

Allegan County Board of Commissioners



County Services Building
3283 – 122nd Avenue
Allegan, MI 49010
269-673-0203 Main Office
269-686-5331 Main Fax
<http://www.allegancounty.org>

Jim Storey, Chairperson
Gale Dugan, Vice Chairperson

BOARD OF COMMISSIONERS MEETING – AGENDA *REVISION #1 – 6/8/21

Thursday, June 10, 2021 – 1PM

Pursuant to MCL 15.263a, the Board will conduct its meeting via electronic communications to prevent the spread of COVID.

Virtual Meeting – Connectivity Instructions **Attached**

DISTRICT 1

Dean Kapenga
616-218-2599
dkapenga@
allegancounty.org

1PM

CALL TO ORDER:

ROLL CALL:

OPENING PRAYER: Commissioner Tom Jessup

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING: Off Road Vehicle Ordinance

COMMUNICATIONS: Attached

APPROVAL OF MINUTES:

May 27, 2021

PUBLIC PARTICIPATION:

ADDITIONAL AGENDA ITEMS:

APPROVAL OF AGENDA:

PRESENTATIONS:

PROCLAMATIONS:

INFORMATIONAL SESSION:

Jennifer L. Brink, Interim Circuit Court Administrator—48th Circuit Court/
Friend of the Court

ADMINISTRATIVE REPORTS:

DISTRICT 2

Jim Storey
616-848-9767
jstorey@
allegancounty.org

DISTRICT 3

Max R. Thiele
269-673-4514
mthiele@
allegancounty.org

DISTRICT 4

Mark DeYoung
616-318-9612
mdeyoung@
allegancounty.org

CONSENT ITEMS:

DISTRICT 5

Tom Jessup
269-637-3374
tjessup@
allegancounty.org

1. Motion to approve of claims paid and to incorporate into proceedings of the Board (6/4/21 & 6/11/21)
-

ACTION ITEMS:

DISTRICT 6

Gale Dugan
269-694-5276
gdugan@
allegancounty.org

1. 2021 Millage Levy—set 2021 Millage Rates (202-028)
 2. Board of Commissioners—establish Water Study Workgroup
-

DISCUSSION ITEMS:

DISTRICT 7

Rick Cain
269-744-7918
rcain@
allegancounty.org

1. Board of Commissioners—adopt Off Road Vehicle Ordinance
2. Resolution to extend Declaration of the State of Emergency for the County of Allegan (TABLED 5/13/21)

Mission Statement

“The Allegan County Board of Commissioners shall plan, develop, and evaluate the necessary policies and resources to ensure our county continues to progress and prosper”

3. *Courthouse Entrance X-Ray Machine (202-145)

NOTICE OF APPOINTMENTS & ELECTIONS:

1. 911 Policy & Procedure Board (A)
 - One Citizen At-Large Representative—term expires 7/31/21
 - One Elected Government Representative—term expires 7/31/21
 - Emergency Services Representative—term expires 7/31/21
 - One City/Village Police Chief Representative—term expires 7/31/21
2. Commission on Aging (E)
 - One Member Representative—term expires 12/31/22

APPOINTMENTS:

1. Brownfield Redevelopment Authority
 - One Representative—term expired 12/31/2019
2. Solid Waste Planning Committee
 - One General Public Representatives—term expired 12/31/20
Applications REC 3/3
 - One Solid Waste Industry Representative—term expired 12/31/19
 - One Solid Waste Industry Representative—term expired 12/31/20
 - One Township Representative—term expired 12/31/2019 *Application REC 2/24*
 - One City Representative—term expired 12/31/20 *Application REC 2/24*
 - One Industrial Waste Generator Representative—term expired 12/31/20
3. Tourist Council
 - Two Representatives—term expired 12/31/20

ELECTIONS:

PUBLIC PARTICIPATION:

FUTURE AGENDA ITEMS:

REQUEST FOR PER DIEM/MILEAGE:

BOARDS AND COMMISSIONS REPORTS:

ROUND TABLE:

ADJOURNMENT: Next Meeting - Thursday, June 24, 2021, 1:00PM @ **BOARD ROOM – VIRTUAL MEETING.**



Allegan County Board of Commissioners Meeting

June 10, 2021



Allegan County
3283 122nd Ave
Allegan, MI 49010

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STEP 1: Connect to the Meeting

- OPTION 1: Zoom over Telephone

- Call (929) 205-6099 -or- (312) 626-6799 -or- (253) 215-8782
- Type in Meeting ID: 859 6784 1039, then #, then # again
- Type in Meeting Password: 61021, then #

- To raise your hand to speak, press *9
- To Mute and Unmute, press *6

<STOP here>

You do not have to continue reading the rest of the instructions.

- OPTION 2: Youtube

- Open Internet Explorer or Chrome
- Navigate to <https://www.youtube.com/channel/UCQIiZQstN2Pa57QAItAWdKA>
- Click on image of “Live” video

<STOP here>

You do not have to continue reading the rest of the instructions.

- OPTION 3: Zoom over Web browser

- Open Internet Explorer or Chrome
- Navigate to <https://zoom.us/j/85967841039>
- Meeting Password: 61021

<Continue with the rest of the instructions>

STEP 2: Enter registration information

The screenshot shows a web browser window with the URL `zoom.us/webinar/register/WN_YneHxuk_SjqfnMwchbt/Eg`. The page title is "Webinar Registration".

Registration details:

- Topic: BOC Meeting - 4/9/2020
- Time: Apr 9, 2020 01:00 PM in Eastern Time (US and Canada)

Registration form fields (marked as required with an asterisk):

- First Name *
- Last Name *
- Email Address *
- Confirm Email Address *

Security and completion elements:

- I'm not a robot (reCAPTCHA)
- Join Webinar in Progress (button)
- reCAPTCHA challenge: Select all images with [object] (grid of images)
- VERIFY (button)

Footer navigation links:

- About: Zoom Blog, Customers, Our Team, Why Zoom, Features, Careers, Integrations, Partners, Investors
- Download: Meetings Client, Zoom Rooms Client, Browser Extension, Outlook Plug-in, Lync Plug-in, iPhone/iPad App, Android App
- Sales: 1.888.799.9666, Contact Sales, Plans & Pricing, Request a Demo, Webinars and Events
- Support: Test Zoom, Account, Support Center, Live Training, Feedback, Contact Us, Accessibility

STEP 3: This Window will appear when connected.



STEP 4: Adjust audio settings (if needed)

1

2

Settings

General

Video

Audio

Share Screen

Virtual Background

Recording

Statistics

Feedback

Keyboard Shortcuts

Accessibility

Speaker: Test Speaker Remote Audio

Output Level: _____

Volume:

Microphone: Test Mic

Input Level: _____

Volume:

Automatically adjust volume

Use separate audio device to play ringtone simultaneously

Automatically join audio by computer when joining a meeting

Mute my microphone when joining a meeting

Press and hold SPACE key to temporarily unmute yourself

Sync buttons on headset

Advanced

269-673-4514
mblee@allegancounty.org

Economic Development — Greg King, Director
ADMINISTRATIVE REPORTS:

DISTRICT 4
Mark DeYoung
816-318-9612
mdeyoung@allegancounty.org

CONSENT ITEMS:

1. Motion to approve of claims paid and to incorporate into proceedings of the Board (3/20/20 & 3/27/20)

Audio Settings ^

Chat Raise Hand Q&A

STEP 5: Raise hand to be recognized to speak.

- Once “Raise Hand” is clicked, the Board Chairperson will receive notice and may UNMUTE your microphone when ready and verbally recognize you to speak.

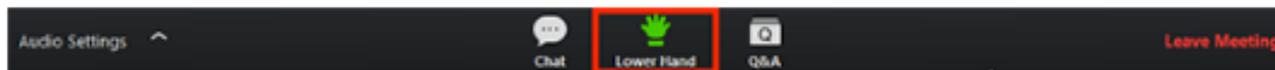
On bottom of screen.

1. Click **Raise Hand** in the Webinar Controls.



2. The host will be notified that you've raised your hand.

3. Click **Lower Hand** to lower it if needed.



STEP 6: To leave the meeting

The screenshot displays a Zoom meeting window. At the top, a green banner reads "You are viewing Allegan County Administration's screen" with a "View Options" dropdown. In the top right corner, there is an "Enter Full Screen" button. The main content area shows a Microsoft Word document titled "BOC20200409_agenda [Compatibility Mode] - Word" by "Steve Sedore". The document header includes the "Allegan County Board of Commissioners" logo and contact information for County Services Building (3283 - 122nd Avenue, Allegan, MI 49010) and Chairperson Jim Storey and Vice Chairperson Gale Dugan. The agenda items are listed under "BOARD OF COMMISSIONERS MEETING - AGENDA":

- DISTRICT 1** (Doan Kasperge): Virtual Meeting - Connectivity Instructions **Attached**
- DISTRICT 2** (Jim Storey)
- DISTRICT 3** (Max R. Thiele)
- DISTRICT 4** (Marilyn D. Young)

The agenda items include: 1PM CALL TO ORDER; ROLL CALL; OPENING PRAYER; PLEDGE OF ALLEGIANCE; COMMUNICATIONS: Attached; APPROVAL OF MINUTES: Attached; PUBLIC PARTICIPATION; ADDITIONAL AGENDA ITEMS; APPROVAL OF AGENDA; PRESENTATIONS; PROCLAMATIONS; INFORMATIONAL SESSION: Attached; ADMINISTRATIVE REPORTS; and CONSENT ITEMS.

At the bottom of the Zoom window, the "Audio Settings" menu is open, showing "Chat", "Raise Hand", and "Q&A" options. A red "Leave Meeting" button is located in the bottom right corner, with a large blue arrow pointing to it.

Notice of Public Hearing on the Consideration of an Off Road Vehicle Ordinance

Notice of Public Hearing on the consideration of an Off Road Vehicle Ordinance (ORV) in Allegan County, Michigan pursuant to and in accordance with Part 811 of the Michigan Natural Resources and Environmental Protection Act 451 of 1994, as amended, being MCL 324.81131, et. seq.

PLEASE TAKE NOTICE THAT a Public Hearing shall be held before the Allegan County Board of Commissioners on the 10th day of June, 2021, at 1:00 p.m. on the consideration of an ORV Ordinance. The public may participate in the meeting/public hearing by calling 1-929-205-6099, Meeting ID: 859 6784 1039 and Meeting Password 61021. For other options connecting to the meeting, please visit our meeting notice website at www.allegancounty.org or contact the County Administrator's Office at 269-673-0239.

A copy of the draft ORV Ordinance will be available for public inspection 10 days prior to the Public Hearing at www.allegancounty.org under Ordinances or at the Office of the County Clerk (address below), weekdays, between 8:00AM and 5:00PM.

Bob Genetski
County Clerk/Register
113 Chestnut Street
Allegan, Michigan, 49010
269-673-0450

All aspects of an ORV Ordinance are open for input at the Public Hearing.

Published in the Allegan County News 5/27/21.

RESOLUTION
SUPPORTING FOUR – YEAR TERMS FOR COUNTY COMMISSIONERS
5272021 – 4CC

WHEREAS, the 1963 Michigan Constitution stipulated four-year terms for the County Board of Supervisors, the preceding body to today’s Board of County Commissioners; and

WHEREAS, the Legislature voted in 1966 to abolish Boards of Supervisors and formally replace them with Boards of Commissioners after the 1968 elections; and

WHEREAS, PA 261 of 1966 promulgated that the length of terms for the new county commissioners shall be concurrent with that of state representatives, as specified in Article IV, section 3 of the Michigan Constitution, and

WHEREAS, the scope and duties of a county commissioner has greatly increased in the last century to include challenges of: road patrols, indigent defense, mental health treatment and substance abuse prevention programming, solid waste pick-up and disposal, food and water supply safety, park operations, economic development efforts, emergency management and response; and

WHEREAS, Michigan is one of only five states in the United States that provides for exclusively two-year terms for county commissioners; and

WHEREAS, all other county and township elected officials in Michigan are elected to terms of at least four years; and

WHEREAS, the position of county commissioner is a highly complex oversight role that requires years to master; and

WHEREAS, legislation to amend state law to enact four-year terms has been filed in the form of Senate Bills 242 and 245; and

WHEREAS, The Michigan Association of Counties supports the legislation as introduced.

NOW, THEREFORE, BE IT RESOLVED, that the Crawford County Board of Commissioners supports Senate Bills 242 and 245 to enact four-year terms for county commissioners.

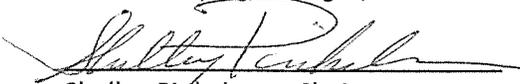
APPROVED AS TO FORM

Commissioner Jamison	Yes	Commissioner McClain	Yes
Commissioner Priebe	Yes	Commissioner Powers	Yes
Commissioner Pinkelman	Absent	Commissioner Jansen	Yes
	Commissioner Lewis	Yes	

ADOPTED DATE: May 27, 2021

I, Sandra Moore, Clerk of the Crawford County Board of Commissioners and Clerk of the County of Crawford, do hereby certify that the above Resolution was duly adopted by the said Board on May 27, 2021.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County and Court at Grayling, Michigan, on this 27th day of May, 2021.


Shelley Pinkelman, Chair
Crawford County Board of Commissioners


Sandra M. Moore
Clerk/ROD

ALLEGAN COUNTY BOARD OF COMMISSIONERS

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JOURNAL 69

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MORNING SESSION**MAY 27, 2021 SESSION - PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met remotely online connecting through a Zoom webinar on May 27, 2021 at 9:07 A.M. in accordance with the motion for adjournment of May 13, 2021, and rules of this board; Chairman Storey presiding.

The Deputy Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1	DEAN KAPENGA- Allegan Twp	DIST #5	TOM JESSUP - Allegan Twp
DIST #2	JIM STOREY - Allegan Twp	DIST #6	GALE DUGAN - Allegan Twp
DIST #3	MAX THIELE - Allegan Twp	DIST #7	RICK CAIN - Allegan Twp
DIST #4	MARK DeYOUNG - Allegan Twp		

PUBLIC PARTICIPATION - NO COMMENTS

2/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

AGENDA - ADOPTED AS PRESENTED

3/ Moved by Commissioner Thiele, seconded by Commissioner Dugan to adopt the meeting agenda as presented. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

DISCUSSION ITEMS:**HOPKINS TOWNSHIP - REQUEST PARTICIPATION/SUPPORT OF TAX INCREMENT FINANCE AND DDA PLAN**

4/ Hopkins Township Supervisor Mark Evans presented to the board on the Hopkins Township Tax Increment Finance and DDA Plan. The township is requesting Board of Commissioner support and participation in the plan. Discussion followed. Hopkins Township will develop plan that meets with the Board of Commissioners' 2007 resolution and bring back to the board at a future meeting.

BREAK - 10:09 A.M.

5/ Upon reconvening at 10:22 A.M., the following Commissioners were present: Commissioner Kapenga, Storey, Thiele, DeYoung, Jessup, Dugan and Cain. Absent: None.

OFF ROAD VEHICLE ORDINANCE REVIEW

6/ Discussions continued on the draft of the ORV Ordinance with question follow-ups; proposed additions and changes; stakeholder questions; and communications received from local jurisdictions. Discussion followed.

WATER STUDY GROUP

7/ Administrator Sarro noted that during the May 13, 2021 session the board reviewed the Public Health's recommendation for the construct of a workgroup. He recommended that the work group positions be posted for application to provide opportunity for new stakeholder participation utilizing the County's Board and Commissions applications.

Moved by Commissioner Kapenga, seconded by Commissioner Cain to approve the water study group memorandum. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

DRAFT

**Allegan County
Administrator**

Robert J. Sarro



County Services Building
3283 – 122nd Avenue
Allegan, MI 49010
269.673.0203

MEMORANDUM

May 27, 2021

TO: Board of Commissioners

RE: **Water Study Group**

On March 25, 2021, the Board of Commissioners (Board) adopted the following: “Based on the Health Officers review of the report and suggestions for next steps, the County Administrator recommends a work group be convened to review the data and form recommendations for next steps. Public Health is able to bring a recommendation for the construct of such a workgroup (e.g. local unit representatives, Commissioners, well professionals, etc.) back to the board within 45 days. The group would be considered “ad hoc advisory” and all output from the group subject to consideration by the Board. Based on the groups’ final findings and recommendations, the need for a project based group or ongoing group could considered if deemed necessary.” Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

On May 13, 2021, the Board reviewed the Public Health’s recommendation for the construct of a workgroup. The Board accepted the report, scheduled a follow-up discussion for May 27, 2021, and based on individual feedback, requested additional information regarding the expected tasks and deliverables from the workgroup, further specifics relative to member requirements and an option for reduction in work group size. Please see the additional information below provided in consultation with Public Health:

Workgroup Tasks and Deliverables:

1. Review the final Allegan County Groundwater Study, conducted by Hydrosimulatics, Inc. and submitted to the Board on March 25, 2021.
2. Provide regular updates to the Board and a final written summary of observations and recommendations of the workgroup, within one-year of the appointment of its members, relative to the study content and any other aspects of Allegan County’s current and future state relative to water quality, including recommendations for how the County (as a geographic area) should proceed with next steps (if any) and provide particular focus on Hydrosimulatics, Inc. recommendation to pursue an interactive Decision Support System. All recommendations must be specific as to the management/oversight model, funding, root need/issue to be addressed and expected results of any next steps to be considered.
3. The Allegan County Health Department will participate in the discussions of the work group and will provide administrative support, guidance and expertise. In addition, Hydrosimulatics, Inc. may participate at the request of the work group to provide technical expertise (any costs shall first be approved by the County).
4. As an ad-hoc workgroup, the work of the group will be considered complete upon the delivery of item number 2 above.

Workgroup Appointments:

It is recommended that the work group positions be posted for application to provide opportunity for new stakeholder participation utilizing the County's Boards and Commissions applications. Qualifications of applicants may be providing utilizing the County's standard application which includes, "Please state any specific qualifications you possess which would be beneficial to the appointment you desire, such as special skills, interests, education, experience, or membership in specific groups. Please attach additional sheets if necessary." Some positions could be left to the recommendation of a corresponding group if applicable (e.g. Conservation District, Tribe, etc.)

Revised Workgroup Composition (Based on the Public Health submitted presentation provided for the May 13, 2021 meeting):

<u>Position:</u>	<u>Description/Role</u>	<u># of Seats (13 Total)</u>
County Commissioners	Represent the citizenry of Allegan County and have direct links to the Boards of the Local Units of Government (LUG)	2
Manager or Supervisor of a Local Unit of Government.	Represent the LUG perspective. Many LUGs use ground water for their municipal water supply. The local units may directly use the study, possibly for direction of their master plans.	1
Municipal Water Supply Supervisor or Technician	Represent technical expertise relative to Municipal Water Supplies.	1
Academia (Not directly related to the development of the groundwater study)	Provide perspective not only scholastically, but also the latest in technology and how the study can be best utilized.	1
Agricultural Businesses: Growers & Livestock	Agricultural businesses are some of the biggest users of the ground water in the county, not only for irrigation purposes but for watering of animals. Their businesses are directly affected by the availability and quality of ground water. Some farmers, in the dry times of the year, can use several thousands of gallons of water/day.	1
Allegan County Conservation District (ACCD)	ACCD work with many Allegan County agricultural businesses and are committed, as evidenced by their vision, to help sustain the natural resources for future generations. ACCD is familiar with the mechanisms of the Allegan County agricultural businesses as well as the hydro-lithology of Allegan County.	1
Real Estate: Builder, Developer, and Realtor-	According to the survey by the Health Department, 7% of developers are planning on developing in Allegan County using individual wells. Allegan County utilizes ground water or on-site wells for their potable water source.	1
Industrial	Some businesses in Allegan County rely on ground not only for potable water supply, but also for industrial processes. Some of these	1

	businesses can use up to one million gallons of water/day.	
Well Driller	Provide insight, experience and knowledge. Any policy or water management planning can directly or indirectly impact this sector.	1
Restaurant Owner	Several restaurant owners have on-site wells for their water supply. Restaurants have a vested interest. If their water supplies were to become tainted it would put their businesses in jeopardy.	1
Community Member (owner of a private water supply)	Represent the perspective of private water supplies in Allegan County which is very large.	1
Tribal Member	The tribe uses groundwater and represents a portion of the constituency of Allegan County. They have a direct interest into the success and protection of the ground water of Allegan County.	1

DRAFT

VOLUNTEER RECOGNITION POLICY

8/ Administrator Sarro reviewed the draft copy of the volunteer recognition policy with the board.

Moved by Commissioner Kapenga, seconded by Commissioner Dugan to continue discussion on the volunteer recognition policy as discussion item #4 during the afternoon session. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Dugan and Cain. Nays: Thiele and Jessup.

ADMINISTRATIVE UPDATE

9/ Moved by Commissioner Cain, seconded by Commissioner Jessup to have the administrative update during the afternoon session. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

PUBLIC PARTICIPATION - NO COMMENTS

10/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

ADJOURNMENT UNTIL JUNE 10, 2021 AT 9:00 A.M.

11/ Moved by Commissioner Dugan, seconded by Commissioner Jessup to adjourn until June 10, 2021 at 9:00 A.M. The motion carried by roll call vote and the meeting was adjourned at 12:01 P.M. Yeas: 7 votes. Nays: 0 votes.

AFTERNOON SESSION**MAY 27, 2021 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

12/ The Board of Commissioners of the County of Allegan, State of Michigan, met remotely online connecting through a Zoom webinar on May 27, 2021 at 1:02 P.M. in accordance with the motion for adjournment of May 13, 2021, and rules of this board; Chairman Storey presiding.

The invocation was offered by District #4 Commissioner DeYoung.

Chairman Storey offered a moment of silence for the passing of Allegan County Deputy Denise Priebe who passed away on May 25, 2021 and the passing for Emergency Mangement Director Scott Corbins' father.

The Deputy County Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1 DEAN KAPENGA- Allegan Twp	DIST #5 TOM JESSUP - Allegan Twp
DIST #2 JIM STOREY - Allegan Twp	DIST #6 GALE DUGAN - Allegan Twp
DIST #3 MAX THIELE - Allegan Twp	DIST #7 RICK CAIN - Allegan Twp -left 4:23PM
DIST #4 MARK DeYOUNG - Allegan Twp - left 2:59 PM	

COMMUNICATIONS

13/ Deputy Clerk Tien noted to the board that they received the following resolutions:

1. Livingston County resolution authorizing the issuance of FOIA requests for documents supporting an extension on the MIOSHA COVID-19 Emergency Rules

2. Memominee County and Dickinson County resolution requesting that the State of Michigan fulfills its statutory obligation with regard to state revenue sharing payments
3. Muskegon County resolution regarding passports within the boundaries of Muskegon County

MAY 13, 2021 SESSION MINUTES - ADOPTED

14/ Moved by Commissioner Dugan, seconded by Commissioner Cain to approve the minutes for the May 12, 2021 session as distributed. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

PUBLIC PARTICIPATION - NO COMMENTS

15/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

AGENDA - ADDITIONS

16/ Chairman Storey asked if there were any additions or changes to the agenda. Commissioner DeYoung asked to add discussion item #1 regarding a tour for the Board of Commissioners of the county buildings.

Moved by Commissioner DeYoung, seconded by Commissioner Cain to adopt the changes to the meeting agenda as requested. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

AGENDA - ADOPTED AS AMENDED

17/ Moved by Commissioner Thiele, seconded by Commissioner Cain to adopt the meeting agenda as amended. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

INFORMATIONAL SESSION

18/ Health Office Angelique Joynes presented the 2020 Annual Report for the Allegan County Health Department.



Together; striving for a healthier Allegan County



**TO OUR BOARD OF
COMMISSIONERS,
COUNTY
ADMINISTRATION, THE
SHERIFF'S
DEPARTMENT-
INCLUDING
EMERGENCY
MANAGEMENT**

***Thank
you!***

"

This pandemic pushed us to forge partnerships that I believe will benefit our community into the future.

It brought to light that health and the economy intersect. That social determinants of health matter. That all sectors are essential "parts" of the public health machine and improving health and economic outcomes in our community.

"

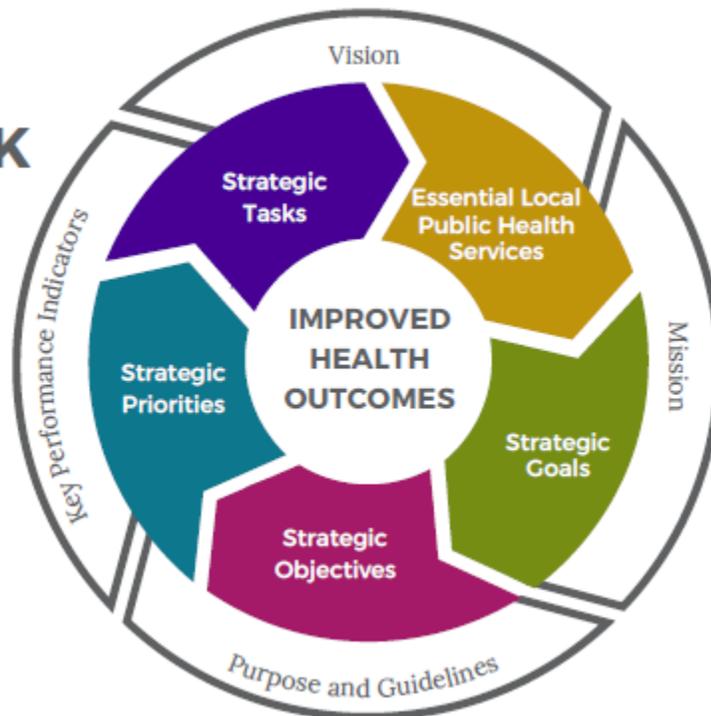
- ANGELIQUE JOYNES, MPH, RN
HEALTH OFFICER

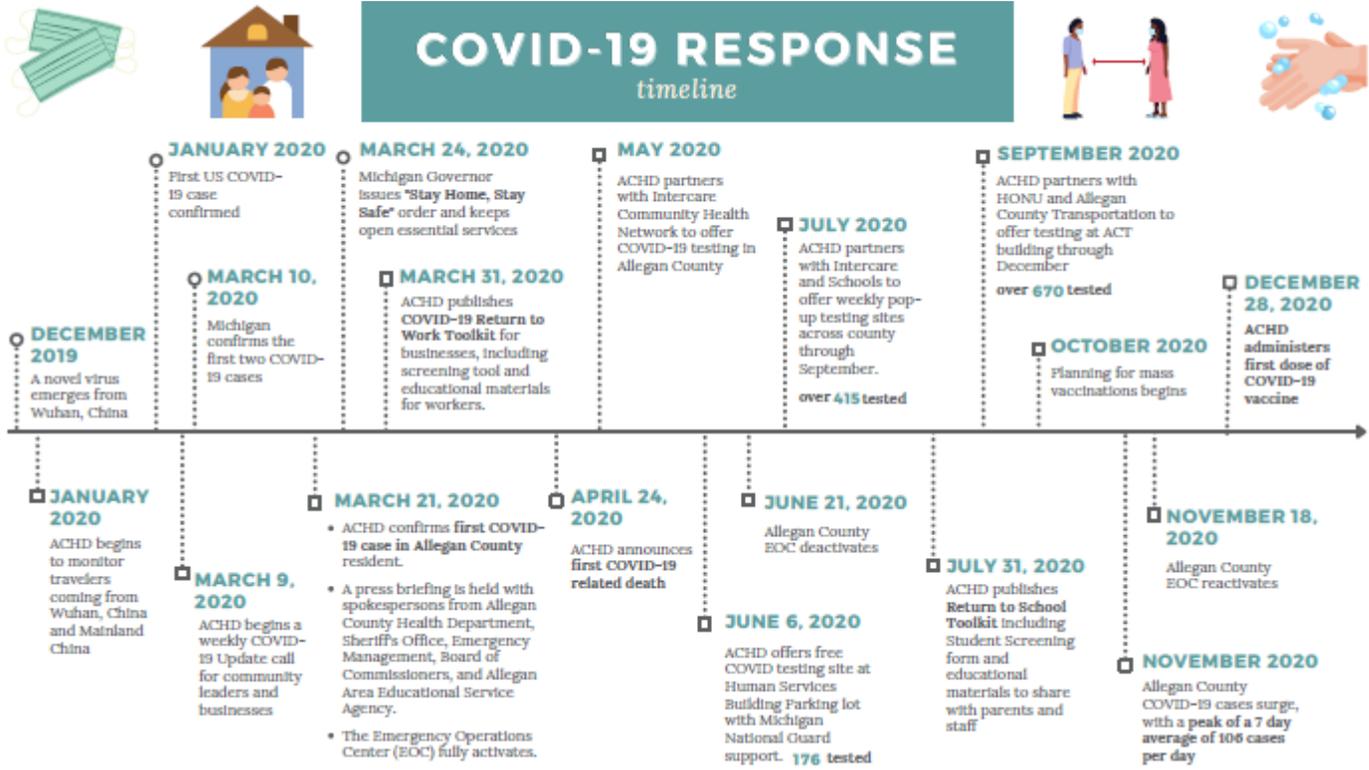
STRATEGIC FRAMEWORK

PURPOSE: *Together; Striving for a Healthier Allegan County.*

Our strategic framework influences community health outcomes, while improved community health outcomes align with the vision and purpose of the Department.

See Allegan County's Strategic Map [here](#).





A YEAR IN REVIEW

2020 Highlights

New challenges arose as a global pandemic emerged. Normal operations shifted to responding to the pandemic and its affects on the Allegan County community. Despite the hardships, the collective community continued to follow our purpose - together, striving for a healthier Allegan County.

Strengthening Community Partnerships



28 ACHD COVID-19 Community Updates began attending weekly School Superintendent meetings

With the help of Allegan County Information Services, we launched a SharePoint site for the school districts and ACHD to streamline case identification and contact tracing efforts.



Training All Health Department Team Members to be Case Investigators



All Essential Public Health Services Continue amid Pandemic



New Positions

- Epidemiologist (1)
- Health Educator (1)
- Environmental Health Field Coordinator (1)



Social Media Following Grows by 1,103%

In January 2020, ACHD's Facebook page had 494 followers. By the end of 2020, we had 5,942 followers. Our biggest jump in followers was from March 2020 (513 followers) to April 2020 (5,008 followers).

Employee Time towards PTO and PD decreases

3,498.5 hours of overtime worked



330.5 hours team members spent on professional development for service area
73.5% DECREASE FROM 2019



3,454 amount of PTO hours taken by employees
28% DECREASE FROM 2019

COVID-19 RESPONSE

at a glance

21 testing events
over 1,610 people tested

62 educational materials created including guidance documents and business signage

RESPONDING TO OUTBREAKS

- Worked with businesses and schools to mitigate the spread of COVID-19
- Example from early in the pandemic: After noticing cases connected to a business, we worked with the business to ensure strong mitigation strategies were in place
 - This led to an effective public/private partnership that was then used as a model for other outbreaks moving forward.

1,800+ calls & emails fielded through our COVID-19 hotline and email

7,788 COVID-19 Case Investigations
monitored 6,570 people
5,831 total cases
177 hospitalizations
102 COVID-19 related deaths

COVID-19 BRINGS ATTENTION TO HEALTH DISPARITIES

- In May 2020, 35% of our COVID-19 cases reported Hispanic Ethnicity in Allegan County, while 7% of Hispanic Ethnicity made up Allegan County's population.
- With specific communications on mitigation practices on and off the job and the increase in testing capacities, we saw the percentage of Hispanic related cases slowly decrease from the overall case count.
- By December 2020, our percentage of COVID-19 cases reporting Hispanic Ethnicity was down to 12.3%.

TECHNOLOGY IN A PANDEMIC

- In the world of public health, we had to work to overcome the need for rapid communication for identifying cases and close contacts in a virtual way.
- We learned quickly across the state that our public health technology infrastructure was not built for the demand it saw causing barriers for local health departments.
- The use of Qualtrics, Microsoft Teams, SharePoint and other tools are now rooted in our day to day operations for identifying cases and close contacts and internal and external communications.

ENVIRONMENTAL HEALTH

at a glance

FIELD

685 well permits issued
11% increase from 2019

401 SESC permits issued
33% increase from 2019

367 final well inspections completed
25% decrease from 2019

3,466 SESC inspections
31% increase from 2019

691 sewage disposal permits issued
14% increase from 2019

537 final septic inspections
25% increase from 2019

Met the 14 business day turn-around 98.5% of the time for permits and loan evaluations

139 abandoned wells plugged
34% decrease from 2019

FOOD

421 food establishments inspected
39% decrease from 2019

20 food borne investigations/complaints
18% increase from 2019

30 temporary food inspections
66% decrease from 2019

OTHER SERVICES

20 campground inspections
29% decrease from 2019

84 public pool inspections
15% decrease from 2019

5 body art inspections
50% decrease from 2019

33 ground water samples collected
23% decrease from 2019

1,454 EH Record Requests processed
41% decrease from 2019

ENVIRONMENTAL HEALTH

highlights

PROVIDING TECHNICAL ASSISTANCE TO RESTAURANTS, CHURCHES, & OTHER FOOD DISTRIBUTING ORGANIZATIONS



- With the Stay at Home order in place, many restaurants and food serving agencies were looking for direction on what to do and what they needed to do to keep people safe.
- Created email lists for Fixed Food Licensed Facilities (Restaurants, Churches, Schools, etc.) Special Transitory Units and Mobile Units to quickly share updated information on Emergency Orders, Testing, Vaccine Sign up, and other information regarding the pandemic.
- Overall, the response has been **positive** with this communication channel.
- Provided businesses and agencies with technical assistance regarding COVID-19.
- Went on site when it was appropriate to review and assist with layout and procedures.
- Available by phone or email to help with quarantine and isolation questions, determining disinfectant approved by the EPA, and helping stay compliant with Emergency Orders.
- The team also reviewed COVID-19 Preparedness Plans upon request.



GROUND WATER STUDY BEGINS

- Developed a survey to understand the current knowledge and perceptions of stakeholders, residents, and businesses regarding groundwater.
 - Distributed in August 2020 and results were compiled by the end of December 2020.

PERSONAL HEALTH

at a glance



Case investigation and contact tracing was a main priority for the Personal Health Team. Overall services were down as many people stayed home, but our number of communicable disease investigations increased by 1,549% for 2020.

COMMUNICABLE DISEASE

8,145 investigations

1,549% increase from 2019

23 Lead test follow ups

60% decrease from 2019

41 TB skin tests

64% decrease from 2019

CHILDREN'S SPECIAL HEALTH CARE SERVICES

provided to children and adults with qualified medical diagnosis.

689 total clients
Children's Special Health Care Services
6% increase from 2019

69 Level 1 Plans of Care

64% decrease from 2019

35 Level 2 Care Coordination

5% decrease from 2019

HEARING AND VISION

2,186 hearing screenings

55% decrease from 2019

2,629 vision screenings

66% decrease from 2019

IMMUNIZATIONS

525 immunizations

27% decrease from 2019

118 waivers

45% decrease from 2019

SEXUAL HEALTH SERVICES

106 STI/HIV clinic visits

35% decrease from 2019

320 case follow-ups

50% decrease from 2019

PERSONAL HEALTH

highlights

EASTERN EQUINE ENCEPHALITIS (EEE) STRIKES AGAIN

- In 2020, EEE infected 3 Michigan residents, with one of these cases being fatal.
- EEE also infected 41 animals across the state, with one animal case in Allegan County.
- With cases across the state trending higher than 2019, MDHHS aeri ally sprayed parts of the state with insecticide to kill mosquitoes and reduce the risk of infection.
- A 5-mile radius in Dorr Township was sprayed during this operation.



RABIES CASES INCREASE BY 60%

- In 2020, Allegan County had three animals test positive for rabies and investigated eight cases of potential exposure.
- The team plans to provide more education and awareness around rabies in 2021 through social media and news releases.

PLANNING FOR MASS VACCINATIONS

- Prepare for COVID-19 Vaccine roll out
- Part of the preparation included becoming a CDC approved COVID-19 Vaccine Provider.
 - To do this, we had to ensure we met all the requirements, recommendations, and guidance for the vaccine. This included:
 - Understanding the Advisory Committee for Immunization Practices (ACIP) Recommendations for Vaccine Prioritization
 - Meeting the vaccine administration and 24 hour reporting requirements
 - Following the Safe Immunization Practices requirements
 - Storing and handling vaccine properly
 - Reporting to the Vaccine Adverse Event Reporting System (VAERS) following any adverse event identified by the CDC



EMERGENCY PREPAREDNESS



The Public Health Emergency Preparedness (PHEP) and Bioterrorism Division develops plans, conducts trainings and collaborates with Community, Regional, and State stakeholders to prepare for and protect the public in a disaster or emergency situation. These plans have been put to test during this pandemic and which identified opportunities for operational improvements that have been implemented.

- By October 2020, planning for mass vaccination was underway.

FORMATION OF COVID-19 VACCINATION TASK FORCE

The Allegan County COVID-19 Community Vaccination Task Force was formed to focus on the effective deployment of the COVID-19 vaccine in Allegan County. The task force met bi-weekly and worked to:

- Identify the Human Capital need.
- Explore costs for vaccination mitigation strategies.
- Estimate number of population per priority group.
- Survey agencies for support availability.
- Deploy the MI Volunteer Registry platform.
- Develop the Allegan County Volunteers' policies and procedures.
- Determine facilities for points of vaccinations (POV).
- Develop POVs' standardized schematics.
- Conduct inspections of the POVs.
- Evaluate thru-put rate.
- Determine Physical Assets and Supply needs.
- Provide weekly updates to the EOC.



This multi-sector group was important to ensure that all aspects of planning were addressed. We thank each member that contributed their time and expertise for the good of Allegan County.

Members:

Kathy Yonkers-Wright (ACHD)
Dan Wedge (Allegan County)
Dr. Richard Tooker (Allegan County
 Community Mental Health/ACHD)
Scott Corbin (Allegan County EOC)

Mike Larsen (Sheriff's Department)
Greg Janik (Saugatuck Twp. Fire Chief)
Billy Bregg (Allegan Area Educational
 Service Agency (AAESA))

Craig Gardner (AAESA)
Ryan Cronk (Acension Borgess)
Margaret Brown (Holland Hospital)
Alex Yared (Perrigo)
Steve Sedore (Allegan County)

RESOURCE RECOVERY

1,690 TONS
total volume of
single-stream recycling

85,766 LBS
of e-waste recycled

6,464
scrap tires
collected

33,964 LBS
household hazardous waste
collected & properly disposed of

highlights

- Voters approved increased funding in **eight** municipalities.
- Through a regional partnership, **1,326** illegally dumped scrap tires were collected from the Allegan State Game Area and recycled.



311
cats adopted
7% increase from 2019

263
dogs adopted
12% decrease from 2019



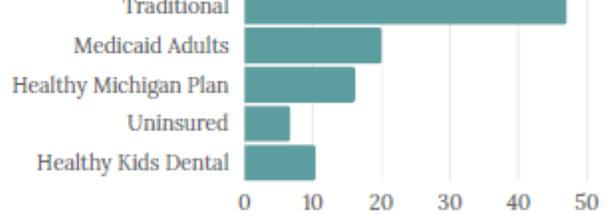
2,302
patients served

Average Type of Patient Coverage (%), 2020



Source: Google Maps

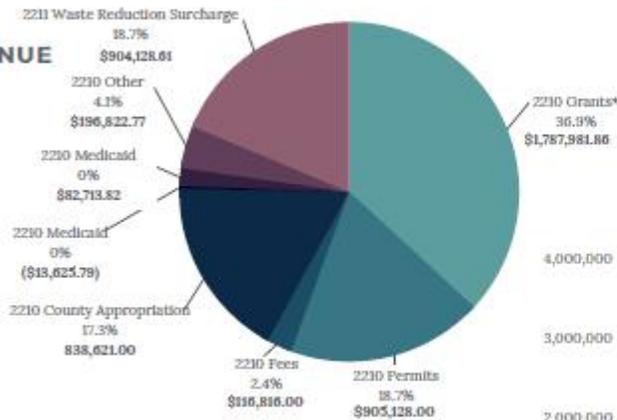
Address: 1535 Lincoln Rd, Allegan



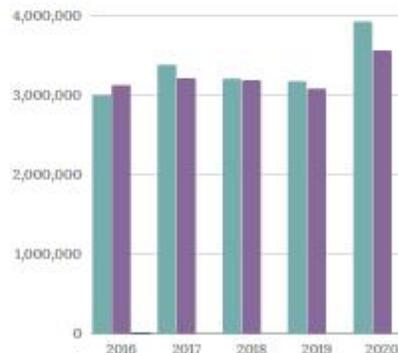
FINANCIAL OVERVIEW

The Health Department budget is from two funds. Fund 2211 supports all recycling activities. The primary revenue for recycling is the recycling surcharge. Fund 2210 supports all Public Health operations. Revenue in Fund 2210 generally includes the County General Fund allocation, State funding, grants, permits, fees, and Medicaid reimbursement.

2020 REVENUE



2210 REVENUE & EXPENDITURES BY YEAR



TOTAL EXPENDITURES 2210: \$3,555,591.121

TOTAL REVENUE 2210: \$3,914,457.66

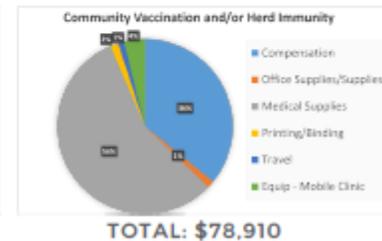
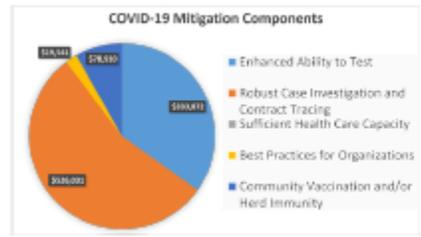
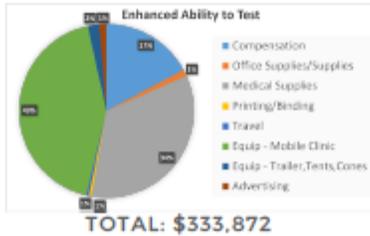
TOTAL REVENUE 2211: \$904,128.61

*Includes COVID-19 Grant Funding from Federal and State

COVID-19 FUNDING SUMMARY



MITIGATION COMPONENTS



TOTAL BUDGET* FOR COVID: \$958,354
 *2020 funding carried over to 2021 FY



IT TAKES A VILLAGE

While 2020 did not fall short of its challenges, we would not have been as successful without the support we received from, our community, local volunteers, Allegan County Emergency Management, Michigan National Guard, and MDHHS.

THANK YOU!



HEALTH
Department



allegancounty.org/health



@AlleganCountyHD

ANNUAL REPORT 2020

Allegan County Health Department

Together; striving for a healthier Allegan County

CONTENTS

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| 02 public health administration | |
| 03 a year in review | 12 financial summary |
| 04 COVID-19 response | 13 COVID-19 funding summary |
| 06 environmental health | 14 governance, mission, and vision |
| 08 personal health | 15 thank you |
| 10 emergency preparedness | |

A LETTER FROM OUR HEALTH OFFICER



Dear Board of Commissioners and Community,

2020 turned to be a very different year than many of us had planned. In our 2019 Public Health Annual Report, we focused on improving partnerships and processes to become a well-oiled machine. However, it became obvious that our Public Health machine was much larger than the local health department and health systems as a pandemic emerged that pushed Public Health to the forefront. It quickly became apparent that schools, public safety, emergency management, businesses, local unit of governments, non-profits, and volunteers/community members all greatly influenced public health outcomes and resilience in a community. We recognized this response was "going to take a village"!

Communication was vital with our community leaders and community. If I had to choose the biggest challenge, it would be communication with the ever-changing guidance and information as the pandemic evolved. We established a weekly "Community Leaders" meeting with leaders to present them with recent information and data and provide an opportunity to provide feedback or ask questions.

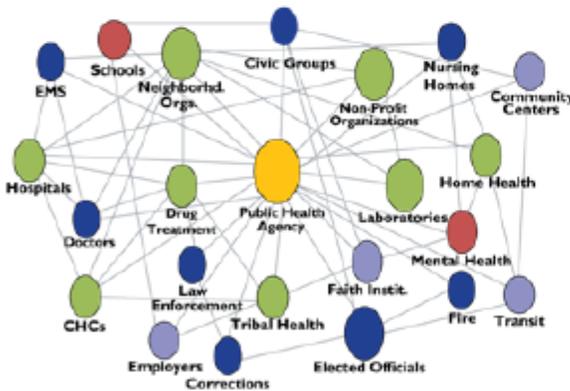
We would not have been able to do effective contact tracing in schools and businesses without their help. Schools and businesses helped us identify close contacts and minimize transmission and the amount of virus in the community. Public Safety, Emergency Management, and volunteers provided resources for events, such as testing, in the community. Many non-profits took the lead on providing basic needs to those who were in financial hardships and our health providers providing needed care for COVID and non-COVID patients. This pandemic pushed us to forge partnerships that I believe will benefit our community into the future. It brought to light that health and the economy intersect. That social determinants of health matter. That all sectors are essential "parts" of the public health machine and improving health and economic outcomes in our community.

While 2020 was hard for many of us for different reasons, it is important to recognize that amongst adversity comes growth and the ability to recover with a better "well-oiled machine".

I look forward to continuing to partner with you all on improving the well being of our community because it takes all of us.

yours in health,

Angelique Joynes, MPH, RN
 Health Officer



Source: Public Health Practice Program Office, Centers for Disease Control and Prevention, National Public Health Performance Standards Program, User Guide (first edition), 2002.

COVID-19 MITIGATION COMPONENTS



ADMINISTRATION

WHO WE ARE



Pictured (left to right): Randy Rapp, Lisa Letts, Angelique Joynes, Dr. Rik Tooker

Angelique Joynes, MPH, RN
Health Officer

Randy Rapp, RS
Environmental Health Manager

Lisa Letts, BSN, RN
Personal Health Manager

Rik Tooker, MD, MPH
Medical Director

STRATEGIC FRAMEWORK

PURPOSE: *Together;
Striving for a Healthier
Allegan County.*

Our strategic framework influences community health outcomes, while improved community health outcomes align with the Organization's vision and purpose of the Department.

See Allegan County's Strategic Map [here](#).



A YEAR IN REVIEW

2020 Highlights

New challenges arose as a global pandemic emerged. Normal operations shifted to responding to the pandemic and its affects on the Allegan County community. Despite the hardships, the collective community continued to follow our purpose - together; striving for a healthier Allegan County.

Strengthening Community Partnerships



Communication was a vital piece in effectively responding to this pandemic. Starting March 2020, we began meeting weekly, then bi-weekly, with community leaders to provide local updates and technical assistance to businesses and schools.

28 ACHD COVID-19 Community Updates  began attending weekly School Superintendent meetings

With the help of Allegan County Information Services, we launched a SharePoint site for the school districts and ACHD to streamline case identification and contact tracing efforts. This helped both parties stay in regular communication while striving for in-person learning at the schools.



Training Health Department Team Members to be Case Investigators

As COVID-19 cases began to increase, the Personal Health Team could not keep up with the demand of timely case investigations and contact tracing efforts. By October 2020, the Personal Health Team had trained all staff to be case investigators as well as other County employees.



Employee Time

With increase case investigation and response activities, we saw a decrease in the hours team members spent on professional development for service area as well as the amount of Paid Time Off (PTO) hours taken by employees. The decreases in these two areas allowed us to continue essential public health services at some level.

330.5 hours team members spent on professional development for service area
73.5% DECREASE FROM 2019



3,498.5 hours of overtime worked |  **3,454** amount of PTO hours taken by employees
28% DECREASE FROM 2019

Essential Public Health Services Continue amid Pandemic



Despite priorities being shifted to the COVID-19 Response, essential services continued including:

- immunizations
- STI/HIV testing
- Hearing and Vision screenings
- All Environmental Health services, following the Emergency Orders and Epidemic Orders

New Positions



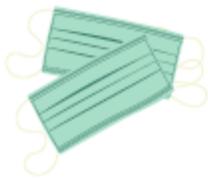
An Epidemiologist and Health Educator were added to the Administration Team.

An Environmental Health Field Coordinator was added to the EH Team.



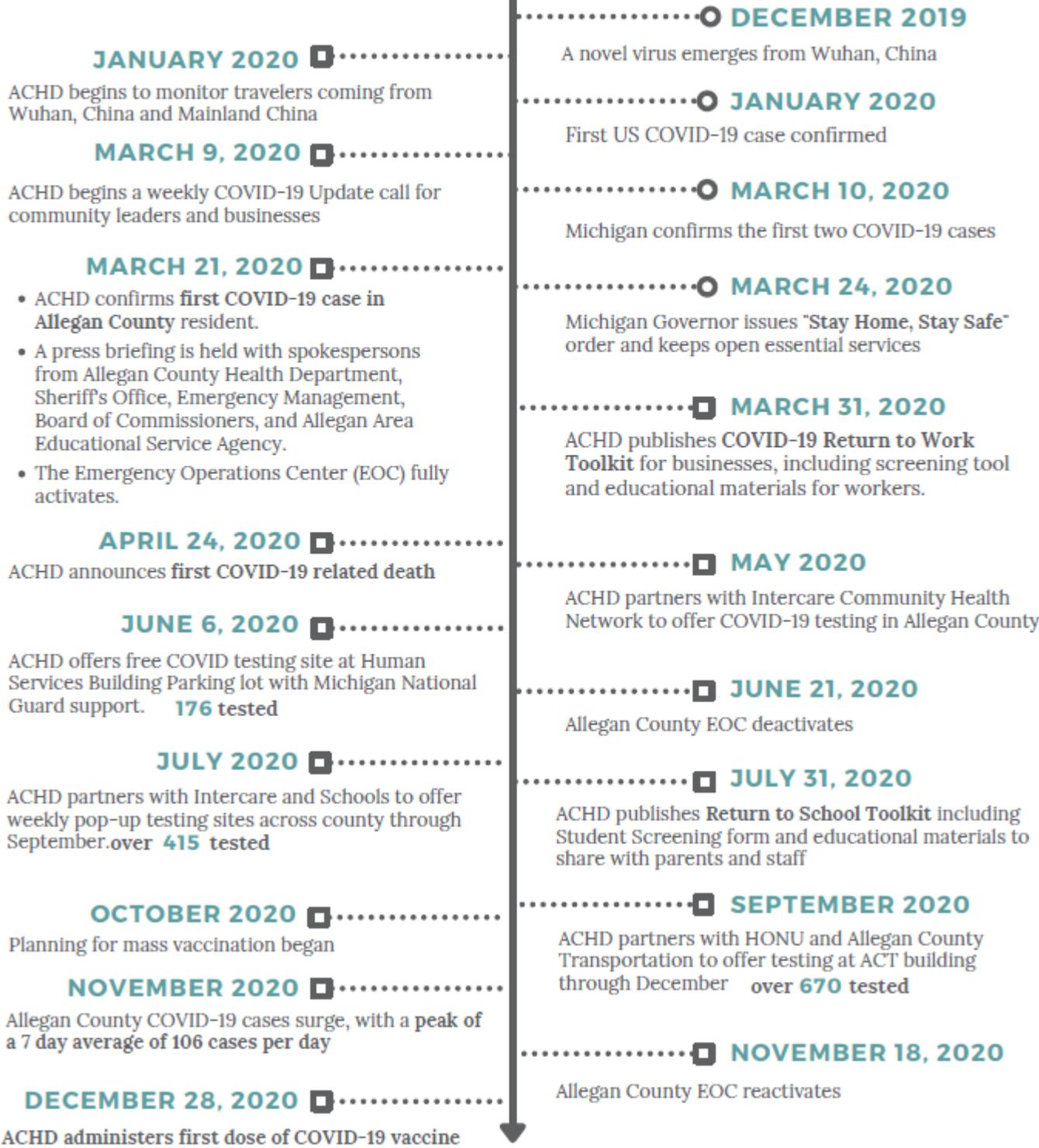
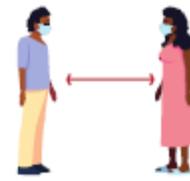
Social Media Following Grows by 1,103%

In January 2020, ACHD's Facebook page had 494 followers. By the end of 2020, we had 5,942 followers. Our biggest jump in followers was from March 2020 (513 followers) to April 2020 (5,008 followers).



COVID-19 RESPONSE

timeline





21 testing events
over **1,610** people tested

62 educational materials created including guidance documents and business signage

1,800+ calls & emails fielded through our COVID-19 hotline and email

7,788 COVID-19 Case Investigations

monitored **6,570** people

5,831 total cases



177 hospitalizations



102 COVID-19 related deaths

RESPONDING TO OUTBREAKS

One response activity in this pandemic was providing technical assistance to businesses. An early example of this was in early April 2020, Public Health began to notice cases from a local business. After discussions with neighboring counties, we learned of more cases that could be traced back to the business. With concerns of workplace safety on the rise, we communicated to the business and evaluated mitigation strategies in place. We continued to build our relationship with the business and monitor cases. This outbreak was resolved. This outbreak lead to an effective public/private partnership that was then used as a model for other outbreaks moving forward.



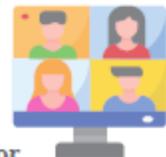
COVID-19 BRINGS ATTENTION TO HEALTH DISPARITIES



On a national, state, and local level, we saw minority populations disproportionately be more affected by COVID-19. In May 2020, 35% of our COVID-19 cases reported Hispanic Ethnicity in Allegan County, while 7% of Hispanic Ethnicity made up Allegan County's population. Through partnership with agencies, businesses, and the state, COVID-19 testing was expanded with focused efforts in migrant workers due to the increased risk of exposure on the job. With specific communications on mitigation practices on and off the job and the increase in testing capacities, we saw the percentage of Hispanic related cases slowly decrease from the overall case count. By December 2020, our percentage of COVID-19 cases reporting Hispanic Ethnicity was down to 12.3%.

TECHNOLOGY IN A PANDEMIC

In March 2020, many of us replaced our work desks to a new workspace in the home as all non-essential services had to work from home. Technology became our new best friend and many of us had to face a learning curve. In the world of public health, we had to work to overcome the need for rapid communication for identifying cases and close contacts in a virtual way. We learned quickly across the state that our public health technology infrastructure was not built for the demand it saw, causing barriers for local health departments. This gap highlighted the need for updating the way case investigations are completed. We used technology to our benefit which helped build capacity for our team. The use of Qualtrics, Microsoft Teams, SharePoint and other tools are now rooted in our day to day operations for identifying cases and close contacts and internal and external communications.



ENVIRONMENTAL HEALTH at a glance

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ENVIRONMENTAL HEALTH highlights

PROVIDING TECHNICAL ASSISTANCE TO RESTAURANTS, CHURCHES, & OTHER FOOD DISTRIBUTING ORGANIZATIONS



With the Stay at Home order in place, many restaurants and food serving agencies were looking for direction on what to do and what they needed to do to keep people safe.

Our Food Service Team created email lists for Fixed Food Licensed Facilities (Restaurants, Churches, Schools, etc.) Special Transitory Units and Mobile Units to quickly share updated information on Emergency Orders, Testing, Vaccine Sign up, and other information regarding the pandemic. This allowed for the food team to share specific, or essential, portions of the information to specific groups. Overall, the response has been positive with this communication channel.

Our food team was also available to provide these businesses and agencies with technical assistance regarding COVID-19. We went on site when it was appropriate to review and assist with layout and procedures, and were available by phone or email to help with quarantine and isolation questions, determining disinfectant approved by the EPA, and helping these businesses stay compliant with Emergency Orders. The team also reviewed COVID-19 Preparedness Plans upon request.

VECTOR BORNE SURVEY GRANT CONTINUES



The grant work around vectors, and vector borne viruses continued in 2020. The purpose of the grant is to:

- Surveil the mosquitos in Allegan County identifying the different species
- Surveilling for the mosquito species the may transmit the Zika virus
- Surveilling for ticks, via tick drags, to identify if they carry the bacteria that causes Lyme Disease
- Educate the citizenry of Allegan County in the prevention of the transmission of vector borne diseases and arboviruses

This work will continue in 2021 as vector borne viruses continue to be emerging diseases.

GROUND WATER STUDY BEGINS

The majority of private wells and city/township water in Allegan County are supplied by ground water. Currently, government agencies throughout Allegan County do not have easy access to important and reliable data needed to make decisions and develop plans regarding water availability and quality. After 2019 Board of Commissioners approval, the project was underway. The first task was developing a survey to understand the current knowledge and perceptions of stakeholders, residents, and businesses regarding groundwater. The groundwater survey was distributed in August 2020 and results were compiled by the end of December 2020. A presentation covering survey results and next steps for the project will occur in 2021.



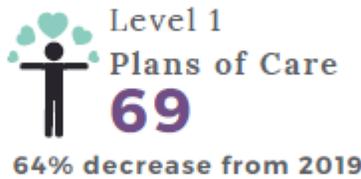
PERSONAL HEALTH at a glance



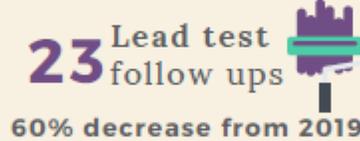
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provided to children and adults with qualified medical diagnosis.



COMMUNICABLE DISEASE



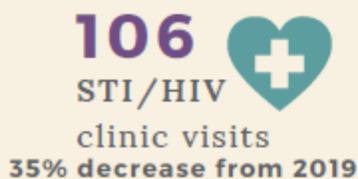
HEARING AND VISION



IMMUNIZATIONS



SEXUAL HEALTH SERVICES



PERSONAL HEALTH highlights

EASTERN EQUINE ENCEPHALITIS (EEE) STRIKES AGAIN

Similar to 2019, Michigan saw EEE activity. EEE is an extremely rare but serious and often fatal infection that causes encephalitis or inflammation of the brain. It is spread by the bite of a mosquito infected with EEE virus. In 2020, EEE infected 3 Michigan residents, with one of these cases being fatal. **EEE also infected 41 animals across the state, with one animal case in Allegan County.** With cases across the state trending higher than 2019, MDHHS aeri ally sprayed parts of the state with insecticide to kill mosquitoes and reduce the risk of infection. A 5-mile radius in Dorr Township was sprayed during this operation.



RABIES CASES INCREASE BY 60%

In 2020, Allegan County had **three** animals test positive for rabies and investigated **eight** cases of potential exposure. The team plans to provide more education and awareness around rabies in 2021 through social media and new releases.

PLANNING FOR MASS VACCINATIONS

The Personal Health Team continued to be busy throughout 2020. In December 2020, the team had to balance response activities such as case investigations, contact tracing, and testing efforts to prepare for the largest vaccine roll out in our history. Part of the preparation included becoming a CDC approved COVID-19 Vaccine Provider. To do this, we had to ensure we met all the requirements, recommendations, and guidance for the vaccine. This included:



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EMERGENCY PREPAREDNESS



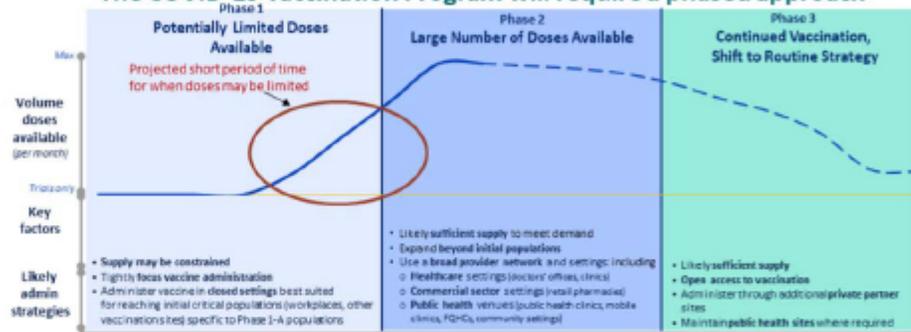
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COVID-19 MASS VACCINATION PLANNING

At the November 12th Board of Commissioners meeting, a presentation to County Administration and stakeholders took place to:

- Review the Allegan County Public Health COVID-19 Community Vaccination base plan.
- Identify details of the proposed phase approach of the COVID-19 vaccine release.
- Discuss additional assistance needed from the Emergency Operation Center (EOC).
- Provide information on the December 2020 vaccination release, what MDHHS and CDC viewed as the local public health's role in this part of the response, the supplies needed, and how distribution to administer would occur.

The COVID-19 Vaccination Program will require a phased approach



FORMATION OF COVID-19 VACCINATION TASK FORCE

The Allegan County COVID-19 Community Vaccination Task Force was formed to focus on the effective deployment of the COVID-19 vaccine in Allegan County. The task force met bi-weekly and worked to:

- Identify the Human Capital need.
- Explore costs for vaccination mitigation strategies.
- Estimate number of population per priority group.
- Survey agencies for support availability.
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- Develop the Allegan County Volunteers' policies and procedures.
- Determine facilities for points of vaccinations (POV).
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- Conduct inspections of the POVs.
- Evaluate thru-put rate.
- Determine Physical Assets and Supply needs.
- Provide weekly updates to the EOC.

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Scott Corbin (Allegan County EOC)		Alex Yared (Perrigo)
		Steve Sedore (Allegan County)

RESOURCE RECOVERY

The Resource Recovery Program serves 18 communities in Allegan County. Find more information on Resource Recovery, visit www.allgeancounty.org/health.

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total volume of
single-stream recycling

 **85,766 LBS**
of e-waste recycled

 **6,464**
scrap tires
collected

33,964 LBS
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highlights

- Voters approved increased funding in eight municipalities.
- Through a regional partnership, 1,326 illegally dumped scrap tires were collected from the Allegan State Game Area and recycled.

ANIMAL SHELTER



Public Health and Animal Control partner with Wishbone Pet Rescue Alliance who operate the Animal Shelter. Wishbone offers pet adoption services, education about the importance of safe animal care and housing and reuniting strays with their families through the Animal Shelter.

 **311**
cats adopted
7% increase from 2019

 **263**
dogs adopted
12% decrease from 2019

MY COMMUNITY DENTAL CENTER

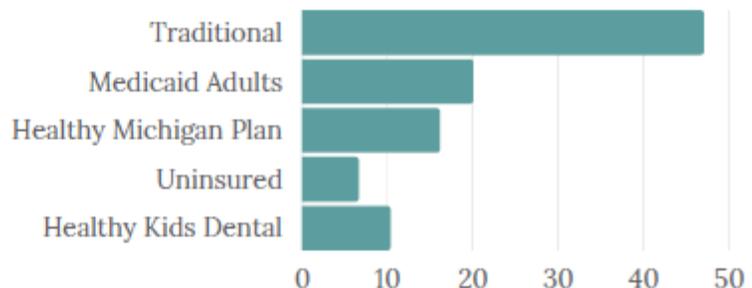
My Community Dental Centers (MCDC) is a non-profit 501(c)3 corporation, established a partnership with Public Health to provide dental services to Medicaid enrollees and low-income, uninsured residents.



Address: 1535 Lincoln Rd, Allegan

2,302
patients served 

Average Type of Patient Coverage (%), 2020



FINANCIAL OVERVIEW

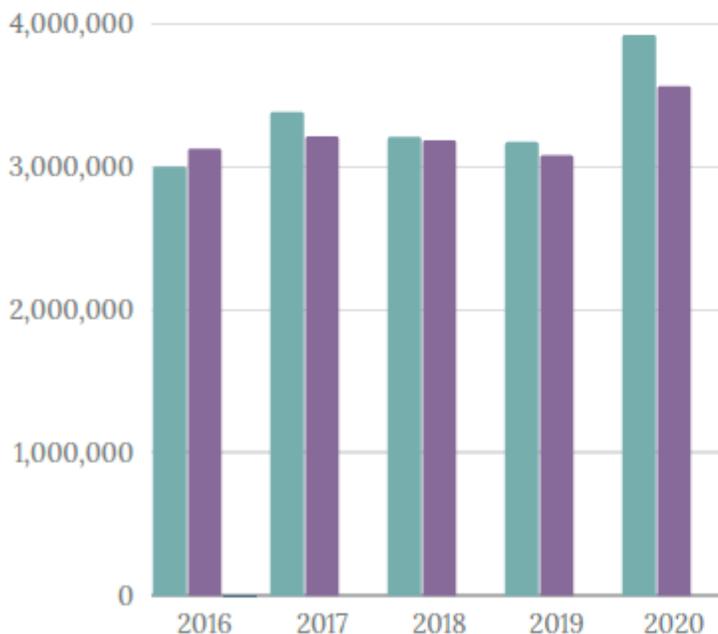
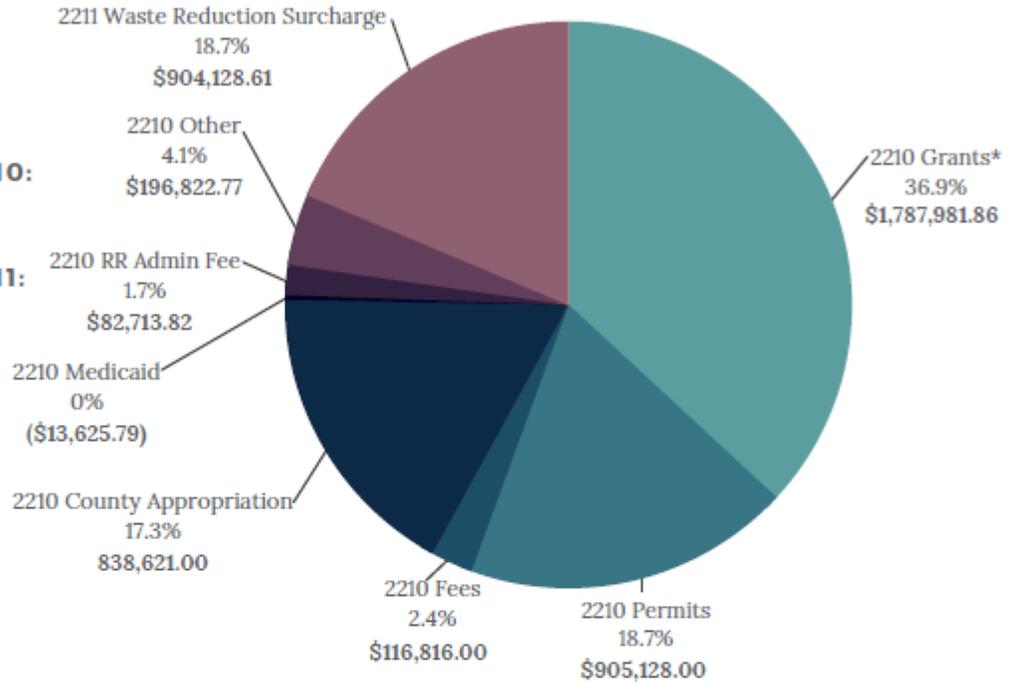
2020 REVENUE

The Health Department budget is from two funds. Fund 2211 supports all recycling activities. The primary revenue for recycling is the recycling surcharge. Fund 2210 supports all Public Health operations. Revenue in Fund 2210 generally includes the County General Fund allocation, State funding, grants, permits, fees, and Medicaid reimbursement.

TOTAL REVENUE 2210:
\$3,914,457.66

TOTAL REVENUE 2211:
\$904,128.61

*Includes COVID-19 Grant Funding from Federal and State



REVENUE & EXPENDITURES BY YEAR

Revenue
Expenditures

TOTAL EXPENDITURES 2210:
\$3,555,591.121

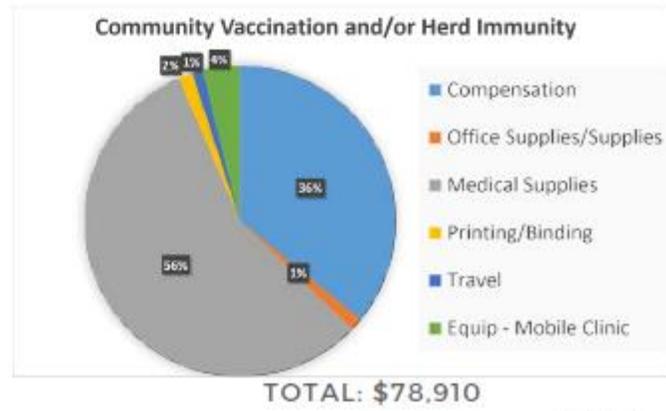
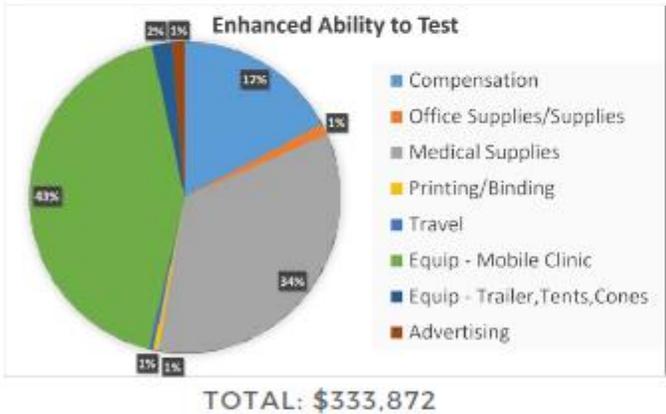


COVID-19 FUNDING SUMMARY



TOTAL BUDGET* FOR COVID: \$958,354
 *2020 funding carried over to 2021 FY

MITIGATION COMPONENTS



GOVERNANCE

The Allegan County Board of Commissioners (BOC) is the governing board of the Public Health Department. The BOC employs a County Administrator who is recognized as the Chief Administrative Officer of the County. Representatives are below. For more information on our BOC, visit www.allegancounty.org



Dean Kapenga,
District 1



Jim Storey,
District 2



Max R. Thiele,
District 3



Mark DeYoung,
District 4



Tom Jessup,
District 5



Gale Dugan,
District 6



Rick Cain,
District 7



Robert J. Sarro,
County Administrator



MISSION

The Allegan County Board of Commissioners shall plan, develop and evaluate the necessary policies and resources to ensure our county continues to progress and prosper

VISION

The Allegan County Board of Commissioners is committed to providing our citizens superior and innovative services, being judicious and efficient in the expenditure of resources and promoting a safe, clean and healthy environment in which to live, work and play.

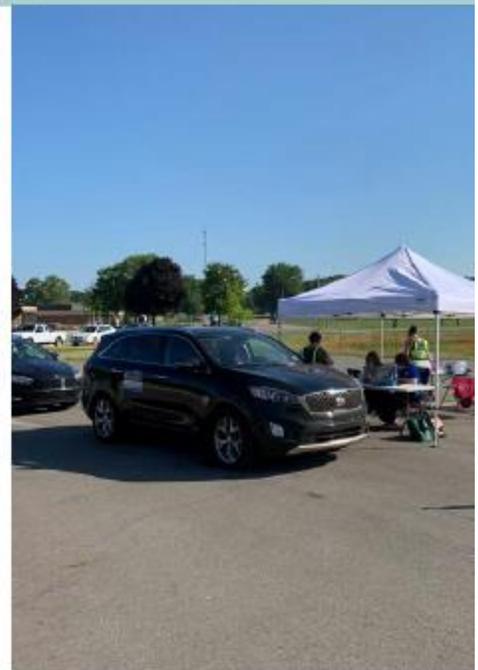




IT TAKES A VILLAGE

While 2020 did not fall short of its challenges, we would not have been as successful without the support we received from our community, Board of Commissioners, County Administration, schools, public safety, emergency management, businesses, local unit of governments, non-profits, and volunteers/community members local volunteers, Michigan National Guard, and MDHHS.

THANK YOU!





HEALTH Department



allegancounty.org/health



@AlleganCountyHD

ADMINISTRATIVE REPORTS:

19/ Administrator Rob Sarro noted his written report was submitted to Commissioners. Highlights included: 2021 Leadership Conference; courthouse construction; Brownfield Authority; L-4029's; Public Health delivery updates; Commissioner inquiries; and Workplace Preparedness Plan update.

FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS

20/ **WHEREAS**, Administration has compiled the following claims for May 21, 2021 and May 28, 2021; and

WHEREAS, the following claims, which are chargeable against the County, were audited in accordance with Section 46.61 to 46.63, inclusive, M.C.L. 1970 as amended and resolutions of the Board; and

WHEREAS, said claims are listed in the 2021 Claims folder of the Commissioners' Record of Claims.

May 21, 2021

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	181,195.87	181,195.87	
Park/Recreation Fund – 2080	501.52	501.52	
Friend of the Court Office – 2151	92.87	92.87	
Health Department Fund – 2210	1,683.27	1,683.27	
Solid Waste – 2211	43,945.69	43,945.69	
Transportation Grant – 2300	4,036.22	4,036.22	
Capital Improvement Fund - 2450	290,941.41	290,941.41	
Animal Shelter - 2550	6,438.00	6,438.00	
Indigent Defense – 2600	12,965.68	12,965.68	
Grants – 2790	635.55	635.55	
Wayland Township - 2806	880.26	880.26	
Child Care-Circuit/Family - 2921	8,420.77	8,420.77	
Soldiers Relief Fund – 2930	462.50	462.50	
Senior Millage – 2950	22,733.18	22,733.18	
Delinquent Tax Revolving Fund - 6160	591.72	591.72	
Delinquent Tax Revolving Fund-2020 Taxes - 6190	2,340.81	2,340.81	
Tax Reversion 2020 - 6201	175.00	175.00	
Fleet Management – 6612	15.33	15.33	
Self-Insurance Fund - 6770	50,268.49	50,268.49	
Drain Fund - 8010	22,775.24	22,775.24	
TOTAL AMOUNT OF CLAIMS	\$651,099.38	\$651,099.38	

May 28, 2021

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	71,001.23	71,001.23	
Park/Recreation Fund – 2080	624.27	624.27	
Central Dispatch/E911 Fund - 2110	4,155.57	4,155.57	

Central Dispatch CIP – 2118	426.67	426.67	
Friend of the Court Office – 2151	111.80	111.80	
Transportation Grant – 2300	4,483.63	4,483.63	
Register of Deeds Automation Fund – 2560	178.62	178.62	
Indigent Defense – 2600	35,603.97	35,603.97	
Drug Law Enforcement Fund – Prosecutor - 2651	288.14	288.14	
Grants – 2790	15,130.15	15,130.15	
Victims Rights Grant - 2791	45.47	45.47	
Child Care-Circuit/Family - 2921	4,030.61	4,030.61	
Senior Millage – 2950	3,454.52	3,454.52	
Wayland Refunding 2012 – 3670	12.32	12.32	
Delinquent Tax Revolving Fund - 6160	78.58	78.58	
Tax Reversion - 6200	63.99	63.99	
Drain Equip Revolving - 6390	50.00	50.00	
Drain Fund - 8010	1,526,405.56	1,526,405.56	
TOTAL AMOUNT OF CLAIMS	\$1,666.145.10	\$1,666.145.10	

THEREFORE BE IT RESOLVED that the Board of Commissioners adopts the report of claims for May 21, 2021 and May 28, 2021.

Moved by Commissioner Kapenga, seconded by Commissioner DeYoung to adopt the report of claims for May 21, 2021 and May 28, 2021. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

DISCUSSION ITEMS:

COMMISSIONER TOUR OF COUNTY BUILDINGS

21/ Commissioner DeYoung requested to have Commissioners tour the county buildings. Discussion followed.

Commissioner Thiele requested division of the question.

Moved by Commissioner DeYoung, seconded by Commissioner Jessup to have the Board take a tour of the County buildings on June 3, 2021 commencing at 9:00 A.M. at the County Services Building using a County bus. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

Moved by Commissioner DeYoung, seconded by Commissioner Jessup to have a working lunch at 12:00 at the Dumont Lake Pavilion and to invite county elected officials. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup and Cain. Nays: Thiele and Dugan.

SENIOR SERVICES – AWARD SENIOR PROGRAMS MARKETING SERVICES BID

22/ WHEREAS, The Board of Commissioners and the Commission on Aging have expressed an expectation to increase awareness and utilization of the millage funded programs available through Allegan County Senior Services; and

WHEREAS, consistent with the County's Purchasing Policy, a Request for Proposal (RFP) process was used to solicit competitive bids for marketing services; and

WHEREAS, the Commission on Aging reviewed the plan for this project and made a motion on May 19, 2021 to recommend proceeding with an award to the most qualified low bid vendor.

THEREFORE BE IT RESOLVED that the Board of Commissioners awards the senior millage program marketing services bid to Hosler, LLC dba GreenStreet Marketing of 244 East Michigan Avenue, Kalamazoo, MI 49007 and authorizes payments for these services in a not to exceed amount of \$95,000 for the development and implementation of a marketing plan; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to negotiate and sign any necessary documentation on behalf of the County and the Executive Director of Finance is authorized to perform the necessary budget adjustment to appropriate \$95,000 from the fund balance available in the Senior Millage Fund (#2950) to establish a not to exceed project budget.

BE IT FINALLY RESOLVED that before any marketing materials resulting from this award are released to the public they will be previewed by the Board of Commissioners.

Moved by Commissioner Dugan, seconded by Commissioner Cain to approve the resolution as presented and take immediate action.

Moved by Commissioner Storey, seconded by Commissioner Dugan to amend the resolution to include that before any marketing materials resulting from this award are released to the public they will be previewed by the Board of Commissioners. Motion amendment carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup, Dugan and Cain. Nays: Thiele.

Amended motion to approve the resolution and take immediate action carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup, Dugan and Cain. Nays: Thiele.

BREAK - 2:59 P.M.

23/ Upon reconvening at 3:08 P.M., the following Commissioners were present: Commissioner Kapenga, Storey, Thiele, Jessup, Dugan and Cain. Absent: DeYoung.

COMMISSION ON AGING - ADOPT AMENDED BY-LAWS

24/ BE IT RESOLVED, that the Board of Commissioners hereby approves the amended by-laws of the Allegan County Commission on Aging, as attached; and

BE IT FURTHER RESOLVED, that these attached by-laws supersede any previously established by-laws.

Moved by Commissioner Thiele, seconded by Commissioner Cain to approve the resolution as presented.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to amend the resolution under Article X - Section C and D to read "...County Administrator or designee." Motion amendment carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

Amended motion to approve the Commission on Aging amended by-laws with the above amendment carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

**BY-LAWS OF
THE ALLEGAN COUNTY COMMISSION ON AGING**

**Article I
Name**

The name of this Commission, created by the Allegan County Board of Commissioners, shall be the Allegan County Commission On Aging, hereinafter referred to as “the COA.”

**Article II
Purposes**

The mission of the COA is “Dedicated to serving Allegan County seniors by developing and coordinating services that support their independence, maintain their dignity, and preserve their quality of life.”

- A. Develop, coordinate, and facilitate the delivery of programs and services, public and private, that support the independence, maintain the dignity, and preserve the quality of life of Allegan County’s citizens age 60 and over;
- B. Provide leadership, consultation, assistance and outreach to interested groups or individuals to foster the well-being of our aging citizens;
- C. Accumulate, study, and maintain as informational resources data related to aging citizens;
- D. Cooperate and engage in planning with existing public and private organizations to develop and make available needed resources for aging citizens throughout Allegan County;
- E. Disseminate information concerning services and programs related to the social, economic, health, transportation, and housing needs of the aging;
- F. Monitor and evaluate programs and services that support the COA’s purpose;

- G. Recommend how funds are distributed for senior services funded by the Senior Millage and other sources;
- H. Become a member of the Allegan County Multi-Agency Collaborative Council (MACC); and
- I. Perform such other actions as identified by the Allegan County Board of Commissioners to further the welfare, well-being, security, and happiness of Allegan County's citizens age 60 and over.

Article III Members

- A. The COA shall consist of eleven (11) voting members who shall be responsible for governing its actions and achieving its purposes subject to the authority of the Allegan County Board of Commissioners. The members of the COA shall be elected by the Allegan County Board of Commissioners. ~~based on the findings of a review committee which shall consist of the BOC Chair, the COA Chair and the HR Committee Chair.~~
- B. Of the eleven (11) COA members, four (4) members shall be members at large, five (5) members shall be senior citizens age 60 or over, and two (2) members shall be County Commissioners.
- C. To the extent reasonably practicable and subject to requirements otherwise herein contained, members of the COA shall also represent the various geographic areas of Allegan County.
- D. All COA members must be residents of Allegan County or representatives of organizations located in Allegan County dedicated to promoting and safeguarding the welfare of Allegan County senior citizens and supportive of these By-Laws and the purpose of the COA as stated herein.
- E. The terms of office shall be three (3) years in duration. There shall be no term limitation upon a member's service. Terms of office begin on January 1 and end on December 31 of the appropriate year. A member shall declare their intentions to reapply for another term not later than the regularly scheduled COA meeting in September of the last year of

their term. Any member failing to do so will be presumed to have no interest in serving another term.

- F. All COA members are expected to attend all meetings. If a COA member has three (3) meeting absences during a calendar year, the COA may, at their discretion, recommend the member for removal and replacement by the Allegan County Board of Commissioners. All members shall notify either the Chairperson, Vice-Chairperson or if unavailable, leave a message with the Department of Senior Services of their intended absence from a scheduled meeting.
- G. Members of the COA may be removed at will by the Allegan County Board of Commissioners, provided that a written statement of reasons and an opportunity to be heard thereon are provided.
- H. In the event of a vacancy on the COA, such vacancy shall be filled by the Allegan County Board of Commissioners for the remainder of the unexpired term
- I. Newly elected members of the COA shall undergo an orientation session. This orientation will include at a minimum, a review of these By-laws, the policy and procedure manual and an overview of the business conducted over the previous six months.

Article IV Officers

- A. During the COA's annual meeting, officers shall be elected as described below, for the coming year. Nominations will be made from the floor for the following officers:
 - 1. Chairperson: The Chairperson shall preside at all meetings, appoint members to all Special Committees and/or a standing advisory committee once receiving confirmation of all appointments by the COA; and be an ex-officio member of all committees.
 - 2. Vice-Chairperson: The Vice-Chairperson shall perform such duties as may be assigned by the Chairperson; perform the duties of the Chairperson in his/her absence or inability to act

- B. Any officer may be removed from office by a two thirds (2/3) majority vote at a regularly scheduled meeting or a special meeting called for that purpose.
- C. In the event that an office should become vacant prior to the expiration of an officer's term, the COA shall elect a replacement for the unexpired portion of the term by a simple majority vote at the earliest possible meeting.

Article V Committees

- A. The COA may establish Special Committees for defined purposes for specified durations as deemed necessary for the purpose of focusing on development, improvement and/or research of programs and services.
- B. Should the COA determine the need for a special committee; they will, at their inception, have a pre-defined set of vision, mission and values statements. COA members may serve on special committees as they are able; however it is expected that they fully participate and contribute to the project.
- C. All decisions of Special Committees are considered recommendations and must be brought to the COA for recommendation to the Board of Commissioners.

Article VI Meetings

- A. The regular meetings of the COA shall be held once a month at a time and place approved by its members.
- B. A simple majority of the members elected and serving shall constitute a quorum for the transaction of business.
- C. Special meetings may be called by the Chairperson, when deemed necessary. The membership shall receive 24 hours' notice of any special meeting and the reason for it.

- D. There shall be an annual meeting held in January of each year. The purpose of the annual meeting shall be to elect officers, welcome new members, establish the annual meeting calendar, outline progress, review policies and procedures, and conduct any other business as needed.
- E. All meetings of the COA and its committees shall be in accordance with Robert's Rules of Order (official version), unless the By-Laws conflict therewith, in which event the By-Laws shall supersede as long as they are not in conflict with federal or state law.
- F. All meetings of the COA and its committees shall be conducted and noticed in compliance with the Open Meetings Act.
- G. Public comments offered during the public participation portion of regular meetings shall be limited to no more than five (5) minutes per individual with a total of fifteen (15) minutes overall.
- H. Service providers and/or vendors who wish to address the COA may request in advance to be placed on the agenda of a regularly scheduled meeting should time permit; however all presentations shall be limited to no more than fifteen (15) minutes.

Article VII Compensation

- A. All members of the COA that are serving as citizens without compensation or reimbursement by the County or any other organization shall receive a per diem and travel reimbursement at the rate as determined by the Allegan County Board of Commissioners for attending the regular and special meetings of the COA.
- B. Members serving on Special Committees will not receive a per diem or travel reimbursement for attending those meetings.
- C. Members' reimbursement for general travel and other expenses shall be at the rate as determined by the Allegan County Board of Commissioners.

Article VIII Ethics and Conduct

- A. No member of the COA shall be affiliated with a public or private organization that contracts with senior citizens in Allegan County or be involved in any endeavor which would influence the decisions of the COA unless that affiliation is disclosed to and determined by the Allegan County Board of Commissioners to be consistent with the provisions of Article VIII of these by-laws.
- B. Members of the COA and/or any committee shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to agreements or sub-agreements. Members of the COA and/or any committee shall comply with all applicable laws and County policies regarding ethics and conflict of interest. No member of the COA and/or any committee shall participate in the selection or award of a contract, grant, or any other monies awarded by or to the COA if a conflict of interest would be present or if the appearance of a conflict of interest could be present. Such a conflict would include, but is not limited to, a situation where a member of the COA and/or any committee, or a family member, partner, employer or potential employer, has a financial or other interest in a firm or agency selected for an award.
- C. In the pursuit of his/her functions or duties as a member of the COA and/or any committee, no member shall discriminate against any individual or group on any basis prohibited by federal or state law.
- D. All members of the COA and/or any committee shall, to the extent permitted by law (including, but not limited to, the Open Meetings Act, the Freedom of Information Act, and Health Insurance Portability and Accountability Act), maintain confidentiality when discussing information that might reveal personal or confidential information about an individual or group.

Article IX Contracts

- A. The COA shall be authorized to recommend contracts for approval by the Allegan County Board of Commissioners with private and public agencies for the purpose of providing services to senior citizens.
- B. The COA shall have the power to establish COA rules, policies, and procedures, except as they may conflict with applicable law, County Policy, or these By-Laws.

Article X Director of Senior Services

- A. Provides expertise, leadership, and support to the COA.
- B. Oversees day-to-day operations of the Department of Senior Services and carries out the goals and objective of the COA, develop programs, prepares grants, and supervise other Department of Senior Services staff. The Director shall be an ex officio member of all COA committees.
- C. The Director of Senior Services is a County employee under the direct supervision of the County Administrator or designee.
- D. The Director of Senior Services shall work with the COA to prepare and recommend an annual budget to the Board of Commissioners through the County Administrator or designee.

Article XI Finances

- A. The COA shall issue an annual report to the Allegan County Board of Commissioners no later than March outlining activities and services provided during the preceding year.
- B. The COA shall recommend its annual budget to the Allegan County Board of Commissioner for approval through the process established by County policy.

Article XII Amendments

These By-Laws may be amended in whole or in part at any time by a two-thirds vote of all members of the COA at any regular or special meeting of the COA, provided that written notice of such proposed amendment shall be given to all members not less than five (5) days prior to such meeting. Any such amendment shall be subject to approval by the Allegan County Board of Commissioners. The Allegan County Board of Commissioners may amend these By-Laws at any time.

Article XIII Dissolution

The COA may recommend dissolution to the Allegan County Board of Commissioners at any time it deems necessary; however the Allegan County Board of Commissioners may dissolve the COA at any time.

DRAFT

FACILITIES MANAGEMENT - AWARD COURTHOUSE HEAT PUMP BID

25/ WHEREAS, the Allegan County Board of Commissioners (Board) appropriated \$117,000 from the Public Improvement Fund (#2450) in 2021 to fund the continued replacement of aging heat pumps at the County Courthouse; and

WHEREAS, consistent with the County's Purchasing Policy, an RFP process was used to solicit competitive bids for heat pump replacements; and

WHEREAS, with uncertainty about exact costs, itemized bids were solicited for the replacement of 22 heat pumps of which 16 can be replaced within current project budget appropriation; and

WHEREAS, Facilities Management is recommending the replacement of all 22 heat pumps as bid which would require an additional appropriation of \$40,000.

THEREFORE BE IT RESOLVED that the Board hereby awards the 2021 Courthouse Heat Pump Replacement Project bid (#1400-21) to R.W. LaPine of 5140 E. ML Avenue, Kalamazoo, Michigan, 49048, to procure and install 22 heat pumps, and to Grand Valley Automation of 4275 Spartan Industrial Drive, Grandville, MI, 49418 to install 22 new heat pump controls for a total project cost not to exceed \$157,000; and

BE IT FINALLY RESOLVED that the County Administrator is authorized to negotiate and sign any necessary documentation on behalf of the County and the Executive Director of Finance is authorized to perform the necessary budget adjustment to appropriate \$40,000 from the fund balance available in the Public Improvement Fund (#2450).

Moved by Commissioner Thiele, seconded by Commissioner Dugan to approve the resolution as presented. Motion carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

VOLUNTEER RECOGNITION POLICY CONTINUED

26/ Discussions continued on the draft of the Volunteer Recognition Policy.

Moved by Commissioner Cain, seconded by Commissioner Kapenga to amend item #15 of the draft volunteer recognition policy to read "As such, the County may conduct a volunteer conference once per year either collectively for all County volunteers or by group of related function and may provide modest meal accommodations for attendance which may include up to one guest per volunteer or employee. Total meal expenditures (venue, services, food, gratuity, etc.) provided by the County shall not exceed the amount allowable for meal reimbursement for an employee as outlined in the Budget policy. Example for calculation: 100 volunteers, employees or guests attending a dinner volunteer conference shall not exceed \$1,900 which is 100 times the current dinner rate of \$19." Amendment carried by roll call vote. Yeas: Kapenga, Storey, Jessup, Dugan and Cain. Nays: Thiele. Absent: DeYoung.

Moved by Commissioner Dugan, seconded by Commissioner Cain to amend item #15 of the draft volunteer recognition policy to insert "Donations received consistent with section 16 "Recognition of Volunteers" shall be utilized first for any expenses in this section prior to expenditure of County funds." Amendment carried by roll call vote. Yeas: Kapenga, Storey, Jessup, Dugan and Cain. Nays: Thiele. Absent: DeYoung. Moved by Commissioner Dugan, seconded by Commissioner Cain to accept and adopt the Volunteer Recognition Policy as amended and have the Volunteer Recognition Policy take immediate effect. Motion carried by roll call vote. Yeas: Kapenga, Storey, Dugan and Cain. Nays: Thiele and Jessup. Absent: DeYoung.



**ALLEGAN COUNTY
POLICY**

TITLE: Volunteers

POLICY/PROCEDURE NUMBER: N/A

APPROVED BY: Board of Commissioners

EFFECTIVE DATE: May 27, 2021

1. **GENERAL:** Volunteers are recognized as a valued component of Allegan County Government operations.
2. **VOLUNTEER DEFINITION:** A volunteer is anyone who without compensation or expectation of compensation, beyond allowable reimbursement of direct expenses, performs a task at the direction of and on behalf of Allegan County (County). A volunteer must apply to, and be officially approved by, the County prior to performance of tasks. Volunteers shall not be considered "employees".
3. **EMPLOYEES AS VOLUNTEERS:** The County accepts the services of staff/employees as volunteers. This service is accepted provided that the volunteer service is provided totally without any coercive nature, involves work which is outside the scope of normal staff duties, and is provided outside of usual working hours. Family members of staff are allowed to volunteer with the County. When family members are enrolled as volunteers, to the degree practicable, they will not be placed under the direct supervision of the family member who is an employee.
4. **SERVICE AT THE DISCRETION OF COUNTY:** The County accepts the service of all volunteers at the sole discretion of the County. The County may at any time, for whatever reason, decide to terminate the volunteer's relationship with the County. The volunteer may at any time, for whatever reason, decide to sever the volunteer's relationship with the County. Notice of such a decision should be communicated as soon as possible to the volunteer's supervisor.
5. **VOLUNTEER RIGHTS AND RESPONSIBILITIES:** Volunteers shall be given meaningful assignments, treated with equality, provided effective supervision, and be recognized for work performed. Volunteers shall actively perform their duties to the best of their abilities, consistent with the goals and procedures of the County.
6. **POSITION DESCRIPTIONS:** Prior to any volunteer assignment or recruitment effort, a clear, complete, and current position description outlining the duties and responsibilities must be provided to Human Resources. The position description will be given to each accepted volunteer and utilized in subsequent management and evaluation efforts. Position descriptions should be reviewed and updated at least every two years, or whenever the work involved in the position changes substantially.
7. **SUPERVISION:** Each volunteer who is accepted to a position with the County must have a clearly identified employee who is responsible for direct supervision and shall be available to the volunteer for consultation and assistance.
8. **MAINTENANCE OF RECORDS:** Official volunteer personnel records shall be confidentially stored in the Human Resources Department. At a minimum, records shall include volunteer application and background check authorization with the corresponding results.

9. **CONFIDENTIALITY:** Volunteers are responsible for maintaining the confidentiality of all non-public information (examples of such information include, but are not limited to, information related to the Health Insurance Portability and Accountability Act, Law Enforcement Information Network, and Protected Personal Information) whether this information involves a single staff, volunteer, client or other person, or involves overall County business.
10. **DRESS CODE:** As a representative of the County, volunteers are responsible for presenting a good image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties. Dress code will be established by the Volunteer's supervisor. County Volunteers may be provided with a shirt (or other necessary articles of identification which may include badge, uniform, or ID card) for the purpose of identification when providing services. Such articles shall clearly display "Allegan County", "Volunteer" and the County logo (and/or sheriff or court logo, if responsibilities fall within the jurisdiction of law enforcement or justice). Articles must be purchased consistent with County policy including but not limited to the Purchasing Policy and Budget Policy.
11. **SERVICE LOGS:** Each department, with the assistance of the volunteer, shall keep a service log for each volunteer providing services. This log shall include:
- 11.1 Date of service
 - 11.2 Start / Stop Time of service
 - 11.3 Service activity performed
12. **LIABILITY:** Volunteers are not employees of the County, and provide such services at their own risk. As volunteers are not employees, they are not entitled to any compensation or benefits from the County, including but not limited to worker's compensation, medical insurance, or unemployment compensation unless otherwise provided through law or County policy. The County shall not defend or indemnify the volunteers against liability for the following:
- 12.1 Intentional, grossly negligent or unlawful acts or allegations thereof,
 - 12.2 Providing false and/or inaccurate information on the County Application for Volunteer Services form.
13. **RECRUITMENT:** Volunteers shall be recruited on a proactive basis, with the intent of expanding the volunteer involvement of the community. Volunteers shall be recruited without regard to gender, handicap, age, race or other condition. The sole qualification shall be the ability to perform tasks on behalf of the County consistent with the applicable position description.
14. **APPLICATION PROCESS & BACKGROUND/HEALTH SCREENING:** Volunteers shall complete a Volunteer Application and agree to a criminal background check. Volunteers who do not agree may be refused assignment. In cases where volunteers will be working with clients with health difficulties, a health screening may be required prior to volunteer assignment. In addition, if there are physical requirements necessary for performance of a volunteer task, a screening or testing procedure may be required to ascertain the ability of the volunteer to safely perform the task.
15. **VOLUNTEER CONFERENCE:** While volunteers may participate in operational meetings as necessary, it is recognized that the time and availability of volunteers may be limited. In an effort to manage an effective volunteer program, it is necessary for the County to provide information and training to volunteers and receive input from them. As such, the County may conduct a volunteer conference once per year either collectively for all County volunteers or by group of related function and may provide modest meal accommodations for attendance which may include up to one guest per

volunteer or employee. Total meal expenditures (venue, services, food, gratuity, etc.) provided by the County shall not exceed the amount allowable for meal reimbursement for an employee as outlined in the Budget policy. Example for calculation: 100 volunteers, employees or guests attending a dinner volunteer conference shall not exceed \$1,900 which is 100 times the current dinner rate of \$19. Donations received consistent with section 16 “Recognition of Volunteers” shall be utilized first for any expenses in this section prior to expenditure of County funds.

15.1 The County may plan a single combined event by extending invitation to all County volunteers.

15.2 If it is determined to conduct individual events, trainings etc. for specific workgroups, the County will strive for consistency in areas such as recognition certificates, awards, food, etc.

16. **RECOGNITION OF VOLUNTEERS:** A simple “thank you” means so much. A thank you says, “We appreciate you.” The County also may administer, and supply all materials for volunteer recognition certificates for specific achievements or general participation in conjunction with or separate from the volunteer conference. Recognition may come in different forms and the related expenses of such likely exceeds the County’s ability to expend public funds. As such, in accordance with the County’s donation section of the Budget Policy, a program is authorized to receive donations and permit the expenditure or distribution of such donations to the extent they assist the County in providing reasonable, non-monetary recognition of volunteers. (Examples include, covering expenses for a guest of a volunteer at a volunteer conference, plaques, awards, modest give-a-ways/prizes pertaining to team building during or outside the volunteer conference.) In general, the program shall be administered consistent with the standards of the County’s Employee Engagement program and employee recognition program.

17. **ENGAGEMENT OF VOLUNTEERS:** The most meaningful forms of engagement should:

17.1 Include volunteers in planning, especially in the development of goals.

17.2 Enable volunteers to work side-by-side with staff and receive ongoing direction.

17.3 Show appreciation toward the achievements of volunteers when contributing to the successful completion of tasks that support the plan and specific goals.

PUBLIC PARTICIPATION - NO COMMENTS

28/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

FUTURE AGENDA ITEMS

29/ Commissioner Cain requested a future agenda item to invite township supervisors affected by FEMA flood plain redrawings together with Emergency Services Director, Drain Commissioner, Drain Engineer and Congressman Upton's staff to discuss flood plain appeals.

ADJOURNMENT UNTIL JUNE 10, 2021 AT 1:00 P.M.

30/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adjourn until June 10, 2021 at 1:00 P.M. The motion carried by roll call vote and the meeting was adjourned at 4:33 P.M. Yeas: 5 votes. Nays: 0 votes. Absent: 2 votes.



Deputy Clerk

Board Chairperson

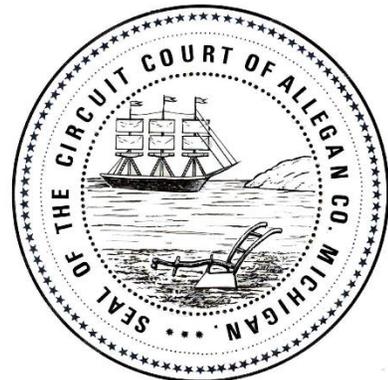
Minutes approved during the 00/00/2021 Session

48th Circuit Court

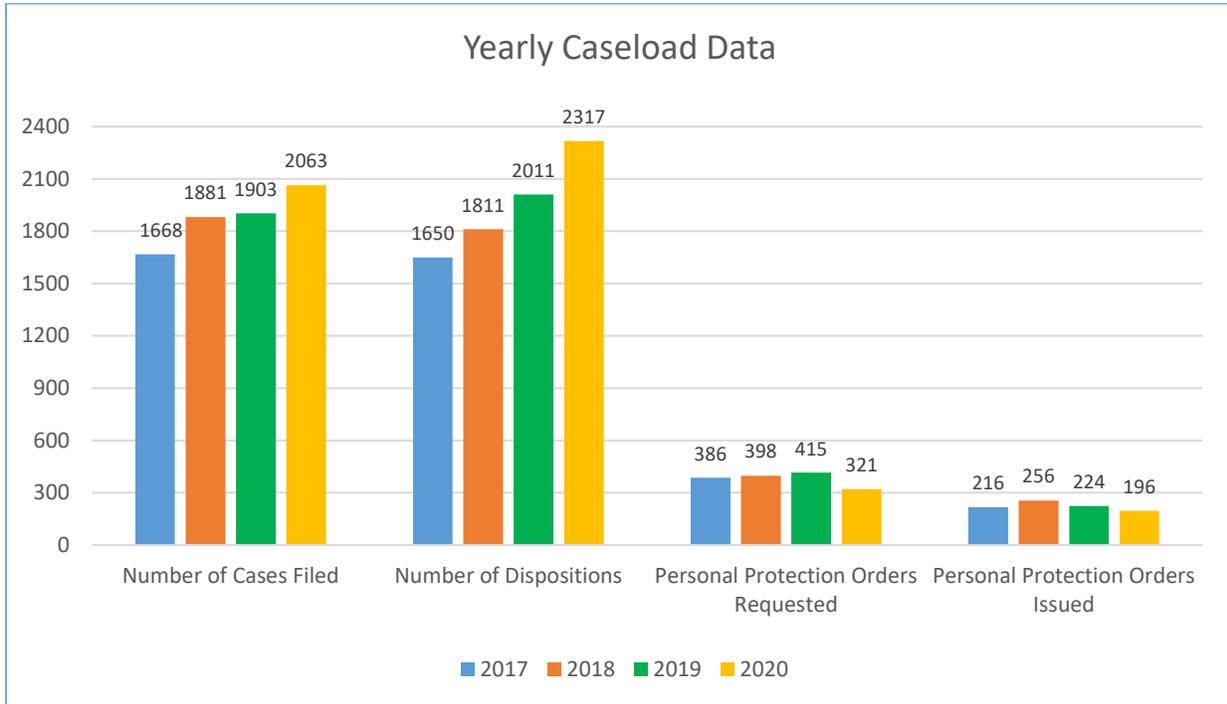
2020 Annual Report

Thursday, June 10, 2021

Criminal and Civil,
Friend of the Court,
Family Division



Circuit Court Statistics

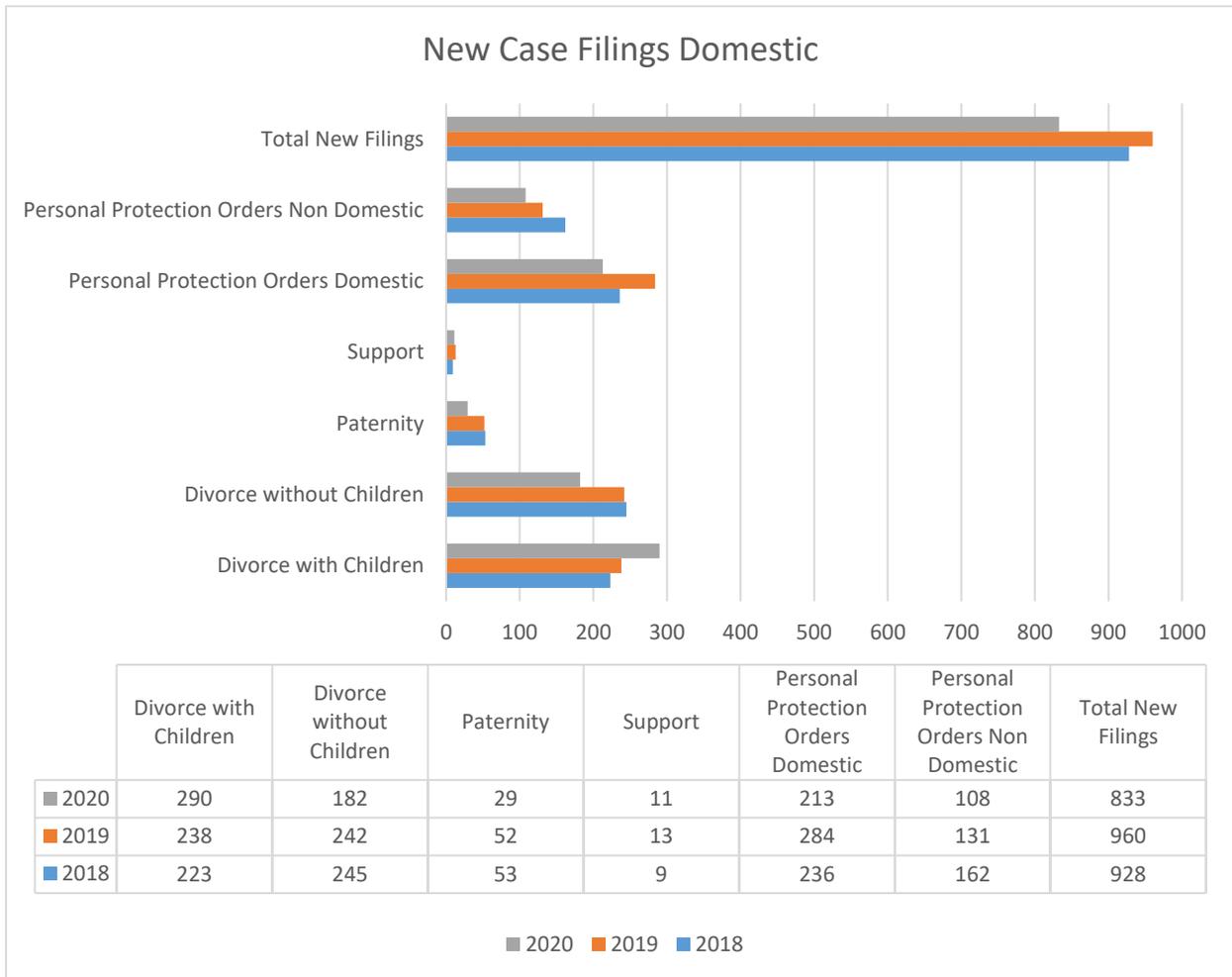


Circuit Court continues to see an increase in case filings and case dispositions. Despite another year of COVID-related challenges, Circuit Court remained open and conducting business throughout the year. Looking back at the 2020 Circuit Court Board Report, we reported that 2019, was the busiest year on record for Circuit Court. As you can see from the statistics above, 2020, now holds the title for the busiest year on record for Circuit Court.

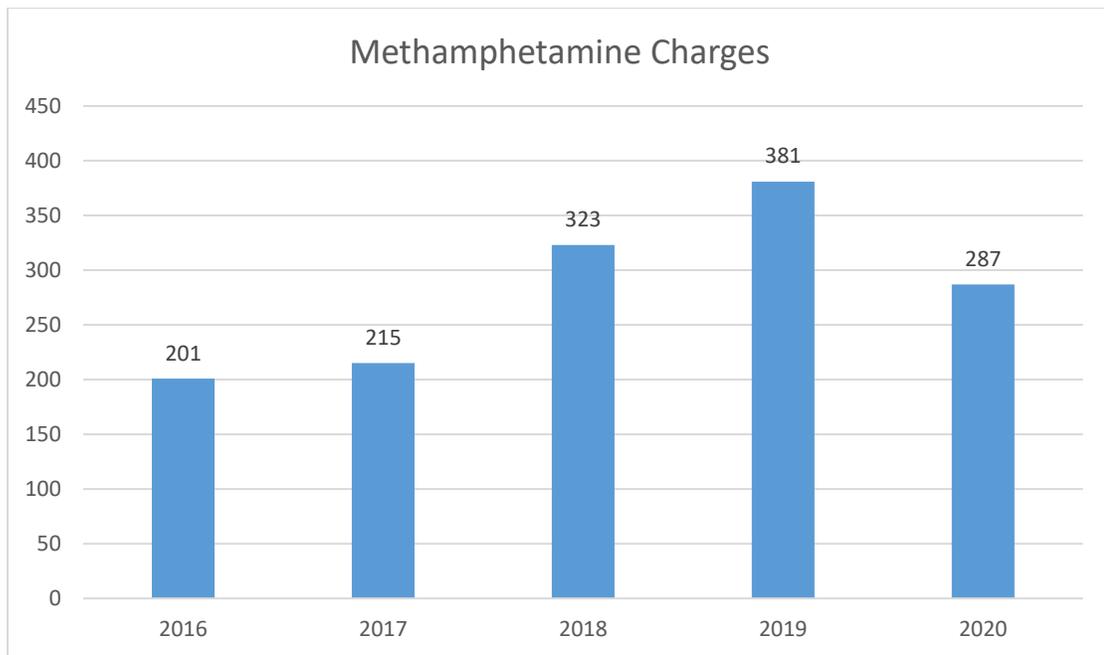
Zoom and YouTube remained vital tools for the courts in 2020. As of February 17, 2021, Judge Bakker and Judge Kengis have spent over 30,000 minutes (500 hours) on Zoom. Collectively, their YouTube channels have been viewed over 23,000 times, and have over 400 subscribers. In addition to hearings conducted on Zoom, the Judges also conducted in person proceedings, when permitted.

As reported last year, the Michigan State Court Administrative Office (SCAO) created a 4 phase reopening plan, which is mandatory. The courts continue to meet bi-weekly to examine the community data and ensure compliance with the plan. Most notably, certain phases create limitations on the ability to conduct jury trials. In 2020, Circuit Court was able to briefly resume jury trials, and was able to complete 7 trials during this time. The number of jury trials needing to be rescheduled is growing by the day (118 currently), and will continue to be a struggle for the courts to schedule them amongst an already full docket. The jury trials which were conducted took great care and planning to ensure the safety of the public and the staff. Upon arrival, all jurors participated in a COVID screening and had their temperatures checked. One of the largest challenges, which still exists, is finding the space for all jurors who appear for service, as there

needs to be social distancing. The courts have worked to utilize space in other areas of the courthouse, and also located space off-site in the Griswold Auditorium. Other precautionary measures have been taken, such as masks being worn unless an individual is speaking, chairs being wiped down when jurors are moved, and microphone sleeves are used in the witness box and changed after every witness. Jurors were polled after each trial, and all have reported complete satisfaction with the strategies implemented by the courts.



In 2020, there were 1,117 Felony Cases charged overall. Of the 1,117 total cases, 698 cases were bound over from the 57th District Court. 287 of the 1,117 were drug cases, of which 230 were methamphetamine specific cases. This only reflects situations where a defendant is charged with a crime involving methamphetamine, but there are many situations where the underlying cause of a crime is related to the use of methamphetamine. Methamphetamine use destroys families and communities, and it is the most destructive drug this Court has seen. *The court anticipates the drop in 2020, to only be a result of slowdowns in the system due to COVID closures and delays, not that the meth related cases are actually decreasing in the county.



Felony collections in Circuit Court has been a daunting task over the past few years. Collections on these cases are very difficult as some defendants go to prison, rehab, or are put under the supervision of the Michigan Department of Corrections Adult Probation. After sentencing, they have little contact with the court. In addition to these challenges, Allegan County did not have a dedicated collections department, so there was not a dedicated person or department to oversee these matters. However, in 2010, the Supreme Court approved a proposed plan to implement court collections programs and collections-related reporting requirements statewide. The final recommendations included adopting the proposed administrative order and that the Supreme Court work with court staff, agencies, and associations to amend or enact legislation that enhances the courts' ability to enforce and collect court-ordered financial obligations. Finally in 2015, The State Court Administrative Office published an Ability to Pay guideline, which provides tools and best practices on a defendant's ability to pay.

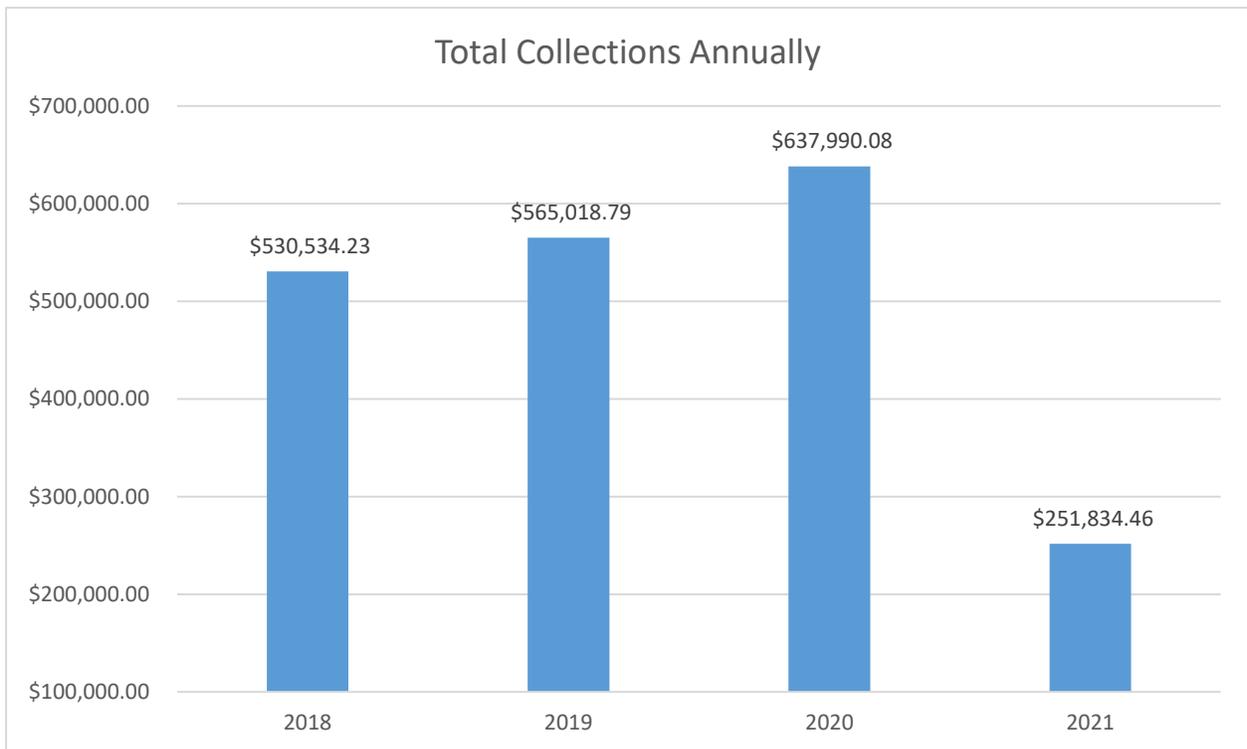
In 2015, Circuit Court took on the task of contacting delinquent accounts and began Allegan’s first collection efforts. This responsibility is still overseen by the office of Circuit Court Administration and Finance. However, it is only one of many tasks the Court Financial Officer and Receptionist oversee and help was needed. Solutions ranged from hiring a collections person to researching software programs to organize and manage collections.

Earlier this year, the COLLECT system was installed. This software works with the current circuit court case management system (JIS/AS400), to track and manage the collections process. Within the first month of implementation, the cost of the software had exceeded an astounding Return on Investment of over a factor of 10. We are on track to have our best collection year!

COLLECT implemented on 03/25/21.

COLLECT COST: \$3,000 for DMC software, 1 time

COLLECT collections made in first 30 days: \$34,089.72



As the above graph shows, our collections efforts are continuing to improve. We are hoping with the addition of this new software to have our best collection year.

Swift and Sure Sanctions Probation Program (SSSPP)

The Swift and Sure program continues to serve participants by holding them accountable for their actions and reinforcing positive healthy behavior. By the end of March 2020, the program had to suspend testing of substances, however, the participants maintained communication with the Swift and Sure team and testing was resumed later in 2020. As a result of the smaller budget for fiscal year 2021, the program has a maximum capacity of 16 participants with hopes that we can continue to grow the program moving forward. The program currently has 11 participants with hopes of receiving participants from the Drug Court treatment program and from referrals that the program continues to receive weekly. Since April 1, 2020, the program has had 14 graduations (successfully discharged) and 5 revocations of probation (unsuccessfully discharged).

Before COVID-19, we would test participants at the Michigan Department of Corrections (MDOC) office near the jail, but we have since changed the location to the courthouse since the MDOC office is currently not open to the public. The program continues to have monthly meetings to ensure we are on track with the budget as well as discuss any participants that require further rehabilitation services such as Michigan Rehabilitation Services or Pathways, Arbor Circle. The program remains flexible during this time of uncertainty utilizing Zoom as a way to communicate and collaborate while maintaining social distancing.

During the pandemic, some participants struggled with relapses and negative influences in their lives, but some participants thrived by being promoted to new positions earning higher salaries while one participant bought a new house. For some, securing stable housing and eliminating negative people in their lives was their biggest victory in a long time, but nonetheless was still celebrated and encouraged. I would like to thank the Swift and Sure team as well as court/county leadership for their support of specialty courts and programs that are a cost-efficient and an effective alternative to prison.

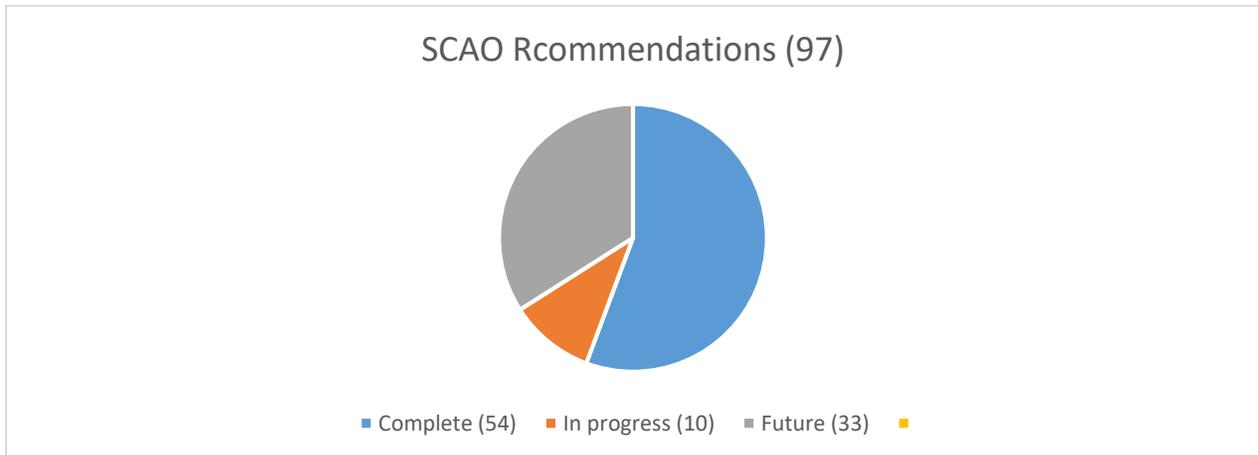
Specialty Court Coordinator
Aaron Arredondo

Allegan County

Friend of the Court (FOC)

As you may recall, in 2018, the FOC welcomed the Friend of the Court Bureau (FOCB) into the office to review all practices and procedures. This review was initiated by a request from the Honorable Margaret Zuzich Bakker, after learning about the option for assistance from the State Court Administrator's Office. Throughout 2018, analysts from FOCB met with all FOC staff members, interviewed local attorneys, and examined all office procedures. Following completion of this review, a detailed 140 page report was provided which outlined all recommendations.

Throughout 2019, the FOC spent much time dedicated to reviewing, prioritizing, and implementing these recommendations. During the beginning of 2020, progress stalled due to COVID-19, but work on these recommendations has again commenced. To date, 54 of the 97 recommendations have been completed, and 10 more are in progress.



The FOC was very sad to see Erin Stender leave her role as Circuit Court Administrator, and was again saddened to see Brian Patrick leave this role. Additionally, the FOC experienced turn over in 4 different positions during 2020, but was able to successfully hire new teammates, despite COVID-19.

Adapting in 2020

At the end of March 2020, the FOC “panic packed” and went home. Bags were packed with things we hadn’t looked at in years, not knowing when we’d be able to return or what we may possibly need. Remote work was a complete unknown for FOC staff, as state limitations on off-site use of the FOC’s MiCSES system had historically prevented staff from being able to work from home. For the past year, the FOC office has adjusted, adapted, and thrived with remote work. The FOC office has remained open to the public at all times during the pandemic by creating skeleton crews to work in the office on a rotating basis. These measures kept staff safe and able to keep working throughout the ongoing pandemic.

The FOC expresses sincere appreciation to the county leaders in their efforts to adapt and for the measures taken to ensure the stability of court and county operations during this time. Although many people unfortunately lost their jobs during this pandemic, your efforts kept us working and we are extremely grateful. The FOC would also like to ensure the Board is aware how quickly Facilities and Information Services responded to requests to ensure the safety of the FOC.

The state paid for Zoom licenses for attorney referees, with the FOC receiving two licenses. These licenses were vital in keeping the office running.

Attorney Referee, Jaclyn Jelsema conducted court hearings and establishment appointments via this license, totaling 19,030 minutes and serving 1290 participants April-December 2020.

Friend of the Court, Jennifer Brink was able to conduct meetings to ensure ongoing operations of the office, totaling 4,200 meeting minutes, and serving 527 participants July-December 2020.

Despite the challenges in 2020, 418 referee hearings were held on domestic matters, mostly virtual, with the assistance of Family Court Referees Jolene Clearwater and Craig Sewell.

Alternative Contempt Tract (ACT) Program Stats

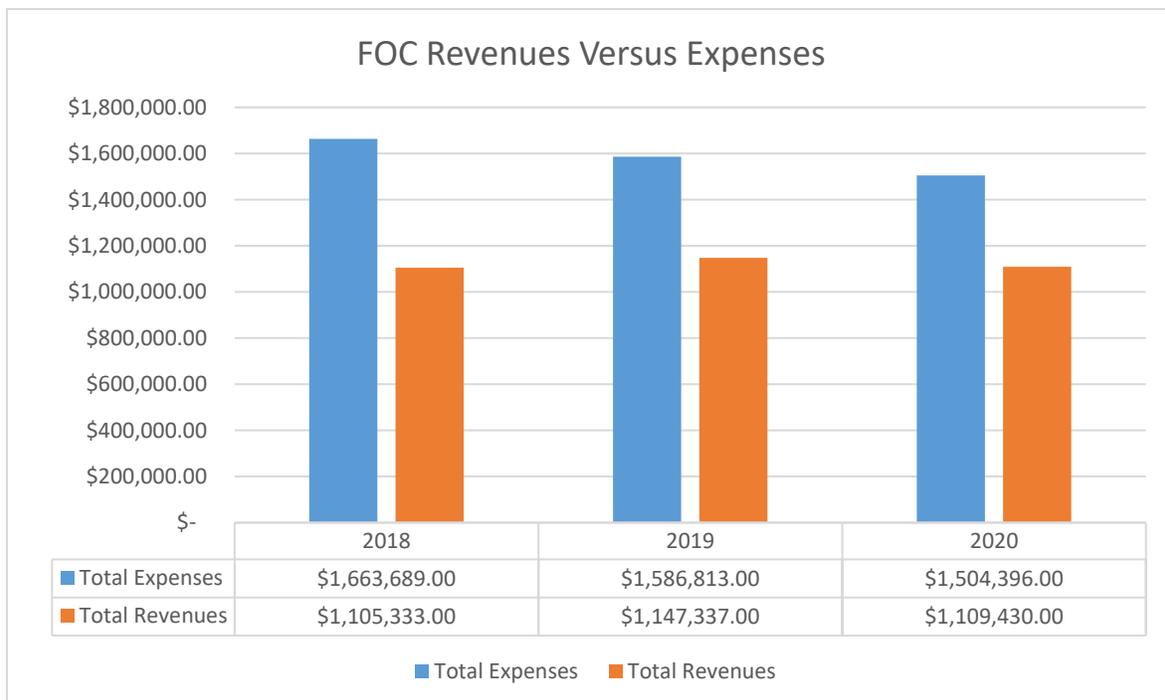
- As many participants enter the program following an arrest, the ACT program was negatively impacted during COVID-19. Additional difficulties were experienced with limited access to other services in the community.
- 13 cases were referred to the program, and 5 new individuals were admitted into the program.
- 8 successful discharges, 6 unsuccessful discharges, 5 participants were re-admitted for a second year upon their request.
- Although participation in the program was down, \$22,580.95 in child support payments was collected from the participants in 2020.
- Success story of the year:
 - o One participant was discharged early from the program, after paying off her case in full. With the help of the ACT program, she completed job training, earned her CNA license, and was approved for the Futures for Frontlines program and will be enrolling in Lake Michigan College to pursue a degree in nursing.
- Services received based on qualifying factors
 - o 4 participants received counseling
 - o 3 participants received MI Works referrals
 - o 1 participant received adult education services/job training
 - o 2 participants applied for and received Medicaid
 - o 2 participants applied for and received food assistance
 - o 2 participants received temporary emergency shelter at a homeless shelter
 - o 2 participants received substance abuse counseling
 - o 1 participants approved for services with Michigan Rehabilitation Services (MRS)
 - o 1 participants referred to the Allegan Co. Homeless Assistance Program (HAP)
 - o 1 participant received CNA after completing job training
 - o 1 participant qualified and was approved for Futures for Frontliners and has applied to a local community college
 - o 3 participants have steady gainful employment
- \$23,665.92 in support collected from ACT participants in 2019

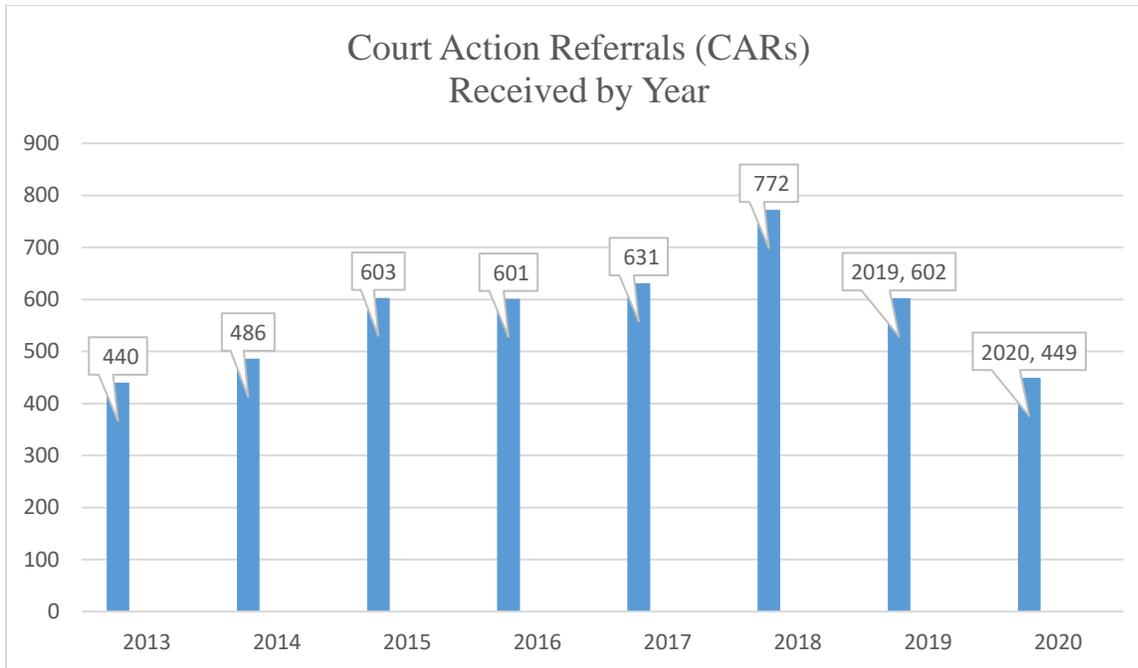
FOC Financials

The FOC staffs 18 full time employees, including 2 attorney positions. The FOC is in a reoccurring 4 year contract with the state, under the Title IV-D Cooperative Reimbursement Program. This allows for 66% of eligible expenses to be reimbursed to the county. The FOC revenue is the largest source of non-tax revenue for the county and is frequently selected during the annual audit by our audit firm. Revenues come in the following forms:

Revenues:

1. **IV-D CRP** reflects the revenue for IV-D services. It is the total amount received under the Cooperative Reimbursement Program (CRP) contract. The CRP is a federal payment allocated to the county general fund. This amount is directly related to the amount of expenditures by the FOC office.
2. **Incentive** reflects the performance-based federal payment allocated to the county general fund. It is the total amount of incentives received pursuant to the federal IV-D program. 42 USC 658A, 45 CFR 305.35.
3. **Fees** reflects the statutory collections allocated to the county general fund. It is the total amount for semiannual service fees, which is \$2.25 received by the county treasurer and not the service fees collected and sent to the state treasurer. MCL 600.2538(1).





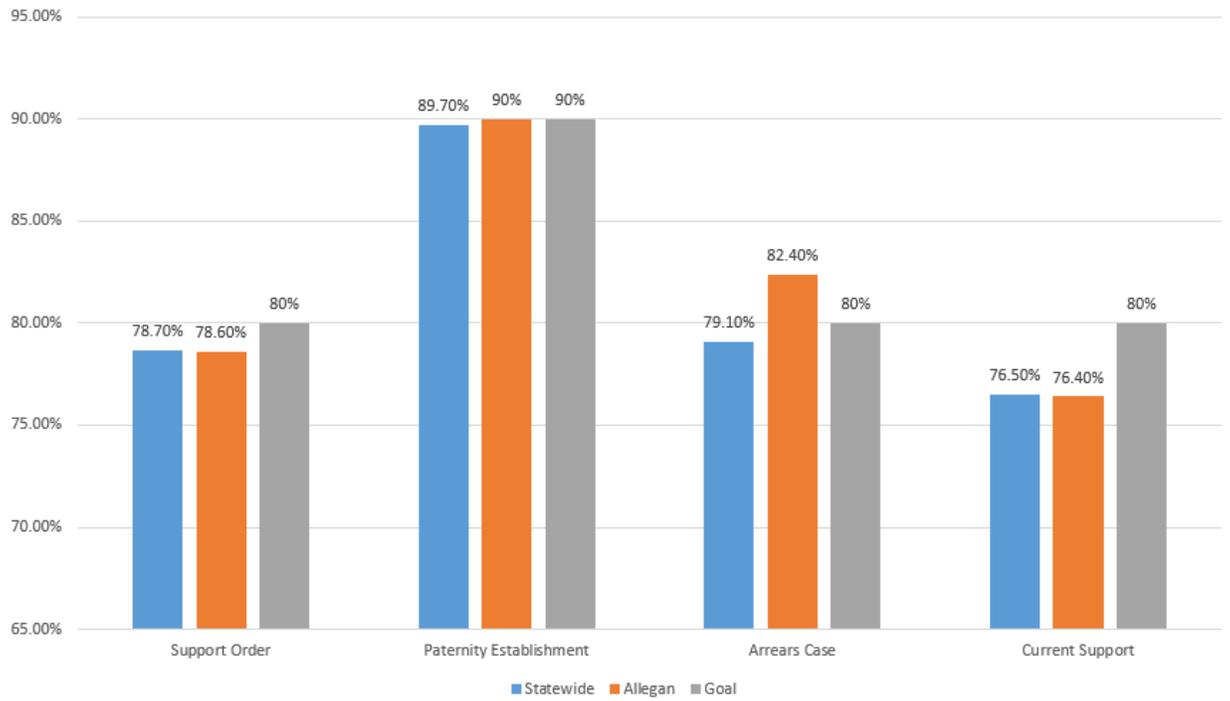
The Establishment unit of the FOC received 449 referrals to begin paternity and child support actions in 2020. Future incentive payments will be based upon meeting separate Contract Performance Standards:

- 1) 75% of the referrals must be worked within 14 days,
- 2) 75% of cases must meet the federal expiration date for service, and
- 3) 75% of the cases must have a final order within 6 months.

The Establishment unit consistently meets and exceeds standards #1 and #3, but needs assistance with standard #2, serving the complaints within the given timeframes.

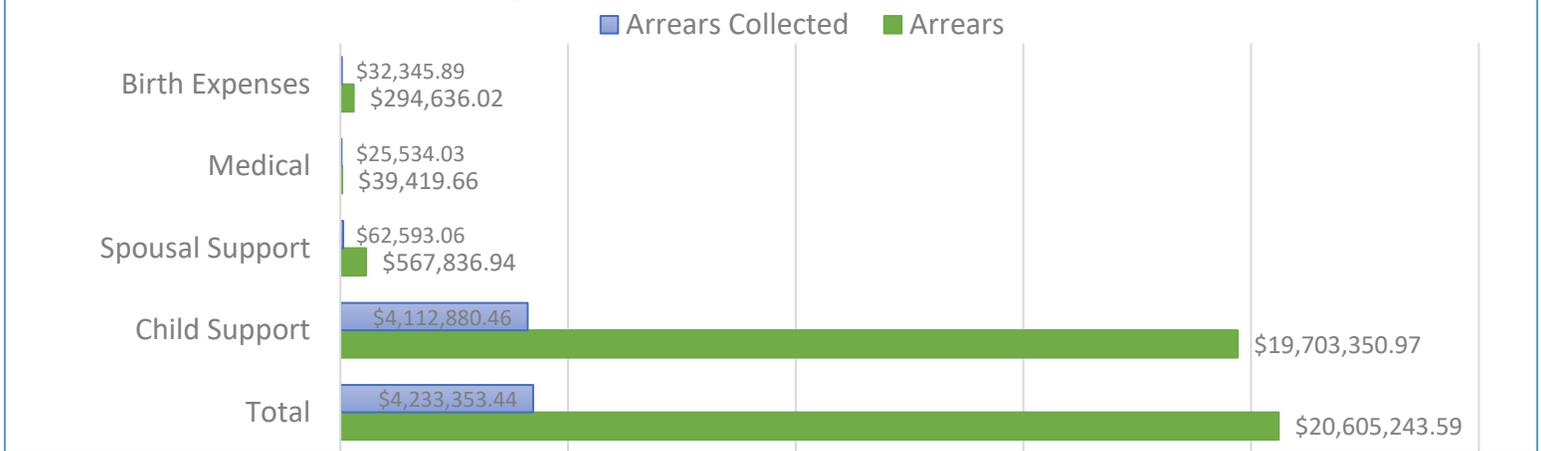
COVID-19 also greatly impacted the Establishment unit. For a period of time, paternity testing was halted by the State, which has caused delays in meeting these timeframes.

Allegan County FOC Performance Incentive Factors



Due to COVID-19, the state is not considering performance measures for the year 2020, However, Allegan’s performance was consistent with the rest of the state.

Allegan County FOC 2020 Arrears



In 2020, Allegan County FOC cases had a total of \$20,605,243.59 in arrears, which is money that is past due. For the first time known to date, this number did not increase (the FOC collected more than what was charged in 2020). This is partly due to the additional unemployment and stimulus funds.

2020 total support charged: \$14,737,391.32

2020 total support collected: \$15,294,108.78

198 bench warrants were issued in 2020. Again, this number is low due to COVID-19. From April 2020-December 2020, the state prohibited the issuance of bench warrants for child support matters. This mandate, which has now ended, created a backlog of cases where enforcement is needed.

284 support show cause hearings were conducted by the Circuit Court Judges in 2020.

As of February 16, 2021:

- There were 263 active bench warrants for payors with a known address in Michigan.
 - o 14 in the city of Allegan
 - o 97 in Allegan County
 - o The bond payments alone total \$679,407.
- There are another 118 active bench warrants for payors with a bad address.
- There are another 141 active bench warrants for payors residing outside of Michigan.
- Total of 522 outstanding warrants.
- Allegan FOC is not currently able to utilize other permitted enforcement remedies, such as booting vehicles or placing liens/seizing/selling property.

The FOC appreciates the ongoing conversations and work towards obtaining a bench warrant officer to assist with these arrests and collections.

Allegan County Legal Assistance Center

“ACLAC”

Since opening in July of 2012, the Allegan County Legal Assistance Center has served over 19,000 patrons. Even during the 2020 pandemic year, Linda Teeter and Marty Curley along with interns and volunteers, assisted **2,182** patrons with legal needs, giving them access to justice when they could not afford an attorney. There is an array of cases processed with the assistance of the part time staff at ACLAC including divorce, custody, guardianship, landlord/tenant, personal protection order petitions, expungements and many more.

Approximately 80% of those who were assisted at ACLAC had incomes of less than \$40,000 per year, with 22% earning less than \$10,000 annually. The need for the services of ACLAC are obvious, and not only assist the litigants but also provide increased efficiency for the Courts and resources for our police agencies.

ACLAC appreciates the assistance of the County in their location and hope to continue to build this resource and provide quality service to the Allegan County community.



48th Circuit, Family Division

“Judicial and Clerical Staff Zooming into a New Era”

Prior to the pandemic, the Family Division clerical offices were a daily hub of activity with a high volume of traffic. Prosecutors, attorneys, and Department of Health and Human Services caseworkers were constantly in and out of the office area utilizing a conference room attached to the clerical offices. Non-clerical court staff were continuously in this area reviewing court files stored there for the weeks scheduled hearings, securing office supplies, collecting their mail, or utilizing office equipment in this area. Staff from the Friend of the Court, County Clerk, or other departments of the Court or County may be in the clerical area on any given day. This all ended on March 13, 2020.

With the reported severity of the Covid-19 virus, safety of all Court staff was paramount. On March 13, 2020, the Family Division clerical offices were limited to only Court staff. The clerical staff were cleaning their respective work areas and the clerks were not to utilize the work area of a fellow clerk. The clerks were also cleaning the courtrooms. This was done to limit the number of persons entering the clerical offices and Facilities Management was even advised of this decision and therefore they did not need to enter this area for cleaning purposes.

On March 18, 2020, the Michigan Supreme Court entered an Administrative Order which limited all court activity to only “essential functions”. This Order also limited access to courtrooms to no more than 10 persons, including court staff, and required social distancing. The “essential functions” were extremely limited and defined in the Administrative Order. This caused adjournments of nearly the entire schedules of the Judges and Referees within the Family Division. Work from home directives were also implemented by the State at this time. The Referees and clerical staff were able to process cases, engage in on-line training, and conduct the limited number of hearings during this time period.

The court rules governing juvenile matters did provide for utilization of videoconferencing in limited circumstances prior to the pandemic. This changed on April 7, 2020, when the Michigan Supreme Court issued another Administrative Order allowing judicial officers to conduct proceedings remotely, whether physically present in the courtroom or elsewhere, using two-way interactive videoconferencing. Further requirements of the Order were that courts insure proceedings are consistent with a party’s constitutional rights, that there must be a procedure for a party to communicate confidentially with their attorney, that the public be provided access to the proceeding during the proceeding or immediately thereafter, and the proceeding must be recorded sufficiently to allow for the preparation of a transcript. Courts now entered the *Zoom Era!*

The State of Michigan had purchased Zoom accounts for all Judges in 2019. Judge Buck was gracious in allowing Referee Sewell and Referee Clearwater to share his Zoom account after the aforementioned Administrative Order was entered. This allowed for partial schedules to resume but did require a great deal scheduling effort with three jurists sharing one account. The jurists and clerical staff participated in a large number of Zoom trainings, offered by the State Court Administrative Office, and other entities, over the next few weeks. The State of Michigan was investigating purchasing additional Zoom accounts for Court Referees and Magistrates but believed this would take several weeks. To avoid a significant backlog of hearings, the Court also engaged in internal discussions regarding the purchase of additional Zoom accounts for all Referees.

The State Court Administrative Office was able to expedite the purchase of Zoom accounts for all Referees and these were in place by the third week of April 2020, at no cost to the County. This has allowed all juvenile proceedings to be conducted on a full time basis since this time.

The above summary is however not the end of the story but only the beginning of the adjustments by the Judges, Referees, and clerical staff. New procedures had to be implemented for required court functions. One example being juvenile delinquency fingerprinting. This was routinely completed by Courthouse Security when a juvenile would appear for a hearing. New notices and directions on how to complete fingerprinting were drafted as juveniles were no longer physically appearing at hearings.

Zoom hearings are channeled into existing court recording equipment so the hearing can be easily transcribed if necessary. This requires a court recorder to be in the courtroom, typically by themselves, monitoring all recording equipment and complying with all recording standards as they would if all persons were present. The court recorders are also able to monitor and be the host of the Zoom meeting which requires the ability and knowledge of all the Zoom functions necessary to conduct hearings. This includes the important breakout room function of Zoom allowing a party to communicate confidentially with their client. With the referees conducting the vast majority of their hearings remotely, the clerical staff has been invaluable in providing documents, reports, last minute exhibits, and many other support services prior to numerous Zoom hearings.

Many courts in the State publically broadcast their proceedings on You Tube to allow access to the proceedings consistent with the Supreme Court Order. In juvenile matters, due to the sensitive nature of the hearings, the Judges did not desire to proceed in this manner. Instead, the courtrooms have remained open to the public for attendance by a party, if they are unable to participate by phone or videoconferencing, and for the public to view the proceedings. Any person in the courtroom can watch, or participate in the proceedings on a television located in the courtroom. The public is also able to view the proceedings by being in the Zoom hearing using a phone or videoconferencing. If there is party or public participation in the courtroom, the clerical staff is very diligent regarding immediate cleaning of the courtroom.

The above is but a few examples of the changes for the Family Division Jurists and clerical staff. Overall Court staff transitioned quickly and efficiently to the Zoom era. Referees Sewell and Clearwater hosted a training session provided by the State Court Administrative Office, for other courts, regarding how to conduct Zoom hearings in summer 2020. This included excellent PowerPoint materials prepared by Referee Clearwater.

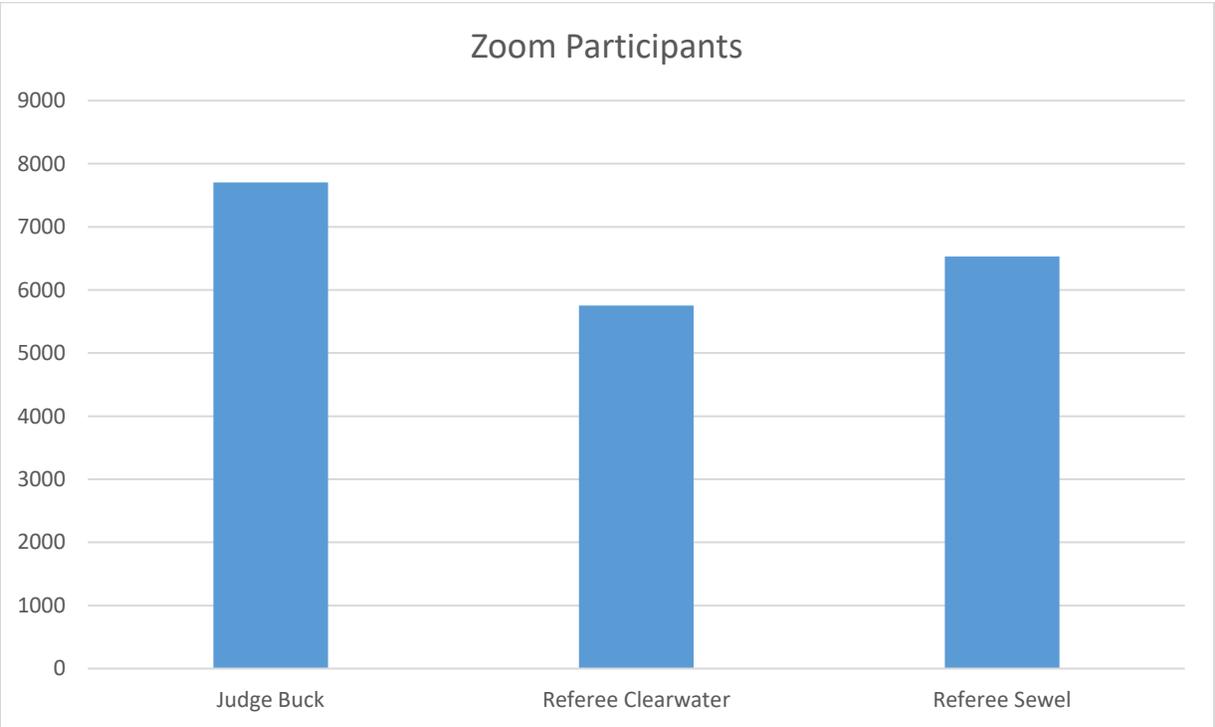
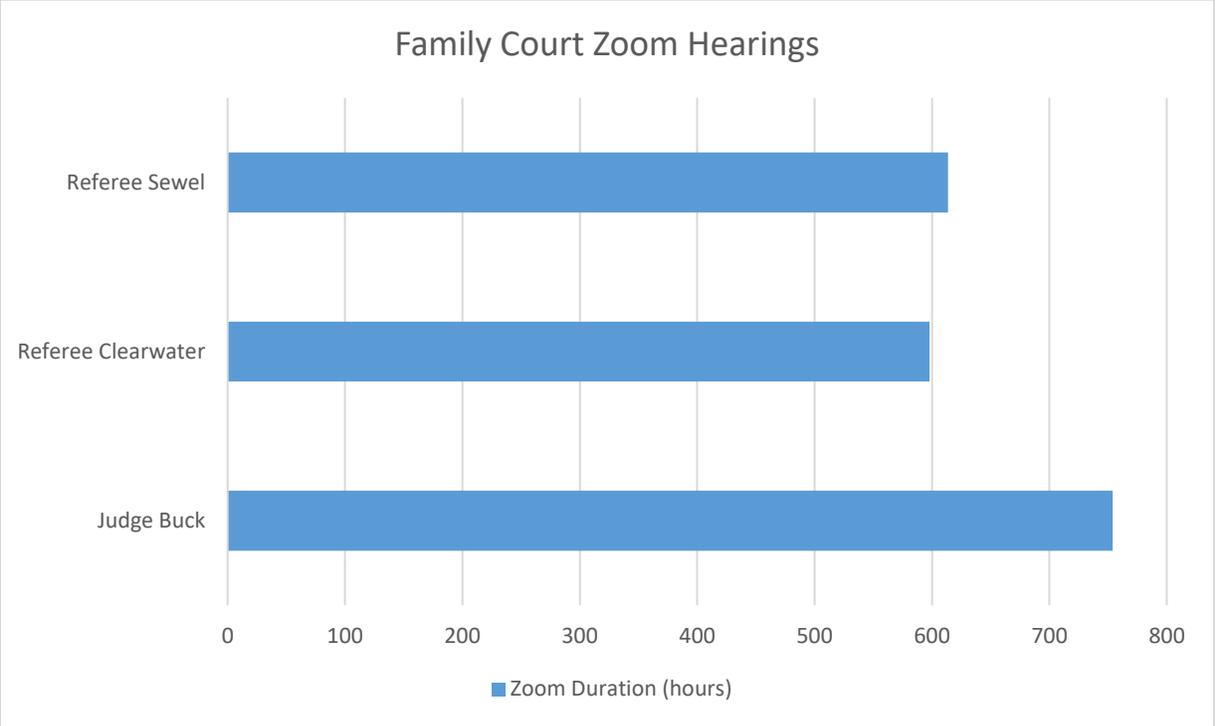
Looking into the future, it is anticipated the Supreme Court will greatly expand the ability of courts to conduct videoconferencing hearings. Although not without some bumps in the road, the feeling across the State is that expansion of videoconferencing has had a positive effect on the legal system. Just two examples include greater participation by parties in hearings and attorneys, not located in the immediate area, do not drive significant distances to attend a brief hearing.

Virtual Court Proceedings

The COVID-19 pandemic has limited the court's ability to conduct hearings in person both in Allegan County and throughout the state of Michigan. As a result, the Family Court (and all the courts) seized the opportunity to utilize a virtual courtroom via Zoom. Zoom courtrooms allowed the court to continue to conduct hearings remotely, giving the public continued access to the courts and ensuring that litigants were afforded their due process rights. Zoom technology allowed both judges and referees to ensure their safety, as well as the safety of all court staff and parties to the case.

From April 2020 to April 2021, at the time of the writing of this report, Family Court Hearing Room A conducted 35,333 minutes of Zoom proceedings, which is over 588 hours of virtual court hearings. In those proceedings, there have been 5,614 participants, including litigants, attorneys, caseworkers, and service providers. Additionally, Family Court Hearing Room B conducted 36,817 minutes of Zoom proceedings, which is over 613 hours of virtual court hearings. Hearing Room B interacted with 6,527 participants virtually. Third, in the family court courtroom, Judge Buck had 45,244 minutes of zoom hearings, or over 754 hours of virtual hearings in which 7,706 participants were involved.





Community Probation

2020: A Snapshot

Cumulative Statistics:

<u>Measured Area</u>	<u>Number</u>
Total Cases	82
New Petitions Adjudicated (on current or previous probationers)	5
Probation Violations Adjudicated	31
Community Service Hours Ordered	537
Days Spent at Home	10,281
Days Spent in Detention	793
Days Spent on a Tether	188
Days Spent in Residential Care	2,281
Total Days on Probation	13,465
Number of Children Taking Medication	47 (57.3% of caseload)
Total Number of Contacts Made	5,388
Number of Recidivists	11 (13.4% of caseload)
Number of Repeat Offenders	8 (9.7% of caseload)
Probationers Released During FY	38
Number Released Who Met Goals	36 (94.7% success rate)

Average Probationer:

<u>Measured Area</u>	<u>Number</u>
Average Age	14.3
Number of New Petitions Per Case	.06
Number of PV's Per Child	.37
Average Days at Home	124
Average Days in Detention	9.5
Average Days in Residential Care	27
Average Days on Probation	162
Average Grade	8 th
Average Number of Contacts Per Case	66

Did You Know?

- The average juvenile on probation in Allegan County is a 14 year-old 8th grader.
- On average, about a third of all probationers had his /her probation violated this past year.
- The average probationer spends approximately 7.6% of his/her days on probation in detention and approximately 16.6% of his/her days on probation in residential care.
- Of the children released from probation during the FY, approximately 95% were successful in meeting his/her treatment goals.
- Approximately 13.4% of the total caseload includes children who were previously on probation and came back to the court for subsequent offenses.
- Approximately 9.7% of the total caseload includes children who commit new offenses while on probation.
- On average, children on probation are contacted 66 times by his/her probation officer, with 17 of those contacts being face-to-face.
- The average child involved with the court spent approximately 23 weeks (or approximately 5.7 months) on probation.
- Approximately 57% of the children who had contact with the court during the previous year were taking prescribed medication.
- The average number of community service hours ordered per case is 6.5.

This data is comparable to last year's data, even with the COVID-19 pandemic which prevented face-to-face contact with probationers for nearly 5 months.

Community Justice Program

The Community Justice department continued providing surveillance, skill streaming groups, community service and elementary truancy support throughout 2020. Normally, in person visits with youth are provided at a minimum once weekly, however, these visits were discontinued and replaced with Zoom meetings beginning in March until June when outside visits with masks were initiated. The five Why Try groups in the elementary schools that kicked off in January came to an abrupt halt by March. The ten week adolescent Why Try group was a collaborative effort between Community Mental Health and Community Justice. The staff initially faced many challenges with this virtual process, but after a few weeks and a number of “coaching” sessions the group finally came together and learned the value of the curriculum and the power of the group process.

Surveillance	70
Zoom Hearings	209
Elementary Truancy	47
WhyTry Groups	5

Case numbers did drop due to the pandemic, however, the staff were able to focus on training opportunities either with assigned reading or on line courses. A few of the book studies included; *Transforming the Difficult Child* by Howard Glasser, *The Body Keeps the Score* by Bessel van der Kolk and *The Bullet Journal Method* by Ryder Carroll.

Every summer, the facility garden provides an average of 10-15 community service hours per week between May and August. In spite of the pandemic, seeds were planted, weeds pulled and vegetables harvested. Our facility gardener and Community Justice Officer, Kendall Domeier, successfully provided practical life skills training for 20 youth involved with the court. Changes to normal gardening operations because of the pandemic included; time spent in the building was in a designated area, health screenings and temperature checks were done upon arrival, and transportation had to be coordinated by parents.

The Community Justice Officers were able to provide services to youth and families thanks to the support provided by a number of county departments. Information Services provided technical support and hardware to keep staff working from home, the Health Department provided frequent COVID-19 updates specific to Allegan County and the Circuit Court Administration and Judges encouraged staff to “think outside the box” so services could safely be delivered within the guidelines established.

Juvenile Detention

*“There can be no keener revelation of a society’s soul
than the way in which it treats its children.”*

~ Nelson Mandela ~

WE ARE OPEN!

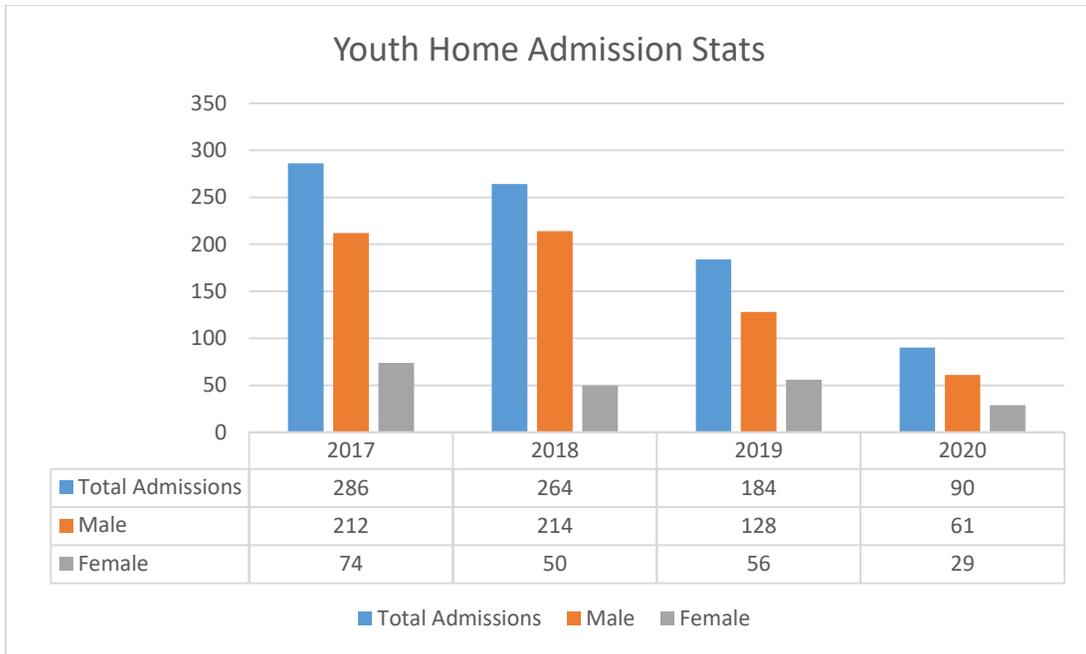
The Juvenile Center continued operations in 2020, in spite of the pandemic. In March, as lock-down orders went into effect and new information impacting procedures and protocols were being shared, facility staff was adjusting to our new “normal” of social distancing, mask wearing, disinfecting, health screening and temperature taking. Schedules were changed, shifts were staggered, a few staff worked from home, and full time positions were left vacant because of the reduced population.

WE ARE SAFE!

The Juvenile Center remained COVID-19 free during 2020, however, five staff members accounted for nine incidents of exposure, all of which tested negative, but resulted in fourteen days quarantine per incident.

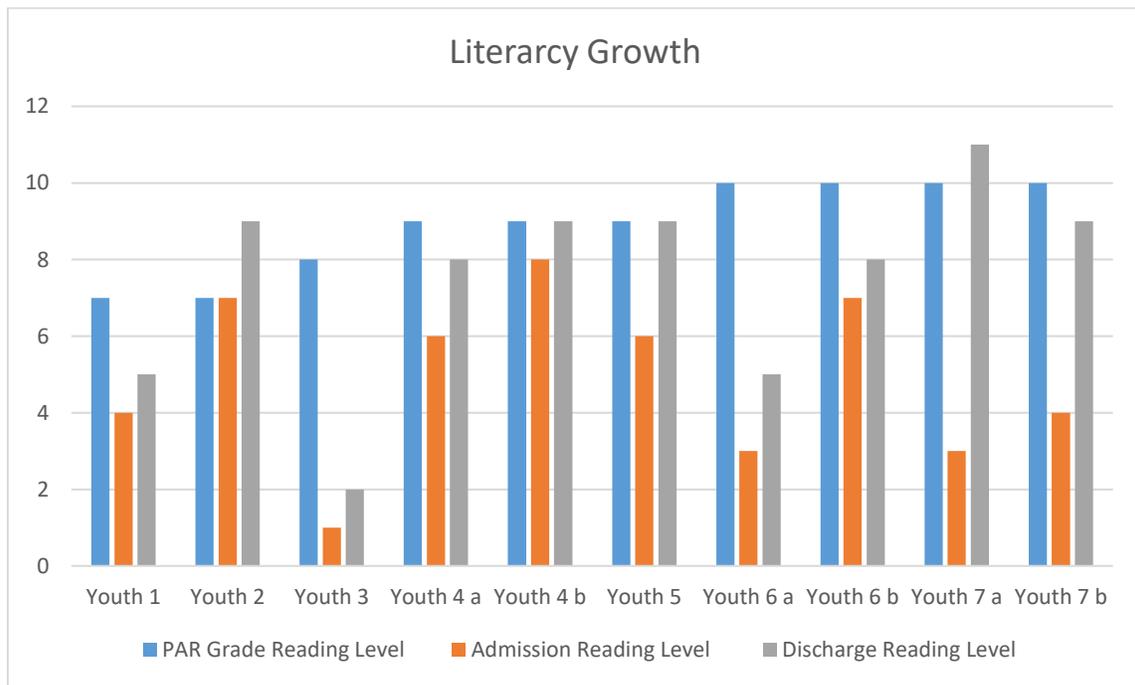
WE ARE WORKING!

The Emergency Order issued by the Governor impacted the number of youth coming into the facility by only allowing juveniles determined to be a substantial and immediate safety risk to themselves or others. The order also suspended the use of out-of-home confinement for technical violations of probation. This resulted in a significant decrease in admissions with ninety total admissions in 2020, thirty-five of those were out of county youth.



Literacy Growth Among Youth

Upon admission, each secure detained youth is assessed academically. All youth take The Decoding-San Diego Word Test and older youth also take the Eckwell Passage Comprehension Test. Youth Home staff have a strong passion for growing literacy during detention stays. Here are a few examples of that progress this year:



NEW PROCEDURES

A number of new protocols and procedures were put in place in order to comply with suggested guidelines surrounding COVID-19. Prior to the pandemic, new admissions were brought in through the front of the building. To avoid a potentially positive youth walking through a high traffic area, the youth are now brought in through the back of the building directly into the secure hallway. All standardized screening is done at the point of entry. This includes health screening questions, height and weight, a mask is provided, resident showered and placed in isolation for a minimum of three days or until a negative test result is received. While in isolation the youth is screened daily and temperature taken twice daily.

Suggested procedures encourage youth be tested prior to admission, however, testing sites were difficult to find for asymptomatic youth the first several months of the pandemic. This challenge continued until October when the contractual facility nurses began testing twice weekly. Programming has been significantly improved by offering the on-site testing as it reduces time spent in isolation.

ALL THINGS ZOOM

Only essential personnel were allowed in the facility for the majority of 2020 therefore, the staff and youth became familiar with Zoom for all “outside” contacts. This included; Court hearings, family visits, therapy appointments, psychiatric assessments, church services, music therapy with virtual concerts, educational programming, and probation officer/community justice officer visits. The Zoom hearings have proven to be efficient and cost effective given transportation costs have been eliminated.

MULTI-DEPARTMENT COOPERATION

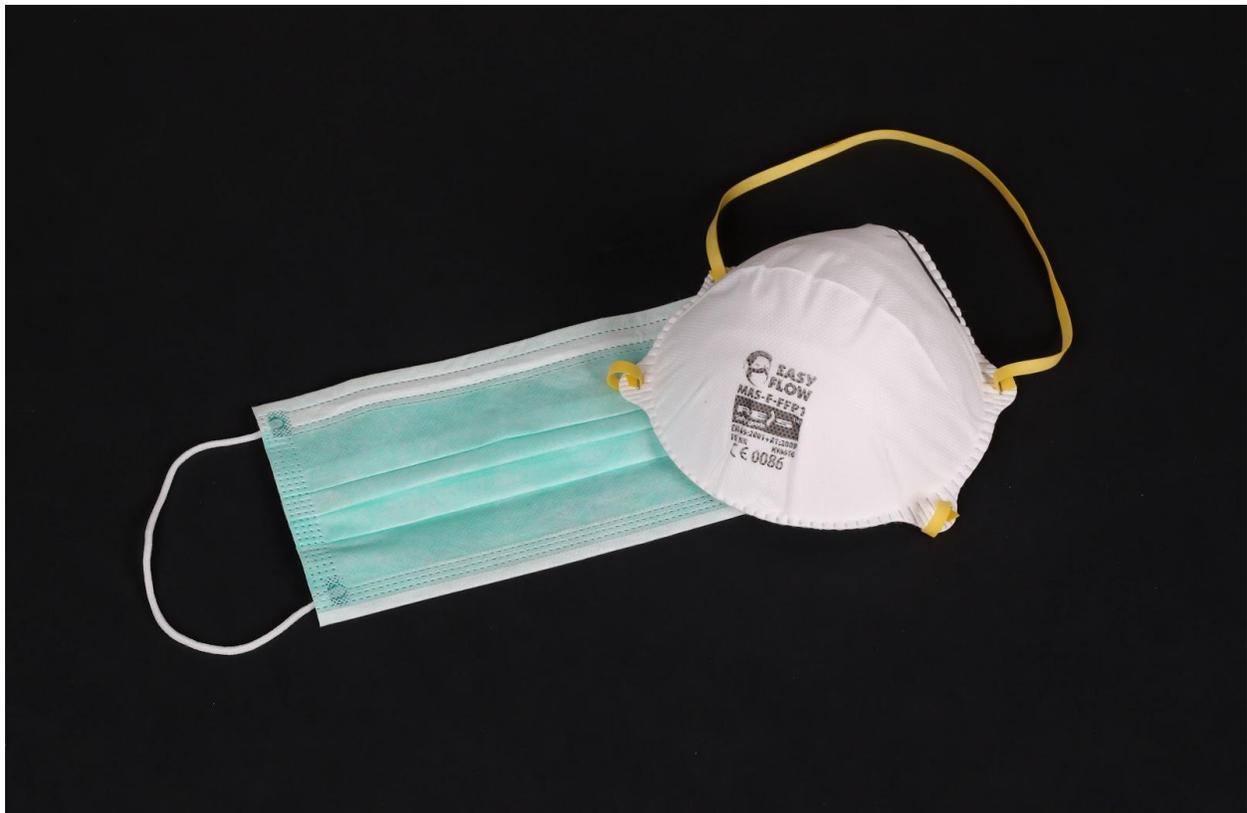
The Juvenile Center staff did a tremendous job managing the restrictions implemented due to COVID-19. The staff kept all programming moving forward including the educational curriculum when our Outlook Academy Staff was not available. Two youth successfully completed the GED in 2020, one of which was from out of county. Detention staff and Community Justice Staff planted and harvested two gardens this year keeping youth busy while teaching lifelong skills.

A number of departments played a vital role in the support of the juvenile center. Facilities Management kept us well supplied with disinfectant supplies and face masks. Information Services supervised the completion of the new audio and video systems. The Health Department and Human Resources provided guidance in managing a number of complicated situations and were willing to help after hours and on weekends. The Court followed the Emergency Order by taking a critical look at the level of supervision needed to maintain youthful offenders in the community, therefore, lodging only those youth determined to be a threat in the community and supporting the flexibility needed to keep everyone safe.

Cheever Treatment Center

“Working with the difficult youth of Allegan County safely through the pandemic!”

Adjusting to serve through the “new” typical in life



This past year has provided Cheever with the opportunity to demonstrate to our residents what our teaching looks like in real life. Choice Theory teaches us that in life all we have control of is ourselves; the choices we make. Staff have modeled this for our residents throughout the year. Embracing change consistently throughout the year. The changes we have experienced have all been made to implement a safe environment for both staff and the residents. The pandemic has been the source of these implemented changes this past year.

The changes made have allowed Cheever to maintain typical operations benefitting the safety of Allegan County’s residents. We have remained open throughout the pandemic, serving the adjudicated youth of Allegan County. Over this past year, we have created protocols to keep the unit open for treatment of our residents.



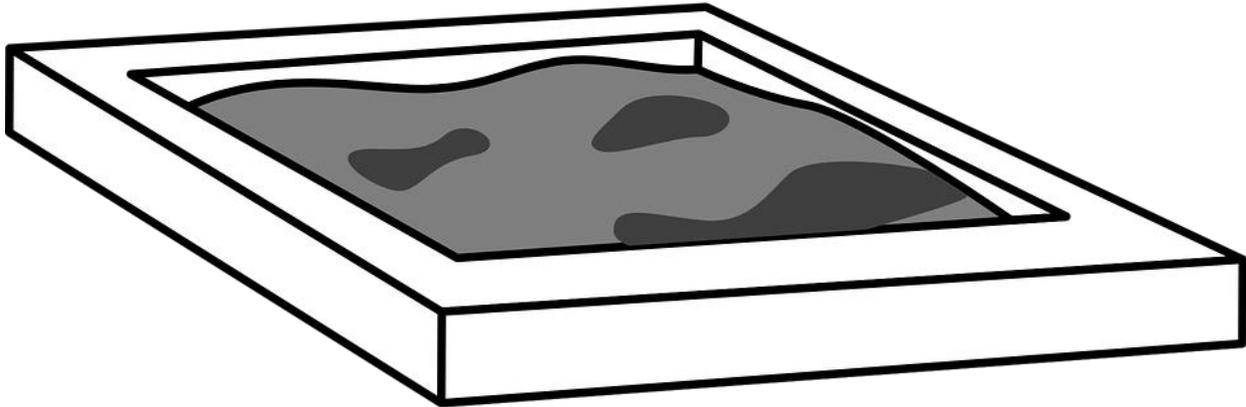
The “New” Normal

Success this past year has come in multiple ways. First, we have maintained a safe environment throughout this time. The protocols that were incorporated involved proper effective steps in quarantining residents, contact with quarantined residents, movement of residents in quarantine protocol, and handling of quarantined items (clothes, books, papers, etc). Our process in following these protocols has led to Cheever experiencing no Covid related issues over the past year. Secondly, we have made changes to the program in response to the pandemic. We have been able to continue having home assignments for residents. Utilizing the Zoom and Google Meet platforms we have continued family and individual therapy as well as the residents teaching their families what they have learned in family meetings. The Zoom platform allowed residents to visit with their family members as live visits have been on hold. Zoom has also benefited staff through virtual staff meetings, team meetings, family meetings, and review hearings. We are excited because many of these changes have improved our services and will live on after the pandemic. An evaluation of the changes we implemented will have our staff determine our service to the client has improved.



By The Numbers...Zoom & Google Meet

The year of 2020, was the year of “virtual”. From April through the end of 2020, the majority of Cheever’s meetings were virtual. The residents of Cheever typically have one team meeting a month, two family meeting sessions, two family therapy sessions, weekly individual therapy sessions, one review hearing, and monthly case consultation meetings. Cheever staff have led 441 Zoom/Google Meet meetings over the nine months of the pandemic shutdown in 2020. In addition, we had 39 virtual Supervisor meetings, ten virtual staff meetings, and eight virtual social histories during those nine months. The virtual meetings have continued to be an ongoing process as 2020 moved to 2021 through present day (April).



One Big Sand Box

The response from the departments within the county has been positive. When our staff have reached out with building issues, Facilities staff and Information Service staff have provided quick response to the needs of our unit. The Health department has provided medical needs in a timely fashion, even as their responsibilities have changed with the Covid testing and vaccination. The Human Resources and the County's Administration team has provided us accurate information and direction regarding staff concerns with maintaining a safe work environment based on the Covid-19 Preparedness, Response, and Safe Workplace plan. Thank you to all departments Cheever has interacted with in 2020. We have remained open and operating through the pandemic with your assistance.

Collaborating with the family court departments has been an essential aspect of the pandemic. Communication is critical for Cheever as we interact with Judge Buck, the probation officers, community justice, and the youth home. Cheever staff have utilized their phones, texting, email, and virtual meeting platforms to provide real time information to these departments. Staff's availability throughout the past year has gone beyond their posted shift times. The combination of flexibility in schedules and new technology being utilized has allowed staff to maintain the high level of services to our clients. The team approach in working with our clients has successfully continued due to the support from the departments we work with. Together we have been able to provide continuity of care at or above our typical level. Thank you to all parties Cheever interacts with. As one, we are servicing our clients more effectively after a year of pandemic protocols.



Spot Light

Cheever Treatment Center is a home based treatment program. The typical process is for residents to begin living at Cheever full-time, then transition to spending time at their homes as they demonstrate effective change in behavior. These passes typically started with short half-day to day passes, working up to overnights. Continuing with homepasses became a serious struggle for us to overcome.

The safety protocols in place for Covid-19 involve residents quarantining for 72 hours as well as having a Covid-test before transitioning into the Cheever unit. At this point residents were on a quarantine social distance protocol for an additional 11 days. These protocols have been essential in maintaining a safe environment at Cheever.

Maintaining a safe environment quickly came into conflict with one main area of Cheever programming. This main area was the residents' ability to have home passes. The decision Cheever made was to have the residents start returning home on longer passes than typical. Cheever staff, along with community justice and probation, have instituted ongoing support for the resident while they are on their passes. The resident's team has supported them at home through social distance visits outside of the home, additional therapy sessions, phone conversations, text messages, virtual check-ins, and email. This process has been effective allowing the relationship building with their families to continue as well as the residents' ability to continue working towards release from the program. The combined efforts of all involved has created an effective solution.

2020 Circuit Court Annual Board of Commissioners Report Infographic

ZOOM STATS

- Circuit Court: 500+ Hours
- FOC: 400+ Hours, 2,000+ participants
- Family Court: 2,000+ Hours and 20,000+ participants

Provide valuable and necessary quality services to our **CUSTOMERS**

- Court offices never closed, business never stopped
- Provided virtual court
- Provided 7 safe and socially distanced jury trials in the fall when numbers allowed

YOU TUBE STATS

- Circuit Court: 23,000+ views and 400 subscribers
- FOC: 1,726 views and 268 subscribers
- ⇒ 889 views in last 90 days, so traffic is picking up

Maintain our **FINANCIAL STABILITY**

- Highest year of collections' revenues and FOC revenue
- Expense Budget surplus of \$700,500, and a NET budget surplus of \$375,800

Support a united and **ENGAGED WORKFORCE**

- Set up remote work options
- Allowed flexible scheduling
- Put employee's safety first
- Accommodated employee family needs regarding scheduling and in person availability

Continuously improve our **PROCESSES**

- Set up 3 Zoom court rooms, 3 Zoom hearing rooms, and 3 additional Zoom accounts
- Interdepartmental cooperation and team work to ensure safety procedures and remote work needs
- Court business never closed or stopped



S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

FINANCE - CLAIMS & INTERFUND TRANSFERS

WHEREAS, Administration has compiled the following claims for 6/4/21 and 6/11/21; and

WHEREAS, the following claims, which are chargeable against the County, were audited in accordance with Section 46.61 to 46.63, inclusive, M.C.L. 1970 as amended and resolutions of the Board; and

WHEREAS, said claims are listed in the 2021 Claims folder of the Commissioners' Record of Claims.

June 4, 2021

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund - 1010	75,979.26	75,979.26	
Park/Recreation Fund - 2080	1,480.11	1,480.11	
Central Dispatch/E911 Fund - 2110	496.29	496.29	
Central Dispatch CIP - 2118	7,837.34	7,837.34	
Friend of the Court Office - 2151	423.88	423.88	
Helath Department Fund - 2210	16,232.91	16,232.91	
Solid Waste - 2211	23,678.69	23,678.69	
Transportation Grant - 2300	2,092.25	2,092.25	
Register of Deeds Automation Fund - 2560	1,000.00	1,000.00	
Indigent Defense - 2600	231.40	231.40	
Law Library Fund - 2690	2,221.20	2,221.20	
Grants - 2790	7,880.00	7,880.00	
Child Care-Circuit/Family - 2921	7,304.28	7,304.28	
Soldiers Relief Fund - 2930	971.77	971.77	
Senior Millage - 2950	912.00	912.00	
Delinquent Tax Revolving Fund - 6160	205.17	205.17	
Tax Reversion Fund - 2018 - 6209	1,800.00	1,800.00	
Self-Insurance Fund - 6770	371,247.98	371,247.98	
Drain Fund - 8010	25,481.55	25,481.55	
TOTAL AMOUNT OF CLAIMS	\$547,476.08	\$547,476.08	

June 11, 2021

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund - 1010	140,575.51	140,575.51	

Park/Recreation Fund - 2080	2,262.91	2,262.91	
Friend of the Court Office - 2151	398.85	398.85	
Helath Department Fund - 2210	3,672.31	3,672.31	
Solid Waste - 2211	4,343.91	4,343.91	
Transportation Grant - 2300	57,255.99	57,255.99	
Capital Improvement Fund - 2450	9,750.52	9,750.52	
Indigent Defense - 2600	30.75	30.75	
Concealed Pistol Licensing Fund - 2635	215.44	215.44	
Grants - 2790	3,120.06	3,120.06	
Victims Rights Grant - 2791	148.02	148.02	
Wayland Township - 2806	50.00	50.00	
Child Care-Circuit/Family - 2921	42,158.87	42,158.87	
Soldiers Relief Fund - 2930	483.49	483.49	
Senior Millage - 2950	1,692.88	1,692.88	
Delinquent Tax Revolving Fund - 6160	8,115.23	8,115.23	
Drain Equip Revolving - 6390	138.18	138.18	
Self-Insurance Fund - 6770	831.06	831.06	
Drain Fund - 8010	675.00	675.00	
TOTAL AMOUNT OF CLAIMS	\$275,918.98	\$275,918.98	

THEREFORE BE IT RESOLVED that the Board of Commissioners adopts the report of claims for 6/4/21, 6/11/21 and interfund transfers.

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

2021 MILLAGE LEVY - SET COUNTY MILLAGE RATES

WHEREAS, pursuant to State Law (MCL 141.412 and 141.413), a notice of a public hearing concerning the 2021 County Budget was published in the Allegan County News, a newspaper of general circulation, on October 1, 2020 and a public hearing concerning the budget was held on October 8, 2020; and

WHEREAS, the Board of Commissioners (Board) adopted a Fiscal Year 2021 Appropriation on October 8, 2020; and

WHEREAS, having held said hearing, the Board has determined the levy of said proposed millage to be in the best interests of the County.

THEREFORE, BE IT RESOLVED that the Board hereby approves the following millages to be levied throughout the County of Allegan in the year of 2021:

County Operating Tax	4.4925
Allocated - Veterans Relief Fund	<u>0.0200</u>
TOTAL COUNTY OPERATING	4.5125
COUNTY ROAD TAX	0.9760
SENIOR SERVICES	0.4811
MEDICAL CARE FACILITY	0.2475
ALLEGAN COUNTY CONSERVATION DISTRICT	<u>0.0990</u>
TOTAL COUNTY MILLAGE	6.3161

FINALLY BE IT RESOLVED that the Board Chairperson and County Clerk are authorized to sign the necessary documents on behalf of the Board.

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

BOARD OF COMMISSIONERS—ESTABLISH WATER STUDY WORKGROUP

WHEREAS, on May 13, the Board of Commissioners (Board) accepted the Public Health's report to construct a water study workgroup; and

WHEREAS, on May 27, the Board accepted the Water Study Group Memorandum from the County Administrator which further vetted the workgroup's tasks and deliverables; and

WHEREAS, the memorandum also provided revisions to the workgroup composition of which those positions would be appointed by the Board through appropriate notice.

THEREFORE BE IT RESOLVED that the Board establishes the following positions and their representative description/role to serve on the County Water Study Workgroup:

County Water Study Workgroup		
<u>Position:</u>	<u>Description/Role</u>	<u># of Seats</u> (13 Total)
County Commissioners	Represent the citizenry of Allegan County and have direct links to the Boards of the Local Units of Government (LUG)	2
Manager or Supervisor of a Local Unit of Government.	Represent the LUG perspective. Many LUGs use ground water for their municipal water supply. The local units may directly use the study, possibly for direction of their master plans.	1
Municipal Water Supply Supervisor or Technician	Represent technical expertise relative to Municipal Water Supplies.	1
Academia (Not directly related to the development of the groundwater study)	Provide perspective not only scholastically, but also the latest in technology and how the study can be best utilized.	1
Agricultural Businesses: Growers & Livestock	Agricultural businesses are some of the biggest users of the ground water in the county, not only for irrigation purposes but for watering of animals. Their businesses are directly affected	1

	by the availability and quality of ground water. Some farmers, in the dry times of the year, can use several thousands of gallons of water/day.	
Allegan County Conservation District (ACCD)	ACCD work with many Allegan County agricultural businesses and are committed, as evidenced by their vision, to help sustain the natural resources for future generations. ACCD is familiar with the mechanisms of the Allegan County agricultural businesses as well as the hydro-lithology of Allegan County.	1
Real Estate: Builder, Developer, and Realtor-	According to the survey by the Health Department, 7% of developers are planning on developing in Allegan County using individual wells. Allegan County utilizes ground water or on-site wells for their potable water source.	1
Industrial	Some businesses in Allegan County rely on ground not only for potable water supply, but also for industrial processes. Some of these businesses can use up to one million gallons of water/day.	1
Well Driller	Provide insight, experience and knowledge. Any policy or water management planning can directly or indirectly impact this sector.	1
Restaurant Owner	Several restaurant owners have on-site wells for their water supply. Restaurants have a vested interest. If their water supplies were to become tainted it would put their businesses in jeopardy.	1
Community Member (owner of a private water supply)	Represent the perspective of private water supplies in Allegan County which is very large.	1
Tribal Member	The tribe uses groundwater and represents a portion of the	1

constituency of Allegan County. They have a direct interest into the success and protection of the ground water of Allegan County.

BE IT FURTHER RESOLVED that with the exception of Commissioner positions, members of this workgroup shall be considered volunteers. Mileage reimbursement for in-person attendance if applicable, shall be provided for those who request it and are not eligible to receive reimbursement by other means; and

BE IT FINALLY RESOLVED with the exception of Commissioner, Tribal and District positions, County Administration will post these available positions on the County's website until filled and provide adequate notice in the local newspaper.

PUBLIC NOTICE
SEEKING WATER STUDY WORKGROUP APPLICANTS

The Allegan County Board of Commissioners is accepting applications from interested individuals who desire to serve on a County Water Study Workgroup. Available positions with descriptions of roles are outlined below.

<u>Position:</u>	<u>Description/Role</u>	<u># of Seats (13 Total)</u>
Manager or Supervisor of a Local Unit of Government.	Represent the LUG perspective. Many LUGs use ground water for their municipal water supply. The local units may directly use the study, possibly for direction of their master plans.	1
Municipal Water Supply Supervisor or Technician	Represent technical expertise relative to Municipal Water Supplies.	1
Academia (Not directly related to the development of the groundwater study)	Provide perspective not only scholastically, but also the latest in technology and how the study can be best utilized.	1
Agricultural Businesses: Growers & Livestock	Agricultural businesses are some of the biggest users of the ground water in the county, not only for irrigation purposes but for watering of animals. Their businesses are directly affected by the availability and quality of ground water. Some farmers, in the dry times of the year, can use several thousands of gallons of water/day.	1
Real Estate: Builder, Developer, and Realtor-	According to the survey by the Health Department, 7% of developers are planning on developing in Allegan County using individual wells. Allegan County utilizes ground water or on-site wells for their potable water source.	1
Industrial	Some businesses in Allegan County rely on ground not only for potable water supply, but also for industrial processes. Some of these businesses can use up to one million gallons of water/day.	1
Well Driller	Provide insight, experience and knowledge. Any policy or water management planning can directly or indirectly impact this sector.	1
Restaurant Owner	Several restaurant owners have on-site wells for their water supply. Restaurants have a vested interest. If their water supplies were to become tainted it would put their businesses in jeopardy.	1
Community Member (owner of a private water supply)	Represent the perspective of private water supplies in Allegan County which is very large.	1

Applications will be accepted until all positions are filled.

Applications are available on-line at www.allegancounty.org. Interested citizens must submit a complete application to:

Administration
3283 122nd Ave
Allegan, MI 49010

administration@allegancounty.org

For questions or more information, please contact County Administration (269) 673-0239.

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

BOARD OF COMMISSIONERS—ADOPT OFF ROAD VEHICLE ORDINANCE

WHEREAS, a public hearing, duly noticed, was held virtually and in the Board Room, County Services Building on June 10, 2021 at 1:00 PM, to allow public comment.

THEREFORE BE IT RESOLVED that upon hearing public comment, the Board of Commissioners hereby adopts the Off Road Vehicle (ORV) Ordinance as presented; and

BE IT FURTHER RESOLVED that the ORV Ordinance #1015 shall take effect (INSERT DATE) after publication of notice of its adoption; and

BE IT FURTHER RESOLVED that notice of said ordinance shall be published in a newspaper of general circulation in Allegan County; and

BE IT FURTHER RESOLVED County Administration shall post the said ordinance under the Board of Commissioners webpage; and

BE IT FINALLY RESOLVED that the Clerk is authorized to publish and post notices of this ordinance to inform the general public of its adoption.

ALLEGAN COUNTY

ORV ORDINANCE # _____

This ordinance authorizes, and regulates the operation of Off-Road Vehicles (“ORVs”) on county roads in Allegan County, as authorized by Part 811 of the Michigan Natural Resources and Environmental Protection Act 451 of 1994 (“Act”) as amended, being MCL 324.81131 *et. seq.*

ARTICLE I – Purpose and Designation

Section 101. Purpose and Intent. This ordinance is adopted to allow operation of ORVs on county roads within the County of Allegan, with the powers, duties, and limitations provided by the Act and subject to the terms and conditions of this Ordinance and any future amendments thereto.

Section 102. Designation. This Ordinance shall be known as, The Allegan County ORV Ordinance.

ARTICLE II – Definitions

Section 201. Definitions. When the following terms are used in this Ordinance, the following definitions apply:

- a. “County” means the County of Allegan.
- b. “County road” means a county primary road or county local road, as described in section 5 of 1951 PA 51, MCL 247.655, or a segment thereof, under the jurisdiction of the Allegan County Road Commission.
- c. “Highway” means a state trunk line highway or a segment of a state trunk line highway.
- d. “License” means any driving privileges, license, temporary instruction permit, commercial learner’s permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles. MCL 257.25
- e. “Local unit of government” means a county, township, or municipality.
- f. “Maintained portion” means the roadway and any shoulder of a street, county road, or highway.

- g. “Municipality” means city or village.
- h. “Operate” means to ride in or on, and be in actual physical control of, the operation of an ORV.
- i. “Operator” means an individual who operates or is in actual physical control of the operation of an ORV.
- j. “ORV” or, unless the context implies a different meaning, “vehicle” means a motor-driven off-road recreation vehicle capable of cross-county travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. 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.
- k. “ORV safety certificate” means an ORV safety certificate issued under the Act or a comparable safety certificate issued under the authority of another state or province of Canada.
- l. “Roadway” means the portion of a street, county road, or highway improved, designed, or ordinarily used for travel by vehicles registered under the Michigan vehicle code. Roadway does not include the shoulder.
- m. “Road commission” means the Allegan County Road Commission.
- n. “Visual supervision” means the direct observation of the operator with the unaided or normally corrected eye by an observer who is able to come to the immediate aid of the operator.

ARTICLE III – ORV Operation

Section 301. ORV Operation. Subject to Section 402, a person may operate an ORV with the flow of traffic on the far right of the maintained portion of all county roads within Allegan County; provided that:

- a. A person shall not operate an ORV at a speed greater than 25 miles per hour or a lower posted ORV speed limit or in a manner that interferes with traffic on the county road or at a speed greater than conditions allow.
- b. A person possesses a license as defined in Section 25 of the Michigan Vehicle Code, MCL 257.25.
- c. ORVs operated as authorized shall travel single file, except that an ORV may travel abreast of another ORV when it is overtaking and passing, or being overtaken and passed by, another ORV.
- d. A person shall not operate an ORV without displaying a lighted headlight and lighted taillight.
- e. No person under 18 years of age may operate an ORV unless the person is in possession of a valid license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate.
- f. No person under the age of 12 may operate an ORV on any road described herein.
- g. An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation unless the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet and the individual is wearing a properly adjusted and fastened safety belt.
- h. The ORV is fitted 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.
- i. The ORV is equipped with a spark arrester type United States Forest Service approved muffler, in good working order and in constant operation.
- j. The ORV is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise.
- k. The ORV is operated pursuant to noise emission standards defined by law.

1. The ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway.

ARTICLE IV - Authorization

Section 401. Authorization. Should any term of this ordinance be found to be inconsistent with the authorizing statute; MCL 324.81131, as amended, the provisions of the statute, including any amendments thereto shall apply.

Section 402. Closed Roads. The board of the road commission may close a county road to the operation of ORVs otherwise authorized pursuant to this Ordinance and operation of an ORV on said roads is prohibited under this Ordinance. The road commission shall not close more than 30% of the linear miles of county roads located within the county to the operation of ORVs otherwise authorized pursuant to this Ordinance.

ARTICLE V – Violations and Penalties

Section 501. Penalties. A person who violates this Ordinance is guilty of a municipal civil infraction and shall pay a civil fine not more than \$500.00. In addition the court shall order the defendant to pay the cost of repairing any damage to the environment, a street, county road, or highway, or public property as a result of the violation.

Section 502. ORV Fund. The treasurer of the county shall deposit fines and damages collected for violations of this Ordinance into a fund to be designated as the “ORV fund”. The Allegan County Board of Commissioners shall appropriate revenue in the ORV fund consistent with the authorizing statute, MCL 324.81131, as amended.

ARTICLE VI – Severability and Immunity

Section 601. Severability. If any part of this Ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this Ordinance, and the rest shall remain in full force and effect.

Section 602. Immunity. The road commission, the County Board of Commissioners, the County of Allegan and any township or municipality are all immune from tort liability for injuries or damages sustained by any person arising out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and rights of way over which they have jurisdiction.

ARTICLE VII – Prior Ordinances and Effective Date

Section 701. Repealer Clause. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 702. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed. This Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the County, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed.

Section 703. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

DRAFT

**Commissioner and Stakeholder
Off-Road Vehicle (ORV) Question and Answer Document
(including proposed additions or changes)**

Commissioner Questions 5/7/2021

1. Q: What are the age specifications and the requirements for ORV operation?

A: If a person is under 18 and does not have a license they need to complete the ORV safety education course before operating an ORV. A person under 18 without a license would also need to be under the direct supervision of a parent or guardian and have their ORV safety certificate in their immediate possession while operating an ORV. MCL 324.81131(13)

Anyone under 16 has to complete an ORV safety education course approved by the DNR before operating an ORV. The course may include a written exam and a driving test. Upon successful completion of this safety education course a person shall receive an ORV safety certificate. MCL 324.81130(1)

If a child is under 16 then they cannot operate an ORV unless they are under the direct visual supervision of an adult and they have an ORV safety certificate in their possession. It is the ORV owner's responsibility to know the age of the operator. MCL 324.81129

A parent or legal guardian of a child under 16 cannot permit the child to operate an ORV unless they are under the direct visual supervision of an adult and they have their ORV safety certificate in their possession. MCL 324.81129

A child age 12 or older, but under 16 (12-15 years of age) may cross a street, county road, or highway to operate an ORV pursuant to MCL 324.81131(9) if they have their ORV safety certificate in their possession. MCL 324.81131(9) states that under a local ordinance a person may operate an ORV with the flow of traffic on the far right of the maintained portion of the street or county road covered by the ordinance.

2. Q: Are there concerns about a minimum ORV operating age of 12 years old?

A: According to the Michigan DNR OVR Handbook, “[m]inimum ages for ORV operation are the result of an extensive review by the Michigan Legislature. The hearing process caused everyone to focus on the alarming statistics regarding young riders. According to U.S. Consumer Product Safety Commission, of the 3,353 reported ATV-related fatalities of children younger than 16 years of age (from 1982 through 2018), 1,465 (44%) were younger than 12 years of age. . . Most of the accidents involving young riders could be traced to a number of factors such as lack of supervision, machine design characteristics, and lack of training. Some parents appeared to be unaware of many of these hazards.”

3. Q: Are there concerns about anyone without a license driving any vehicle or ORV on a county road?

A: According to the Michigan DNR OVR Handbook, “[r]ecognizing that there are potential safety hazards in ORV riding, the Michigan Legislature has enacted regulations that directly affect:

- Operation of ORVs by children under 16 years of age
- Safety equipment that is required of all ORV operators and passengers
- Strict controls on the use and possession of alcohol while operating ORVs
- Unlawful operation on roads open to regular vehicle traffic.”

4. Q: Is there any Allegan County liability for allowing children without a license to operate ORVs on county roads?

A: Subject to section 5 of 1964 PA 170, MCL 691.1405, this state, a board of county road commissioners, a county board of commissioners, and a local unit of government are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained portion or unmaintained portion of a highway, road, or street, of an ORV that is not registered under the code (Michigan vehicle code) or that is registered under the code (Michigan vehicle code) but is operated as authorized pursuant to subsection (2), (3), (5), or (6), (Section 2 is the provision that authorizes a county ordinance.) The immunity provided by this subsection does not apply to actions of an employee of this state, an employee of a board of county road commissioners, an employee of a county board of commissioners, or an employee of a local unit of government that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results. MCL 324.81131(15)

MCL 691.1405 states, “[g]overnmental agencies shall be liable for bodily injury and property damage resulting from the negligent operation by any officer, agent, or employee of the governmental agency, of a motor vehicle of which the governmental agency is owner, as defined in Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948.”

Each person who participates in the sport of ORV riding accepts the risks associated with that sport insofar as the dangers are inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; defects in traffic lanes; surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; and collisions with fill material, decks, bridges, signs, fences, trail maintenance equipment, or other ORVs. Those risks do not include injuries to persons or property that result from the use of an ORV by another person in a careless or negligent manner likely to endanger person or property. When an ORV is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of ORV

riding additionally assumes risks including, but not limited to, entanglement with railroad tracks, switches, and ties and collisions with trains and train-related equipment and facilities. MCL 324.81133(3)

5. Q: Should Allegan County only allow children 12-15 years old operate ORVs on private land? If Allegan County adopts a County-wide ORV ordinance, should the ordinance prohibit operators under 16 years old or operators without a license?

A: According to the Michigan DNR OVR Handbook, “[m]inimum ages for ORV operation are the result of an extensive review by the Michigan Legislature. The hearing process caused everyone to focus on the alarming statistics regarding young riders. According to U.S. Consumer Product Safety Commission, of the 3,353 reported ATV-related fatalities of children younger than 16 years of age (from 1982 through 2018), 1,465 (44%) were younger than 12 years of age. . . Most of the accidents involving young riders could be traced to a number of factors such as lack of supervision, machine design characteristics, and lack of training. Some parents appeared to be unaware of many of these hazards.”

If a person is under 18 and does not have a license they need to complete the ORV safety education course before operating an ORV. A person under 18 without a license would also need to be under the direct supervision of a parent or guardian and have their ORV safety certificate in their immediate possession while operating an ORV. MCL 324.81131(13)

Anyone under 16 has to complete an ORV safety education course approved by the DNR before operating an ORV. The course may include a written exam and a driving test. Upon successful completion of this safety education course a person shall receive an ORV safety certificate. MCL 324.81130(1)

If a child is under 16 then they cannot operate an ORV unless they are under the direct visual supervision of an adult and they have an ORV safety certificate in their possession. It is the ORV owner’s responsibility to know the age of the operator. MCL 324.81129

A parent or legal guardian of a child under 16 cannot permit the child to operate an ORV unless they are under the direct visual supervision of an adult and they have their ORV safety certificate in their possession. MCL 324.81129

A child age 12 or older, but under 16 (12-15 years of age) may cross a street, county road, or highway to operate an ORV pursuant to MCL 324.81131(9) if they have their ORV safety certificate in their possession. MCL 324.81131(9) states that under a local ordinance a person may operate an ORV with the flow of traffic on the far right of the maintained portion of the street or county road covered by the ordinance.

A parent or legal guardian of a child under 16 cannot permit the child to operate a 3-wheeled ATV. MCL 324.81129(3)

The owner or person in charge of a 3-wheeled ATV cannot permit a child under 16 to operate the 3-wheeled ATV. A child under 16 cannot operate a 3-wheeled ATV. MCL 324.81129

6. Q: Is there a DNR sticker required or some other custom registration for an ORV?

A: The owner of an ORV shall file an application for a license with the DNR or a dealer on forms provided by the DNR. If an ORV is sold by a dealer, the application for a license shall be submitted to the DNR by the dealer in the name of the owner. The application shall include a certification. The owner of the vehicle shall sign the application or, if the application is filed electronically, provide information requested by the DNR to verify the owner's identity. The application shall be accompanied by a fee as provided. A person shall not file an application for a license that contains false information. Upon receipt of the application in approved form and upon payment of the appropriate fee, the DNR or dealer shall issue to the applicant a license.

A license shall be issued and is valid for the 12-month period beginning April 1 and ending March 31 each year.

The fee for a license is as follows:

Except as provided in subdivision (c), if the license does not authorize operation of the ORV on state ORV trails, \$26.25.

Except as provided in subdivision (c), if the license authorizes operation of the ORV on state ORV trails, \$36.25.

For a license valid for a 12-month period beginning April 1, 2024 or a subsequent April 1, no fee. MCL 324.81116

Before a vehicle requiring an ORV license is operated, the owner shall ensure that a license is permanently attached to the vehicle in the manner prescribed and in the location designated by the department. MCL 324.81116(4)

A person shall not operate an ORV on a street, county road, or highway, except if the vehicle is registered under the code (Michigan vehicle code). MCL 324.81115(1)(c)

7. Q: Does Allegan County have to create a separate registration process at the county level?

A: No

8. Q: Would Allegan County need to conduct, operate, or offer a training program of any kind for ORV operators?

A: The DNR shall implement a comprehensive program for the training of ORV operators and the preparation and dissemination of ORV information and safety advice to the public. The program will provide training to youthful operators and issue the ORV safety certificates. MCL 324.81129(8)

Anyone under 16 has to complete an ORV safety education course approved by the DNR before operating an ORV. The course may include a written exam and a driving test. Upon successful completion of this safety education course a person shall receive an ORV safety certificate. MCL 324.81130(1)

If a person is under 18 and does not have a license they need to complete the ORV safety education course before operating an ORV. A person under 18 without a license would also need to be under the direct supervision of a parent or guardian and have their ORV safety certificate in their immediate possession while operating an ORV. MCL 324.81131(13)

A safety education course can be conducted by a college or university, an intermediate school district, a local school district, a law enforcement agency, or another governmental agency located in this state or by a department approved nonprofit service organization. MCL 324.81130(2)

Except for a course conducted by a private business enterprise, an applicant for a safety education course shall pay not more than a \$25.00 course fee or in the case of a university or community college a fee not more than the cost of 1 credit hour of instruction. The course fees shall only be used for funding the administration and implementation of the course. MCL 324.81130(3)

An ORV safety education course approved by the DNR may be conducted by a private business enterprise. A private business enterprise may charge a course fee not to exceed the cost of conducting the course. MCL 324.81130(4)

The DNR website directs that “riders 16 years old and younger riding on public or private land in Michigan must:

1. take an approved ORV education course,
2. carry an ORV safety certificate and,

3. have direct visual supervision by an adult at all times.”

On the DNR website the online ORV safety education course is \$34.95.

The safety course is also offered in a few counties including: Charlevoix, Cheboygan, Clare, Eaton, and Kalkaska.

9. Q: How would Allegan County meet the requirements of a required training program for ORV operators?

A: The DNR shall implement a comprehensive program for the training of ORV operators and the preparation and dissemination of ORV information and safety advice to the public. The program will provide training to youthful operators and issue the ORV safety certificates. MCL 324.81129(8)

Anyone under 16 has to complete an ORV safety education course approved by the DNR before operating an ORV. The course may include a written exam and a driving test. Upon successful completion of this safety education course a person shall receive an ORV safety certificate. MCL 324.81130(1)

If a person is under 18 and does not have a license they need to complete the ORV safety education course before operating an ORV. A person under 18 without a license would also need to be under the direct supervision of a parent or guardian and have their ORV safety certificate in their immediate possession while operating an ORV. MCL 324.81131(13)

A safety education course can be conducted by a college or university, an intermediate school district, a local school district, a law enforcement agency, or another governmental agency located in this state or by a department approved nonprofit service organization. MCL 324.81130(2)

Except for a course conducted by a private business enterprise, an applicant for a safety education course shall pay not more than a \$25.00 course fee or in the case of a university or community college a fee not more than the cost of 1 credit hour of instruction. The course fees shall only be used for funding the administration and implementation of the course. MCL 324.81130(3)

An ORV safety education course approved by the DNR may be conducted by a private business enterprise. A private business enterprise may charge a course fee not to exceed the cost of conducting the course. MCL 324.81130(4)

The DNR website directs that “riders 16 years old and younger riding on public or private land in Michigan must:

1. take an approved ORV education course,

2. carry an ORV safety certificate and,
3. have direct visual supervision by an adult at all times.”

On the DNR website the online ORV safety education course is \$34.95.

The safety course is also offered in a few counties including: Charlevoix, Cheboygan, Clare, Eaton, and Kalkaska.

10. Q: Who handles distribution of ORV safety certificates?

A: The DNR shall implement a comprehensive program for the training of ORV operators and the preparation and dissemination of ORV information and safety advice to the public. The program will provide training to youthful operators and issue the ORV safety certificates. MCL 324.81129(8)

Anyone under 16 has to complete an ORV safety education course approved by the DNR before operating an ORV. The course may include a written exam and a driving test. Upon successful completion of this safety education course a person shall receive an ORV safety certificate. MCL 324.81130(1)

11. Q: Are there any legal requirements for Allegan County or are they met by another agency for ORV safety certificates?

A: The DNR shall implement a comprehensive program for the training of ORV operators and the preparation and dissemination of ORV information and safety advice to the public. The program will provide training to youthful operators and issue the ORV safety certificates. MCL 324.81129(8)

Anyone under 16 has to complete an ORV safety education course approved by the DNR before operating an ORV. The course may include a written exam and a driving test. Upon successful completion of this safety education course a person shall receive an ORV safety certificate. MCL 324.81130(1)

If a person is under 18 and does not have a license they need to complete the ORV safety education course before operating an ORV. A person under 18 without a license would also need to be under the direct supervision of a parent or guardian and have their ORV safety certificate in their immediate possession while operating an ORV. MCL 324.81131(13)

A safety education course can be conducted by a college or university, an intermediate school district, a local school district, a law enforcement agency, or another governmental agency located in this state or by a department approved nonprofit service organization. MCL 324.81130(2)

Except for a course conducted by a private business enterprise, an applicant for a safety education course shall pay not more than a \$25.00 course fee or in the case of a university or community college a fee not more than the cost of 1 credit hour of instruction. The course fees shall only be used for funding the administration and implementation of the course. MCL 324.81130(3)

An ORV safety education course approved by the DNR may be conducted by a private business enterprise. A private business enterprise may charge a course fee not to exceed the cost of conducting the course. MCL 324.81130(4)

The DNR website directs that “riders 16 years old and younger riding on public or private land in Michigan must:

1. take an approved ORV education course,
2. carry an ORV safety certificate and,
3. have direct visual supervision by an adult at all times.”

On the DNR website the online ORV safety education course is \$34.95. The safety course is also offered in a few counties including: Charlevoix, Cheboygan, Clare, Eaton, and Kalkaska.

12. Q: Would the board of commissioners need to make any kind of up-front appropriation to handle training or enforcement for an ORV ordinance?

A: Not for an ORV safety education course. See questions 9 and 11 above.

13. Q: Are helmets required or optional for ORV operation?

A: An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. This does not apply if an individual is wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet. MCL 324.81133(2)

14. Q: Can a township “opt-out” of a County-wide ORV ordinance? Can a city “opt-out” of a County-wide ORV ordinance?

A: The legislative body of a township or municipality (city or village) may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the township or municipality, respectively. MCL 324.81131(3)

The legislative body of a township or municipality (city or village) may adopt an ordinance to close a county road located in the township or municipality to the operation of ORVs

otherwise authorized pursuant to subsection (2) (section 2 provides authority for a county ordinance). MCL 324.81131(4)

*To highlight the distinction, these provisions speak specifically to county roads located within the township, city, or village. Municipal streets are not affected by either of these provisions.

15. Q: Can a city create their own ORV ordinance?

A: A municipality (city or village) can adopt their own ORV ordinance under MCL 324.81131(3)

The legislative body of a township or municipality (city or village) may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the township or municipality, respectively. MCL 324.81131(3)

The legislative body of a municipality (city or village) may adopt an ordinance authorizing the operation of ORVs on 1 or more streets within the municipality. MCL 324.81131(5)

* A city may authorize operation of ORVs on county roads within the city under section 81131(3) and may authorize operation of ORVs on municipal streets under section 81131(5).

16. Q: What is the appropriate timeline for notice and for approving a County-wide ordinance and the timeline for implementing, both from a legal perspective and from a practical measure? (i.e. even if the County could implement an ordinance by June 1, 2021, is that practical?)

A: Not less than 45 days before a public hearing on the ordinance, the county clerk shall send notice of the public hearing, by certified mail, to:

- a. The county road commission.
 - b. The legislative body of each township and municipality (city or village) located within the county.
 - c. The state transportation department if the road intersects a highway.
 - d. If state forestland is located within the county, to the DNR.
- MCL 324.81131(2)

17. Q: If Allegan County implements a County-wide ORV ordinance is there any way to keep it uniform?

A: MCL 324.81131 provides authority for a county board of commissioners, and the legislative body of a township or municipality (city or village) to adopt an ordinance

authorizing the operation of ORVs on 1 or more county roads located within the jurisdiction.

Additionally, MCL 324.81131 provides authority for the board of county road commissioners to close county roads to the operation of ORVs otherwise authorized pursuant to a county, township, or municipality ordinance.

18. Q: If a city chooses to do nothing and Allegan County implements a County-wide ORV ordinance, what does that mean? Can a city “opt-out” and if so, how? What if the city does nothing and what if the city does not want to allow ORV operation?

A: A county board of commissioners may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the county. MCL 324.81131(2)

If the county adopts an ordinance that authorizes operation of ORVs on a county road that is within a city, then the city would need to take action as it relates to a county road within the city.

*To highlight the distinction, this relates specifically to county roads located within the city. Municipal streets are not included.

The legislative body of a township or municipality (city or village) may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the township or municipality, respectively. MCL 324.81131(3)

The legislative body of a township or municipality (city or village) may adopt an ordinance to close a county road located in the township or municipality to the operation of ORVs otherwise authorized pursuant to subsection (2) (section 2 provides authority for a County ordinance). MCL 324.81131(4)

The legislative body of a municipality (city or village) may adopt an ordinance authorizing the operation of ORVs on 1 or more streets within the municipality. MCL 324.81131(5)

19. Q: Is there any benefit to a County-wide ordinance versus a township or city ordinance? Is there any legal purpose of why Allegan County should focus on a County-wide ordinance rather than let the townships or cities handle it?

A: A violation of an ordinance described in this section is a municipal civil infraction. The ordinance may provide for a fine of not more than \$500.00 for a violation of the ordinance. MCL 324.81131(17)

The treasurer of the local unit of government (with a County-wide ordinance, the County treasurer) shall deposit fines collected by that local unit of government, and damages collected into a fund to be designated as the "ORV fund". The legislative body (the county board of commissioners) of the local unit of government shall appropriate revenue in the ORV fund as follows:

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

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

MCL 324.81131(18)

20. Q: Can a township authorize on which roads it can allow ORV operation?

A: The legislative body of a township or municipality (city or village) may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the township or municipality, respectively. MCL 324.81131(3)

The legislative body of a township or municipality (city or village) may adopt an ordinance to close a county road located in the township or municipality to the operation of ORVs otherwise authorized pursuant to subsection (2) (section 2 provides authority for a County ordinance). MCL 324.81131(4)

21. Q: Can the townships review a County-wide ORV ordinance before the board of commissioners' vote?

A: The draft ordinance should be available for review on or about May 13, 2021.

22. Q: If an ORV operator does damage to a park by operating an ORV are the fines large enough to act as a deterrent and is there restitution payable?

A: A violation of an adopted ordinance is a municipal civil infraction. The ordinance may provide for a fine of not more than \$500.00 for a violation of the ordinance. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a street, county road, or highway, or public property as a result of the violation. MCL 324.81131(17)

23. Q: Will the ORV ordinance keep ORVs off of bike paths or bike lanes that are on the road right-of-way meant only for bikes?

A: The authority and regulation for operation of bicycles upon highways or streets can be found in the Michigan vehicle code.

Under MCL 257.660a “[a] person operating a bicycle upon a highway or street at less than the existing speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except as follows: . . . (c) When conditions make the right-hand edge of the roadway unsafe or reasonably unusable by bicycles, including, but not limited to, surface hazards, an uneven roadway surface, drain openings, debris, parked or moving vehicles or bicycles, pedestrians, animals, or other obstacles, or if the lane is too narrow to permit a vehicle to safely overtake and pass a bicycle. . .”

Additionally, under MCL 257.660(3) “[w]here a usable and designated path for bicycles is provided adjacent to a highway or street, a person operating an electric personal assistive mobility device or electric skateboard may, by local ordinance, be required to use that path.”

Subject to any closure of county roads under proper authority, if a local unit of government adopts an ordinance, a person may operate an ORV with the flow of traffic on the far right of the maintained portion of the street or county road covered by the ordinance. MCL 324.81131(9)

"Maintained portion" means the roadway and any shoulder of a street, county road, or highway. MCL 324.81101 amended Definitions effective March 24, 2021.

*This answer could depend on if the bike path is included as part of a county road. The proposed draft ORV ordinance would not authorize ORV operation on any municipal streets.

24. Q: Should the master map be maintained by the county and if so, shouldn't it be more clearly labeled and viewable?

A: The current proposed Allegan County ORV draft ordinance provides for ORV operation on all county roads in Allegan County and that the road commission, a township or municipality has the authority to close roads. County roads are defined in the proposed Allegan County ORV draft ordinance as “a county primary road or a county local road... under the jurisdiction of the Allegan County Road Commission”. Additionally, the road commission and the sheriff’s department could receive revenue from fines and damages for violations of an adopted ordinance. By allowing ORV operation on all county roads in the county, any restrictions would come from the road commission or a township or

municipality and the road commission could be the clearing house for a master map or list of roads and publish them accordingly.

Subject to any closure of county roads under proper authority, a county board of commissioners may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the county. MCL 324.81131(2)

The legislative body of a township or municipality (city or village) may adopt an ordinance to close a county road located in the township or municipality to the operation of ORVs otherwise authorized pursuant to subsection (2) (section 2 provides authority for a County ordinance). MCL 324.81131(4)

The board of county road commissioners may close a county road to the operation of ORVs otherwise authorized. A county road commission shall not close more than 30% of the linear miles of county roads located within the county to the operation of ORVs otherwise authorized. A county road may be closed to the operation of ORVs under this subsection only to protect the environment or if the operation of ORVs poses a particular and demonstrable threat to public safety. MCL 324.81131(4)

*Answers to questions 25 through 31 were prepared including information provided by Sheriff Frank Baker on April 26, 2021, and Prosecutor Myrene Koch on April 23, 2021 and May 3, 2021.

25. Q: Do we have enough Sheriff's Deputies to handle enforcement of a County-wide ORV ordinance?

A: The Allegan County sheriff's department currently feels that they do not have enough patrol deputies to adequately provide the existing services; however, much like that, they will respond and enforce to the extent possible.

26. Q: Will a County-wide ORV ordinance actually be enforced?

A: The Allegan County sheriff's department currently enforces ORV issues now to the extent possible. They will continue to provide enforcement.

27. Q: Who handles enforcement of ORV laws now?

A: Any law enforcement agency in the county.

28. Q: Who will handle enforcement of "closed roads"?

A: The Allegan County sheriff's department cannot speak for other agencies as to their enforcement; however, the sheriff's department will likely be the primary enforcement agency of a County-wide ORV ordinance.

29. Q: Does the Sheriff's department have the ability to enforce a County-wide ORV ordinance with existing staff?

A: The Allegan County sheriff's department will provide enforcement to the extent possible.

30. Q: Would Allegan County need to conduct, operate, or offer a training program of any kind for Sheriff's deputies for enforcement of an ORV ordinance?

A: The Allegan County sheriff's department will provide in-house legal updates on whatever is included in the final adopted ordinance that Allegan County may choose to pass.

31. Q: How will enforcement and prosecution of a County-wide ordinance be handled?

A: The Allegan County sheriff's department deferred to the Allegan County Prosecutor's office for information related to enforcement and prosecution.

The Allegan County Prosecutor states "To alleviate confusion between townships and allow for a consistent County-wide ordinance, I agree to handle the prosecution."

The legislative body of a township or municipality (city or village) may adopt an ordinance to close a county road located in the township or municipality to the operation of ORVs otherwise authorized pursuant to subsection (2) (section 2 provides authority for a County ordinance). MCL 324.81131(4)

*If the township adopts an ordinance closing a county road or roads this would be prosecuted at the local level.

Commissioner Questions 5/25/2021

32. Q: Is an unregistered snowmobile and/or a mud runner (a 4x4 pickup, Jeep, or something similarly larger than a "typical" ORV), a dune buggy, or Sherman tank a legitimate ORV lawfully operating on Allegan County roads under this ordinance?

A: Generally, no, the listed vehicles would not be considered ORVs lawfully operating under this ordinance. Here are some specifics broken down.

"Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

A snowmobile shall not be operated unless the owner first obtains a certificate of registration, registration decal and a trail permit sticker. The certificate of registration must accompany the snowmobile and be made available for inspection upon demand by a peace officer.

A snowmobile is required to be registered, so an unregistered snowmobile cannot operate legally/lawfully whether it could be considered an ORV or not.

The mud runner, 4 x 4 pickup, Jeep, dune buggy, and Sherman tank would need to meet all of the qualifications set out under the definition of ORV, or including ATV, and would need to comply with the lighting, braking, throttle, noise, and licensing requirements set forth in the ORV statute sections.

Also, if the vehicle is registered under the Michigan vehicle code and is more than 65 inches wide or has 3 wheels it cannot be operated pursuant to MCL 324.81131(11), which states, “[u]nless the person possesses a license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, a person shall not operate an ORV as authorized pursuant to subsection (2), (3), (5), or (6) if the ORV is registered as a motor vehicle under chapter II of the Michigan vehicle code, 1949 PA 300, MCL 257.201 to 257.259, and either is more than 65 inches wide or has 3 wheels.”

From the Michigan Secretary of State website:

Titling ORVs or ATVs

In Michigan, when you buy an ORV or ATV, you are issued an "off-road title." A title verifies you own the vehicle. An off-road title means the vehicle can't be operated on public streets because it was built exclusively for off-road use and lacks the necessary safety equipment for on-road use. (Michigan law does make an exception for ORVs or ATVs that are legally modified and retitled for on-road use as an assembled vehicle.)

◀ Titling ORVs or ATVs for on-road use

Under Michigan law, certain side-by-side off-road utility vehicles may be retitled as an assembled vehicle for on-road use. Vehicles fitting this description include the John Deere "Gator" and Polaris "Ranger." You must follow the [secretary of state's standard assembled vehicle title procedure](#). The vehicle must be retro-fitted with high- and low-beam headlights, brake lights, taillights, turn signals, horn, windshield, windshield wipers and washers, independent parking brake, street-legal tires and all other on-road equipment required by the Michigan Vehicle Code. It will be retitled as an "assembled vehicle" and issued a new vehicle identification number.

Two-wheeled ORVs (motorcycles known as "dirt bikes" or "trail bikes") also can be retitled for on-road use. A vehicle inspection is required to verify that the motorcycle has the required safety equipment.

33. Q: Is the information about an ORV roof needing to comply with DOT standards for a crash helmet valid information? (“I sincerely and adamantly question the validity of the roof safety standards vis-à-vis the standards for a crash helmet. It is like transferring the front end crash standards of a Corvette to a horse.”)

A: The statute MCL 324.81133(2) states that a helmet is the standard and then lists exceptions. A seat belt and roof are an exception. See below for statutory language.

MCL 324.81133(2): An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. This subsection does not apply to any of the following:

(a) An individual who owns the property on which the ORV is operating, is a family member of the owner and resides at that property, or is an invited guest of an individual who owns the property. An exception under this subdivision does not apply to any of the following:

(i) An individual less than 16 years of age.

(ii) An individual 16 or 17 years of age, unless the individual has consent from his or her parent or guardian to ride without a crash helmet.

(iii) An individual participating in an organized ORV riding or racing event if an individual who owns the property receives consideration for use of the property for operating ORVs.

(b) An individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet.

(c) An ORV operated on a state-licensed game bird hunting preserve at a speed of not greater than 10 miles per hour.

(d) An ORV operated for the purpose of towing a fishing shanty or supply shed over the frozen surface of public waters at the minimum speed required to maintain controlled forward movement of the vehicle or while traveling to and from a fishing shanty at a speed of not greater than 10 miles per hour. An owner of private property is not liable for personal injuries, including death, to an individual who operates an ORV as described in this subdivision without wearing a helmet while traveling on the owner's property.

The Department of Transportation (DOT) standard for a motorcycle helmet states that to be certified it has to conform to a few minimum requirements and be able to pass a series of impact tests. The helmet will have a DOT symbol on the outside back, this means it meets the Federal Motor Vehicle Safety Standard No. 218. 49 CFR § 571.218 Standard No. 218; Motorcycle helmets.

34. Q: If operating outside the noted hours in Section 301(j) are the braking system, and brake light not required?

Section 301: j. The ORV is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind

the vehicle when the brake is activated, if the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise”

A: MCL 324.81133(1) An individual shall not operate an ORV:

(c) Unless the vehicle is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise; and 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.

The semicolon between the different sentence parts in the statute adds the phrase “Unless the vehicle is equipped with” to the beginning of each sentence part, so the braking system is a separate requirement with no operating time constraints. The brake light is required during the specified operating times. A headlight and taillight are a separate requirement set forth in MCL 324.81131(12), “A person shall not operate an ORV as authorized pursuant to this section without displaying a lighted headlight and lighted taillight.”

35. Q: Are the noise emission standards enforceable?

A: A proposed change to Section 301(k) was to add the noise emission standards defined, instead of stating as “defined by law”.

MCL 324.81131(1)(f) sets forth the following: Exhaust noise emission shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January 1, 1986, when the vehicle is under full throttle, traveling in second gear, and measured 50 feet at right angles from the vehicle path with a sound level meter that meets the requirement of ANSI S1.4 1983, using procedure and ancillary equipment therein described; or 99 Db(A) or 94 Db(A) on a vehicle manufactured after January 1, 1986, or that level comparable to the current sound level as provided for by the United States Environmental Protection Agency when tested according to the provisions of the current SAE J1287, June 86 test procedure for exhaust levels of stationary motorcycles, using sound level meters and ancillary equipment therein described. A vehicle subject to this part, manufactured or assembled after December 31, 1972 and used, sold, or offered for sale in this state, shall conform to the noise emission levels established by the United States Environmental Protection Agency under the noise control act of 1972, 42 USC 4901 to 4918.

There are decibel reading or decibel level apps available to add to your cell phone which will tell you a decibel reading or decibel level at any given point in time.

36. Q: In Section 501 does “registered” mean registered under the Michigan motor vehicle code? Does this make the ORV subject to the standards of the ORV ordinance?

A: In Section 501, which was suggested to be deleted in its entirety, the language was taken directly from MCL 324.81131(16) which states: In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road, street, or highway pursuant to the code was in a collision on a roadway with an ORV that is not registered under the code, the operator of the ORV shall be considered prima facie negligent. In MCL 324.81101 code was a provided definition as follows: “Code” means the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

Yes. “Registered” means registered under the Michigan vehicle code.

Any ORV that is registered under the Michigan vehicle code is lawfully permitted to operate on a road, street, or highway without the authorization provided by any ordinance.

37. Q: In Section 501 is “on the roadway” determinative of where an ORV should be operating?

A: In Section 501, which was suggested to be deleted in its entirety, an ORV should be operating on the maintained portion of the roadway which includes the shoulder of the road. The roadway only, does not include the shoulder.

The relevant provisions and definitions are as follows:

Section 301. ORV Operation. Subject to Section 402, a person may operate an ORV with the flow of traffic on the far right of the maintained portion of all county roads within Allegan County. . .

f. “Maintained portion” means the roadway and any shoulder of a street, county road, or highway.

l. “Roadway” means the portion of a street, county road, or highway improved, designed, or ordinarily used for travel by vehicles registered under the Michigan vehicle code. Roadway does not include the shoulder.

38. Q: Why would an operator of an ORV in the circumstance presented in Section 501 not be considered prima facie negligent?

A: Even if Section 501 is deleted in its entirety, MCL 324.81131(16) is still a relevant provision of law.

39. Q: Under Section 502, should there be a fine schedule?

A: There is nothing in the statute that prohibits a fine schedule. The statute only explicitly states under MCL 324.81131(17) that a violation is a municipal civil infraction and the civil fine shall not be more than \$500.00.

40. Q: Can the County levy a municipal civil infraction fine of more than \$500?

A: Possibly under other authority; however Part 811 of the Natural Resources and Environmental Protection Act, specifically MCL 324.81131(17) states that: A violation of an ordinance described in this section is a municipal civil infraction. The ordinance may provide for a fine of not more than \$500.00 for a violation of the ordinance. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a street, county road, or highway, or public property as a result of the violation.

The term “may” provide for a fine of not more than \$500.00 determines it does not have to be \$500.00, but cannot be more than \$500.00.

In *Huron Township v City Disposal Systems, Inc. Huron Township v Inland Waters Pollution Control, Inc.*, 448 Mich 362 (1995), “[t]he amount or limitation of a penalty imposed by or under an ordinance must comply with a specific governing provision of law. Where the penalty is fixed by statute, the penalty imposed by the ordinance cannot exceed the limit prescribed.”

41. Q: Who is going to be authorized to issue tickets?

A: Under MCL 600.8701(a) “Authorized local official” means a police officer or other personnel of a county, city, village, township, or regional parks and recreation commission created under section 2 of 1965 PA 261, MCL 46.352, legally authorized to issue municipal civil infraction citations.

MCL 600.8703(1) A municipal civil infraction action is commenced upon the issuance of a citation as provided in section 8707. The plaintiff in a municipal civil infraction action is the political subdivision whose ordinance has been violated.

MCL 600.8707(1) An authorized local official who witnesses a person violate an ordinance a violation of which is a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a citation, except as provided in subsection (6). Subsection 6 speaks about an established municipal ordinance violations bureau.

42. Q: Does the county have an exhaustive description, meeting multiple standards of the municipal civil infraction design and operation? If not, should this be developed at the same time as this ordinance?

A: The law regarding Municipal Civil Infractions is set forth in the Revised Judicature Act of 1961, PA 236 of 1961 and specifically Chapter 87, MCL 600.8701 – MCL 600.8735. Otherwise, this may require additional legal research.

43. Q: Can a person, 18 years or older, without a license, but with a safety certificate, operate an ORV under this proposed ordinance?

A: Section 301. ORV Operation states: “Subject to Section 402, a person may operate an ORV with the flow of traffic on the far right of the maintained portion of all county roads within Allegan County; provided that:

b. A person possesses a license as defined in Section 25 of the Michigan Vehicle Code, MCL 257.25.”

Under the draft ordinance this requires a person to possess a license with two limited exceptions stated in in items “e.” and “f.” for persons under 18 and persons under 12.

MCL 324.81131(13) states: A person under 18 years of age shall not operate an ORV as authorized pursuant to this section unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A person under 12 years of age shall not operate an ORV as authorized pursuant to this section. The requirements of this subsection are in addition to any applicable requirements of section 81129. Section 81129 sets out requirements for child ORV operators.

44. Q: Are there concerns about anyone without a license driving an ORV on a county road?

A: Generally, yes, which is why the legislature does not allow ORV’s which are not registered under the Michigan vehicle code to operate on streets, county roads, or highways, except as provided for and authorized by an adopted ordinance. MCL 324.81122(1).

45. Q: Are both an ORV license and an ORV permit required to operate under this ordinance?

A: The Michigan DNR website sets forth specific information about licensing and permit requirements. Additionally, the DNR website has a chart of requirements based on type of vehicle and designated trails or routes and what is necessary.

- An **ORV license** is required to ride eligible county roads, frozen surface of public waters, state forest roads (that are open to ORV use) and eligible national forest roads. A license is not required to operate on private lands. The cost is \$26.25. *Both the ORV license and trail permit are valid for one year, which begins April 1 and ends March 31 of the following year.*
- An **ORV trail permit** is required when operating on designated **ORV Trail / Routes and special ORV-use areas**. A trail permit is not required to operate on private lands. The cost is \$10 (plus \$26.25 for the ORV license) for a total of \$36.25. *Both the ORV license and trail permit are valid for one year, which begins April 1 and ends March 31 of the following year.* ORV trail permits are not valid as a stand-alone license; an ORV license must also be purchased.

Under the ordinance a county road is defined term. Under MCL 324.81123 the DNR was required by October 1, 1991, to develop a comprehensive plan for the management of ORV use of areas, routes, and trails maintained by or under the jurisdiction of the department (DNR) or local unit of government pursuant to section 81131.

Additionally, under MCL 324.81115(1)(c) Subject to subsection (2), a person shall not operate an ORV under any of the following conditions unless the ORV is licensed with the department or a dealer as provided under this part:

(c) On a street, county road, or highway, except if the vehicle is registered under the code.

An ORV needs an ORV license to operate on a county road.

46. Q: Is the County under any obligation to provide an ORV safety course? Does the County intend to provide an ORV safety course?

A: MCL 324.81130 sets forth the requirements for an ORV safety education course. The course needs to be approved by the department (DNR). They can be conducted by a college or university, an intermediate school district, a local school district, a law enforcement agency, or another governmental agency located in Michigan.

There is no obligation for the County to provide an ORV safety course.

Additionally, the Sheriff has indicated that they would not be offering an ORV safety course, at least initially.

47. Q: Original question 19 was not answered. Original Q19 was: Is there any benefit to a County-wide ordinance versus a township or city ordinance? Is there any legal purpose of why Allegan County should focus on a County-wide ordinance rather than let the townships or cities handle it?

A: There are no legal benefits or legal purposes why Allegan County should focus on a County-wide ordinance.

48. Q: Under original Q31, what is the local level?

A: Local level is either a township, city or village.

49. Q: Under the outline provided, what are subsections (2) and (3) of the statute?

A: MCL 324.81131: (2) Subject to subsection (4), a county board of commissioners may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the county. Not less than 45 days before a public hearing on the ordinance, the county clerk shall send notice of the public hearing, by certified mail, to the county road commission, to the legislative body of each township and municipality located within the county, to the state transportation department if the road intersects a highway, and, if state forestland is located within the county, to the department. If the county is a southern county, before adopting an ordinance under this subsection, the county board of commissioners shall consult with the board of county road commissioners.

(3) Subject to subsection (4), the legislative body of a township or municipality may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the township or municipality, respectively. Not less than 28 days before a public hearing on the ordinance, the clerk of the township or municipality shall send notice of the public hearing, by certified mail, to the county road commission, to the county board of commissioners, to the legislative body of every other township and municipality located within the county, to the state transportation department if the road intersects a highway, and, if state forestland is located within the township or municipality, to the department. If the township or municipality is located in a southern county, before adopting an ordinance under this subsection, the legislative body of the township or municipality shall consult with the board of county road commissioners. This subsection does not apply to a township or municipality until 1 year after the effective date of the amendatory act that first authorized the county in which that township or municipality is located to adopt an ordinance under subsection (2).

50. Q: In the outline under I. C. 4. is the “reason for closure” a strict and specific limitation upon townships and municipalities to be able to “opt out” in whole or in part from a county-wide ORV ordinance? Also, is that same “reason for closure” a strict and specific limitation upon the Board of County Road Commissioners in its designations of “county roads closed to ORV use”?

A: The “reason for closure” section comes from MCL 324.81131(4), which states:
The board of county road commissioners may close a county road to the operation of ORVs otherwise authorized pursuant to subsection (2) or (3). A county road commission shall not under this subsection close more than 30% of the linear miles of county roads located within the county to the operation of ORVs otherwise authorized pursuant to subsection (2) or (3). The legislative body of a township or municipality may adopt an

ordinance to close a county road located in the township or municipality to the operation of ORVs otherwise authorized pursuant to subsection (2). The legislative body of a village may adopt an ordinance to close a county road located in the village to the operation of ORVs otherwise authorized by the township pursuant to subsection (3). A county road may be closed to the operation of ORVs under this subsection only to protect the environment or if the operation of ORVs poses a particular and demonstrable threat to public.

Generally, yes, the restriction of closing a county road to “protect the environment or if the operation of ORVs poses a particular and demonstrable threat to public” does apply to the closure of county roads set forth in the statute subsection.

51. Q: What is an ARGO and similar amphibious vehicle? Is it use that defines?

A: Wikipedia definition of amphibious machine is a vehicle that is a means of transport, viable on land as well as on (or under) water. They can include bicycles, ATVs cars, buses, trucks, combat vehicles, boats, and hovercraft.

ARGO was named after the Argonaut of Greek mythology for its stamina on land and water. It started in 1962 as a subsidiary of Ontario Drive & Gear Limited. In 1967 ODG decided to introduce its own 6-wheel amphibious vehicle.

Under Article II’s definitions, an ORV includes an amphibious machine.

j. “ORV” or, unless the context implies a different meaning, “vehicle” means a motor-driven off-road recreation vehicle capable of cross-county travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. 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.

52. Q: Does the County, in fact, have the authority to construct an ordinance more restrictive than state law?

A: From the Michigan Municipal League Handbook, Section 2: Roles and Responsibilities, Chapter 7: Local ordinances,

Consistency with State and Federal Laws and Local Charters

The provisions of an ordinance must be consistent with state law; the ordinance may not conflict with or be preempted by a state law. The same holds true for federal law. A

direct conflict exists if an ordinance permits what a state statute prohibits or prohibits what a state statute permits. Some areas of potential local regulation may be preempted by a state (or federal) statute, either expressly or because the statutory scheme occupies the field of regulation. In that case, the local regulation cannot be upheld, even though there is no direct conflict. An ordinance may not conflict with the provisions of a local charter.

From the MSU Extension Article – County Government Powers are Very Limited
County ordinance making authority is from four categories:

Must be related to "county affairs" (e.g., internal operations of the county such as ordinances about county-owned land, buildings, facilities).

Cannot contravene (conflict with) state law.

Cannot interfere in local affairs (e.g., what city, village or township ordinances may require).

Lack of general police power. This limitation is not found above, but, rather, is the absence of state statute that delegated such authority to county government.

No statute specifically gives county commissions a general grant of authority to regulate or pass ordinances to protect the "health, safety, and welfare" of its population. Such statutes do exist for cities, villages, and townships.

The Powers of the county board of commissioners law Public Act 156 of 1851, MCL 46.11(j) states: By majority vote of the members of the county board of commissioners elected and serving, pass ordinances that relate to county affairs and do not contravene the general laws of this state or interfere with the local affairs of a township, city, or village within the limits of the county, and pursuant to section 10b provide suitable sanctions for the violation of those ordinances. The board may change the limits of a city, village, or school district within the county as provided by law. If there is not a general law governing the subject, or if a change cannot be made pursuant to a general law, the board may change the limits of the village upon petition of at least 10% of the resident taxpayers. An ordinance or act of incorporation provided in this subdivision takes effect when notice of the adoption is published in a newspaper of general circulation in the county. The clerk of the county board of commissioners shall engross each ordinance or act, and it shall be signed by the chairperson of the county board of commissioners and certified by the clerk of the county board of commissioners. If, within 50 days after the county board of commissioners adopts an ordinance or act, a petition signed by not less than 20% of the electors residing in the district to be affected by the ordinance or act is filed with the county clerk asking that the ordinance or act be submitted to electors of the district to be affected by the ordinance or act for approval or rejection, then the ordinance or act does not take effect until it is approved by a majority of the electors of the district affected voting on that issue at a regular or special election called for that purpose. The county board of commissioners shall provide the manner of submitting the ordinance or act to the electors for their approval and of determining the result of the election.

Commissioner Proposed Additions or Changes 5/25/2021

Draft Ordinance ARTICLE II – Definitions

Proposed ADD: “ATV” (all-terrain vehicle) means a vehicle with 3 or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels. MCL 324.81101(b)

Original: No definition of “ATV” included.

***No objections to including this definition.*

Proposed CHANGE: “Maintained portion” means the roadway and shoulders of a county road.

Original: “Maintained portion” means the roadway and any shoulder of a street, county road, or highway. MCL 324.81101(o)

Proposed CHANGE: “Operate” means to ride in or on and be in actual physical control of an ORV.

Original: “Operate” means to ride in or on, and be in actual physical control of, the operation of an ORV. MCL 324.81101(s)

Proposed CHANGE: “Operator” means an individual who is in actual physical control of the ORV.

Original: “Operator” means an individual who operates or is in actual physical control of the operation of an ORV. MCL 324.81101(t)

Proposed CHANGE: “ORV” (Off-road vehicle) means a motor-driven off-road recreation vehicle capable of cross-county travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation. An ATV is an ORV. 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 is not an ORV.

Original: “ORV” or, unless the context implies a different meaning, “vehicle” means a motor-driven off-road recreation vehicle capable of cross-county travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. 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. MCL 324.81101(u)

Proposed CHANGE: “ORV safety certificate” means a written document issued under the Act or a comparable authority of another state or Canadian province proving that an individual has successfully/satisfactorily completed all components of an approved ORV safety course.

Original: “ORV safety certificate” means an ORV safety certificate issued under the Act or a comparable safety certificate issued under the authority of another state or province of Canada.

Statute: “ORV safety certificate” means an ORV safety certificate issued under section 81130 or, except as used in section 81130, a comparable safety certificate issued under the authority of another state or province of Canada. MCL 324.81101(v)

***Recommendation to keep the original definition as written.*

Proposed ADD: the term “Vehicle” to the list of definitions, but no requested definition provided.

Statute: “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purpose of titling and registration under this act, a mobile home as defined in section 2 of the mobile home commission act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws. MCL 257.79

*** No recommendation to include this definition.*

Proposed CHANGE: “Visual supervision” means the direct observation of the operator with the unaided or normally corrected eye by an observer who is able to come to the immediate, physical aid of the operator by being co-located/contiguous/in/on/next to the operator.

Original: “Visual supervision” means the direct observation of the operator with the unaided or normally corrected eye by an observer who is able to come to the immediate aid of the operator. MCL 324.81101(k)

*** If the proposed change to visual supervision is added, it is recommended to include the following provision for clarity (under Article III ORV Operation). MCL 324.81133(1) “An individual shall not operate an ORV: . . . (s) While transporting any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.” MCL 324.81133(1)(s)*

Draft Ordinance ARTICLE III – ORV Operation, Section 301

Proposed CHANGE: b. A person possesses a license as defined in Section 25 of the Michigan Vehicle Code, MCL 257.25, with the exception presented by “e” below.

Original: b. A person possesses a license as defined in Section 25 of the Michigan Vehicle Code, MCL 257.25.

Proposed CHANGE: d. A person shall not operate an ORV without displaying a lighted headlight, lighted taillight, and a flag on whip standard not less than six (6) feet long attached to the ORV.

Original: d. A person shall not operate an ORV without displaying a lighted headlight and lighted taillight. MCL 324.81131(12)

*** Some criteria for a "flag" included in a relevant section of the statute. MCL 324.81122(1)(c) "An operator of an ORV under this subdivision shall have attached to the ORV a flag made of reflective material. The flag shall extend not less than 8 feet from the surface of the street, county road, or highway and not less than 4 feet above the top of the ORV. The flag shall be not less than 12 inches high by 18 inches long and not measure less than 100 square inches."*

Proposed CHANGE: e. No person 12 - 18 (at least twelve and less than 18) years of age may operate an ORV unless the person is in possession of a valid license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate.

Original: e. No person under 18 years of age may operate an ORV unless the person is in possession of a valid license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate. MCL 324.81131(13)

*** Recommendation to include the written words, rather than the hyphen, if the proposed change is adopted, for clarity.*

Proposed CHANGE: j. The ORV, if operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise, is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour and a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated.

Original: j. The ORV is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise. MCL 324.81133(1)(c)

Proposed CHANGE: k. Add the noise emission standards defined.

Original: k. The ORV is operated pursuant to noise emission standards defined by law. MCL 324.81133(1)(f)

Statute: MCL 324.81131(1)(f) sets forth the following: Exhaust noise emission shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January 1, 1986, when the vehicle is under full throttle, traveling in second gear, and measured 50 feet at right angles from the vehicle path with a sound level meter that meets the requirement of ANSI S1.4 1983, using procedure and ancillary equipment therein described; or 99 Db(A) or 94 Db(A) on a vehicle manufactured after January 1, 1986, or that level comparable to the current sound level as provided for by the United States Environmental Protection Agency when tested according to the provisions of the current SAE J1287, June 86 test procedure for exhaust levels of stationary motorcycles, using sound level meters and ancillary equipment therein described. A vehicle subject to this part,

manufactured or assembled after December 31, 1972 and used, sold, or offered for sale in this state, shall conform to the noise emission levels established by the United States Environmental Protection Agency under the noise control act of 1972, 42 USC 4901 to 4918.

Proposed CHANGE: 1. The ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway unless crossing the highway at right angles.

Original: 1. The ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway. MCL 324.81122(1)

Statute: MCL 324.81122(1)(a) The operator of a vehicle may cross a street, county road, or highway, other than a limited access highway, at right angles, for the purpose of getting from 1 area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a street, county road, or highway, and shall yield the right-of-way to oncoming traffic.

***Whether included or not, MCL 324.81122(1)(a) is still a relevant provision of law.*

Stakeholder Questions 5/25/2021

16. Q: First line of Section 301 says “on the far right of the maintained portion of the county road”, does that “maintained portion” include the shoulder (either paved or not paved) to the right of the white line (where present)? In the definition section the roadway is defined as NOT including the shoulder. Has the road commission determined which, if any county roads they would exempt from this ordinance?
Submitted via email on May 20, 2021 by Jim Connell

A: Thank you for your correspondence. You are correct that the "roadway" does not include the shoulder of the road. The "maintained portion" is also a defined term in the draft ordinance and that does include the shoulder. See Article II - Definitions; f. “Maintained portion” means the roadway and any shoulder of a street, county road, or highway.

As of now, the County has not received any information from the board of the road commission about which roads it would close to operation of ORVs if a County-wide ordinance is implemented. *Response provided via email on May 24, 2021*



**CITY OF ALLEGAN
RESOLUTION NO. 21.12**

A RESOLUTION TO SUPPORT ALLEGAN COUNTY-WIDE ORV ORDINANCE.

The following preamble and resolution were offered by Member Perrigo and supported by Member McKenzie.

WHEREAS, On July 23, 2020, at the request of the interested citizens, the Allegan County Board of Commissioners (County Board) discussed the concept of a county-wide, Off-Road Vehicle (ORV) Ordinance

WHEREAS, A county-wide ORV Ordinance was considered in 2014 resulting in the decision of the County Board to take no action regarding the development of an ordinance to allow ORV's to travel on the county roads.

WHEREAS, The County Board believes an ORV Ordinance remains best considered at the local level considering the geographical, roadways and philosophical difference that may exist across the County.

WHEREAS, Creating a patchwork of interconnection local ORV ordinance presents challenges with consistency and uniformity of enforcement

WHEREAS, the County has indicated that Allegan County Road Commission, Sheriff and Prosecutor's office are offering assistance to any local unit or group of local units that may consider developing an ORV ordinance.

WHEREAS, historically local units bear the burden of enforcing, ticketing and prosecuting the local units ordinance

WHEREAS, questions remain as to who the County Board, the Sheriff and Prosecutor's office intends to write tickets, prosecute ordinance violators, and divide ticket revenue.

WHEREAS, According to the County Board's own approved communique of August 13, 2020, During the July 23 Meeting, the County Board reaffirmed the 2014 decision **largely due to the absence of a united position being represented by all, or even the majority of local units in the County**

THEREFORE, BE IT RESOLVED, that the Board of the Allegan City Council, expresses its support of an Allegan County-wide ORV Ordinance.

BE IT FURTHER RESOLVED THAT, that the creation of a County-wide ORV ordinance in the best way to ensure that there is consistency from local unit to local unit and uniform enforcement.

PRESENT: Redding, Hanse, Bird, Mayor Andrus, Mayor Pro Tem Galloway, Perrigo and McKenzie:

NAYS: N/A:

ABSENT:N/A:

RESOLUTION DECLARED ADOPTED.

Christopher Tapper
Christopher Tapper, City Clerk

CERTIFICATION

I, Christopher Tapper, duly appointed City Clerk of the City of Allegan, do hereby certify that the above is a true and correct copy of a resolution adopted by the City Council of the City of Allegan, Michigan, on this 24th day of May, 2021.

Christopher Tapper
Christopher Tapper, City Clerk

Becky Blaine

From: Jim Connell <drjim1@icloud.com>
Sent: Thursday, May 20, 2021 9:50 AM
To: ADMINISTRATION; Steve Schultz
Subject: ORV Input

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

First line of 301 says “ on the far right of the maintained portion of the county road”

Does that “maintained portion” include the shoulder (either paved or unpaved) to the right of the white line (where present)?

In the definition section the roadway is defined as NOT including the shoulder.

Has the road commission determined which , if any county roads they would exempt from this ordinance?

Jim Connell DVM

Allegan Township Trustee

drjim1@icloud.com

Sent from my iPhone

Becky Blaine

From: Robert Sarro
Sent: Tuesday, May 25, 2021 5:34 PM
To: Becky Blaine
Subject: FW: draft ORV ordinance

From: Albert Meshkin [mailto:Al@laketowntwp.org]
Sent: Thursday, May 13, 2021 8:53 AM
To: Jim Storey <JStorey@ALLEGANCOUNTY.ORG>; Dean Kapenga <dkapenga@gmail.com>; Robert Sarro <RSarro@ALLEGANCOUNTY.ORG>
Cc: Gary Dewey (deweygary@gmail.com) <deweygary@gmail.com>; Gary Dewey <Gary@laketowntwp.org>; James Delaney <JamesD@laketowntwp.org>; Jim Johnson <Jim@laketowntwp.org>; Jim Johnson (jim.johnson@grangerconstruction.com) <jim.johnson@grangerconstruction.com>; Linda Howell <Linda@laketowntwp.org>; Michelle Sall <michelle@laketowntwp.org>
Subject: draft ORV ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chairman Storey and Commissioners,

The Laketown Township Board discussed the draft ORV ordinance at their regular May meeting last night. The Board is concerned about the ordinance and does not feel it is a good fit for a more urban township like Laketown. They are also concerned that the way the ordinance is currently worded Laketown would be forced into it and would need to go through the expense of drafting our own ordinance to "opt out". Further, MCL 324.81131(4) would require the township to demonstrate our reasoning for opting out. This opens the door for being challenged if/when someone is prosecuted under our ordinance.

The Laketown Board voted unanimously to request the County Board of Commissioners amend Section 301 of the draft ORV ordinance to include the following words after Allegan County: ", except within the following local units of government: Laketown Township, ..." (and then poll other local units of government to see who else would like to be opted out).

The Laketown Board also feels the penalties for violating the county ordinance are not sufficient and should have an increased financial penalty and possibly include confiscation of a vehicle.

Thank you in advance for considering the concerns of Laketown Township.

Al Meshkin
Manager

Good Evening,

As you can see by tonight's turnout, your constituents and our community are showing a great deal of support for the county board of commissioners to schedule a public hearing and subsequently pass this ordinance into law.

This only tells part of the story however, I want to share some numbers and information that paint a picture of an entirely different magnitude.

As you all know, social media plays a very big part in communication in our world today. As such, this event was shared on Facebook to encourage attendance tonight.

On one page it was shared 28 times.
On another page it was shared 86 times.

As you are also aware each time a "post" is shared is an opportunity for positive or depending on your view of social media, more likely, negative interaction.

As of 8:30, last night, April 21, the analytical tool embedded into Facebook indicated that over 13,000 people had seen that post, 2000 people had actually clicked on it.

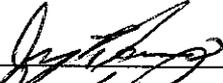
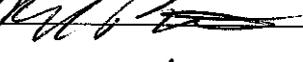
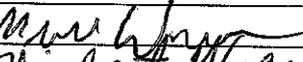
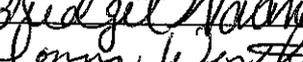
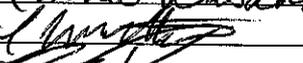
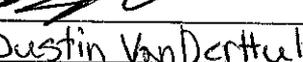
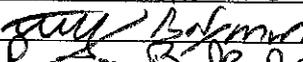
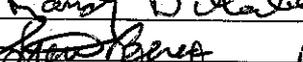
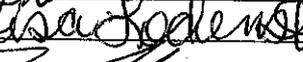
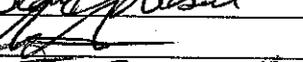
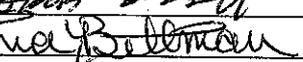
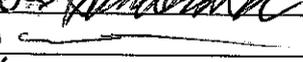
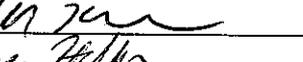
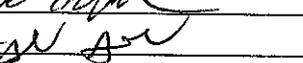
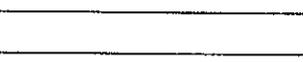
There were zero, I repeat ZERO negative, what Facebook calls, reactions in all of the shared posts that I had permissions to view.

I conclude today by simply imploring you to respect the will of the people who have appeared here today and invested their time to demonstrate a sample of the desire of the constituency of Allegan county to enact a countywide ordinance allowing ORV usage.

Sincerely,
Joshua Driscoll
3081 53rd St.
Hamilton, MI 49419

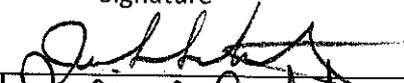
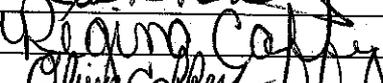
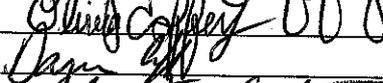
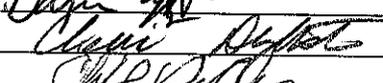
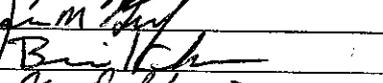
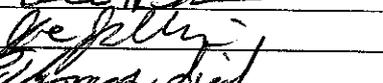
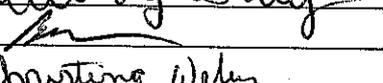
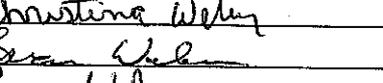
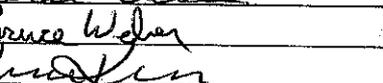
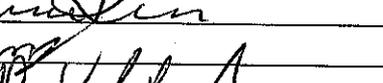
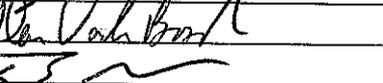
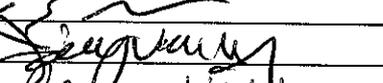
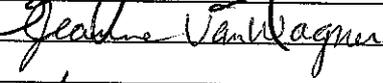
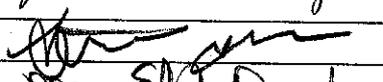
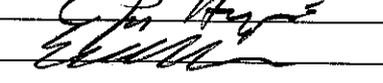
Allegan county residents for a county wide ORV ordinance

The undersigned residents are in support of a county wide ordinance and request the Allegan County Board of Commissioners to move forward with said ordinance and expedite it's implementation. We have also nominated 4 spokesmen for the group, they are Scott Beltman, Dan Caywood, Jon Myers, and Josh Discroll. Thank you

Name	Signature	Township
Jay Davis		Salem
Kyle Pattock		Dorr
Sam & Sumette Sachse		Salem
Mark Waanders		Allegan
Bridget Waanders		Allegan
Joanna Westhouse		Dorr
David Westhouse		Dorr
Zachary Vanderkamp		Horton
Dustin Vanderkulkst		Allegan
Trey Bolgman		Allegan
Randy Bitterbeck		HAMILTON
Steve Berens		Dorr
Lisa Loderstein		Watson
Tom Salmon		Watson
MARK MYERS		Watson
Jamie List		Allegan
Steve Nelson		LEE
MATT WARWICK		MONTEREY
Dan Caywood		Salem
Josh Driscoll		Marlins
Drena Beltman		monterey
MATT S. CAMPBELL		ALLEGAN
Donald L. Gunderson		Allegan
Scott BELTMAN		MONTEREY
Caleb Kamm		monterey
Sosaph Hokman		Horton
Taylor Arispe		Salem

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Name	Signature	Township
John Scholten		Manlius
Regina Coffey		Monterey
Olivia Coffey		Monterey
Darren Coffey		Monterey
CHERIE DYKSTER		Dorr
Cherie Dykster		Dorr
Adam Coffey		Monterey
Alex Coffey		Monterey
Jerome Gustaf		LEE
Brian Kerber		Hopkins
Joe Jablonski		Hopkins
Thomas Teich		Allegan-Watson
Madalyn Kioski		Clyde
Scott Kioski		Clyde
David Gray		Monterey
Wendy Gray		Monterey
Brandon Thompson		Manlius
Christina Weber		Monterey
Brian Weber		Monterey
Bruce Weber		Salem
Kendi Kamps		Troubridge
Justin Kamps		Troubridge
Van Vander Bosch		Heath
BRETT WESTMAN		Dorr
Jerry VanWagner		Salem
Jeanne VanWagner		Salem
Dan VanWagner		Salem
Steve Allin		Dorr
Mac Ellen Dandrew		Hopkins
JOY HORIZUGA		DORR
Eric VanWagner		Dorr

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Name	Signature	Township
Grace Y. Engel	<i>Grace Y. Engel</i>	Watson
Timothy Engel	<i>Timothy Engel</i>	Watson
Taul VanWazer	<i>Taul VanWazer</i>	Dorr
DON PATRICK	<i>DON PATRICK</i>	Dorr
RICK MAYS	<i>Rick Mays</i>	Monterey
Tom Batehels	<i>Tom Batehels</i>	Kalley
Sarah Bennett	<i>Sarah Bennett</i>	Monterey
Matt Bennett	<i>Matt Bennett</i>	Monterey
Levi Morse	<i>Levi Morse</i>	Clyde
Kiley Kirkensbers	<i>Kiley Kirkensbers</i>	Salem
William Dickse	<i>William Dickse</i>	Monterey
Libe Dickse	<i>Libe Dickse</i>	Monterey
Owen Eckwitten	<i>Owen Eckwitten</i>	Salem
Danielle Berens	<i>Danielle Berens</i>	Dorr
ROD LOEFSTEIN	<i>ROD LOEFSTEIN</i>	WATSON
Norma Salmon	<i>Norma Salmon</i>	Watson
Jessica List	<i>Jessica List</i>	Allegan
Kristin Driscoll	<i>Kristin Driscoll</i>	Mantius
Pat Driscoll	<i>Pat Driscoll</i>	Mantius
Destin Driscoll	<i>Destin Driscoll</i>	Laketown
Kelly Caywood	<i>Kelly Caywood</i>	Salem
Mike Mulder	<i>Mike Mulder</i>	Heath

Allegan county residents for a county wide ORV ordinance

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Name	Signature	Township
Karen Middendorp	<i>[Signature]</i>	Dorr
Joel Rodanhistor	<i>[Signature]</i>	Salem
Sheri Rodanhistor	<i>[Signature]</i>	Salem
ALCAN RONE	<i>[Signature]</i>	DORR
Heathie Middendorp	<i>[Signature]</i>	Dorr
Carly Kraima	<i>[Signature]</i>	DORR
Robert Middendorp	<i>[Signature]</i>	DORR
Cody Lampen	<i>[Signature]</i>	Hamilton
Rick Lampen	<i>[Signature]</i>	Oversee
Toby Filkins	<i>[Signature]</i>	LEE
Steven Filkins	<i>[Signature]</i>	Bloomingsdal
Donald Compagner	<i>[Signature]</i>	Monterey
Gina Compagner	<i>[Signature]</i>	Monterey
HARRY Compagner	<i>[Signature]</i>	Monterey
MIKE TAYLOR	<i>[Signature]</i>	Dorr
Cody Taylor	<i>[Signature]</i>	Dorr
Greg VanValkinburg	<i>[Signature]</i>	Watson
Coral VanValkinburg	<i>[Signature]</i>	Watson
Casey Kamps	<i>[Signature]</i>	Trowbridge
Diane Kamps	<i>[Signature]</i>	Heath
Ken Kamps	<i>[Signature]</i>	Heath
MATTHEW C GILBERT	<i>[Signature]</i>	Wayland
JAN L GILBERT	<i>[Signature]</i>	Wayland
Scott VanDan	<i>[Signature]</i>	Salem
Jon Wadaw	<i>[Signature]</i>	Heath
Jackie Goodeman	<i>[Signature]</i>	Maules
James Goodeman	<i>[Signature]</i>	Maules
Carlene Cooke	<i>[Signature]</i>	Dorr
Tom Cooke	<i>[Signature]</i>	DORR
Amy Brink	<i>[Signature]</i>	Byron
Curt Brink	<i>[Signature]</i>	Byron

Allegran county residents for a county wide ORV ordinance

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Name	Signature	Township
Kevin D. Briener	K. D. B.	Montgomery
Marisa Belmont	Robin Belmont	Montgomery
Robin Belmont	Robin Belmont	Montgomery
Amy Biorp Funk	Amy Biorp Funk	Salem
Whitney Smith	Whitney Smith	Salem
Jerry Furt	Jerry Furt	Salem
Red Smith	Red Smith	Salem
Calen Huggens	Calen Huggens	Lee
PAT Huggens	PAT Huggens	Lee
Tony Annot	Tony Annot	Montgomery
Rick Locatis	Rick Locatis	Allegran
Christy Locatis	Christy Locatis	Allegran
Tom Discroll	Tom Discroll	Manlius
JAMISON BURKHFIELD	J. Burkfield	MANLIUS
Marous Helder	Marous Helder	Fillmore
Angelica Pena-Smith	Angelica Pena-Smith	Manlius
Paulo Pena	Paulo Pena	Clyde
Diana Kerber	Diana Kerber	Hopkins
Gary Kerber	Gary Kerber	Hopkins
Steve Tyler	Steve Tyler	Allegran
Janine Myers	Janine Myers	Salem
Shawn Montenbelt	Shawn Montenbelt	Wayland

Becky Blaine

Subject: FW: ORV's need restrictions.

From: Gami Rae [<mailto:gamirae@gmail.com>]

Sent: Tuesday, April 20, 2021 9:47 AM

To: PARKS <PARKS@ALLEGANCOUNTY.ORG>

Subject: ORV's need restrictions.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I hope I am connecting to the proper department fir this issue. As a citizen of Allegan County I am concerned about the recent movement by local ORT enthusiasts and their action to legalize ORV on our streets and trails. This bothers me as I feel that is allowed it will bring noise, trash and rowdy crowds with them. I fear it will make out streets less safe because of vehicle accidents and that minors will be wheeling around our quiet streets and trails.

If you allow this at all please make sure it is limited to a small area where this action can be participated in. I would hate to see out quiet county streets become a speed way for these vehicles.

I also feel it would have a deleterious effect on out county's wildlife, floura and fauna.

Thank you,
Paula Madura

Becky Blaine

Subject: FW: Comments County ORV ordinance public hearing

Date: 6/3/21 11:48 AM (GMT-05:00)

Subject: RE: Comments County ORV ordinance public hearing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Al,

Your requested Opt-out change is what was in the ORV groups proposed ordinance. The County attorney change it to the current propose language, stating the revise ordinance is more in line with the language of the statute. The opt-out suggestion is in the best interest for each township. You suggestion on increasing the penalties for violating of the County ORV ordinance is in the best interest for all of people that will use their machine responsibly. Same old adage, "one bad apple can spoils the bunch". Great suggestions. Hope the Commissioners can find a way to implement your suggestions.

Thank You,
Mark Evans
Hopkins Township, Supervisor

Sent: Thursday, June 3, 2021 10:40 AM

Subject: Comments County ORV ordinance public hearing

Chairman Storey and Commissioners,

Let me reiterate the message I sent you last month concerning the County ORV ordinance. This is the position of the Laketown Township Board. Please include it as written comment for your June 10, 2021 public hearing:

The Laketown Township Board discussed the draft ORV ordinance at their regular May meeting. The Board is concerned about the ordinance and does not feel it is a good fit for a more urban township like Laketown. They are also concerned that the way the ordinance is currently worded Laketown would be forced into it and would need to go through the expense of drafting our own ordinance to "opt out". Further, MCL 324.81131(4) would require the township to demonstrate our reasoning for opting out. This opens the door for being challenged if/when someone is prosecuted under our ordinance.

The Laketown Board voted unanimously to request the County Board of Commissioners amend Section 301 of the draft ORV ordinance to include the following words after Allegan County: ", except within the following local units of government: Laketown Township, ..." (and then poll other local units of government to see who else would like to be opted out).

The Laketown Board also feels the penalties for violating the county ordinance are not sufficient and should have an increased financial penalty and possibly include confiscation of a vehicle.

Thank you in advance for considering the concerns of Laketown Township.

Al Meshkin
Manager

You may also want to review the violations officers deal with when enforcing ORV law:

https://www.michigan.gov/dnr/0,4570,7-350-79136_79772_81097-560566--_00.html?fbclid=IwAR2zRgjSnapoJlZUfdbk8BuHu7V_LU7G-svHV6P36s2n-JuRkj8sxYZnv2o



MEMORANDUM

June 10, 2021

TO: Board of Commissioners

RE: **EOC Status/Declaration**

In consideration of the current emergency declaration's pending expiration, I have met with Scott Corbin, Frank Baker, Angelique Joynes, Steve Sedore, Rob Sarro, Lorna Nenciarini to consider the potential impact of letting the declaration expire or extending it. In doing so, we considered a few questions outlined below:

Q1. Does an extension of the current local declaration in and of itself deploy any restrictions upon the public?

A1. No, there are not any local orders directly associated with the declaration.

Q2. Does the placement of or absence of a local declaration impact the resources being provided to the pandemic response?

A2. In general, no. As the "urgency" of the situation changes volunteers may change their willingness/desire to respond. Volunteers were in use with and without a declaration and Emergency Management will commit the same level of support needed for PH response to the pandemic whether we continue with a declaration or not. However, volunteers may not be sustainable even with a declaration remaining in place. As such, funding will need to be available to put designated resources in place to continue response to the pandemic.

Q3. Volunteer protection from certain liabilities has been connected to provisions under PA 390. In the absence of the declaration with this protection continue to be afforded to volunteers?

A3. According to legal counsel, there is very little if any impact of a local declaration relative to providing liability protection to volunteers. The general immunity P.A. 390 references exists in other statute. Immunity referenced for medical professionals is contingent upon a declaration by the Governor.

The team rendered the following conclusion: With or without a declaration in place, continuation of response resources at a minimum of the current level (moderate response, not surge conditions) without full reliance on volunteers, MiNG and internal staff requires the reservation/allocation of funds. It is recommended at this time that an ARPA reserve of \$9M be set aside for pandemic response and be routinely re-evaluated for need as more is learned (which could cause for more or less reliance on local ARPA funds).

Understanding that with the allocation of the ARPA funds local resources would exist to respond to the pandemic, the need for a declaration may have diminished. Absent a declaration, Public Meetings would be required to be in person (public could be permitted to participate remotely as an enhanced access to the meeting. Recognizing that SD/EM resources will continue unchanged, and with the understanding that funds will be allocated for resources, it is likely the declaration could expire without major detriment (but may need to be reinstated if factors change, e.g. hospitalization, variants, cases, fatality/mortality rates, etc.)

While, there is not a clear detriment to leaving the declaration in place, there could be question as to the propriety of a declaration being needed since various restrictions have been lifted and funds are available for the response. If the Board chooses to extend the declaration, a few modifications may be necessary and can be brought back on June 24.

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

RESOLUTION TO EXTEND DECLARATION OF THE STATE OF EMERGENCY FOR THE COUNTY OF ALLEGAN

WHEREAS, on November 5, 2020, the Allegan County Board of Commissioners, declared that a "local state of emergency" exists within our jurisdiction as of November 6, 2020, due to the COVID-19 pandemic; and

WHEREAS, the Declaration is set to expire on June 30, 2021, unless otherwise extended by the Board of Commissioners.

THEREFORE BE IT RESOLVED, the Allegan County Board of Commissioners hereby extends the above referenced Declaration through December 31, 2021, unless otherwise terminated in advance or extended by the Board of Commissioners.

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

COURTHOUSE ENTRANCE X-RAY MACHINE

WHEREAS, the Board has previously authorized the placement of an x-ray machine in 2005 and such was not implemented due to space restrictions; and

WHEREAS, the new Courthouse Entrance was designed with space to accommodate the future deployment of an x-ray machine; and

WHEREAS, the new entrance is scheduled to be completed before the end of the year; and

WHEREAS, the Sheriff's Office is recommending an earlier purchase of an x-ray machine so it may be deployed upon immediate opening with the public; and

WHEREAS, based on several quotes obtained in 2020, an x-ray machine with appropriate accessories, delivery, installation and training is likely to cost between \$35,000 and \$45,000.

THEREFORE BE IT RESOLVED that the Allegan County Board of Commissioners approves the inclusion of a Courthouse Entrance X-Ray Machine into the 2020 Capital Plan (2450.261.977.00.00) for an amount of \$50,000; and

BE IT FINALLY RESOLVED the Executive Director of Finance is authorized to make the necessary budget adjustments to complete this action.



ALLEGAN COUNTY
REQUEST FOR ACTION FORM

Completed RFA form must be attached to a work order request through the Track-It System. If you have any questions regarding this process, please contact Administration @ ext. 2633.

RFA#: 202145
Date: 6/7/2021

Request Type Budget Adjustments or Transfers **Select a Request Type to reveal and complete required form.**
Department Requesting Facilities Mgmt
Submitted By Valdis Kalnins on behalf of Chris Kuhn
Contact Information ckuhn@allegancounty.org

- Revenue
- Expense

Fund, Activity, Account:

2450.261.977.00.00

Amount \$50,000.00

Explanation / Description:

Mid-year capital appropriation needed to procure and install an x-ray machine at the new Courthouse entrance for scanning personal items such as purses, backpacks, briefcases and bags.

FROM:
 Contingency
 Fund Balance
 Account:

TO:
Account:
Amount \$50,000.00



Project Scoping Form

Version 2.0

PURPOSE: The purpose of this document is to gauge the value this project idea has in reaching a desired future state, gauging the project's impact on budget and resources, and charting a course for next steps.

Project Name:	Courthouse Security X-Ray Machine
Project Sponsor:	Steve Sedore
Project Manager:	Valdis Kalnins

PART A – PROJECT SUMMARY

1. CURRENT STATE

In 2005, the west entrance to the courthouse was identified as a new security entry point and retro-fitted with a magnetometer to help detect and prevent weapons from entering the building. In the May 12, 2005 Board resolution, authorization was given to purchase a package x-ray machine but due to space limitations, this was not pursued. With the construction of a new courthouse entrance, space was designed to support the addition of an x-ray machine as well as the magnetometer.

Currently, courthouse security staff have to manually search bags which is:

- Very intrusive to customers;
- Takes time and creates delays for customers wanting to enter the building;
- Exposes officers to the dangers of getting stabbed or poked by objects while conducting searches;
- Exposes officers to conflict and accusations of theft; and
- May not be as effective at detecting hidden objects as an x-ray machine.

2. DESIRED FUTURE STATE

The desired future state is to increase officer safety, improve efficiency in the security process, and improve the customer experience for entering the Courthouse by purchasing a single x-ray machine and installing it in the new Courthouse security entrance when construction is complete.

3. SCHEDULING CONSIDERATIONS

It is desirable to align the procurement and installation of the new x-ray machine with the opening of the new security entrance anticipated at the end of August 2021

4. PRIORITY CONSIDERATIONS

Is the primary objective of this project to (check one or both):

- address an **operational** need necessary to maintain the status quo.
- address a **strategic** desire to change or enhance the status quo.

Fill out the Priority Matrix in Part D to help prioritize this project and enter the score here: **35**

5. ATTACHMENTS AND REFERENCES

5.1 List any relevant supporting or reference materials such as product quotes, legislation, photos, budget calculations, etc. and attach to the track it request as separate documents. Photos can be inserted directly into this scoping document.

- None (or list documents)

5.2 List hyperlinks to any relevant information that can be found online with a brief description.

- None (or list hyperlinks)

PART B – PROJECT DETAIL

6. PROJECT BUDGET

Does your project involve expenditures, revenues or fees? **Yes** **No** - If “Yes”:

6.1 **Initial Project Funding:**

Where is the proposed initial funding for this project coming from?

- Existing budgeted operational funds to be used
- New operational funds requested in next year’s budget
- Capital / project / contingency funds requested
- Existing grant funds available
- New grant funding to be applied for
- Other: **May be eligible for procurement with ARPA Funds**

6.2 **Capital / Grant / Contingency Expenditures:**

Expenditure Item	Year	Budget Account	Estimated Cost
Small Parcel X-Ray Scanner	1	2021	\$50,000
Total Funding Request			\$50,000

6.3 How was the cost estimate determined? Was the full scope considered in estimating cost? Attaching quotes or cost breakdowns from other projects is desirable.

Quotes were obtained from two vendors in October of 2020. Costs for the machine plus accessories such as extension tables at the ends of the machine including delivery, installation and training were

in the ball-park of \$35,000. Prices for goods seem to be unstable and may have increased significantly since 2020, therefore \$50,000 is being requested to ensure that adequate funds are budgeted.

6.4 Operational Expenditure Changes if Any (include year’s 1 – 5 if applicable):

Expenditure Item	Year	Budget Account	Estimated Change
None (or itemize)	1		\$0

The quotes did not include nor indicate any annual costs. It is anticipated that some costs will be required for routine maintenance and/or repairs. This will be funded through the Sheriff’s office for minor repairs and through capital for major repairs.

6.5 If project has associated operational expenditures, are they incorporated and sufficiently funded in your most recent or pending five-year budget submittal? Yes No N/A

6.6 Estimated Revenue Changes if Any (include year’s 1-5 if applicable):

Revenue Item	Year	Budget Account	Estimated Change
None (or itemize)	1		\$0

6.7 Are anticipated revenues incorporated in your most recent or pending five-year budget submittal? Yes No N/A

6.8 If any fees are impacted by or associated with this project describe any changes:
Not Applicable

6.9 Funding Approval Authority:

What is the highest level of approval needed to authorize funding for this project?

- Manager / Director / Elected Official
- Commission, Committee, Team or other group: InsertName
- County Administrator
- Board of Commissioners

6.10 Funding Approval Process:

What process should be used to approve project funding?

- Internal to Service Area / Department
- Through Annual Budget Process - Year:
- Budget Adjustment - Request for Action (RFA)

Personnel Request - Request for Action (RFA)

Other: (describe)

This project is being requested as a mid-year 2021 capital project.

7. ASSET MANAGEMENT

Will your project result in a change to the assets owned by the county? Yes No - If "YES":

7.1 Assets Added:

Asset description and detail	Quantity	Useful Life
Small package x-ray machine	1	10 years

7.2 Assets Removed:

Asset description and detail	Quantity	Disposition	Revenue
None			\$0

8. PROCUREMENT AND CONTRACTING

Will you need to procure products and/or contract for services? Yes No - If "YES":

8.1 What is the estimated cost of products or services to be procured? **\$40,000**

8.2 If this an emergency purchase, provide a rationale supported by the Purchasing Policy: **none**

8.3 Which procurement strategy is being proposed?

Sole Source

Reverse Auction

Cooperative Purchase

Product/services procured through quotes

Request for Proposal (RFP) for products and/or services

Other

It is still being researched as to whether this item is available on a co-op agreement.

8.4 If this is a sole source procurement, provide a rationale supported by the Purchasing Policy: **No**

8.5 What level of approval will be needed to purchase product and/or award service contract based on account authority and approval thresholds?

Manager / Director / Elected Official

Commission, Committee, Team or other group: **InsertName**

County Administrator (RFA needed)

Board of Commissioners (RFA needed)

Once the budget appropriation is approved by the Board, County Administrator would be able to approve the purchase as a budgeted capital under \$50,001.

9. PROCESS, PROCEDURE, POLICY and PERSONNEL CHANGES

If any processes, procedures or polices will be impacted by pursuing this project, please describe and elaborate:

The Sheriff’s office will have to train their CH security personnel in the use of this new device.

If any personnel changes will be needed to realize this project, please describe and elaborate: None

PART C – PROJECT MANAGEMENT SECTION

10. TRAINING AND TESTING

10.1 If any training will be needed in order to implement this project, describe:

Vendor will provide necessary training to ACSO staff.

10.2 If any testing / verification will be needed in order to implement this project, describe:

None

11. RESOURCE NEEDS ESTIMATES

11.1 Taking into consideration all other sections of this Project Scoping Form, estimate the number of months to complete each stage of the project including lag times. If the project has multiple phases, add additional tables. PMT will assist you in putting together an Activity Schedule to estimate resource needs.

Estimated Months for each Project Stage						
Project Stage:	Total	Scoping	Development	Contracting	Execution	Monitoring
Duration:		0.25	0.25	1	3	1

Estimated Resource Hours by Project Stage						
Resource Name	Total	Scoping	Development	Contracting	Execution	Monitoring
ACSO	20	1	2	1	16	
PMT	6	1	2	2	0	1
Facilities Mgmt	2				2	
Information Services	1				1	

12. MISCELLANEOUS PROJECT MANAGEMENT NOTES

Use this area for any additional notes on managing the project.

PART D – PROJECT PRIORITIZATION MATRIX

Legislative Compliance			
Category	Scoring Criteria	Project Relevance	Points
State/Federal Mandate	20 = Complies with a State or Federal mandate / ordinance / law, 0 = not applicable or not mandated		0

Employee Impact			
Category	Scoring Criteria	Project Relevance	Points
Safety and Security	5 = increases or would result in a decrease without this action, 0 = not applicable or no impact	Increases security	5
Capabilities of employees (skills, abilities and knowledge)	10 = increases or would result in a decrease without this action, 0 = not applicable or no impact		0
Employee Wellness	5 = increases or would result in a decrease without this action, 0 = not applicable or no impact	There is a stress factor to searching through the public's personal belongings and a constant threat of accusations of theft or being stuck with an object in their bag	5

Operational Impact			
Category	Scoring Criteria	Project Relevance	Points
Efficiency / Capacity	10 = increases or would result in a decrease without this action, 0 = not applicable or no impact	Much more efficient and effective way to search packages/bags	10
Scope	5 = impact multiple service areas 2 = impacts a single service area	Impacts the entire building	5
Prevention Planning	5 = Aligns to an existing plan (i.e. maintenance, improvement, replacement), or prolongs/preserves the life of an asset and prevents greater expenditure later, 0 = Not applicable or no impact		0

Financial Impact			
Category	Scoring Criteria	Project Relevance	Points
Expenditures	5 = Decreases expenditures or would result in an increase without this action, 0 = Not applicable or no impact		0
Return on Investment (ROI)	5 = ROI within 2 years, 2 = ROI within 5 years 0 = Not applicable or no impact		0
Revenue	5 = Increases revenue or would result in a decrease without this action,		0

	0 = Not applicable or no impact		
Risk Management & Liability	5 = decreases liability or would result in an increase without this action, 0 = not applicable or no impact		5

Service Impact			
Category	Scoring Criteria	Project Relevance	Points
Level of Service	5 = increases or would result in a decrease without this action, 0 = not applicable or no impact		0
Quality of Service	5 = increases or would result in a decrease without this action, 0 = not applicable or no impact	Better customer experience	5
Accessibility of Service	5 = increases or would result in a decrease without this action, 0 = not applicable or no impact		0
Collaboration	5 = increases or would result in a decrease without this action, 0 = not applicable or no impact		0