



Manistee County Board of Commissioners

Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

CHAIRPERSON
Jim Krolezyk
VICE-CHAIRPERSON
Ken Hilliard

Duane Anderson
Ervin Kowalski
Glenn Lottie
Carl Rutske
Richard Schmidt

CLERK

Marilyn Kiber
(231) 723-3331

CONTROLLER/ADMINISTRATOR

Thomas Kaminski
(231) 398-3500

DRAFT

PUBLIC SAFETY COMMITTEE

Friday, April 1, 2011
8:30 A.M.

Manistee County Courthouse & Government Center
Board of Commissioners Meeting Room

REPORT

Members Present: Ken Hilliard, Chairperson; Duane Anderson; and Carl Rutske

Members Absent: None

Others Present: Thomas Kaminski, County Controller/Administrator; Captain Robert Lancaster, Jail Administrator; Lt. Ken Falk, Emergency Management Coordinator; Ken Grabowski, Manistee News Advocate; Dick Stapley, Community Member; and Rachel Nelson, Administrative Secretary

The meeting was called to order at 8:30 A.M.

ITEMS REQUIRING BOARD ACTION

It was recently brought to Mr. Kaminski's attention that the Board of Commissioners never approved the Byrne Justice Assistance Grant that Mr. O'Shea signed in November 2010 (APPENDIX A). After discussion,

Mr. Anderson recommended that the Board of Commissioners confirm the approval of the Byrne Justice Assistance Grant program subcontract between Manistee County and the State of Michigan in the amount of \$45,000 for operation of the SSCENT Drug Team program for the period of October 1, 2010 through September 30, 2011. No alternative recommendation was proposed.

ITEMS NOT REQUIRING BOARD ACTION

Lt. Falk informed the Committee that he will be having a Tippy Dam exercise at the new EOC on April 23, 2011. He has also been working on forming a local CERT team and has trained 12 people. The team needs to be under a municipality's jurisdiction, and Lt. Falk asked for the Committee's opinion on the matter. It was decided that he should ask the Firefighters' Association to see if they would be interested and also consult with the Sheriff.

Captain Lancaster reported that there was a good turnout at the government touring of the jail even though the weather wasn't very good. The expansion/renovation is now being utilized and the jail

can hold a maximum of 68 inmates.

Lt. Falk informed the Committee that the Sheriff is still having discussions regarding the Jaws of Life vehicle ownership and operation. This can be discussed at the next Public Safety Committee meeting.

The issue of potentially implementing a countywide off-road vehicle ordinance was referred to the Public Safety Committee by the Board of Commissioners at the March 15, 2011 Board meeting. Mr. Kaminski provided a history of this issue, going back to 2006 (APPENDIX B). Mr. Stapley reminded the Committee that if the County passes an ordinance, the townships can opt out if they would like to. Mr. Kaminski will have the Prosecutor review the most current version of the ordinance and invite him, as well as the Road Commission, to the next Public Safety Committee meeting to discuss this issue.

The meeting adjourned at 9:05 A.M.

Ken Hilliard, Chairperson

Duane Anderson, Commissioner

Carl Rutske, Commissioner

ADM-207 (10/2010)
 MICHIGAN STATE POLICE
 Departmental Services Division

(APPENDIX A-1)

Received

NOV 17 2010

Michigan State Police

BYRNE JUSTICE ASSISTANCE GRANT (BYRNE JAG) PROGRAM SUBCONTRACT

AUTHORITY: 1936 PA 59; COMPLIANCE: Voluntary, however, grant funds will be withheld if not returned within 60 days of award.

SUBGRANTEE: Dept. Name: Manistee County Sheriff's Department Address: 1525 E. Parkdale Avenue City, State & Zip: Manistee, MI 49660 Telephone: (231)723-8393 Fax: (231)723-1498		SUBGRANTEE PROJECT OFFICIAL: Project Director: Dale G. Kowalkowski Title: Sheriff Department: Manistee County Sheriff's Dept. Address: 1525 E. Parkdale Avenue City, State & Zip: Manistee, MI 49660 Telephone: (231)723-8393 Fax: (231)723-1498	
MSP PROJECT #70889-3-11-B			
SUBCONTRACTOR FEDERAL ID# 38-8005853		SUBGRANTEE FINANCIAL OFFICIAL: Project Director: Russell A. Pomeroy Title: Treasurer Department: County of Manistee Address: 416 3 rd Street City, State & Zip: Manistee, MI 49660 Telephone: (231)398-3500 Fax: (231)723-1795	
PROJECT START DATE 10-1-2010	PROJECT END DATE 9-30-2011		
BUDGET SUMMARY			
CATEGORY		AMOUNT	
Salaries & Wages		31,986	
Fringe Benefits		13,114	
Travel			
Supplies & Materials			
Equipment			
Other Expenses:			
		BYRNE JAG FUNDS	22,550
		MATCHING FUNDS	22,550
TOTAL		TOTAL	45,100

PROJECT TITLE: S.S.C.E.N.T.
 MSP Contract No.: 201170889
 Federal Grant Award No.: 2010-DJ-BX-0003
 CFDA No.: 16.738

We hereby accept this subcontract in the amount and for the period shown above on the basis of the application, assurances and supporting documents submitted by the Grantee to the Michigan State Police. The subgrant becomes effective upon the return of the executed subcontract to the Grantee. This award does not assure or imply continuation in funding beyond the funding period of this subcontract. The subgrantee agrees to provide the Grantee with a copy of the Single Audit Report of the subgrantee's entity.

FOR THE SUBGRANTEE:		FOR THE GRANTEE:	
Signature: <i>[Signature]</i>	Date: 11/5/10	Signature: <i>[Signature]</i>	Date: 11-12-10
Name: Allan O'Shea Subgrantee Authorizing Official		Name: D/Lt. Matthew Kanitz Project Director	
Signature: <i>[Signature]</i>	Date: 10/26/10	GRANTEE: Department: Department of State Police Address: 333 S. Grand Avenue City, State & Zip: Lansing, MI 48909	
Name: Dale G. Kowalkowski Subgrantee Project Official			
Signature: <i>[Signature]</i>	Date: 11/9/10		
Name: Russell A. Pomeroy Subgrantee Financial Official			

RECEIVED
 DEC 01 2010
 By _____

ATTACHMENT A

(A-2)

Subrecipient/Vendor Monitoring

The Contractor must ensure that each of its subrecipients comply with the Single Audit Act requirements. The Contractor must issue management decisions on audit findings of their subrecipients as required by OMB Circular A-133.

The Contractor must also develop a subrecipient monitoring plan that addresses "during the award monitoring" of subrecipients to provide reasonable assurance that the subrecipient administers Federal awards in compliance with laws, regulations, and the provisions of contracts, and that performance goals are achieved. The subrecipient monitoring plan should include a risk-based assessment to determine the level of oversight, and monitoring activities such as reviewing financial and performance reports, performing site visits, and maintaining regular contact with subrecipients.

The Contractor must establish requirements to ensure compliance for for-profit subrecipients as required by OMB Circular A-133, Section .210(e).

The Contractor must ensure that transactions with vendors comply with laws, regulations, and provisions of contracts or grant agreements in compliance with OMB Circular A-133, Section .210(f).

Assure for any subcontracted service, activity or product:

1. That the Contractor will submit copies of all executed subcontracts within sixty (60) days of the execution of this contract. Subcontracts should cover all personnel contained in the "contractual" line item within the grant budget. Each listed agency shall have its own subcontract signed by the Contractor and an official of that jurisdiction. Failure to submit these documents to the Department within sixty (60) days may result in withholding future payment or other penalties, as determined by the Department.
2. That a written subcontract is executed by all affected parties prior to the initiation of any new subcontract activity. Exceptions to this policy may be granted by the Department upon written request within thirty (30) days of execution of the agreement.
3. That any executed subcontract to this agreement shall require the subcontractor to comply with all applicable terms and conditions of this agreement, including all Certifications and Assurances attached to this subcontract. In the event of a conflict between this agreement and the provisions of the subcontract, the agreement shall prevail.

A conflict between this agreement and a subcontract, however, shall not be deemed to exist where the subcontract:

- a. Contains additional non-conflicting provisions not set forth in this agreement;
 - b. Restates provisions of this agreement to afford the Contractor the same or substantially the same rights and privileges as the Department; or
 - c. Requires the subcontractor to perform duties and/or services in less time than that afforded the Contractor in this agreement.
4. That the subcontract does not affect the Contractor's accountability to the Department for the subcontracted activity.
 5. That any billing or request for reimbursement for subcontract costs is supported by a valid subcontract and adequate source documentation on costs and services, which must be onsite, available and retained through the end of the subcontract plus three years.

ATTACHMENT B

BUDGET DETAIL: Describe in detail each item that will be supported by this grant.
SALARY: List individual positions and number of hours assigned to the project. One full time deputy
FRINGE BENEFITS: Describe what fringe benefits are being paid for (i.e., health insurance, dental insurance) for each employee supported by grant funding. Life, Health, Dental Insurance/FICA/Workers Compensation/Retirement
TRAVEL: This includes cost for mileage, per diem, lodging, lease vehicles, registration fees and approved seminars or conferences and other approved travel costs incurred by the employees. N/A
SUPPLIES & MATERIALS: This category is used for all consumable and short-term items and equipment items costing less than \$5,000. N/A
EQUIPMENT: Must be at least \$5,000. N/A
OTHER EXPENSES: Communication, space and allowable expenses not covered by other line items. N/A

ATTACHMENT C

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CERTIFICATIONS AND ASSURANCES

These certifications and assurances are applicable to all grantees ("Contractor") and all subcontractors of the awarded grantee. It is the grantee's (Contractor's) responsibility to ensure that subcontractors are adhering to the certifications and assurances. Failure to do so may result in termination of grant funding or other remedies.

NON-SUPPLANTING:

It is imperative that grantees/Contractors understand that the nonsupplanting requirement mandates that Byrne JAG funds may be used only to supplement (increase) a grantee's (Contractor's) budget and may not supplant (replace) state, local or tribal funds that a grantee otherwise would have spent on positions if it had not received a Byrne JAG award.

This means that if your agency plans to:

- (a) Hire new positions (including filling existing vacancies that are no longer funded in your agency's budget): It must hire these additional positions on or after the official grant award start date, above its current budgeted (funded) level of positions.
- (b) Rehire personnel who have already been laid off (at the time of application) as a result of state, local, or tribal budget cuts: It must rehire the personnel on or after the official grant award start date, and maintain documentation showing the date(s) that the positions were laid off and rehired.
- (c) Maintain personnel who are (at the time of application) currently scheduled to be laid off on a future date as a result of state, local or tribal budget cuts: It must continue to fund the personnel with its own funds from the grant award start date until the date of the scheduled lay-off (e.g., if the Byrne JAG award start date is July 1 and the lay-off is scheduled for October 1, then the Byrne JAG funds may not be used to fund the officers until October 1, the date of the scheduled layoff), and maintain documentation showing the date(s) and reason(s) for the lay-off. (Please note that as long as your agency can document the date that the lay-off(s) would occur if the Byrne JAG funds were not available, it may transfer the personnel to the Byrne JAG funding on or immediately after the date of the lay-off without formally completing the administrative steps associated with a lay-off for each individual personnel.)

Documentation that may be used to prove that scheduled lay-offs are occurring for local economic reasons that are unrelated to the availability of Byrne JAG grant funds may include (but are not limited to) council or departmental meeting minutes, memoranda, notices, or orders discussing the lay-offs; notices provided to the individual personnel regarding the date(s) of the layoffs; and/or budget documents ordering departmental and/or jurisdiction-wide budget cuts. These records must be maintained with your agency's Byrne JAG grant records during the grant period and for three years following the official closeout of the Byrne JAG grant in the event of an audit, monitoring or other evaluation of your grant compliance.

STANDARD ASSURANCES:

The grantee/Contractor hereby assures and certifies compliance with all applicable federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (Intergovernmental review of federal programs); and, 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The grantee/Contractor also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any required non-federal share of project

- cost) to ensure proper planning, management and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
 3. It will give the awarding agency or the general accounting office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61 and 63.
 4. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (Identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
 5. It will comply (and will require any subgrantees or Contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and, the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
 6. If a governmental entity:
 - a. It will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and,
 - b. It will comply with requirements of 5 U.S.C. §§ 1601-06 and §§ 7324-28, which limit certain political activities of state or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS:

Grantees/Contractors should refer to the regulations cited below to determine the certification to which they are required to attest. Grantees/Contractors should also review the instructions for certification included in the regulations before completing this form. Acceptance of this contract provides for compliance with certification requirements under 28 C.F.R. Part 69, "New Restrictions on Lobbying" and 28 C.F.R. Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)."

LOBBYING:

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 C.F.R. Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 C.F.R. Part 69, the grantee/Contractor certifies that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;

2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the grantee shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions; and,
3. The grantee shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT):

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 C.F.R. Part 67, for prospective participants in primary covered transactions, as defined at 28 C.F.R. Part 67, Section 67.610:

1. The grantee/Contractor certifies that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default.

DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS):

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 C.F.R. Part 67, Subpart F, for grantees, as defined at 28 C.F.R. Part 67 Sections 67.615 and 67.620.

The grantee/Contractor certifies that it will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an on-going drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation and employee assistance programs and;
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).

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4. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement; and,
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

5. Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, Attn: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant.

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or,
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

7. Making a good faith effort to continue to maintain a drug-free workplace.

UNALLOWABLE EXPENSES AND ACTIVITIES:

- Costs in applying for this grant (e.g., consultants, grant writers, etc.).
- Any expenses incurred prior to the date of the contract.
- Any administrative costs not directly related to the administration of this Byrne JAG award.
- Indirect costs rates or indirect administrative expenses (only direct costs permitted).
- Personnel, including law enforcement officers, not connected to the project for which you are applying.
- Lobbying or advocacy for particular legislative or administrative reform.
- Fund raising and any salaries or expenses associated with it.
- Legal fees.
- All travel including first class or out-of-state travel (prior approval required).
- Promotional items (except preauthorized under certain program areas).
- One-time events, prizes, entertainment (e.g., tours, excursions, amusement parks, sporting events).
- Honorariums.
- Contributions and donations.
- Management or administrative training, conferences (only pre-approved project related training).
- Management studies or research and development (costs related to evaluation are permitted).
- Fines and penalties.
- Losses from uncollectible bad debts.
- Purchase of land.
- Memberships and agency dues, unless a specific requirement of the project (prior approval required).
- Compensation to federal or state employees for travel or consulting fees.
- Military type equipment such as armored vehicles, explosive devices, and other items typically associated with the military arsenal.
- Vehicles, vessels or aircraft.
- Construction costs and/or renovation (including remodeling).
- Informant fees, rewards or buy money.
- Food, refreshments, snacks.
- K9 dogs and horses (including any food and/or supplies relating to the upkeep of law enforcement animals).

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CONDITIONS ON EXPENSES:

Costs must be reasonable and necessary. If required by the parent agency, costs must be sustained by competitive bids. All contracts and subcontracts require prior approval by the Department. If detailed information is not included as part of the application process, the grantee must submit a request seeking approval once the subcontractors are identified.

Individual consultant fees are limited to \$450 (excluding travel, lodging and meal costs) per day, which includes legal, medical, psychological and accountant consultants. If the rate will exceed \$450 for an eight-hour day, written approval is required from the Department. Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the market place.

Food and beverage costs require prior written approval. The written proposal must include a working agenda of planned activity. Breakfasts and dinners will generally not be paid.

PROGRAM INCOME:

The Department of Justice regulations allow grantees/Contractors to keep funds (program income) derived from grant activities, so long as these funds are used for the same purposes as the grant project. In the absence of such regulations, these funds would be required to be returned to the Department of Justice.

Asset forfeiture and lab fees are the most prominent program income derived from grant activity. Department of Justice regulations require that program income be held in the custody of a governmental entity, with reporting on those funds to the state agency administering the Byrne Justice Assistance Grants.

When applicable, Program Income Reports are to be filed quarterly, and are attached to the supplied Quarterly Progress Reports. If there is no program income, grantees must submit a program income waiver form within 30 days of grant agreement acceptance. This form will be provided.

(APPENDIX B-1)

10/24/06 BD.
Agenda Meeting
held at Casson

8:30 A.M. - PEGGY FALK, EQUALIZATION DIRECTOR, will appear before the Board to present the 2006 Apportionment Report. (In conjunction with the Ways & Means Report).

9:45 A.M. - RICHARD STREVEY, GENERAL MANAGER OF MANISTEE COUNTY TRANSPORTATION, INC. will appear before the Board to request consideration of the following contract resolutions:

- A) Amendatory Operations Contract commencing October 1, 2006, through September 30, 2007. This is an extension of the operations contract which has been in existence since the organization was formed.
- B) Contract #2007-0250 which covers the Master Agreement between the County and the Michigan Department of Transportation. The contract does not require a local match, and has been approved by the MCTT Board of Directors.

10:00 A.M. PUBLIC HEARING ON PROPOSED COUNTY ALL TERRAIN VEHICLE ORDINANCE

The purpose of this hearing is to receive public comment on a proposed All-Terrain Vehicle Ordinance. This is an enabling ordinance pursuant to MCLA 324.81131, for the regulation, and establishment of access routes for the operation of all-terrain vehicles and to provide penalties for non-compliance. This ordinance only has effect upon roads authorized and permitted by a township or local unit of government within Manistee County. This ordinance was prepared by the Manistee County Board of Commissioners Public Safety Committee with assistance from the Prosecuting Attorney and the Sheriff. A copy of the proposed ordinance, including notice of this Public Hearing, has been provided to each Township, Village, and the City of Manistee. The proposed ordinance has also been available for public inspection in the County Clerk's Office since October 10, 2006. (A copy of the Public Comment Rules of Procedure is attached under APPENDIX B).

IMMEDIATELY FOLLOWING THE PUBLIC HEARING, the Board will consider adoption of the All-Terrain Vehicle Ordinance pursuant to MCLA 324.81131, for the regulation, and establishment of access routes for the operation of all-terrain vehicles and to provide penalties for non-compliance. This ordinance only has effect upon roads authorized and permitted by a township or local unit of government within Manistee County. The ordinance, if approved, will take effect once notice of the action has been published in the newspaper of general circulation in the County.

11:30 A.M. BOARD/COMMISSION APPOINTMENTS:

A) West Shore Medical Center Trustees:

The terms of three (3) Trustees expire December 31, 2006. In conformance with Public Act 230, the following individuals have been nominated by the Medical Center Board of Trustees to fill three (3) year terms beginning January 1, 2007.

Term A: Theodore Batzer, M.D. (Incumbent)
Steve Brower
Raymond Kieffer

Term B: Sue Myers (Incumbent)
Hilary Ericksen
Jane Pettis

Term C: Martha Wieland (Incumbent)
Stephanie Fitzgerald, DO
Cathy Walter

One (1) individual may be appointed from each group of three (3) to fill a vacancy, or all three (3) may be rejected and three (3) new names must be provided by the Hospital.

MISCELLANEOUS CONTROLLER AND BOARD ITEMS. (These items may be considered at any time during the meeting as time allows).

- A) Consideration of extending the listing agreement with Northern Lights Realty for the former Animal Control property.

TUESDAY, OCTOBER 24, 2006

B-2

Moved by Kowalski, supported by McCraner to go into Public Hearing to receive public comment on the proposed County All Terrain Vehicle Ordinance.

YEAS: 7 Fenstermacher, Haik, Kowalski, Lottie, McCraner, O'Shea, Rutske
NAYS: 0

Motion Carried

+++++

The Board of Commissioners listened to comments from forty individuals regarding the proposed County All Terrain Vehicle Enabling Ordinance. Public comment was limited to three minutes for each individual. Comments from the public were both for and against the proposed enabling ordinance.

Moved by Fenstermacher, supported by Kowalski to close the Public Hearing.

YEAS: 7 Haik, Kowalski, Lottie, McCraner, O'Shea, Rutske, Fenstermacher
NAYS: 0

Motion Carried

+++++

Moved by Fenstermacher, supported by Haik to adopt the All-Terrain Vehicle Enabling Ordinance and include the following information from a letter received from the Forest Service dated October 23, 2006: Operation of an ATV pursuant to this ordinance upon National Forest System lands and roads is prohibited; ATV use is prohibited on public owned parks and National Forest System lands unless specifically designated for that use; and ATV's cannot be operated upon a lawn, or within federal or state highways, Forest Service roads, or streets within incorporated cities.

YEAS: 3 Rutske, Fenstermacher, Haik
NAYS: 4 Kowalski, Lottie, McCraner, O'Shea

Motion Denied

+++++

in your mailbox

[Handwritten signature]

CHAIRPERSON
Allan O'Shea
VICE-CHAIRPERSON
Janice McCraner

Kathy Fenstermacher
Edward Hark
Ervin Kowalski
Glenn Lotte
Carl Rutske

Manistee County Board of Commissioners
Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49750

B-3

CLERK
Marilyn Kluber
(231) 723-3331
CONTROLLER ADMINISTRATOR
Thomas Kaminski
(231) 398-3300

AGENDA

THE MANISTEE COUNTY BOARD OF COMMISSIONERS WILL HOLD THEIR REGULAR MEETING ON TUESDAY, SEPTEMBER 18, 2007, AT 9:00 A.M. IN THE BOARD OF COMMISSIONERS' MEETING ROOM LOCATED IN THE MANISTEE COUNTY COURTHOUSE AND GOVERNMENT CENTER, 415 THIRD STREET, MANISTEE, MICHIGAN.

- CALL TO ORDER BY THE CHAIRPERSON
- PLEDGE OF ALLEGIANCE
- INVOCATION
- ROLL CALL
- APPROVAL OF MEETING AGENDA
- CONSENT AGENDA

- A) The minutes of the August 22, 2007 regular Board meeting.
- B) September 2007 monthly appropriations and fund transfers which are attached under APPENDIX A.
- C) The report of the September 13, 2007 County Board Budget Study session.

PUBLIC COMMENT

RECOGNITION, ANNOUNCEMENTS, AND CORRESPONDENCE

TREASURER'S REPORT (Russell A. Pomeroy)

COMMITTEE REPORTS - (Reports may be given at any time during the meeting as time allows).

- ***A) Ways & Means/Finance/Equalization Committee Report
- B) Physical Resources Committee Report
- *C) Policy Committee Report
- *D) Public Safety Committee Report & Sheriff Report
- E) Investment Committee Report
- *F) Technology/Information Committee Report
- G) Human Services Committee Report
- *H) Executive Committee Report (Joint Court Committee)
- **I) Personnel Committee Report
- *J) Recycling Committee Report
- K) Regional Summit Committee Report (Verbal Report)
- L) Chittenden Ad Hoc Committee Report
- *M) County Controller/Administrator's Report
- *N) Reports from individual Commissioners on various special assignments.
- O) Report on Joint City/County/Tribal issues.

(* = Committee meetings held this month)

9:30 A.M. - PUBLIC SAFETY COMMITTEE REPORT - The Committee will report on reconsidering the adoption of an amended All-Terrain Vehicle Enabling Ordinance pursuant to MCLA 324.81131, for the regulation and establishment of access routes for the operation of all-terrain vehicles, and to provide penalties for non-compliance. This ordinance only has effect upon roads authorized and permitted by a township or local unit of government within Manistee County. The ordinance, if approved, will take effect once notice of the action has been published in the newspaper of general circulation in the County. A prior draft of the ordinance was considered and defeated by the Board in October 2006.

10:00 A.M. - PUBLIC HEARING ON THE FY 2007/08 COUNTY BUDGET:

The purpose of this hearing is to receive public comment on the Manistee County FY 2007/08 budget and the proposed tax millage rate to be levied to support the budget.

On Wednesday, August 22, 2007, the Board of Commissioners adopted a FY 2007/08 tentative General Fund budget totaling \$10,029,009.00, and tentative Supplemental Fund budgets totaling \$2,106,566.00 (net). Since that time,

Association. Iosco County has an ATV Ordinance and they do not have any problems in that County.

Anne Kaminski and George Kaminski, Cleon Township, appeared before the Board in opposition to the ordinance. Additional costs to road repairs would be very costly. The remote location of Cleon Township hinders enforcement of violators of the ordinance.

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Lt. Brian Postma, Michigan State Police, Manistee Post, appeared before the Board in opposition to the ordinance. ATV's on roadways is a serious safety issue.

Dick Stapley, Manistee County ATV Association, appeared before the Board in favor of the Manistee County All-Terrain Vehicle Enabling Ordinance. He informed the Board that there are 19 Counties in the State of Michigan that have ATV Ordinances and have not had any problems.

PUBLIC SAFETY COMMITTEE REPORT/SEPTEMBER 7, 2007

Ed Haik presented the Public Safety Committee Report of September 7, 2007.

THANK YOU LETTER/WARDEN CURTIN

Moved by Fenstermacher, supported by McCraner to approve that a letter of thanks be sent from the County Board of Commissioners to Warden Cindi Curtin. A joint agreement has been established between the Manistee County Jail and the Oaks Correctional Facility. This joint agreement consists of the Oaks Correctional Facility providing their Emergency Response Team to offer extra security in any event involving jail evacuation, emergency rioting, or any other event that may need extra security. In return, the Sheriff's Office has offered the services of our Officers to the Oaks Correctional Facility in the event that they have an emergency, riot, or an evacuation.

Motion Carried

9/18/07

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MANISTEE COUNTY ALL-TERRAIN VEHICLE ENABLING ORDINANCE

The Manistee County All-Terrain Vehicle Enabling Ordinance had come up before the Commissioners in October of 2006 and had been voted down 4-3. A motion is necessary from one of the dissenting votes in order for the ordinance to be brought up for another vote. No motion was made from the Board.

Manistee County Board of Commissioners



Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

CHAIRPERSON
Allan O'Shea
VICE-CHAIRPERSON
Janice McCraner

Kathy Fenstermacher
Edward Hall
Ervin Kowalski
Glean Lottis
Carl Rutala

CLERK

Marilyn Kliber
(231) 723-3331

CONTROLLER/ADMINISTRATOR

Thomas Kamischke
(231) 398-3500

AGENDA

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THE MANISTEE COUNTY BOARD OF COMMISSIONERS WILL HOLD THEIR REGULAR MEETING ON TUESDAY, NOVEMBER 18, 2008, AT 9:00 A.M. IN THE GYMNASIUM LOCATED IN THE CASHAN ALTERNATIVE ACADEMY, 225 NINTH STREET, MANISTEE, MICHIGAN.

CALL TO ORDER BY THE CHAIRPERSON

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

APPROVAL OF MEETING AGENDA

CONSENT AGENDA

- A) The minutes of the October 28, 2008 regular Board meeting.
- B) November 2008 monthly appropriations and fund transfers which are attached under APPENDIX A.

PUBLIC COMMENT

TREASURER'S REPORT (Russell A. Pomeroy)

COMMITTEE REPORTS - (Reports may be given at any time during the meeting as time allows).

- *A) Ways & Means/Finance/Equalization Committee Report
- *B) Policy Committee Report
- C) Personnel Committee Report
- *D) Public Safety Committee Report & Sheriff Report
- E) Investment Committee Report
- *F) Technology/Information Committee Report
- G) Human Services Committee Report
- H) Executive Committee Report (Joint Court Committee)
- I) Physical Resources Committee Report
- *J) Green Team/Recycling Committee Report
- K) Regional Summit Committee Report
- L) Chittenden Ad Hoc Committee Report
- *M) County Controller/Administrator's Report
- *N) Reports from Individual Commissioners on various special assignments.
- O) Report on Joint City/County/Tribal issues.
- P) Bear Lake Improvement Board - MILFOIL (Allan O'Shea)

(* = Committee meetings held this month)

9:45 A.M. - BOARD/COMMISSION APPOINTMENTS

A) WEST SHORE MEDICAL CENTER BOARD OF TRUSTEES

The terms of three (3) Trustees expire December 31, 2008. In conformance with Public Act 230, the following individuals have been nominated by the Medical Center Board of Trustees to fill three (3) year terms beginning January 1, 2009 and expiring December 31, 2011.

Term A: J. Ben Hengy, DO (Incumbent)
Laura Horvat
Ryan Sullivan, MD

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Term B: Beth McCarthy (Incumbent)
Raymond Kleffer
Cathy Walter

Term C: Kelle Parice (Incumbent)
William Pettie
Glen Zaring

One (1) individual may be appointed from each group of three (3) to fill a vacancy, or all three (3) may be rejected and three (3) new names must be provided by the Hospital.

10:00 A.M. - PUBLIC HEARING ON PROPOSED OFF ROAD VEHICLE ORDINANCE

The purpose of this hearing is to receive public comment on a proposed Off Road Vehicle Ordinance for Manistee County. This ordinance is being considered pursuant to 2009 PA 240, MCL 324.81131, for the purpose of authorizing and regulating the operation of off road vehicles on roads in Manistee County, and for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties. At this time, the Board of Commissioners have not completed a final ordinance document, however, a draft (#2) has been completed and reviewed by the Public Safety Committee and legal counsel. Section 2 language of the draft ordinance has not yet been determined. It is anticipated that the Board will consider final action on the ordinance at the December 2008 Commission meeting. All public hearing notice requirements have been satisfied pursuant to the Public Act. (A copy of the Public Comment Rules of Procedure is attached under APPENDIX B.)

MISCELLANEOUS CONTROLLER AND BOARD ITEMS. (These items may be considered at any time during the meeting as time allows).

- A) Discussion regarding the process to be used for December 2008 Board/Commission appointments.

ADJOURNMENT

Visit: www.manisteecountymi.gov to view the County Directory, Calendar of Events, Meeting Minutes (under Board of Commissioners), etc.

TUESDAY, NOVEMBER 18, 2008

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Motion Carried

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WEST SHORE MEDICAL CENTER BOARD OF TRUSTEES APPOINTMENTS

The terms of three (3) Trustees expire December 31, 2008. In conformance with Public Act 230, the following individuals have been nominated by the Medical Center Board of Trustees to fill three (3) year terms beginning January 1, 2009 and expiring December 31, 2011.

TERM A

VOTE: J. Ben Hengy, DO 6 Laura Horvat 0 Ryan Sullivan, MD 1

Dr. J. Ben Hengy was appointed to the West Shore Medical Center Board of Trustees for a three (3) year term beginning January 1, 2009 and expiring December 31, 2011.

TERM B

VOTE: Beth McCarthy 7 Raymond Kieffer 0 Cathy Walter 0

Beth McCarthy was appointed to the West Shore Medical Center Board of Trustees for a three (3) year term beginning January 1, 2009 and expiring December 31, 2011.

TERM C

VOTE: Kellie Parkes 6 William Pettis 0 Glenn Zaring 1

Kellie Parkes was appointed to the West Shore Medical Center Board of Trustees for a three (3) year term beginning January 1, 2009 and expiring December 31, 2011.

PUBLIC HEARING

Moved by McCraner, supported by Lottie to go into Public Hearing to receive public comment on the

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TUESDAY, NOVEMBER 18, 2008

proposed Off Road Vehicle Ordinance.

YEAS: 7 O'Shea, Rutske, Fenstermacher, Haik, Kowalski, Lottie, McCraner

NAYS: 0

Motion Carried

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The purpose of the hearing is to receive public comment on a proposed Off Road Vehicle Ordinance for Manistee County. This ordinance is being considered pursuant to 2009 PA 240, MCL 324.81131, for the purpose of authorizing and regulating the operation of off road vehicles on roads in Manistee County, and for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties.

Thirty-three interested citizens appeared before the Board regarding the Manistee County Off Road Vehicle Ordinance. The majority of the general public that spoke favored the ordinance. Local and State Law Enforcement, the Road Commission, and State and Federal Agencies opposed the ordinance.

Correspondence was received from the following people concerning the Manistee County Off Road Vehicle Ordinance: Scott, Gordon and Jeff Orsette, Stronach Township Planning Commission, Ray Schmidt, and Barry Paulson (Forest Supervisor, U. S. Department of Agriculture).

The Commissioners thanked everyone for their input. They will be looking at the information over the next several weeks with their Public Safety Committee and the full Board before making a decision.

Moved by McCraner, supported by Fenstermacher to go out of Public Hearing and back into regular session.

TUESDAY, NOVEMBER 18, 2008

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YEAS: 7 Rutsiko, Fenstermacher, Haik, Kowalski, Lottie, McCraner, O'Shea

NAYS: 0

Motion Carried

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Adjourn at the Call of the Chair.

CLERK.



Manistee County Board of Commissioners

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CHAIRPERSON
Allan O'Shea
VICE-CHAIRPERSON
Edward Hault

Ken Hilliard
Ervin Kowalski
Jim Krolczyk
Glenn Lottis
Carl Rutake

CLERK

Marilyn Klüber
(231) 723-3331

CONTROLLER/ADMINISTRATOR

Thomas Kaminski
(231) 398-3500

AGENDA

THE MANISTEE COUNTY BOARD OF COMMISSIONERS WILL HOLD THEIR REGULAR MEETING ON TUESDAY, APRIL 28, 2009, AT 6:00 P.M. IN THE BOARD OF COMMISSIONERS' MEETING ROOM LOCATED IN THE MANISTEE COUNTY COURTHOUSE AND GOVERNMENT CENTER, 415 THIRD STREET, MANISTEE, MICHIGAN.

CALL TO ORDER BY THE CHAIRPERSON

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

APPROVAL OF MEETING AGENDA

CONSENT AGENDA

- A) The minutes of the March 17, 2009 regular Board meeting.
- B) April 2009 monthly appropriations and fund transfers which are attached under APPENDIX A.

PUBLIC COMMENT

RECOGNITION, ANNOUNCEMENTS & CORRESPONDENCE

TREASURER'S REPORT (Russell A. Pomeroy)

6:30 P.M. - PUBLIC HEARING ON A RESOLUTION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION TO THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION (MEDC) FOR THE MANISTEE LAKE LEGACY INITIATIVE (MLLI). The purpose of this hearing is to receive public comment on a proposed County Board of Commissioners resolution approving the submission of a CDBG application to the MEDC, prepared by the Alliance for Economic Success, for the MLLI. The goal of the MLLI is to realize the full potential of lands surrounding Manistee Lake and its deep water port for businesses and jobs, and to enhance our communities and quality of life. Grant funds would be used to involve all interests in developing a consensus implementation plan for the Manistee Lake area. The application will not exceed \$35,000. The local match includes a United States Department of Agriculture RD grant of \$40,000, Alliance for Economic Success funds of \$20,000, and other in-kind contributions from the Alliance for Economic Success of \$10,000. The Board of Commissioners unanimously approved the submission of a Notice of Intent to apply for this grant on February 17, 2009, and the Michigan Strategic Fund approved the County's Notice of Intent to apply for a Planning Grant under the CDBG program at its March 18, 2009 meeting. The next step in the process is to hold this public hearing and then consider making official application for the grant funds. A representative from the Alliance for Economic Success will be present to assist the Board with this public hearing. (A copy of the Public Comment Rules of Procedure is attached under APPENDIX B.)

IMMEDIATELY FOLLOWING THE PUBLIC HEARING, the Board will consider the adoption of a resolution which approves the submission of a Community Development Block Grant application to the Michigan Economic Development Corporation for the development of a Manistee Lake Legacy Initiative consensus implementation plan.

7:00 P.M. - PUBLIC SAFETY COMMITTEE REPORT - The Committee will report on a proposed ordinance for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Manistee County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131. The ordinance, if approved, will take effect once notice of the action has been published in the newspaper of general circulation in the County. A public hearing on the proposed ordinance was previously held by the Board on November 18, 2008.

TUESDAY, APRIL 28, 2009

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Moved by Hilliard, supported by Rutske to adopt the Countywide ORV Ordinance as written.

YEAS: 2 Rutske, Hilliard
NAYS: 5 Krolczyk, Lottie, O'Shea, Haik, Kowalski

Motion Denied

+++++

2009 EQUALIZATION REPORT

Peggy Falk, Equalization Director, presented the 2009 Equalization Report. A handout entitled 2009 Manistee County Equalization Report was presented to the Board. Discussion followed.

**MANISTEE COUNTY BOARD OF COMMISSIONERS
RESOLUTION TO ADOPT
THE 2009 COUNTY EQUALIZATION REPORT
AS SUBMITTED BY THE ACCOMPANYING STATEMENTS**

WHEREAS, the Equalization Department has examined the assessment rolls of the 14 townships and one city within Manistee County to ascertain whether the real and personal property in the respective townships and cities has been equally and uniformly assessed as true cash value; and

WHEREAS, based on its studies, the Equalization Department has presented to the Equalization Subcommittee the 2009 Equalization data that equalizes the townships' and cities' valuations, by adding to or deducting from the valuations of the said taxable property in the 14 townships and one city, an amount which represents the true cash value; and

WHEREAS, the attached report is the result of the forgoing process.

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Manistee, that the accompanying statements be, and the same hereby are, approved and adopted by the Board of Commissioners of the County of Manistee as the equalized value of all taxable property, both real and personal, for each of the 14 townships and 1 city in said County for real property values equalized at \$1,479,082,857 and personal property values equalized at \$111,540,784 for a total equalized value of real and personal property at \$1,590,623,641 pursuant to Section 211.34 M.C.L., 1948 as amended.

Moved by Kowalski, supported by Rutske to adopt the resolution which approves the 2009 Manistee County Equalization Report as presented by Peggy Falk, Equalization Director, Manistee County.

YEAS: 7 Lottie, O'Shea, Rutske, Haik, Hilliard, Kowalski, Krolczyk
NAYS: 0

Motion Carried

4/09

STATE OF MICHIGAN
COUNTY OF MANISTEE
ORV ORDINANCE

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ORDINANCE NO: _____

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Manistee County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

THE COUNTY OF MANISTEE ORDAINS:

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

- a) "County" means the County of Manistee.
- 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 51, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Manistee.
- 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

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another state or a province of Canada.

- i) "Township" means an individual township within the County of Manistee.
- j) "Township Board" means a board of trustees of any township within the County of Manistee.
- k) "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.

Sec. 2: An ORV may be operated on the far right of the maintained portion of a road within the county.

Sec. 3: A township board of a township in the county may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the county. Beginning July 17, 2009, the township board of a township in the county may adopt an ordinance authorizing the operation of ORVs "on the maintained portion of 1 or more roads located within the township." pursuant to MCL 324.81131 (3).

Sec. 4: The county 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 Section 5 of this ordinance.

Sec. 5: 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.

Sec. 6: 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 unless~~ displaying a lighted headlight and lighted taillight.
- g) 1/2 hour before sunrise until 1/2 after sunset unless displaying a lighted headlight and lighted taillight.
- h) while displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.
- i) 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.
- j) 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.
- k) while the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- l) pursuant to noise emission standards defined by law.

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Sec. 7: A child less than 16 years of age shall not operate an ORV on a road in the county unless the child is under the direct visual supervision of an adult 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.

Sec. 8: Unless a person possesses a valid drivers 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.

Sec. 9: Any person who violated this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00

Sec. 10: 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.

Sec. 11: 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 follows:

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

Sec. 12: This ordinance becomes effective: _____

This Ordinance is adopted by action of the Manistee County Board of Commissioners this _____ day of _____ 20_____.

Commissioners voting "AYE": _____

Commissioners voting "NAY": _____

Commissioners Absent: _____

Allan O'Shea, Chairman
 Manistee County Board of Commissioners

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Certification

I, *Marilyn Kliber*, Clerk of the County of Manistee, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Manistee County Board of Commissioners on the _____ day of _____, 20_____.

Marilyn Kliber, Manistee County Clerk