the Livescan fingerprinting from as that was missed in the Consent Agenda motion which gave the authorization to purchase the equipment. Clerk Fetting and Chief Information Officer Lee are recommending to purchase the equipment from ID Networks.

2021-M-052

Motion by Grimshaw, seconded by DuRussel that per the request of the County Clerk it is authorized to purchase the Livescan Fingerprinting equipment from ID Networks as presented at the March 8, 2021 Committee of the Whole meeting. Roll Call Vote: DuRussel – yes; Grimshaw – yes; Young – yes; Vaughan – absent; Bardwell – yes. Motion Carried.

2021-M-053

Motion by Grimshaw, seconded by DuRussel that Livescan Fingerprinting, completed by the County Clerk's Office, has a county fee set at \$25.00 in addition to any other fee set by State or Federal Government for each request for fingerprinting other than for Concealed Pistol Licensing (CPL) as that fee is set by law. The revenue received from the charge of having fingerprints completed should be placed in a revenue line item in the County Clerk's Budget with the governmental fee amount associated with the type of fingerprint request received being placed in a 701 line item for monthly distribution to Michigan State Police. Roll Call Vote: Grimshaw – yes; Young – yes; Vaughan – absent; DuRussel – yes; Bardwell – yes. Motion Carried.

-Michigan Association of Counties (MAC) Announcement Regarding \$2 Billion in Federal Aid for Michigan Counties – Clayette Zechmeister reviewed information that was received regarding potential funding that Tuscola County could receive. As more information is received, it will presented to the Board.

Old Business –

-Bids for County Storage – Additional Bid Received – Mike Miller explained on the RFP issued there were two dates listed in error for the submission date; March 5, 2021 and March 8, 2021. An additional bid was received from Monica LeValley for space located at Thumb Meat Market on March 8, 2021. Mike Miller did tour the proposed space and explained to the Commissioners his concern of the size of the location. As far as square footage of the space, it is not that much larger than the current storage building so it would not leave much room for growth. The Board discussed both proposed options and the timeline associated with each option.

2021-M-054

Motion by Grimshaw, seconded by DuRussel that per the Request for Proposal (RFP) dated February 4, 2021, the proposal from Dost Property, LLC that was received, that the County enter into a lease for storage space pending review by County Legal Counsel. Roll Call Vote: Young – yes; Vaughan – absent; DuRussel – yes; Grimshaw – yes; Bardwell – yes. Motion Carried.

-Board of Commissioners Rules of Order – Board discussed the proposed rules that were included in the packet with changes discussed on March 8, 2021. The Board would like to add clarification in Section 5.5 that outlines the order of business for a Committee of the Whole agenda.

-MDOT Performance Resolution #2021-06 for Governmental Agencies – This resolution was discussed at the March 8, 2021 Committee of the Whole meeting in regards to the Health Department Retention Pond Repair Project.

2021-M-055

Motion by DuRussel, seconded by Grimshaw that County Resolution 2021-06 Performance Resolution for Governmental Agencies be approved and placed on file. Roll Call Vote: Vaughan – absent; DuRussel – yes; Grimshaw – yes; Young – yes; Bardwell – yes. Motion Carried.

-Michael Yates – Vanderbilt Park – Mr. Yates submitted a proposal to determine the location of property corners of Vanderbilt Park, gravel road centerline at affected property boundary, sketch of recovered property corners and gravel road, and photos of recovered corners for a cost of \$500.00.

2021-M-056

Motion by Grimshaw, seconded by Yates that per Advance Surveying, Inc. that we proceed with locating the property corners at Vanderbilt Park for a cost of \$500.00. Roll Call Vote: DuRussel – yes; Grimshaw – yes; Young – yes; Vaughan – absent; Bardwell – yes. Motion Carried.

2021-M-057

Motion by Grimshaw, seconded by DuRussel that per the RFP (re: Vanderbilt Park) from Advance Surveying, Inc. that it is authorized that payment in the amount of \$500.00 be issued for work at Vanderbilt Park with budget amendments authorized in the Parks and Recreation Budget. Roll Call Vote: Grimshaw – yes; Young – yes; Vaughan – absent; DuRussel – yes; Bardwell – yes. Motion Carried.

Correspondence/Resolutions -

- EDC Thank You Letter for the Allocation
- Letter from Cliff Goffar Regarding his Gratitude for SCMCCI
- Letter from John Beyerlein Regarding SCMCCI
- Road Commission Minutes
- Berrien County Resolution
- Crawford County Resolution
- Livingston County Resolution
- Otsego County Resolution

COMMISSIONER LIAISON COMMITTEE REPORTS

YOUNG – No Updates
 Board of Public Works
 County Road Commission Liaison
 Dispatch Authority Board
 Genesee Shiawassee Thumb Works
 Great Start Collaborative
 Human Services Collaborative Council (HSCC)
 Jail Planning Committee
 MAC Agricultural/Tourism Committee
 Region VI Economic Development Planning
 Saginaw Bay Coastal Initiative
 Senior Services Advisory Council
 Tuscola 2020
 Local Units of Government Activity Report

VAUGHAN - Absent

Board of Health
County Planning Commission
Economic Development Corp/Brownfield Redevelopment
MAC Environmental Regulatory
Mid-Michigan Mosquito Control Advisory Committee
NACO-Energy, Environment & Land Use
Parks and Recreation Commission
Tuscola County Fair Board Liaison
Local Units of Government Activity Report

GRIMSHAW

Behavioral Health Systems Board – Update provided regarding potential change in meeting location for their Board meeting.
Recycling Advisory
Local Units of Government
Jail Planning Committee
MI Renewable Energy Coalition (MREC)

DuRUSSEL

Board of Health
Community Corrections Advisory Board
Dept. of Human Services/Medical Care Facility Liaison
Genesee Shiawassee Thumb Works
Local Emergency Planning Committee (LEPC)
MAC Judiciary Committee
MEMS All Hazard – Update provided.
Local Units of Government Activity Report

BARDWELL

Behavioral Health Systems Board
Caro DDA/TIFA – Met yesterday.
Economic Development Corp/Brownfield Redevelopment
MAC 7th District – Meets April 6th.
MAC Workers Comp Board – Legislative Platform needs to be distributed to all of the Commissioners for the next Committee of the Whole meeting.
MAC Finance Committee
TRIAD
Local Units of Government Activity Report

Other Business as Necessary –

- Clayette Zechmeister provided an update from the planning meeting with Dr. Marrone. A follow-up meeting will be scheduled.
- MREC meeting will be held but an opinion/order has still not be issued.
- Marijuana funds has been received in the amount of \$84,000.00.

At 10:30 a.m., there were a total of 25 participants attending the meeting.

Extended Public Comment –

-Pam Shook spoke in reference to Vanderbilt Park and the property line stakes placed by Michael Yates.

-Pam Shook provided an update of the success of the winter fishing season at Vanderbilt Park.

-Wes Nakagiri, Chair of Livingston County Board of Commissioners, spoke regarding the COVID allocation formula. He has researched and stated that his county is only receiving 65% of the funds that they should have. In his research, many other counties are getting shorted including Tuscola County. He will provide his research information to the Commissioners.

2021-M-058

Motion by DuRussel, seconded by Grimshaw to adjourn the meeting at 10:40 a.m.
Roll Call Vote: Grimshaw - yes; Young - yes; Vaughan - absent; DuRussel - yes; Bardwell - yes. Motion Carried.

Meeting adjourned at 10:40 a.m.

Jodi Fetting
Tuscola County Clerk

Tuscola County Board of Commissioners
Statutory Finance Committee Minutes
March 11, 2021

Electronic remote access will be incorporated for this meeting, in accordance with the Department of Health and Human Services Emergency Order Under MCL 333-2253 Gathering Prohibition and Mask Order and Public Act No. 254 of 2020.

Commissioner Young called the Statutory Finance meeting of the Board of Commissioners of the County of Tuscola, Michigan, held via Google Meet on the 11th day of March, 2021, to order at 10:40 o'clock a.m. local time.

Roll Call – Clerk Jodi Fetting

Commissioners Present Virtual:

District 1 - Thomas Young - Columbia Township, Tuscola County, State of Michigan
District 2 - Thomas Bardwell - Ellington Township, Tuscola County, State of Michigan
District 4 - Douglas DuRussel - Tuscola Township, Tuscola County, State of Michigan
District 5 - Daniel Grimshaw – Vassar Township, Tuscola County, State of Michigan

Commissioner Absent - District 3 - Kim Vaughan

Also Present Virtual:

Jodi Fetting, Clayette Zechmeister, Eean Lee, Lisa Ozbat, Mark Haney, Mary Drier, Mike Miller, Sandy Nielsen, Tracy Violet, Treasurer Ashley Bennett, Barry Lapp, Brian Harris, Pam Shook, Kim Brinkman

At 10:40 a.m., there were a total of 21 participants attending the electronic meeting.

-Adoption of Previous Meeting Minutes

2021-SF-M-019

Motion by Grimshaw, seconded by DuRussel to adopt the meeting minutes from the February 25, 2021 Statutory Finance. Roll Call Vote: Young - yes; Vaughan - absent; DuRussel - yes; Grimshaw - yes; Bardwell - yes. Motion Carried.

New Business:

-Review and Adoption of Daily Report and Checks –

2021-SF-M-020

Motion by Grimshaw, seconded by Young to approve the daily checks as submitted on the March 9, 2021 report. Roll Call Vote: Vaughan – absent; DuRussel - yes; Grimshaw - yes; Young - yes; Bardwell - yes. Motion Carried.

-Review and Adoption of Finance Report and Checks –

2021-SF-M-021

Motion by Grimshaw, seconded by DuRussel to approve the finance checks as submitted on the March 9, 2021 report. Roll Call Vote: DuRussel - yes; Grimshaw - yes; Young - yes; Vaughan - absent; Bardwell - yes. Motion Carried.

-Review and Adoption of Per Diems Report and Checks – None

Old Business – None

Public Comment - None

202-SF-M-022

Motion by Grimshaw, seconded by DuRussel to adjourn the meeting at 10:44 a.m.
Roll Call Vote: Grimshaw - yes; Young - yes; Vaughan - absent; DuRussel - yes;
Bardwell - yes. Motion Carried.

Meeting adjourned at 10:44 a.m.

Jodi Fetting
Tuscola County Clerk

DRAFT

Draft

**Tuscola County Board of Commissioners
Committee of the Whole
Monday, March 22, 2021 – 8:00 A.M.**

**Electronic remote meeting will be implemented for this meeting,
in accordance with the Department of Health and Human Services Emergency
Order Under MCL 333.2253 – Gathering Prohibition and Mask Order and
Public Act No. 254 of 2020.**

Roll Call - Clerk Jodi Fetting

Commissioners Present Virtual:

- District 1 - Thomas Young - Columbia Township, Tuscola County, State of Michigan
- District 2 - Thomas Bardwell - Ellington Township, Tuscola County, State of Michigan
- District 3 - Kim Vaughan – Fremont Township, Tuscola County, State of Michigan
- District 4 - Douglas DuRussel - Tuscola Township, Tuscola County, State of Michigan
- District 5 - Daniel Grimshaw - Vassar Township, Tuscola County, State of Michigan
(excused at 12:28 p.m.)

Commissioner Absent - None

Also Present Virtual:

Clerk Jodi Fetting, Clayette Zechmeister, Eean Lee, Tracy Violet, Mary Drier, Mark Haney, Steve Anderson, Mike Miller, Barry Lapp, Tim Green, Matt Brown, Jana Brown, Ann Hepfer, Heather Thomas-Verhaeghe, Heidi Chicilli, Sandy Nielsen, Treasurer Ashley Bennett, Cody Horton, Debbie Babich, John Axe, Steve Burke, Pam Shook, Robert Baxter, Eric Morris, Deb Cook, Dan Skiver, Sheriff Glen Skrent, Shelly Lutz, Shannon Gwizdala, Deb Mika, Sandy Erskine, Gary Rolka

At 8:08 a.m., there were 33 participants attending the meeting.

County Updates

County COVID-19 Update - Ann Hepfer, Health Officer, explained that the positivity rate in Tuscola, Huron and Sanilac County area is on the rise with Tuscola County at a 15.8% positivity rate. Health Officer Hepfer reviewed the most recent changes issued by the Centers for Disease Control and Prevention (CDC) regarding COVID-19 guidelines. The COVID-19 testing provided by the Health Department will be moving to the Health Department parking lot the first week of April. The COVID-19 vaccinations provided by the Health Department will be moving to the Caro Center Plaza in the building formerly known as Fashion Bug.

New Business

1. Refunding Tuscola County Pension Obligation Bonds – Steve Burke, CFA – Municipal Financial Consultants (MFCI, LLC) and John Axe, Clark Hill PLC – Steve Burke reviewed the current rate of the county bonds and what the bond rate could be reduced to. Mr. Burke reviewed the refunding considerations, the refunding summary and the Huntington Bank proposal. Mr. Burke reviewed the steps that would be taken if the Board decided to proceed. Matter discussed by the Board and matter to be reviewed further by the Finance Committee. Matter to be brought back to a future Committee of the Whole meeting.
2. Tuscola County Health Department Audit Presentation Fiscal Year Ending September 30, 2020 – Heather Thomas-Verhaeghe from Gardner, Provenzano, Thomas & Luplow P.C., reviewed the Tuscola County Health Department Audit from the Fiscal Year ending September 30, 2020. Ms. Thomas-Verhaeghe reported that the audit was favorable. Matter to be placed on the Consent Agenda.
3. Tuscola County Health Insurance Renewal Date Change – Dan Skiver, Brown & Brown, explained the proposed date change for the renewal date to be January 1st annually. Mr. Skiver explained that the current contract would need to be renewed as a 16-month agreement. Matter to be placed on the Consent Agenda.
4. MAC Legislative Update
 - a. Meetings after March 31, 2021 – Board discussed the expiration of the current legislation that allows for full virtual meetings. There is pending legislation that if passed will extend that deadline. As of today, the April meetings will be held as a hybrid style with all five Commissioners in attendance in person in the Board room and others allowed to attend virtually.
 - b. American Rescue Plan – County and Local Estimated Distributions – Clayette Zechmeister provided an update on the funding that is expected to be received. Board discussed establishing an Ad Hoc Committee to discuss how to utilize the funding once the guidelines have been provided.
5. County Treasurer Closure – Foreclosure Date Extended – Treasurer Ashley Bennett explained the extension of the due date and that no additional interest charges will be accessed.
6. Treasurer Employee Pay Due to COVID-19 10-Day Closure – Board discussed the situation of the employees having to quarantine and not be at work for a 5-day period. Board discussed employee pay for the time period. Board agreed the affected employees can file for unemployment.
7. IT Departmental Options for Departmental Employees to Work From Home Under Health Department Directives to Close Departments for Specific Periods – The opportunity for Departments to be able to work from home when needed with the technology received was discussed. Eean Lee, Chief Information Officer, stated if a department has a need or a concern of having employees to have the ability to work remotely that he is open to a discussion to see if a solution is possible.

Recessed at 10:06 a.m.

Reconvened at 10:16 a.m.

Present: Young, Vaughan, DuRussel, Grimshaw

Commissioner Bardwell joined at 10:32 a.m.

8. Update Request for Proposal (RFP) Building Codes – Clayette Zechmeister reviewed the steps that she has taken to prepare the RFP for Building Codes. Draft Building Codes RFP to be prepared and presented at the April 12, 2021 Committee of the Whole meeting.
9. 2021 Animal Control Budget Update – Clayette Zechmeister reviewed the animal control budget. Board discussed option of claiming the loss using the American Rescue Plan funding. Board discussed the late fee that is being assessed to residents that were late in renewing their dog licenses. Matter to be placed on the agenda for Thursday's meeting for discussion of a temporary solution. Matter to be placed on the April 12, 2021 Committee of the Whole agenda for discussion as to how to proceed in the future with dog license fees and the late fee.
10. Out of State Travel Request – Sandra Nielson, Dispatch Director, submitted the request. Matter to be placed on the Consent Agenda.

Old Business

1. Potential Resolution Review for FCC Proposing Changes to how 911 Funds are Used - Sandra Nielson, Dispatch Director explained the request for support of the proposed resolution. Board discussed the matter with no further action to be taken at this time.
2. Board Rules – On going – Conflict Policy Creation – 11.1 Language – Clayette Zechmeister presented the draft Board Rules. Matter to be placed on Thursday's agenda for further discussion and possible adoption.
3. IT Department Space Needs – Potential Relocation – Clayette Zechmeister presented an option of a building for potential relocation of the IT Department which would include an area for a training space. Eean Lee will provide information that was gathered from the previous discussions to Commissioner Grimshaw and Commissioner DuRussel. Matter to be placed under Building and Grounds for continued discussion.
4. County ORV Ordinance and Local Ordinances on Golf Carts – Board discussed the county ordinance and the concern of how a golf cart falls in the ordinance. Board discussed and agreed to look at how to amend the county ordinance to reference the use of golf carts. The following documents were provided to the Board for review:
 - a. County ORV Ordinance
 - b. Michigan Vehicle Code (Excerpt)
 - c. Cass City Ordinance No 188 ORV
 - d. Cass City Ordinance No 189 Golf Cart
 - e. Millington Ordinances – Article II-Golf Cart

5. Cost Allocation Plan (CAP) – Under Review – Commissioners DuRussel and Grimshaw met with Clayette Zechmeister regarding the CAP. Included in the Board agenda packet was the MGT Consulting Services Agreement. Board discussed the matter of how funding sources are distributed. Board would like to set a special meeting date for a Committee of the Whole meeting that this is the only matter discussed. Board will set a special meeting date at the meeting on Thursday.

Finance/Technology
Committee Leader Commissioner Young
Commissioner DuRussel

Primary Finance/Technology

1. 2020 Year End Fund Balances All Funds (Unaudited) – Clayette Zechmeister reviewed a variety of funds. Board discussed.

On Going and Other Finance and Technology

Finance

1. Preparation of Multi-Year Financial Planning – No update.

Technology – Eean Lee, Chief Information Officer, provided an update on the vehicle locator program, security cameras for the courthouse, issuance of laptops for county employees and other ongoing projects.

1. GIS Update
2. Increasing On-Line Services/Updating Web Page

Building and Grounds
Committee Leader Commissioner DuRussel
Commissioner Grimshaw

Primary Building and Grounds

1. State Police Lease – Mike Miller has received the proposed Option 3 MSP lease back from the state. A concern expressed was the language included in Section 3.6 with a specific completion date as that may be difficult to obtain in the current situation of builders being busy post-pandemic. Mike Miller to work on a language adjustment.
2. Lawn Mowing Services Bids – Mike Miller reviewed the bids received for mowing the 16 properties that the General Fund maintains as well as Vanderbilt Park for the time period of May 1, 2021 to October 31, 2021. Mike Miller stated that each bid did provide individual bids for each property as well. A full copy of the bids will be provided to Clayette to provide to the Commissioners. Commissioner Bardwell questioned what the cost of a part-time employee is versus contracting the service out.

The bids below are for the full season.

- a. Thumb Lawn Care, LLC – Cass City - \$36,660.00
- b. Total Lawn Care, LLC – Unionville - \$30,420.00 (Purdy Building is not included)
- c. Laser Cut Lawn Care – Unionville - \$22,100.00
- d. Cutting Edge Lawn Care – Cass City - \$24,700.00 (Only 8 properties included.)

Matter to be added to the agenda for Thursday's meeting.

3. Recycling Committee Changes in By-Laws – Commissioner Grimshaw explained the change in the By-laws. Matter to be placed on the Consent Agenda.

On Going and Other Building and Grounds

1. State Police Building-Water and Annexation – Lease was discussed earlier in the meeting.

Personnel

Committee Leader Commissioner Grimshaw
Commissioner Vaughan

Primary Personnel

1. Work Comp Training Sessions – Shelly Lutz reported that the trainings will be held the week of April 19, 2021. Shelly will send a list out to the Elected Officials and Department Heads providing an overview of the classes that have been scheduled. Attendance to the classes can be in-person or virtual.
2. Update of Paperless Payroll – Shelly Lutz provided an update that 10 employees receive a paper check and there are 14 per diem checks that are issued. Clerk Fetting will research to see if the company that handles the prepaid cards for Jurors offers a program for payroll and per diems. Matter to be discussed further.
3. Vanderbilt Park Host Potential Changes From Contract to Part-Time Employee – Board discussed the challenges with transitioning the park host from contract to a part-time employee. Board would like to have the matter presented to the county attorney for further recommendation.

On-Going and Other Personnel – No Updates.

1. MERS
2. MAC 7th Meeting Updates
3. Work Comp Updates
4. Safety Committees

Commissioner Grimshaw excused at 12:28 p.m.

Other Business as Necessary

1. Gary Rolka – County road costs discussed as well as ways to obtain possible donations to fund the county jail project to save taxpayers money.

Commissioner Bardwell spoke in reference to the projected costs of the potential jail. The Board is waiting on costs to be brought to the Board by the Jail Committee for what the projected project will cost which will assist in financially planning for the jail project. Commissioner Young reported that a video has been completed and is being distributed.

On-Going Other Business as Necessary

1. Animal Control Ordinance – No Update.

At 12:37 p.m., there were 20 participants attending the meeting.

Public Comment Period - None

Motion by DuRussel, seconded by Vaughan to adjourn the meeting at 12:39 p.m. Roll Call Vote: Young - yes; Vaughan - yes; DuRussel - yes; Grimshaw - absent; Bardwell - yes. Motion Carried.

Meeting adjourned at 12:39 p.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, by Electronic Remote Access, In accordance with the Department of Health and Human Services Emergency Order Under MCL 333-2253 – Gathering Prohibition and Mask Order, Public Act 254 of 2020 on March 25, 2021 at 8:00 a.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 3/22/21
- Description of Matter:** Move to receive and place on file the Fiscal Year Ended Sept 30, 2020 Health Department Financial Statements.

- Agenda Reference:** B
- Entity Proposing:** COMMITTEE OF THE WHOLE 3/22/21
- Description of Matter:** Move to approve the County's Health Plan renewal date from its current date of September 1, 2021 to align with the health plan year date which is currently January 1, 2022 and likewise for all subsequent years to follow. Also, all appropriate signatures are authorized.

Agenda Reference: C
Entity Proposing: COMMITTEE OF THE WHOLE 3/22/21
Description of Matter: Move that per the March 15, 2021 request from Sandra Nielsen, Dispatch Director, to approve the out of state travel request to attend the APCO (Association of Public Communications Officials) National Conference in San Antonio, Texas. The conference will be held August 15-18, 2021. Travel cost will be provided by APCO.

Agenda Reference: D
Entity Proposing: COMMITTEE OF THE WHOLE 3/22/21
Description of Matter: Move to approve the changes in the Recycling Committee By-Laws per their request and amend as follows:
Section 8. Quorum - **From:** In order for the Committee to conduct business or take any official action, a quorum consisting of 2/3 majority of the members of the Committee shall be present.
To: In order for the Committee to conduct business or take any official action, a quorum consisting of a Simple Majority of the members of the Committee shall be present.

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

Title	Maint I	Maint I	
D.O.H	PT	FT	
90% of hours	855	972	
TOTALS			
Wages 704-000	\$ -	\$ 16,844.76	\$ 16,844.76
Health Ins. Incentive 704-020	\$ -	\$ -	\$ -
STD 704-030	\$ -	\$ 108.62	\$ 108.62
LTD 704-030	\$ -	\$ 20.35	\$ 20.35
Unused Sick Payout 704-040	\$ -	\$ -	\$ -
Salaries - PT/Temp 705-000	\$ 14,022.00		\$ 14,022.00
Overtime 706-000	\$ -	\$ -	\$ -
Work Comp 710-000	\$ 60.26	\$ 145.74	\$ 206.00
Health & Dental Ins. 711-000	\$ -	\$ 8,139.00	\$ 8,139.00
FICA 715-000	\$ 1,072.68	\$ 1,288.62	\$ 2,361.30
Life Ins. 717-000	\$ -	\$ 27.45	\$ 27.45
Retirement 718-000	\$ -	\$ 1,725.50	\$ 1,725.50
POB/retirement 718-100	\$ -	\$ 1,502.58	\$ 3,046.00
Total Per Employee	\$ 15,154.94	\$ 29,802.62	\$ 46,500.98



Tuscola County

Clayette Zechmeister <zclay@tuscolacounty.org>

[EXTERNAL] For BOC meeting

1 message

Kathy O'Dell <kodell@tchd.us>
To: Clayette Zechmeister <zclay@tuscolacounty.org>
Cc: Ann Hepfer <ahepfer@tchd.us>

Tue, Mar 23, 2021 at 9:49 AM

Good morning Clayette,

Per Ann Hepfer, I am forwarding information regarding a TCHD fee schedule revision. Please see attachment. It pertains only to the COVID vaccination administration fee. Clients never receive any out of pocket expense. No bills are generated, the vaccine is free this is only the administration fee. All vaccines administered have an administration fee (this is adding the COVID vaccine).

The Board of Health accepted the revision at the monthly meeting on Friday, March 19, 2021 and we are now forwarding to the Board of Commissioners for approval. Thank you.

Kathy O'Dell

Administrative Services Coordinator

Tuscola County Health Department

1309 Cleaver Road, Suite B

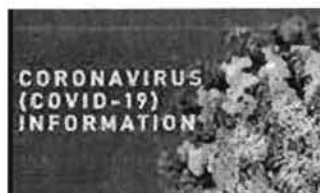
Caro, MI 48723-9160

Direct Dial: (989) 673-1857

Fax: (989) 673-7490

Visit us on the Web: www.tchd.us

"Like" TCHD on Facebook



COVID-19 Information

NOTICE: This email, including attachments, is intended for the exclusive use of the addressee and may contain proprietary, confidential or privileged information. If you are not the intended recipient, any dissemination, use,

WPS- Government Health Administrators E-News:

Biden-Harris Administration Increases Medicare Payment for Life-Saving COVID-19 Vaccine

On March 15, Centers for Medicare & Medicaid Services increased the Medicare payment amount for administering the COVID-19 vaccine. This new and higher payment rate will support important actions taken by providers that are designed to increase the number of vaccines they can furnish each day, including establishing new or growing existing vaccination sites, conducting patient outreach and education, and hiring additional staff. At a time when vaccine supply is growing, CMS is supporting provider efforts to expand capacity and ensure that all Americans can be vaccinated against COVID-19 as soon as possible.

Effective for COVID-19 vaccines administered on or after March 15, 2021, the national average payment rate for physicians, hospitals, pharmacies, and many other immunizers will be \$40 to administer each dose of a COVID-19 vaccine.

COUNTY OF TUSCOLA
OFF ROAD VEHICLE ORDINANCE

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

THE COUNTY OF TUSCOLA ORDAINS:

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

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

under the authority of another state or a province of Canada.

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

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

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

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

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

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

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

- f) When visibility is not substantially reduced due to weather conditions.
- g) While displaying a lighted headlight and lighted taillight at all hours.
- h) While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- i) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- j) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- k) Pursuant to noise emission standards defined by law.

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

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

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

Section 9. In a court action in this state, if competent evidence demonstrates that a vehicle 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 this ordinance, the operator of the ORV shall be considered prima facie negligent.

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

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

Section 12. The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV fund. The County Board of Commissioners shall appropriate revenue in the ORV fund as specified in MCL 324.81131 (14):

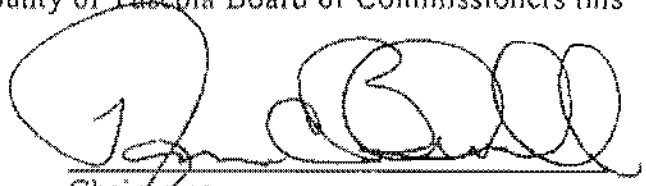
- a) Fifty percent to the Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are opened or closed to the operation of ORVs.
- b) Fifty percent to the County Sheriff for ORV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

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

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

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

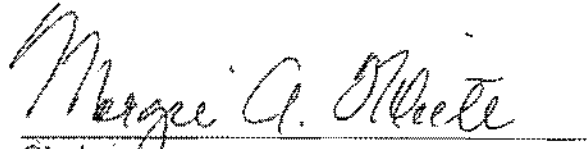
This Ordinance is adopted by action of the County of Tuscola Board of Commissioners this 14th day of February 2012.



Chairperson

CERTIFICATION

Margie A. O'Neil, Clerk of the County of Tuscola, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the County of Tuscola Board of Commissioners on the 14th day of February 2012.



Clerk

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.657a Operation of golf cart on village, city, or township streets or state trunk line highway.

Sec. 657a. (1) A village or city having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution allow the operation of golf carts on the streets of that village or city, subject to the requirements of this section. A township having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution, unless disapproved by the county board of commissioners under subsection (3), allow the operation of golf carts on the streets of that township, subject to the requirements of this section.

(2) If a village, city, or township allows the operation of golf carts on the streets of that village, city, or township, that village, city, or township may require those golf carts and the operators of those golf carts to be recorded on a list maintained by that village, city, or township. A village, city, or township shall not charge a fee for listing golf carts or the operators of those golf carts.

(3) A county board of commissioners may, by resolution, disapprove the operation of golf carts on the streets of a township located within that county if the county board of commissioners conducts a hearing and determines that 1 or more of the following apply:

(a) The operation of golf carts on the streets of that township would cause significant environmental damage.

(b) The operation of golf carts on the streets of that township would cause a significant concern of public safety.

(4) The county board of commissioners shall provide public notice of a hearing under subsection (3) at least 45 days before the hearing is conducted. The county board of commissioners shall also provide written notice of a hearing under subsection (3) to the township at least 45 days before the hearing is conducted.

(5) A person shall not operate a golf cart on any street unless he or she is at least 16 years old and is licensed to operate a motor vehicle.

(6) The operator of a golf cart shall comply with the signal requirements of section 648 that apply to the operation of a vehicle.

(7) A person operating a golf cart upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction.

(8) Except as otherwise provided in subsection (9), a person shall not operate a golf cart on a state trunk line highway. This subsection does not prohibit a person from crossing a state trunk line highway when operating a golf cart on a street of a village, city, or township, using the most direct line of crossing.

(9) The legislative body of a local unit of government may request the state transportation department to authorize the local unit of government to adopt an ordinance authorizing the operation of golf carts on a state trunk line highway, other than an interstate highway, located within the local unit of government. The request shall describe how the authorization would meet the requirements of subsection (10). The state transportation department shall solicit comment on the request from the local units of government where the state trunk line highway is located. The state transportation department shall consider comments received on the request before making a decision on the request. The state transportation department shall grant the request in whole or in part or deny the request not more than 60 days after the request is received. If the state transportation department grants a request in whole or in part under this subsection, the local unit of government that submitted the request may adopt an ordinance authorizing the operation of golf carts on the state trunk line highway that was the subject of the request. A county may submit a request for authorization under this subsection on behalf of 1 or more local units of government located within that county if requested by those local units of government.

(10) The state transportation department shall authorize operation of a golf cart under subsection (9) only on a state trunk line highway that is not an interstate highway within a local unit of government that has already adopted an ordinance under subsection (1), that serves as a connector between portions of the local unit of government that only connect through the state trunk line highway, and that meets 1 or more of the following requirements:

(a) Provides access to tourist attractions, food service establishments, fuel, motels, or other services.

(b) Serves as a connector between 2 segments of the same county road that run along discontinuous town lines.

(c) Includes a bridge or culvert that allows a golf cart to cross a river, stream, wetland, or gully that is not crossed by a street or county road on which golf carts are authorized to operate under an ordinance adopted as

provided in subsection (1).

(11) The state transportation department may permanently or temporarily close a state trunk line highway to the operation of golf carts otherwise authorized under subsection (9) after written notice to the clerk of the local unit of government that requested the authorization under subsection (9). The notice shall be in writing and sent by first-class United States mail or personally delivered not less than 30 days before the adoption of the rule or order closing the state trunk line highway. The notice shall set forth specific reasons for the closure. The state transportation department is not required to develop a plan for an alternate route for a state trunk line highway that it has temporarily closed to the operation of golf carts.

(12) Where a usable and designated path for golf carts is provided adjacent to a highway or street, a person operating a golf cart may, by local ordinance, be required to use that path.

(13) A person operating a golf cart shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

(14) A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians.

(15) A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a state trunk line highway or a highway or street with a speed limit of more than 30 miles per hour except to cross that state trunk line highway or highway or street. A village, city, or township may, by resolution, designate roads or classifications of roads for use by golf carts under this subsection.

(16) A golf cart shall not be operated on a state trunk line highway or the streets of a city, village, or township during the time period from 1/2 hour before sunset to 1/2 hour after sunrise.

(17) A person operating a golf cart or who is a passenger in a golf cart is not required to wear a crash helmet.

(18) A person operating a golf cart on a state trunk line highway shall ride as near to the right side of the roadway as practicable.

(19) This section does not apply to a police officer in the performance of his or her official duties.

(20) A golf cart operated on a street of a village, city, or township under this section is not required to be registered under this act for purposes of section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101.

(21) As used in this section, "golf cart" means a vehicle designed for transportation while playing the game of golf. A village, city, or township may require a golf cart registered within its jurisdiction to meet any or all of the following vehicle safety requirements of a low-speed vehicle for approval under this section:

(a) At least 2 headlamps that comply with section 685.

(b) At least 1 tail lamp that complies with section 686.

(c) At least 1 stop lamp and 1 lamp or mechanical signal device that comply with sections 697 and 697b.

(d) At least 1 red reflector on each side of the golf cart as far to the rear as practicable and 1 red reflector on the rear of the golf cart as required for low-speed vehicles by 49 CFR 571.500.

(e) One exterior mirror mounted on the driver's side of the golf cart and either 1 exterior mirror mounted on the passenger side of the golf cart or 1 interior mirror as required for low-speed vehicles by 49 CFR 571.500.

(f) Brakes and a parking brake that comply with section 704.

(g) A horn that complies with section 706.

(h) A windshield that complies with section 708a.

(i) A manufacturer's identification number permanently affixed to the frame of the golf cart.

(j) Safety belts that comply with section 710a and that are used as required by section 710e.

(k) The crash helmet requirements applicable to low-speed vehicles under section 658b.

History: Add. 2014, Act 491, Imd. Eff. Jan. 13, 2015;—Am. 2018, Act 139, Eff. Aug. 8, 2018.

BOARD OF COMMISSIONERS
RULES OF ORDER
TUSCOLA COUNTY, MICHIGAN
Revised 4/03/17-03-25-21

1. PURPOSE

These rules are adopted by the Board of Commissioners of Tuscola County pursuant to Section 46.11 of the Compiled Laws of Michigan, as amended.

2. MEETINGS

2.1 Organizational Meeting

The first meeting in each calendar year shall be the organizational meeting. At each such meeting, the County Clerk shall preside at the start of the meeting. The organizational meeting may be held in December of the current year provided all current Commissioners remain unchanged for the next two year term. If there are any Commissioner changes for the next two year term, then the organizational meeting shall be held within 72 hours after New Year's Day.

The first item of business shall be election of the Chairperson of the Board. There are two procedural steps related to electing the Chairperson that have to be decided prior to conducting the election:

The Board Chairperson shall be elected each odd numbered year for a 2-year term, unless the Board provides by resolution that the Chairperson shall be elected annually to a 1-year term. The Board needs to make a decision on this term length. If no action is taken the Michigan law states the term shall be for 2-years.

The Board also needs to make a decision regarding the potential use of a secret ballot. State law provides that the vote of the Chairperson may be accomplished by way of a secret ballot. If the Board chooses to conduct the election of the Board Chairperson by secret ballot, a majority of the Board must first vote to do so.

Unless a secret ballot is chosen, the Clerk shall call for nominations for the office of Chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the Clerk shall call for a vote. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared Chairperson.

The next order of business is to proceed with the election to the office of Vice-chairperson, which shall be conducted by roll call vote.

There is no statutory provision for the election of the Vice-chairperson by secret ballot or to have a 2-year term, therefore the Vice-chairperson is elected for a 1-year term.

BOARD OF COMMISSIONERS
RULES OF ORDER
TUSCOLA COUNTY, MICHIGAN
Revised 4/03/17-03-25-21

2.2 Regular Meetings

At its first meeting in each calendar year, the Board of Commissioners shall establish its schedule including meeting times of regular meetings for the balance of the year.

2.3 Special Meetings

The Board of Commissioners shall meet in special session upon the call of the Chairperson of the Board. The Chairperson may convene a meeting of the Board upon his or her discretion. Notice shall be given as provided in Rule 3.3.

2.3.1 As an alternate means of calling a special meeting, upon the written petition filed with the County Clerk and signed by one-third or more of the members. The petition for a special meeting shall specify the time, date, place, and purpose of the meeting.

2.4 Emergency Meetings

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds of the members of the Board and only if delay would threaten severe and imminent danger to the health, safety, and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before public notice as provided in Rule 3.3 can be given. Actions taken at an emergency meeting should be ratified at the next publicly noticed meeting.

2.5 Place of Meetings

Meetings of the Board of Commissioners shall be held in the chambers of the HH Purdy Building (125 W. Lincoln Street, Caro) unless public notice of the meeting states a different location. Whenever the regular meeting place of the Board shall appear inadequate for members of the public to attend, the Chairperson may change the meeting location to a larger facility in the county. A notice of such change shall be prominently posted on the door of the regular meeting place.

2.6 Time of Regular Meetings

The time of regular meetings shall be stated in the regular schedule of meetings adopted under Rule 2.2. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting if one is called.

2.6.1 Change in Schedule

Change in the regular meeting schedule shall not be made except upon the approval of a majority of the members. In the event the Board shall meet and a quorum is not present, the Board, with the approval of those present, may adjourn the meeting to a later day and time provided that proper notice to members and the public is given.

BOARD OF COMMISSIONERS
RULES OF ORDER
TUSCOLA COUNTY, MICHIGAN
Revised 4/03/17-03-25-21

3. PUBLIC NOTICE OF MEETINGS

The County Clerk shall provide the proper notice for all meetings of the Board. Such notice shall include, but not necessarily be limited to the following:

3.1 Regular Meetings

Posting a notice within 10 days after the first meeting of the Board in each calendar year indicating the date, time, and place of the Board's regularly scheduled and committee meetings.

3.2 Schedule Change

Whenever the Board shall change its regular Board schedule of meetings, a posting of notice of the change will be done by the Clerk within three days following the meeting in which the change was made. Committee meeting changes from the original schedule will be posted by the Controller/Administrator's Office.

3.3 Special and Emergency Meetings

If the Board shall schedule a special meeting under Rule 2.3 or an emergency meeting under Rule 2.4, notice of such meeting shall be posted immediately by the Clerk. No meeting, except emergency meetings, shall be held until the notice shall have been posted at least 18 hours. Commissioners will be notified by written or telephone communication of said meeting.

4. QUORUM, ATTENDANCE, CALL OF THE COUNTY BOARD, COMPENSATION

4.1 Quorum

A majority of Commissioners of the Board, elected and serving, shall constitute a quorum for the transaction of ordinary business of the Board.

4.2 Attendance

No member of the County Board may absent himself or herself without first having notified the Chairperson of his or her intent to be absent from a scheduled meeting.

4.3 Compensation

Commissioner compensation shall be reviewed at least once no later than July of election years to determine if compensation changes will be implemented for the Board of Commissioners taking office January 1st of odd numbered years.

5. AGENDA FOR MEETINGS

5.1 Agenda Preparation Responsibility

The Controller/Administrator, after first reviewing pending matters and requests, shall prepare a draft of the agenda of business for all regularly scheduled Board of Commissioners, committee, and other meetings. The Chairperson of the Board or Chairperson of the respective committee shall review and add or delete items, as he or

BOARD OF COMMISSIONERS
RULES OF ORDER
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she considers proper. Unanticipated agenda items that require discussion or decisions may be covered under the other business **as necessary** (see 5.5.1 note) agenda reference. It is each individual's responsibility to attend the meeting to understand other business items that may be covered.

5.2 Distribution of Regular Board of Commissioner Agenda and Materials

Upon completion of the agenda for the regular Board meeting, the Controller/Administrator shall immediately distribute to Commissioners copies of the agenda together with copies of reports, etc. which shall relate to matters of business of the agenda.

Unless extenuating circumstances arise, a paper copy of the agenda and attachments will be sent enough in advance of the scheduled meeting date to allow Commissioner review prior to the meeting. A paper copy of the complete agenda and attachments is made available in the Controller/Administrator's Office. An electronic copy of the agenda and attachments is also made available on the county web site at: www.tuscolacounty.org. The Controller/Administrator's office electronically notifies all **Elected Officials**, Department Heads and other requesting parties when agendas are available on the website.

It is stressed that other agenda items may be added the day of the meeting. Also, certain items may be covered under the agenda heading "other business ~~on-going matters~~ **as necessary**."

5.3 Distribution of Committee Meeting Agendas

Committee agendas (in draft form) will be made available electronically via the county website **and/or faxed** in advance of the scheduled meeting. The Controller/Administrator's Office also notifies all **Elected Officials**, Department Heads and other requesting parties when the agenda is available on the website. It is stressed that other agenda items may be added the day of the meeting. Also, certain items may be covered under the agenda heading "other business ~~on-going matters~~ **as necessary** (see note on 5.5.1)." There may be extenuating circumstances where it is not possible to distribute the agenda in advance of the meeting.

5.4 Consent Agenda

The Board shall use a "Consent Agenda" according to the resolution and rules approved by the Board on January 25, 2000. The consent agenda motions will be prepared by the Controller/Administrator's Office.

5.5.1 Order of Business

The order of business at all **Board meetings** shall follow the following agenda, unless the Board approves modifications during the "Agenda" section of the meeting:

BOARD OF COMMISSIONERS
RULES OF ORDER
TUSCOLA COUNTY, MICHIGAN
Revised 4/03/17-03-25-21

- a. Call to Order
- b. Prayer
- c. Pledge of Alliance
- d. Roll Call
- e. Adoption of Agenda
- f. Action on Previous Meeting Minutes
- g. Brief Public Comments – **Agenda Items Only**
- h. Consent Agenda
- i. New Business
- j. Old Business
- k. Correspondence
- l. Committee and Liaison Reports
- m. ~~Closed Sessions (if necessary)~~ **Other Business as Necessary**
- n. Extended Public Comment
- o. Adjournment

5.5.2

The order of business at all *Committee of the Whole* meetings shall follow the following agenda, unless the Board approves modifications during the "Agenda" section of the meeting:

- a. Call to Order
- b. Roll Call
- c. County Updates
- d. New Business
- e. Old Business
- f. Primary Finance/Technology
- g. On-Going and Other Finance and Technology
- h. Primary Building and Grounds
- i. On-Going and Other Buildings and Grounds
- j. Primary Personnel
- k. On-Going and Other Personnel
- l. Other Business as Necessary
- m. On-Going Other Business as Necessary
- n. Public Comment Period
- o. Adjournment

6. CONDUCT OF MEETINGS

6.1 Chairperson

The person elected Chairperson in the first meeting each year of the Board shall preside at all meetings of the Board. In the absence of the Chairperson, the person elected Vice-chairperson shall preside. If neither the Chairperson nor the Vice-

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Chairperson is present, the clerk shall preside until the Commissioners present elect a Commissioner to preside during the absence of the Chairperson or Vice-chairperson.

6.2 Form of Address

Any person, including Board members, wishing to speak at a meeting shall first obtain the approval of the Chairperson and each person who speaks shall address the Chairperson, and not other members of the audience, other Commissioners or staff in attendance.

6.3 Disorderly Conduct

The Chairperson shall call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, by speaking vulgarities, or by violating Board rules. Such person shall there upon be seated until the Chairperson shall have determined whether the person is in order. If a person so engaged in presentation shall be ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave by the Board of Commissioners. If the person shall continue to be disorderly and to disrupt the meeting, the chairperson may order the person to leave the meeting. Since the purpose of the meeting is to discuss public business, and not address individual personalities, "personal attacks" on government officials are prohibited and shall be considered "out of order".

6.4 Brief and Extended Public Comment Period

~~A brief public comment period will be provided early on the Board agenda for agenda items only. Comments during this period will be limited to 3 minutes in order to leave time for the Board to conduct other items on the agenda unless this time is waived by the Chairperson.~~

~~Another public comment period will be provided later on the agenda with the length of public comment extended. The length of comment during this period will be at the discretion of the Chairperson.~~

6.4.1 Brief Public Comment Period

A brief public comment period will be provided early on the Board Agenda for agenda items only. Comments during this period will be limited to 3 minutes unless this time is waived by the Chairperson.

6.4.2 Extended Public Comment Period

An extended public comment period will be provided later on the agenda. Comment during this period will be limited to 5 minutes unless this time is waived by the Chairperson.

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6.5 Procedures to Address the Board

Any person who addresses the Board shall state their name and their city/township of residence for the record. When there are many people who desire to address the Board, the Chairperson may implement other reasonable rules for public participation, including but not limited to requiring the completion of a written request to speak at the meeting.

7.0 RECORD OF MEETINGS

7.1 Minutes and Official Records

The County Clerk shall be clerk of the Board and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board. The minutes shall include the names of the mover and seconder and the vote of the Commissioners. The record shall also state whether the vote was by voice or by roll call; when by roll call, the record shall show how each member voted. The Clerk shall maintain, in the Office of the Clerk, copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution/motion, or other matter.

7.2 Record of Discussion

The Clerk shall not be responsible for maintaining a written record or summary of the discussion or comments of the Board members nor of the comments made by the members of the public.

7.3 Request for Remarks to Be Included

Any Commissioner may have his or her comments printed as part of the record upon the concurrence of a majority of the other members. Comments to be included in the record shall be provided in writing by the member.

7.4 Public Access to Meeting Records

The Clerk shall make available to members of the public the records and minutes of the Board meetings in accordance with the Freedom of Information Act. Draft Board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Board shall be available within five business days of the meeting at which they were approved. The Board shall also promptly mail copies of minutes to persons who have subscribed and paid the fee therefore as determined by the Board, consistent with any requirements of the Freedom of Information Act.

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7.5 Board Stationery

County Board stationery cannot be used for personal Commissioner use unless approved by the Full Board of Commissioners.

8.0 COMMITTEES

8.1 Committee of the Whole

All Commissioners shall serve on a Committee of the Whole which will be advisory only but responsible for making recommendations to the Board but not decisions for the Board. The Committee of the Whole may have topic leaders whereby a Commissioner is assigned to lead topics areas such as finance, personnel, building and grounds, etc. **The Board Chair can assign topics to Committee of the Whole.** The County Clerk shall keep minutes of these meetings. **The Committee of the Whole agenda and the consent agenda motions** will be prepared by the Controller/Administrator's Office.

8.2 Statutory Finance Committee

A Statutory Finance Committee (consisting of all five Commissioners) will be responsible for review and approval of all claims and per diems. In the event that the Statutory Finance Committee meets in a continuous meeting setting with the Full Board or a Committee of the Whole meeting, the Statutory Finance Committee meeting shall be separately called, opened and adjourned, and separate minutes shall be kept. **The Controller/Administrator's Office will prepare the agenda for the meeting.** The County Clerk must keep the minutes of this meeting. The County Clerk will maintain minutes of all Statutory Finance Committee meetings and shall make them available to necessary parties and they shall be included with each Board packet.

8.3 Grievance Committee

Two Commissioners will be appointed and serve on the union contract grievance committee **as needed.**

8.4 Commissioner Appointments

The Board Chairperson shall appoint Commissioners to various boards and commissions and in certain cases as a liaison to boards and commissions.

9.0 CLOSED MEETINGS

9.1 The vote to hold a closed meeting shall be recorded in the minutes of the meeting at which the decision was made.

9.2 The Board of Commissioners may meet in closed session, closed to members of the public, upon the motion of any member and roll call approval by two-thirds of the members for the following purposes:

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- 9.2.1 To consider the purchase or lease of real property, until an option to purchase or release that property is obtained.
- 9.2.2 To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the County Board.
- 9.2.3 To consider a County attorney's written opinion.
- 9.2.4 To review the specific contents of an application for employment to a county position and the applicant requests that the application remains confidential. Whenever the Board meets to interview an applicant, the meeting shall be open to the public.
- 9.2.5 Other Reasons

The Board may also meet in closed session for the following reasons without the requirement of a two-thirds vote:

- 9.2.5.1 To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. If the person rescinds his or her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting.
- 9.2.5.2 To consider strategy connected with the negotiation of a collective bargaining agreement.
- 9.2.5.3 To consider any other matter authorized as a topic of a closed meeting by the Open Meetings Act, upon the proper vote specified therein.

9.3 Minutes, Closed Meetings

Generally, the County Clerk shall prepare the minutes for closed meetings. If the Board Chair determines that it would be inappropriate for the Clerk to attend the closed meeting, he shall designate another party to take the minutes. The County's attorney may review the draft minutes of the Closed Meeting. The minutes are to be sealed and kept in the County Clerk's office. Such minutes **may but** do not have to be approved by the Board. The minutes shall not be disclosed to the public except upon the order of a court. ~~With the approval of the Board Chair, the Clerk may destroy the minutes after one year and one day have passed after the meeting at which the Board approved the minutes of the meeting at which the Board voted to hold the closed meeting.~~ **Closed session minutes are not to be destroyed unless ordered by the Court.**

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10. MOTIONS AND RESOLUTIONS

10.1 Statement by Chairperson, Motions, and Resolutions

No motions or resolution shall be adopted until the presiding officer states the motion. All motions, except procedural motions and resolutions, may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order.

10.2 Rank of Motions

- a. Privileged Motions
- b. Fix the time to which to adjourn (to set the time for next meeting)
- c. Adjourn
- d. Recess
- e. Raise a question of privilege
- f. Call for orders of the day

10.3 Subsidiary Motions

- a. Lay on the table
- b. Call the previous question (immediately to close debate and making of subsidiary motions except lay on the table)
- c. Limit or extend the limits of debate
- d. Postpone to a certain time (postpone definitely)
- e. Refer to a committee
- f. Amend the main motion
- g. Postpone indefinitely
- h. Clear the floor of all motions

10.3.1 Main Motion

10.3.2 Non-debatable Motions

The motions to fix the time of the next meeting, adjourn, recess, point of privilege, call for orders of the day, to table, vote immediately, limit or extend debate shall be ordered and voted upon without debate.

10.4 Procedural Motions

10.4.1 Motion to Reconsider

The motion to reconsider shall be in order on any question that the Board has decided, but no question shall be reconsidered more than once. The motion to reconsider shall be in order on the same day as the vote to be reconsidered was taken, or at the following meeting. The motion to reconsider shall be made

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only by a member who voted with the prevailing side. A motion to reconsider a motion to amend shall not be in order if the main question has been voted upon. If the Board has adopted a motion to reconsider, however, motions to amend shall be in order.

10.4.2 Motion to Clear the Floor

The motion to clear the floor may be made by the Chairperson or a member, whenever procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they have been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

10.4.3 Temporary Suspension of the Rules

These rules may be suspended temporarily at any time by vote of two-thirds of the members elected and serving to achieve any legal objective of the Board in a legal manner.

10.4.4 Appeal Rulings of the Chairperson

Any Commissioner may appeal the ruling of the Chairperson. On all appeals receiving a second, the question shall be "Shall the decision of the Chairperson stand as the decision of the County Board of Commissioners?"

11. VOTING

11.1 Abstaining from Voting –

Whenever the Chairperson puts a question to the members, every Commissioner present shall vote on the question. ~~No member present shall abstain from voting "yes" or "no". In the event that a member refuses to declare a "yes" or "no", the Chair shall direct the Clerk to record the vote as a "no" vote.~~

If a Commissioner present does not respond to the call for the voice vote, his or her vote shall be recorded as an affirmative vote, unless good cause is shown for abstaining. If there is abstention or a nay vote, there shall be a roll call vote.

11.2 Officials Not to Benefit

11.2.1 Conflicts of Interest, County Commissioners

County Commissioners shall comply with all requirements of MCL 15.322, Public Servants Contracting with the Public Entity they serve.

11.2.2 Conflicts of Interest, Other Board, Commission, Authority or Committee Members.

Any person who serves on any County board, commission, authority, special or advisory committee and who qualifies as a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public.

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entity of which he or she is an officer or employee and shall comply in all respects with MCL 15.322, Public Servants Contracting with the Public Entity the Serve.

11.2 3 Roll Call Votes

The names and votes of Commissioners shall be recorded on Board actions to adopt final measures such as ordinances, resolutions, appointment or election of officers, etc. The election of the Board Chairperson may be by secret ballot with the approval of a majority of Commissioners present. Upon the demand of one fifth of the Commissioners, a roll call vote shall be taken on other motions and actions.

11.3 4 Voting Via Voice

When in the judgment of the Chairperson, the Board of Commissioners will cast a unanimous vote on the question on the floor, the Chairperson may put the question to the members by stating: "Without objection, the Chair will direct the Clerk to enter a unanimous affirmative (or negative) vote on the question. Is there objection? Hearing none, the Clerk is directed to enter a unanimous affirmative (or negative) vote on the question." At this point, the Clerk shall enter an affirmative (or negative) vote for each of the members present.

If any member objects, he or she should do so aloud. Whereupon, the Chairperson shall direct the Clerk to call the roll.

11.4 5 Votes Required

Procedural and other questions arising at a meeting of the Commissioners, except for those decisions required by statute to have a higher majority, shall be decided by a majority of the members present. A majority of the members elected and serving shall be required for final passage or adoption of a measure, resolution, or the allowance of a claim.

12. PARLIAMENTARY AUTHORITY

Robert's Rules of Order (Newly Revised) shall govern all questions of procedure not otherwise provided by these rules or by state or federal law. The legal counsel to the Board or other person so designated by the Board shall serve as the Board's parliamentarian and shall advise the presiding officer regarding rules of procedure.

13. INTRODUCTION AND ADOPTION OF ADMINISTRATIVE RESOLUTIONS

13.1 Definition

Any action regarding the operation or administration of a department of the county government or containing policies of the Board of Commissioners applicable to one or more departments of the county, and not adopted as an ordinance, shall be declared administrative policy.

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13.2 Introduction

Any Commissioner may introduce an administrative resolution at any regular or special meeting of the Board of Commissioners in the regular order of business.

13.3 Order for Consideration

The regular order for consideration of proposed administrative resolutions shall be:

13.3.1 Introduction, first reading by title, and reference to the appropriate committee, as determined by the Board Chairperson.

13.3.2 Report by the committee considering the proposal and placement on the agenda under new business – adoption of resolutions.

13.3.3 Full Board discussion and vote. Each member shall be given opportunity to discuss the resolution and offer such amendments as he or she shall consider appropriate. Amendments shall be made in the following forms:

“I move to amend by striking the following (sections or words).”

“I move to amend by striking the following (sections and words) and inserting the following (sections or words).”

“I move to amend by inserting the following (lines or words) after (describe the location).”

“I move to amend by adding the following (lines or words) after (describe the location).”

Before calling for a vote on the proposed amendment, the Chairperson shall direct the Clerk to read the proposed amendment and to state how the section or sentence will read if the amendment is approved. Thereafter, the Chairperson shall call the question on the amendment.

13.3.4 Form

Each administrative resolution shall conform to the form required for introduction and adoption.

13.5 Committee Review

The Chairperson of the Board shall refer all proposed administrative resolutions to an appropriate committee of the Board. The committee shall review the proposal and invite affected departments of the county to comment and offer explanations. The committee, in its report, shall include a summary of the comments and objections to the resolution. Any administrative resolution reported without recommendation shall automatically lie on the table until ordered removed by the Board.

13.6 Adoption

The Board of Commissioners may adopt the committee recommendation or refer the report to a standing committee where further consideration can be given. On

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the final adoption of a proposed amendment, the vote shall be taken by a record roll call or in accordance with Rule 11.3. A majority of the Commissioners elected and serving shall be required for adoption, unless a statute requires a larger number of votes to adopt the policy.

13.7 Notification

Upon the final adoption of an administrative resolution, the Board ~~secretary~~ Clerk shall notify each county ~~Elected Official~~ and Department Head of the Board action. Such notification shall be by title or summary. The Board ~~secretary~~ Clerk shall make available a copy of the full administrative resolution.

13.8 Record of Administrative Resolutions

The Clerk shall keep a copy of each administrative resolution of the Board in a separate file or book with appropriate subcategories according to subjects covered. The record of each administrative resolution shall provide the date of adoption, the record vote of each Commissioner, and any amendments thereto adopted by the Board.

14. INTERPRETATION & OPERATION

14.1 Intent Controls

These Rules shall be interpreted in a manner to effectuate their intent, and as a general rule, form should not be elevated over substance.

14.2 Coordination

Wherever possible, these Rules should be interpreted in a manner consistent with State law and County ordinance.

14.3 Severance

If any Rule herein is determined to be unlawful, it shall be struck and the remaining Rules shall continue in full force and effect.

14.4 Ratification

In the event that a Board action shall be declared invalid because of a failure to follow these Rules, the Board shall have the right to ratify the action and to make such ratification nunc pro tunc (effective as of the original date of the defective action).

14.5 Amendment

The Board may amend these Rules at any time upon a majority vote of the members serving.



March 18, 2021

The Honorable Janet Yellen
 Secretary
 U.S. Department of Treasury
 1500 Pennsylvania Avenue, N.W.
 Washington, DC 20220

Dear Secretary Yellen,

As the national representative of America's 3,069 county governments, we are writing today to provide feedback and recommendations on the Coronavirus State and Local Fiscal Recovery Fund (Recovery Fund), outlined in the *American Rescue Plan Act*.

We understand the historic nature of this legislation and the massive undertaking associated with it. Therefore, counties stand ready to work with you as partners to ensure the successful implementation and execution of the Recovery Fund. We appreciate the opportunity to engage with your team as part of the intergovernmental process and share the common goal of successful implementation of the Recovery Fund to ensure the health and wellbeing of our nation's residents and the economic vitality of our local communities.

Counties led the way when it came to investing CARES Act Coronavirus Relief Fund (CRF) dollars in both fiscally responsible and innovative ways to keep our residents healthy and our communities safe and vibrant. NACo commissioned an independent assessment of the CRF, innovative investments and the effectiveness of the administration of the funds. This study, conducted by the National Academy of Public Administration (NAPA), identifies key policy recommendations for direct funding programs to counties, which can now be applied to the administration of the Recovery Fund.

To further support the Biden-Harris Administration's implementation efforts on the Recovery Fund, NACo surveyed our membership to identify outstanding questions on eligible uses, desired spending of and implementation of the Recovery Fund. As of today, we have received responses from hundreds of counties across the country.

Our members are eager to effectively use the Recovery Fund to invest in their communities. In response to our survey, NACo received numerous questions about the implementation of the Recovery Fund. We outlined and summarized these questions in this letter and also provide more details in the Appendix (second attachment).

An overwhelming number of respondents indicated that the most helpful information the White House and U.S. Treasury could provide to counties to help us effectively spend this new aid is guidance on the allowable use of funds.

- **Capital investment projects:** While the CRF aided certain sectors impacted by the pandemic including health care, schools and housing, its lack of flexibility ultimately limited our ability to implement projects and services that would have benefited our residents and communities. Counties request clarification on whether capital improvement projects beyond water, sewer and broadband are

included as an eligible expense. These vital community infrastructure projects include but are not limited to: Emergency management and public safety facilities, public health related infrastructure improvements, transportation infrastructure and services, projects for economic development and purchasing or remodeling of public facilities. By making capital investment projects an allowable expense, the American Rescue Plan will allow us to meet the needs of our residents as we continue to fight the pandemic. Additionally, we respectfully request that such capital projects no longer be subject to the current restriction under CRF guidance that requires a lifetime of defined CRF eligible uses.

- **Lost revenue and local government budget cycles:** As outlined in the American Rescue Plan, Recovery Funds can be used for government services to the extent of the reduction in revenue of such county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the county prior to the emergency. There are two main issues: 1) Clarity on the definition of "revenue" since counties receive general tax revenue, user fees, federal and state grants, intergovernmental revenue transfers, lawsuit settlements, and other sources of income, and 2) Provide more details on how counties will determine their baseline fiscal year to determine their eligible revenue reduction calculations, especially since state and local governments use a range of start dates for their fiscal years.
- **Covered period for eligible use of funds:** The American Rescue Plan did not define "covered period" beyond states applying premium pay to eligible workers. Specifically, counties request clarification on the timeline for recapturing reduced revenue and whether it dates to the start of federal public health emergency declaration of March 1, 2020? Similarly, is March 1, 2020 also the baseline date for counties to determine their most recent full fiscal year?
- **Definition of broadband:** Beyond the language included in the American Rescue Plan for broadband, survey respondents requested additional clarification on this term and potential permissible expenses. Specifically, counties request that broadband eligible expenses are not limited to investments in underserved areas, and do not supplant federal and state grants or loans. Furthermore, counties request clarification on whether broadband extends beyond tangible infrastructure to include planning for communities that need to expand (or develop) their connectivity footprints outside of existing networks. In addition to the infrastructure itself, counties believe that cybersecurity training and testing of such infrastructure should be an eligible expense. Use of the Recovery Fund for their cybersecurity-related expenses will allow counties to better protect their networks, reduce fraudulent behavior, and create resiliency in new systems as many county employees continue to telework. Providing clarification on the definition of "broadband" in the American Rescue Plan will also ensure the Recovery Fund will strengthen broadband equity and support all citizens across our nation's counties.
- **Aid to impacted industries:** Given that COVID-19 continues to have a substantial impact on tourism, counties request clarification on the eligible expenses associated with this language included in the American Rescue Plan. Specifically, NACo members inquired about using funds to expand, upgrade or maintain tourism facilities (i.e. fairgrounds, campgrounds, customer service center, roads and bridges, fencing). Furthermore, counties request clarification on whether Recovery Funds can be used toward lost revenue due to declines in tourism. This clarification will ensure counties will be able to support essential facilities and services for our residents.

- **Administrative costs to monitor, track and manage the Recovery Fund:** To assist counties in distributing, tracking and reporting Recovery Fund dollars to the U.S. Treasury, counties request clarification on whether Recovery Funds can be used to hire and cover payroll costs for administrator(s), as well as use Treasury funds for audit compliance. Specifically, new personnel would maintain records and effectively manage the fund on behalf of the county to ensure compliance with Congressional intent and U.S. Treasury guidance. Beyond using funds for new personnel, counties requested clarification on whether funds may be used to purchase new software to enhance our ability to track these new dollars in the more efficient and effective way.
- **Assistance to households:** Under the CARES Act, counties can provide assistance to individuals and families directly impacted by a loss of income due to COVID-19 via a county-run program. Beyond aiding households through an already established program, counties request clarification on whether Recovery Funds can be used to allocate direct payments to households via the county to ensure swift payments. This would not only benefit individuals in the household, but also landlords who are experiencing financial hardship because of the COVID-19 pandemic.
- **Premium pay:** Members requested clarification on the definition and limitations on premium pay for essential workers. Specifically, what is the definition of “essential work” and “eligible workers” as outlined in the American Rescue Plan.

In addition to permissible use of funds, counties requested clarification on expenses not explicitly outlined in the American Rescue Plan, but are still COVID-19-related critical response programs and services.

- **Purchasing/updates to software equipment:** Counties asked whether purchasing or upgrading local government software is a permissible expense. Updating local governments’ software will ensure residents are able to telework, participate in distance learning, support critical healthcare services, as well as many other local government functions
- **Education and schools:** Along with sharing a tax base with local school boards and providing complementary services to local students, counties often play a role in supporting and funding K-12 schools and community colleges. Counties request clarification on how Recovery Funds may be used to ensure safe re-openings and continued operations of schools.
- **Purchasing of equipment:** To ensure counties have a strong ongoing response to COVID-19’s impacts, we urge the U.S. Treasury to allow local governments to purchase equipment and make other necessary investments that will protect the health and safety of our residents. These purchases include but are not limited to. Vehicles for public health and safety activities, generators, body bags, morgue and medical examiner facilities, shelters, quarantine facilities and HVAC/air filter upgrades.

Counties support reasonable practical guardrails included in the American Rescue Plan. County leaders are prudent stewards of public dollars and share the administration’s goals for successful implementation of the Recovery Fund. However, for counties to efficiently and effectively allocate this critical aid, we respectfully recommend the following for implementation:

- **Create a centralized office for Recovery Fund best practices and stakeholder engagement:** To ensure robust intergovernmental consultation and collaboration among federal, state and local partners, counties urge the U.S. Treasury to standup a centralized office that will be responsible for communicating with entities receiving Recovery Funds. This office would work with state and local

government representatives to quickly answer questions regarding Recovery Fund implementation and collect information on investment best practices from recipients.

- **Provide timely Recovery Fund reporting requirements guidance:** Months after the CRF was established, U.S. Treasury Office of Inspector General (OIG) released guidance on reporting requirements for the CRF. The delay in releasing reporting requirements was ineffective as many counties had already set up specific systems to track their expenditures. This resulted in counties reworking reporting documentation to meet the requirements of OIG, which is both a costly and timely process. Counties request that reporting requirements guidance be provided simultaneously with the disbursement of Recovery Funds as it will allow recipients to track expenses appropriately. Furthermore, counties urge that U.S. Treasury policy and OIG teams coordinate with one another ahead of releasing guidance.
- **Avoid overly burdensome Recovery Fund reporting requirements:** Once funds are distributed, counties across the country will move to aggressively distribute funds to sub-recipients to support the needs of our residents and communities. Reporting requirements are often overly burdensome, taking extra time and money away from program implementation and end-users. Counties request that the Recovery Fund reporting requirements strike a better balance of ensuring legal compliance and appropriate stewardship of taxpayer dollars, with practical and timely reports and audits. Efficient, streamlined reporting, including the allowance of electronic filings, will ultimately make the Recovery Fund more successful.
- **Provide a clear reporting structure and investment category definitions:** To help support efficiency of county resources while planning fund expenditures and reporting fund expenditures, and to support the evaluation of program impact during and at the end of the funding period, counties request clear expenditure categories and definitions within reporting requirements. The Pandemic Response Oversight Committee (PRAC) should work closely with the U.S. Treasury in the design phase of the county reporting requirements to ensure expenditure definitions in reporting are clear and align with county expenditure planning and financial tracking. The efficient tracking of investment categories will mitigate increased county costs and facilitate effective analysis on how the funds are invested.

Despite some deficiencies outlined above, there are many aspects of the CRF implementation that U.S. Treasury should maintain for the Recovery Fund including:

- **Public health and public safety payroll and benefits:** Under the CARES Act, counties can use CRF dollars to cover the full payroll costs for public health and public safety employees “substantially dedicated” to addressing and mitigating the impact of the COVID-19 pandemic at the community level. We urge the U.S. Treasury to adopt this guidance under the American Rescue Plan. Additionally, counties urge that reporting requirements for these payroll and benefits costs not be overly burdensome (i.e. counties are able to cover the full payroll and benefits (except pension) of these employees without unreasonable documentation). Furthermore, counties urge U.S. Treasury to include hazard pay as a permissible expense, similar to the CRF guidance.
- **Interest bearing accounts:** Under the CARES Act, recipients can deposit CRF payments into an interest-bearing account and future investments can be used to cover eligible expenditures included in U.S. Treasury guidance. To ensure counties can meet the continued need of our residents and communities as we address the impacts of the COVID-19 pandemic, we urge the U.S. Treasury to adopt this

guidance under the American Rescue Plan. To achieve the shared goals of properly managed Recovery Funds, the funds should be allowed to maximize interest earnings whenever possible while always following all recognized cash-management standards and best practices. Any technical services that are required to achieve these liquidity management guidelines should be an allowable expense of the Recovery fund or interest earnings. Further, all interest generated should enjoy the same permissible use guidelines as the original Recovery Fund dollars, thus increasing and expanding the overall economic impact of the American Rescue plan.

- **Unemployment insurance costs:** Under the CARES Act, counties can use CRF payments for unemployment insurance costs. An extension of this guidance would support counties given our role as a major employer of more than 3.5 million Americans.
- **Allocation report for Recovery Fund recipients:** While NACo has released our own unofficial, preliminary county allocation estimates based on the American Rescue Plan for Fund recipients, we also understand that, under the law, Treasury must reconcile the overall allocations for states, territories, tribes, counties, and municipalities. We urge Treasury officials to consult with NACo about the intricacies of America's counties, parishes, and boroughs across the states. We also encourage Treasury to publish updated, official allocation estimates early in the process to assist our county and other municipal leaders with budget and program design planning.

America's counties have been engaged in our nation's response to COVID-19 since the earliest days and providing counties with the flexible, essential financial resources is the surest way to see that our nation's preparedness and responsivity continues. As intergovernmental partners, we look forward to working with the administration to implement the historic Coronavirus State and Local Fiscal Recovery Fund

On behalf of our membership, we sincerely appreciate the opportunity to provide input, as essential intergovernmental partners, prior to the development of the Rescue Fund guidance. We look forward to maintaining an open dialogue throughout the implementation of this historic federal investment in our local counties. We are committed to making sound investments that help our nation mitigate, respond and recover from this unprecedented national pandemic.

Thank you again for the opportunity to comment and for your continued hard work and leadership during these challenging times.

With respect,



Matthew D. Chase
Executive Director and CEO
National Association of Counties

March 4, 2021

A regular meeting of the Board was held via Electronic Remote Access through Google Meet on Thursday, March 4, 2021 at 8:00 A.M.; all in accordance with the Michigan Department of Health and Human Services Emergency Order under MCL 333-2253 and Public Act 254 of 2020 due to the Covid-19 Pandemic.

Present for the Electronic Meeting: Road Commissioners John Laurie (Indianfields Township), Gary Parsell (Indianfields Township), Julie Maruszak (Ellington Township), David Kennard (Vassar Township), and Duane Weber (Arbela Township); Acting County Highway Engineer Brent Dankert, Operations Engineer Technician Will Green, Superintendent/Manager Jay Tuckey, and Director of Finance/Secretary-Clerk Michael Tuckey.

At 8:05 A.M., there were a total of Thirteen (13) participants attending the Electronic Meeting.

Motion by Parsell seconded by Matuszak that the minutes of the February 18, 2021 regular meeting of the Board be approved. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Payroll in the amount of \$110,582.85 and bills in the amount of \$164,818.06 covered by vouchers #2021-11, #2021-12, and #2021-13 were presented and audited.

Motion by Weber seconded by Kennard that the payroll and bills be approved. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Brief Public Comment Segment:

None.

Motion by Matuszak seconded by Weber that the following Seasonal Weight Restrictions be put into effect on Thursday, March 4, 2021 at 8:00 A.M.

1. When the axle spacing is 9 feet or over between the axles, the maximum axle load shall not exceed 18,000 lbs. for vehicles equipped with high pressure pneumatic or balloon tires.
2. When the axle spacing is less than 9 feet between two axles, but more than 3 ½ feet, the maximum axle load shall not exceed 13,000 lbs. for high pressure pneumatic or balloon tires.
3. When axles are spaced less than 3 ½ feet apart the maximum axle load shall not exceed 9,000 lbs. per axle.
4. The normal size of tires shall be rated size as published by the manufacturers and in no case shall the maximum wheel load of any steering axle exceed 700 pounds per inch of width of tire.
5. During the months of March, April and May in each year, the maximum axle load allowable on a normal load road, shall be reduced by 35% from the maximum axle loads as herein specified. The maximum wheel load shall not exceed 450 pounds per inch of tire width while the seasonal road restrictions are in effect.
6. The Tuscola County Road Commission with respect to highways under their jurisdiction, may suspend the restrictions imposed by the section (257.722) when and where in their discretion conditions of the highway so warrant, and may impose the restricted load requirements of this section on designated highways at any other time that the conditions of the highway may require.

- No truck, tractor or tractor with trailer, nor any combination of such vehicles with a gross weight, loaded or unloaded, in excess of 10,000 lbs. shall exceed a speed of 55 miles per hour on highways or streets which shall be reduced to 35 miles per hour during the period when reduced loadings are being enforced in accordance with the provisions of this chapter.

Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Motion by Parsell seconded by Matuszak that the bids for Four (4) ¾ Ton Pickup Trucks taken and accepted at the February 18, 2021 regular meeting of the Board be awarded to the low bidder, Moore Motor Sales. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Motion by Kennard seconded by Parsell that the bid for 2021 Seed and Mulch taken on February 24, 2021 be accepted and awarded to Nicol and Sons, Inc. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Director of Finance Michael Tuckey provided to the Board an update regarding the proposed road abandonments in Indianfields Township in conjunction with the construction of the new Caro Center. The Board will continue to table any action until receiving the Petition to Abandon signed by the State of Michigan.

Motion by Matuszak seconded by Weber granting Lee Crosby a Medical Leave of Absence through April 18, 2021; all in accordance with the Union Contract. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Motion by Weber seconded by Matuszak granting Richard Shaver a Medical Leave of Absence through March 29, 2021; all in accordance with the Union Contract. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

At 8:15 A.M. the following bids were opened for 2021 Street Signs:

<u>Bidder</u>	<u>Total Bid Items</u>
Vulcan Signs	\$ 35,166.16
MD Solutions	33,809.90
Dombos Sign, Inc.	34,375.99
Lightle Enterprises	45,985.10

Motion by Parsell seconded by Kennard that the bids for 2021 Street Signs be accepted, reviewed by Management, and tabled until the next regular meeting of the Board. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Wells Township Supervisor Karen Varney appeared before the Board to discuss the recent paving project on Frankford Road from East Dayton to Murray. Ms. Varney reported to the Board that Frankford Road was just paved in 2020, and already has large cracks through the road. Acting County Highway Engineer Dankert reported to the Board of being aware of the situation, and is currently researching the reason for the problem. Ms. Varney requested to the Board that Wells Township withhold final payment for the project until the issue is resolved. After further discussion, the following motion was introduced:

Motion by Parsell seconded by Matuszak to grant the request from Wells Township to withhold final payment for the 2020 Frankford Road paving project, pending the research by the Acting County Highway Engineer for the cause of the problem. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

At 8:30 A.M. the following bids were opened for 2021 Corrugated Metal Pipe:

<u>Bidder</u>	<u>Total Bid Items</u>
St. Regis Culvert, Inc.	\$ 26,718.50
Jensen Bridge Company	26,253.61
Cadillac Culvert, Inc.	26,010.85

Motion by Weber seconded by Matuszak that the bids for 2021 Corrugated Metal Pipe be accepted, reviewed by Management, and tabled until the next regular meeting of the Board. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Management and the Board further discussed the variance request from the Gilford Township Board regarding the proposed improvements to Quanicassee Road from Darbee Road to Dutcher Road previously discussed at the last regular meeting of the Board. Acting County Highway Engineer Dankert still recommends the specified ditching as planned for the project. However, if a variance is granted, Dankert recommends that additional culverts be installed throughout the project in order to address the water drainage. After further discussion, the following motion was introduced:

Motion by Weber seconded by Kennard to grant the variance request from the Gilford Township Board regarding the proposed improvements to Quanicassee Road from Darbee Road to Dutcher Road, by removing the specified ditching from the plans for the project, and to include the specified additional culverts and other drainage measures as recommended by the Acting County Highway Engineer. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Director of Finance Michael Tuckey provided to the Board a progress update regarding the proposed upgrades to the building security measures at the Caro Facility. After review and discussion, the following motion was introduced:

Motion by Parsell seconded by Matuszak to accept the progress report regarding the proposed upgrades to the building security measures at the Caro Facility. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Motion by Weber seconded by Matuszak to remove the Bridge Limit Posting from the Van Buren Road Bridge over the Sheboygan Drain (Structure #10488) effective immediately. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Motion by Matuszak seconded by Kennard to approve the current list of weight posted bridges in Tuscola County as presented. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Acting County Highway Engineer Dankert presented to the Board a report of the current estimated costs for various road improvements and maintenance.

Motion by Parsell seconded by Matuszak to approve the Union's request for the "Floating Holiday" to be observed on Thursday, July 1, 2021. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Motion by Kennard seconded by Weber to approve the proposed Township Roadside Mowing Incentive for the year 2021 as presented. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Management and the Board discussed a proposed agenda for a Township Supervisors meeting to be held in April 2021.

Management and the Board further discussed the Covid-19 Pandemic, and the current Road Commission operating procedures. Director of Finance Michael Tuckey reported to the Board that some Covid-19 restrictions are being lifted, and awaiting guidance regarding the status of holding board meetings going forward.

Motion by Parsell seconded by Matuszak that the Board go into closed session at 9:20 A.M. for the purpose of legal discussions regarding the Shays Lake Road Box Culvert lawsuit. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

At 10:35 A.M. the Board returned to open session.

Motion by Parsell seconded by Matuszak to authorize the Road Commission's attorney to continue with negotiations and the legal strategy as outlined in closed session regarding the Shays Lake Road Box Culvert lawsuit. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Motion by Parsell seconded by Weber to authorize Chairman Laurie and Road Commissioner Matuszak to act on any decisions on behalf of the Board during the Mediation Settlement Hearing regarding the Shays Lake Road Box Culvert lawsuit. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Acting County Highway Engineer Dankert provided an update to the Board regarding the Lee Hill Road Bridge Construction Project.

Motion by Parsell seconded by Matuszak that the meeting be adjourned at 10:50 A.M. Roll Call Vote: Weber – Yes, Kennard – Yes, Matuszak – Yes, Parsell – Yes, Laurie – Yes --- Motion Carried.

Chairman

Secretary-Clerk of the Board



THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN ADOPTS THE FOLLOWING RESOLUTION:

WHEREAS, in March of 2020, the global pandemic, COVID-19, resulted in local bodies of government having to hold their meetings virtually due to in-person meeting number restrictions put in place at the State level; and

WHEREAS, due to ongoing orders requiring mask wearing and social distancing, the need for meetings to continue being held virtually still exists; and

WHEREAS, while the timeframe to hold meetings virtually was extended through Senate Bill 1246, that window expires on March 31, 2021; and

WHEREAS, while a recent MDHHS order expands the number of individuals that gather for a meeting to 25, that window expires April 19, 2021; and

WHEREAS, with the mask wearing and social distancing requirements still in place, Berrien County does not have a facility that would allow for the Board of Commissioners and the public to be present for a meeting; and

WHEREAS, in addition, after March 31, 2021, the expanded reasons allowing virtual meetings ends; and

WHEREAS, Senate Bill No. 207 would expand that window allowing virtual meeting through June 30, 2021.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners supports Senate Bill No. 207 which would expand the window for holding virtual meetings of a public body through June 30, 2021.

BE IT FURTHER RESOLVED that the resolution will be forwarded to the Michigan Association of Counties and to all of the legislators representing Berrien County.

Respectfully submitted,
Berrien County Board of Commissioners:

Mamie L. Yarbrough

Robert P. Harrisor

Jon Hinkelman,

Ezra A. Scott

Jim Curran

Rayonte D. Bell

Don Meeks

Michael J. Mejerck

Julie Wuerfel

Teri Sue Freehling

David Vollrath

R. McKinley Elliott, Board Chair

SENATE BILL NO. 207

March 04, 2021, Introduced by Senator SCHMIDT and referred to the Committee on Government Operations.

A bill to amend 1976 PA 267, entitled
"Open meetings act,"
by amending section 3a (MCL 15.263a), as amended by 2020 PA 254.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3a. (1) A meeting of a public body held, in whole or in
2 part, electronically by telephonic or video conferencing in
3 compliance with this section and, except as otherwise required in
4 this section, all of the provisions of this act applicable to a
5 nonelectronic meeting, is permitted by this act in the following
6 circumstances:

1 (a) Before ~~March 31,~~ **June 30**, 2021 and retroactive to March
2 18, 2020, any circumstances, including, but not limited to, any of
3 the circumstances requiring accommodation of absent members
4 described in section 3(2).

5 (b) On and after ~~March 31,~~ **June 30**, 2021 through December 31,
6 2021, only those circumstances requiring accommodation of members
7 absent for the reasons described in section 3(2). For the purpose
8 of permitting an electronic meeting due to a local state of
9 emergency or state of disaster, this subdivision applies only as
10 follows:

11 (i) To permit the electronic attendance of a member of the
12 public body who resides in the affected area.

13 (ii) To permit the electronic meeting of a public body that
14 usually holds its meetings in the affected area.

15 (c) After December 31, 2021, only in the circumstances
16 requiring accommodation of members absent due to military duty as
17 described in section 3(2).

18 (2) A meeting of a public body held electronically under this
19 section must be conducted in a manner that permits 2-way
20 communication so that members of the public body can hear and be
21 heard by other members of the public body, and so that public
22 participants can hear members of the public body and can be heard
23 by members of the public body and other participants during a
24 public comment period. A public body may use technology to
25 facilitate typed public comments during the meeting submitted by
26 members of the public participating in the meeting that may be read
27 to or shared with members of the public body and other participants
28 to satisfy the requirement under this subsection that members of
29 the public be heard by others during the electronic meeting and the

1 requirement under section 3(5) that members of the public be
2 permitted to address the electronic meeting.

3 (3) Except as otherwise provided in subsection (8), a physical
4 place is not required for an electronic meeting held under this
5 section, and members of a public body and members of the public
6 participating electronically in a meeting held under this section
7 that occurs in a physical place are to be considered present and in
8 attendance at the meeting for all purposes.

9 (4) If a public body directly or indirectly maintains an
10 official internet presence that includes monthly or more frequent
11 updates of public meeting agendas or minutes, the public body
12 shall, in addition to any other notices that may be required under
13 this act, post advance notice of a meeting held electronically
14 under this section on a portion of the public body's website that
15 is fully accessible to the public. The public notice on the website
16 must be included on either the homepage or on a separate webpage
17 dedicated to public notices for nonregularly scheduled or
18 electronic public meetings that is accessible through a prominent
19 and conspicuous link on the website's homepage that clearly
20 describes its purpose for public notification of nonregularly
21 scheduled or electronic public meetings. Subject to the
22 requirements of this section, any scheduled meeting of a public
23 body may be held as an electronic meeting under this section if a
24 notice consistent with this section is posted at least 18 hours
25 before the meeting begins. Notice of a meeting of a public body
26 held electronically must clearly explain all of the following:

27 (a) Why the public body is meeting electronically.

28 (b) How members of the public may participate in the meeting
29 electronically. If a telephone number, internet address, or both

1 are needed to participate, that information must be provided
2 specifically.

3 (c) How members of the public may contact members of the
4 public body to provide input or ask questions on any business that
5 will come before the public body at the meeting.

6 (d) How persons with disabilities may participate in the
7 meeting.

8 (5) Beginning on the effective date of the amendatory act that
9 added this section, if an agenda exists for an electronic meeting
10 held under this section by a public body that directly or
11 indirectly maintains an official internet presence that includes
12 monthly or more frequent updates of public meeting agendas or
13 minutes, the public body shall, on a portion of the website that is
14 fully accessible to the public, make the agenda available to the
15 public at least 2 hours before the electronic meeting begins. This
16 publication of the agenda does not prohibit subsequent amendment of
17 the agenda at the meeting.

18 (6) A public body shall not, as a condition of participating
19 in an electronic meeting of the public body held under this
20 section, require a person to register or otherwise provide his or
21 her name or other information or otherwise to fulfill a condition
22 precedent to attendance, other than mechanisms established and
23 required by the public body necessary to permit the person to
24 participate in a public comment period of the meeting.

25 (7) Members of the general public otherwise participating in a
26 meeting of a public body held electronically under this section are
27 to be excluded from participation in a closed session of the public
28 body held electronically during that meeting if the closed session
29 is convened and held in compliance with the requirements of this

1 act applicable to a closed session.

2 (8) At a meeting held under this section that accommodates
3 members absent due to military duty or a medical condition, only
4 those members absent due to military duty or a medical condition
5 may participate remotely. Any member who is not on military duty or
6 does not have a medical condition must be physically present at the
7 meeting to participate.