

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

Thursday, July 23, 2020 – 1PM

Virtual Meeting – Connectivity Instructions **Attached**

DISTRICT 1
Dean Kapenga
616-218-2599
dkapenga@
allegancounty.org

1PM

CALL TO ORDER:

ROLL CALL:

OPENING PRAYER: Commissioner Dean Kapenga

PLEDGE OF ALLEGIANCE:

COMMUNICATIONS: None

APPROVAL OF MINUTES: Attached

July 9, 2020

PUBLIC PARTICIPATION:

ADDITIONAL AGENDA ITEMS:

APPROVAL OF AGENDA:

PRESENTATIONS:

PROCLAMATIONS:

INFORMATIONAL SESSION: None

ADMINISTRATIVE REPORTS:

DISTRICT 2
Jim Storey
616-848-9767
jstorey@
allegancounty.org

DISTRICT 3
Max R. Thiele
269-673-4514
mthiele@
allegancounty.org

CONSENT ITEMS:

1. Motion to approve of claims paid and to incorporate into proceedings of the Board (7/17/20 & 7/24/20)

DISTRICT 4
Mark DeYoung
616-318-9612
mdeyoung@
allegancounty.org

ACTION ITEMS:

1. 2020 Board Planning: Sale of 277 North Street - Allegan

DISTRICT 5
Tom Jessup
269-637-3374
tjessup@
allegancounty.org

DISCUSSION ITEMS:

1. Off Road Vehicle Ordinance (Commissioner Kapenga)
2. 2nd Quarter Capital Report

DISTRICT 6
Gale Dugan
269-694-5276
gdugan@
allegancounty.org

NOTICE OF APPOINTMENTS & ELECTIONS:

1. Tourist Council
 - One Representative—term expired 4/12/20

APPOINTMENTS:

1. Brownfield Redevelopment Authority
 - One Representative—term expired 12/31/19
2. Parks Advisory Board

DISTRICT 7
Rick Cain
269-744-7918
rcain@
allegancounty.org

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”

- One Representative—term expired 12/31/19
- 3. Local Emergency Planning Committee
 - Public Representative— term expired 12/31/19
- 4. Solid Waste Planning Committee
 - Two Solid Waste Industry Representative—term expired 12/31/19
 - One Township Representative—term expired 12/31/19
 - One General Public Representative—term expired 12/31/19
 - One City Gov. Representative—term expires 12/31/20
- 5. Tourist Council
 - One Representative—term expired 12/31/20
- 6. 911 Policy & Procedure Board:
 - Township Representative—term expires 7/31/20

ELECTIONS:

1. Economic Development Commission
 - Downtown Representative—term expired 12/31/19
2. Commission on Aging:
 - One Member At Large—term expires 12/31/21

PUBLIC PARTICIPATION:

FUTURE AGENDA ITEMS:

REQUEST FOR PER DIEM/MILEAGE:

BOARDS AND COMMISSIONS REPORTS:

ROUND TABLE:

ADJOURNMENT: Next Meeting – Thursday, August 13, 2020, 1:00PM @ **BOARD ROOM – COUNTY SERVICES BUILDING, COUNTY SERVICES COMPLEX.**



Allegan County Board of Commissioners

Meeting
July 23, 2020 @ 1:00p

Connecting via Zoom Webinar



Allegan County
3283 122nd Ave
Allegan, MI 49010

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STEP 1: Connect to the Zoom Site

- OPTION 1: Telephone

- Call (929) 205-6099 -or- (312) 626-6799 -or- (253) 215-8782
 - Type in Meeting ID: 845 4825 1601, then #, then # again
 - Type in Meeting Password: 72320, 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.

- OR -

- OPTION 2: Web browser

- Open Internet Explorer or Chrome
- Navigate to <https://zoom.us/j/84548251601>
- Meeting Password: 72320
 <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_SjqfnMwchbtUEg`. 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 *

Below the form is a reCAPTCHA challenge with the text "I'm not a robot" and a "reCAPTCHA Privacy - Terms" link. A blue button labeled "Join Webinar in Progress" is positioned below the reCAPTCHA.

Four blue arrows with white text provide instructions:

1. Enter name and email (points to the name fields)
2. Click this box (points to the reCAPTCHA "I'm not a robot" checkbox)
3. Answer challenge question (points to the reCAPTCHA image grid)
4. Click when done. (points to the "Join Webinar in Progress" button)

The footer contains 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

Additional footer elements include "Language", "Currency" (set to US Dollars), and a "VERIFY" button.

STEP 3: This Window will appear when connected.



STEP 4: Adjust audio settings (if needed)

The screenshot shows a meeting interface with a 'Settings' window open. The 'Audio' tab is selected in the settings sidebar. The 'Speaker' section shows 'Remote Audio' selected in a dropdown menu. The 'Microphone' section shows 'Test Mic' selected. Below these are sliders for 'Output Level' and 'Volume', and a checked box for 'Automatically adjust volume'. At the bottom of the settings window, there are several unchecked checkboxes: 'Use separate audio device to play ringtone simultaneously', 'Automatically join audio by computer when joining a meeting', and 'Mute my microphone when joining a meeting'. There are also two checked checkboxes: 'Press and hold SPACE key to temporarily unmute yourself' and 'Sync buttons on headset'. An 'Advanced' button is at the bottom right of the settings window.

1 Select a Speaker
✓ Remote Audio
Same as System
Test Speaker & Microphone...
Leave Computer Audio
Audio Settings...

2

Settings

General
Video
Audio
Share Screen
Virtual Background
Recording
Statistics
Feedback
Keyboard Shortcuts
Accessibility

Speaker: Test Speaker, Remote Audio

Output Level: [Slider]

Volume: [Slider]

Microphone: Test Mic

Input Level: [Slider]

Volume: [Slider]

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 ^

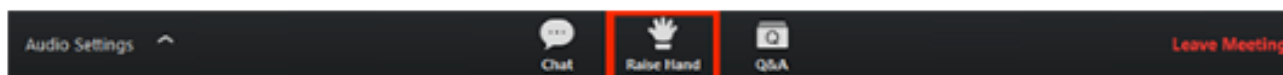
Chat Raise Hand Q&A

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 interface. At the top, a green banner reads "You are viewing Allegan County Administration's screen" with a "View Options" dropdown. The main content is a document viewer showing a Microsoft Word document titled "BOC20200409_agenda [Compatibility Mode] - Word". The document header includes the "Allegan County Board of Commissioners" logo and contact information for Jim Storey and Gale Dugan. The agenda items listed are:

- DISTRICT 1** (Dean Kapenga): Virtual Meeting – Connectivity Instructions **Attached**
- DISTRICT 2** (Jan Storey)
- DISTRICT 3** (Max R. Thiele)
- DISTRICT 4** (Mark Drayton)

The agenda items include: IPM, 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 meeting control bar is visible, featuring "Audio Settings", "Chat", "Raise Hand", "Q&A", and a red "Leave Meeting" button. A large blue arrow points to the "Leave Meeting" button.

ALLEGAN COUNTY BOARD OF COMMISSIONERS

INDEX

JULY 9, 2020 SESSION

JOURNAL 68

<u>PAGE</u>	<u>ITEM</u>	<u>SUBJECT MATTER</u>
662	1	JULY 9, 2020 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL
662	2	COMMUNICATIONS
662	3	APPROVAL OF MINUTES - JUNE 25, 2020
662	4	PUBLIC PARTICIPATION - COMMENTS
662	5	APPROVAL OF AGENDA AS PRESENTED
662-665	6	INFORMATIONAL SESSION: COMMUNITY MENTAL HEALTH
666	7	ADMINISTRATIVE REPORTS
666-667	8	CLAIMS & INTERFUND TRANSFERS 7/3/20 & 7/10/20
667-668	9	FINANCE - APPLY/ACCEPT FY2020-2021 CORONAVIRUS EMERGENCY SUPPLEMENT FUNDING (CEFS) GRANT
668	10	2021 BUDGET
668	11	NORTH STREET - EXTEND CURRENT LISTING PRICE
668	12	2020 BOARD PLANNING - ROCK TENN PROPERTY
668-669	13	2020 BOARD PLANNING - TAX LIMITATION NEXT STEPS
669	14	2020 BOARD PLANNING - LIVE STREAMING POLICY
669	15	2020 BOARD PLANNING - QUARTERLY ADMINISTRATOR STRATEGIC TOUCHPOINT
669	16	PUBLIC PARTICIPATION - NO COMMENTS
669	17	APPLY/ACCEPPT FY2020 PUBLIC SAFETY AND PUBLIC HEALTH PAYROLL REIMBURSEMENT PROGRAM
669	18	BREAK - 4:04 P.M.
670	19	APPOINTMENTS - 911 POLICY & PROCEDURE BOARD
670	20	ADJOURNMENT UNTIL JULY 23, 2020

AFTERNOON SESSION**JULY 9, 2020 SESSION - INVOCATION, 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 July 9, 2020 at 1:00 P.M. in accordance with the motion for adjournment of June 25, 2020, and rules of this Board; Chairman Storey presiding.

The invocation was offered by District #2 Commissioner Storey.

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	DIST #5	TOM JESSUP - Absent
DIST #2	JIM STOREY	DIST #6	GALE DUGAN
DIST #3	MAX THIELE	DIST #7	RICK CAIN
DIST #4	MARK DeYOUNG		

COMMUNICATIONS

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

1. Menominee County resolution in support of the 2020 Upper Peninsula State Fair
2. Tuscola County & Arenac County - resolution in support of the Line 5 Tunnel
3. Eaton County resolution to declare racism as a public health crisis

JUNE 25, 2020 SESSION MINUTES - ADOPTED

3/ Moved by Commissioner Kapenga, seconded by Commissioner Thiele to approve the minutes for the June 25, 2020 session as distributed. Motion carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

PUBLIC PARTICIPATION - COMMENTS

4/ Chairman Storey opened the meeting to public participation and the following individual offered comment:

1. Matt Campbell of 2240 Abbey Drive in Allegan Township addressed the board regarding his support of the ATV/ORV ordinance

AGENDA - ADOPTED AS PRESENTED

5/ Moved by Commissioner Thiele, seconded by Commissioner DeYoung to adopt the meeting agenda as presented. Motion carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

INFORMATIONAL SESSION: COMMUNITY MENTAL HEALTH

6/ Mental Health Director Mark Witte addressed the board with the annual update for Allegan County Community Mental Health.



Annual Update to the Allegan County Commission

July 9, 2020

Our Mission

Strengthening our community by improving and advocating for the lives of individuals and families.

Our Vision

Building a community which provides integrated behavioral health care effectively, efficiently, and sustainably for all who require it.

Our Core Values

Integrity, Honor, Equality, Innovation, Teamwork, Cultural Competency.

Thank you, Commissioners and Administrator Sorro, for the opportunity to present this annual update from Allegan County Community Mental Health. Ordinarily I would have relished the opportunity to share a clever PowerPoint presentation with you, but the times call for a more standard written report that can be more easily delivered at a distance.

I'd like to share with you several updates and developments related to our work, and close by inviting you to find a way to celebrate with us in this very special – though unusual – year.

COVID-19

As we are all too painfully aware, the onset of the COVID-19 crisis has thrown a giant curve ball at every kind of business and enterprise in the county, and CMH is no exception. Ever since the initiation of Governor Whitmer's "Stay Home, Stay Safe" order on 3/24/2020, we have been working to figure out a new way to continue our work with the people we serve.

- We went from being an office-based crew to a largely off-site crew.
- We secured additional technology (phones and computers) and adopted virtual meeting platforms for our meetings and secure versions for our client contacts.
- We supported our staff by offering "Administrative Leave" time for those unable to do their work and have seen that time diminish a lot over the six or seven payroll periods that have transpired since March.
- We provided each staff with a daily email update on agency activities to keep everyone in the loop. As of 6/30/2020, we're up to edition #68 – having throttled back to 2x/week now.
- We consult regularly and in an ongoing manner with many different partners:
 - Locally with the Allegan County Health Department
 - Regionally with the Lakeshore Regional Entity
 - Statewide with the MI Dept of Health and Human Services
- We participated faithfully in the coordinating activities of the Emergency Operations Center.
- We have enjoyed the continued support of our board – which, thanks to your recent actions – have filled all twelve seats with outstanding community representatives, including three of your Commissioners – Chairperson Jim Storey, Mark DeYoung, Gale Dugan – all of whom have been excellent in their service.

Based on a survey conducted in May, the experience of our clients to all the telehealth offerings has been mixed. Some find it convenient and a practical help to their transportation challenges. Some miss the in-person interaction, and/or have technology problems or limitations that makes it impractical. I suspect we will work to maintain it where it works and is preferred and revert to in-person services as soon as our plan permits for those who do not prefer that mode of delivery.

We cannot predict the path or timeline of the crisis but are doing our part to keep it as short as possible by keeping everyone as safe as possible.

NEW BUILDING

We are in the lengthy process of purchasing and eventually refurbishing the former Shopko store on Jenner Drive across from Ascension Allegan Hospital. We have already gone many rounds with our USDA mortgage application to conform it to their fluctuating documentation requirements. We think we are close to the end of their process and will be able to proceed to construction and build-out phases after that.

All architectural and financial feasibility work for the building is complete, as it had to be submitted with the USDA application. The building will house all our current operations and allow for near-term expansion to include integrated physical and behavioral healthcare as well as increased capacity for the treatment of substance use disorders. We have a dire need to offer an in-county option for people with opioid and methamphetamine dependence.

If all goes well, and we secure the USDA's commitment by September, we could be on track to move the entire CMH operation into the Shopko location sometime in late 2021. I'm grateful to Rob Sarro and his team for their support in planning. We anticipate continuing our partnership through the county for a number of services in the new location.

FUNDRAISING CAMPAIGN

Mental health is such an important community concern, touching on every aspect of life for most of our community members. Mental Health America reports that nationally between 2012 and 2017,

- youth major depression increased from 8.66% to 13.01%
- only 28.2% of these youth received consistent care
- adult serious suicidal ideation increased from 3.77% to 4.19%
- more individuals have private health insurance but 8.1% did not have mental health coverage (up from 4.6% in 2012)

People are concerned for themselves and for their family members and neighbors. One way the community can help is by responding to a special one-time campaign for financial support. The proceeds of that campaign will give county residents and business leaders a tangible way to support the community by making it possible for Allegan County CMH to locate our services in a highly visible, strategic and accessible location for years to come.

MODERNIZING OUR IDENTITY

The past couple of years have been spent evaluating the strategic needs of the organization and our mission/vision/values have been revised (see page 1, left column). What started as an effort to bring citizens home from institutional care and integrate them into community life in the 1970's has shifted. We continue to work to help everyone who struggles with chronic mental illness or developmental/intellectual disabilities achieve a full and rich life in their community.

However, we do so much more to intervene in mental health crises as they happen, we serve in support of courts and the jail as they deal with individuals with mental illness, we facilitate access to addiction treatment and offer recovery supports, we address childhood trauma and behavioral difficulties that emerge in childhood and we support healthy living and positive development for youth. ACCMHS is the homelessness go-to agency for Allegan County.

In the next several months, we will consider options for rebranding/renaming the agency. "Community Mental Health" services are our roots, but this name can stand in the way of how the public understands our services. We look to increase accurate interaction with an agency with strong skills in behavioral health that is dynamically engaged with the larger health care system, and which offers many other resources to support success and well-being.

STRATEGIC DISCUSSION

On August 11, our board and key partners (architect, branding consultant, fund developer) will come together for a work session to consider how we can bring all of these elements together – building, branding, & bucks – amid the COVID-19 crisis. Our cause is noble, and our work is challenging, and what it means to this community is what drives our daily efforts.

FIFTY YEARS

I know, we don't look a day over 35. But CMH was born on July 1, 1970! I spent a lot of time all through 2019 digging through archives of board minutes and agency archives and old newspaper articles about everything that happened in those 50 years. There is so much to remember and appreciate. Unfortunately, COVID-19 sunk our plans for a collective event – but someday, when this is all done, we will do just that. We will remember our past together and with humility commit ourselves to a future of great service to the people of Allegan County.

QUESTIONS? COMMENTS?

Sincerely,

Mark A. Witte, MSW, LMSW
Executive Director
7/1/2020

ADMINISTRATIVE REPORTS:

7/ Administrator Rob Sarro noted his written report was submitted to Commissioners. Highlights included animal shelter kennel paint, COVID Response funding, CARES Act funding and Project Staircase.

FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS

8/ **WHEREAS**, Administration has compiled the following claims for July 3, 2020 and July 10, 2020; 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 2020 Claims folder of the Commissioners' Record of Claims.

July 3, 2020

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	183,474.80	183,474.80	
Park/Recreation Fund - 2080	714.02	714.02	
Central Dispatch/E911 Fund - 2110	21,584.04	21,584.04	
Health Department Fund - 2210	2,772.71	2,772.71	
Transportation Grant – 2300	1,233.52	1,233.52	
Public Improvement Fund - 2450	29,629.00	29,629.00	
Animal Shelter - 2550	7,360.00	7,360.00	
Register of Deeds Automation Fund – 2560	134.54	134.54	
Palisades Emergency Planning Facility UP – 2630	123.25	123.25	
Grants – 2790	7,549.48	7,549.48	
Victim Rights Grant - 2791	98.02	98.02	
Child Care-Circuit/Family - 2921	2,194.06	2,194.06	
Senior Millage - 2950	800.01	800.01	
Fleet Management - 6612	24.79	24.79	
Self-Insurance Fund - 6770	25,223.74	25,223.74	
Drain Fund - 8010	42,096.68	42,096.68	
TOTAL AMOUNT OF CLAIMS	\$325,012.66	\$325,012.66	

July 10, 2020

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	105,001.97	105,001.97	

Park/Recreation Funs – 2080	1,370.93	1,370.93	
Central Dispatch/E911 Fund – 2110	5,817.29	5,817.29	
Friend of Court Office – 2151	114.00	114.00	
Health Department Fund – 2210	6,462.44	6,462.44	
Solid Waste – 2211	6,865.81	6,865.81	
Transportation Grant – 2300	6,266.32	6,266.32	
Capital Improvement Fund - 2450	4,290.00	4,290.00	
Register of Deeds Automation Fund – 2560	88.17	88.17	
Indigent Defense – 2600	237.35	237.35	
Child Care-Circuit/Family – 2921	5,574.91	5,574.91	
Senior Millage – 2950	1,070.10	1,070.10	
Delinquent Tax Revolving Fund -6160	3,125.02	3,125.02	
Tax Reversion – 6200	536.56	536.56	
Self-Insurance Fund - 6770	14,083.14	14,083.14	
Drain Fund - 8010	20,224.64	20,224.64	
TOTAL AMOUNT OF CLAIMS	\$181,128.65	\$181,128.65	

THEREFORE BE IT RESOLVED that the Board of Commissioners adopts the report of claims for July 3, 2020 and July 10, 2020.

Moved by Commissioner Thiele, seconded by Commissioner Dugan to adopt the report of claims for July 3, 2020 and July 10, 2020. Motion carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

DISCUSSION ITEMS: 2020 BOARD PLANNING

FINANCE – APPLY/ACCEPT FY2020-2021 CORONAVIRUS EMERGENCY SUPPLEMENT FUNDING (CEFS) GRANT

9/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the resolution as presented.

Moved by Commissioner Thiele, seconded by Commissioner DeYoung to amend the 2nd paragraph to read: "**BE IT FURTHER RESOLVED** In keeping with the Byrne JAG focus on public safety, for expenses incurred or to be incurred, the County may receive maximum reimbursement/funding under the following three areas which is currently...". Motion amendment carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

BE IT RESOLVED that the Allegan County Board of Commissioners hereby authorizes the County Administrator to apply for, and accept when awarded, the CESF grant through Michigan State Police, Grants and Community Services Division, Byrne JAG Unit FY2020-21 (March 2020 through September 2021), to reimburse the County for costs that are "directly related to the prevention of, preparation for, or response to coronavirus"; and

BE IT FURTHER RESOLVED In keeping with the Byrne JAG focus on public safety, for expenses incurred or to be incurred, the County may receive maximum reimbursement/funding under the following three areas which is currently: Sheriff/Corrections (\$150,784); Courts (\$183,302.23); and Prosecuting Attorney (\$58,500) which may include and is not limited to costs of overtime, contracted services, technology, personal protection equipment, physical barriers (including the courthouse renovation

modifications if eligible) and other eligible expenses that have been, and will be, incurred in carrying out the County's COVID-19 Preparedness, Response and Safe Workplace Plan; and

BE IT FINALLY RESOLVED that the Board Chairman and/or the County Administrator are authorized to sign the necessary documents on behalf of the County and that the Executive Director of Finance is authorized to make the necessary budget adjustments to complete this action.

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

2021 BUDGET

10/ Administrator Sarro noted the budget development continues to be on track in accordance with the Board's Budget Policy. Administration is meeting with each office to review and gain further understanding of budget submissions so that a recommended balanced budget can be presented.

NORTH STREET - EXTEND CURRENT LISTING PRICE

11/ Administrator Sarro noted that on February 27, 2020 the Board passed a resolution to reduce the sale price of the North Street property from \$479,000 to \$325,000 for a period of 90 days. With a majority of the 90 window being consumed by the COVID crisis. Administration will continue to list the property at the \$325,000 price point for the remainder of the year subject to the Board's approval.

Moved by Commissioner Dugan, seconded by Commissioner Cain to take action during the July 23, 2020 session for the listing price of the North Street property. Motion carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

2020 BOARD PLANNING - ROCK TENN

12/ Administrator Sarro noted the purchase agreement for the Rock Tenn property expired on April 9, 2020. The developer advised there is still a desire to develop the property; however, demolition combined with infrastructure costs are prohibitive without grants for sewer, water and roads. Both the County and the developer continue to seek additional grants and investment options to make the project viable.

THEREFORE BE IT RESOLVED, the Board of Commissioners authorizes the Administrator to prepare a Request for Proposal package for options of demolition of the remaining buildings inclusive of a bid alternative to add the removal of the foundations.

BE IT FURTHER RESOLVED, the Administrator is authorized to identify and pursue funding sources that may be available.

Moved by Commissioner DeYoung, seconded by Commissioner Dugan to approve the resolution as presented. Motion carried by roll call vote. Yeas: Storey, Thiele, DeYoung, Dugan and Cain. Nays: Kapenga. Absent: Jessup.

TAX LIMITATION - NEXT STEPS

13/ Administrator Sarro noted the Board approved ballot language that will ask voters during the November 3, 2020 General Election on the tax limitation. Sarro has arranged for a brief presentation and

question/answer session utilizing the Zoom virtual meeting tool for local units and the public. Sarro will present and facilitate discussion along with several other team leaders.

LIVE STREAMING POLICY

14/ Administrator Sarro updated the Board that equipment has begun to arrive. Information Services is anticipating configuration and installation to be completed by the end of August. Administration and Legal is reviewing the Live Stream Policy and will be brought back before the Board for final approval.

QUARTERLY ADMINISTRATOR STRATEGIC TOUCHPOINT

15/ Chairman Storey noted he distributed a communication to Commissioners on the Administrator's quarterly review.

PUBLIC PARTICIPATION - NO COMMENTS

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

FINANCE - APPLY/ACCEPT FY2020 PUBLIC SAFETY AND PUBLIC HEALTH PAYROLL REIMBURSEMENT PROGRAM

17/ Executive Director of Finance Lorna Nenciarini updated the board on the Michigan Department of Treasury's webinar that was held on July 9, 2020 to assist local unites in understanding the funding opportunities available to assist in COVID responses.

BE IT RESOLVED that the Allegan County Board of Commissioners hereby authorizes the County Administrator to apply for, and accept when awarded, the Public Safety and Public Health Payroll Reimbursement Program (April 1, 2020 through May 31, 2020), to reimburse the County for Public Safety and/or Public Health payroll costs that may be eligible under the program; and

BE IT FINALLY RESOLVED that the Board Chairman and/or the County Administrator are authorized to sign the necessary documents on behalf of the County and that the Executive Director of Finance is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner Kapenga, seconded by Commissioner Dugan to approve the resolution as presented. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Dugan and Cain. Nays: Thiele. Absent: Jessup.

BREAK - 4:04 P.M.

18/ Upon reconvening at 4:15 P.M., the following Commissioners were present: Commissioner Kapenga, Storey, Thiele, DeYoung, Dugan and Cain. Absent: Jessup.

APPOINTMENTS: 911 POLICY & PROCEDURE BOARD

19/ Chairman Storey announced the appointment of the following individual to the 911 Policy & Procedure Board to fill a 2-year term; term to expire 7/31/2022.

Markie McGowan, 2966 56th St, Fennville

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

ADJOURNMENT UNTIL JULY 23, 2020 AT 1:00 P.M.

20/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adjourn until July 23, 2020 at 1:00 P.M. The motion carried and the meeting was adjourned at 4:38 P.M.



Deputy Clerk

Board Chairperson

Minutes approved during the 00/00/2020 Session

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 7/17/20 and 7/24/20; 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 2020 Claims folder of the Commissioners' Record of Claims.

July 17, 2020

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund - 1010	121,420.38	121,420.38	
Central Dispatch/E911 Fund - 2110	835.63	835.63	
Friend of Court Office - 2151	4,052.22	4,052.22	
Health Department Fund - 2210	6,168.79	6,168.79	
Solid Waste - 2211	25,324.66	25,324.66	
Transportation Grant - 2300	44,808.97	44,808.97	
Capital Improvement Fund - 2450	378,224.33	378,224.33	
Indigent Defense - 2600	5,609.87	5,609.87	
Local Corrections Officers Training Fund - 2640	2,500.00	2,500.00	
Justice Training Fund-P.A.302, 1982 - 2660	2,000.00	2,000.00	
Grants - 2790	9,248.85	9,248.85	
Child Care-Circuit/Family - 2921	75,110.25	75,110.25	
Senior Millage - 2950	537.23	537.23	
Delinquent Tax Revolving Fund - 6160	1,366.19	1,366.19	
Delq Tax Revolving Fund - 2019 Taxes - 6199	6,269.12	6,269.12	
Drain Equip Revolving - 6390	220.92	220.92	
Self-Insurance Fund - 6770	333,222.01	333,222.01	
Drain Fund - 8010	2,147.70	2,147.70	
TOTAL AMOUNT OF CLAIMS	\$1,019,067.12	\$1,019,067.12	

July 24, 2020

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund - 1010	91,298.45	91,298.45	

Park/Recreation Fund - 2080	5,346.76	5,346.76	
Friend of Court Office - 2151	79.00	79.00	
Health Department Fund - 2210	3,555.63	3,555.63	
Solid Waste - 2211	23,248.31	23,248.31	
Transportation Grant - 2300	3,861.50	3,861.50	
Capital Improvement Fund - 2450	13,234.65	13,234.65	
Animal Shelter - 2550	6,250.00	6,250.00	
Register of Deeds Automation Fund - 2560	133.98	133.98	
Indigent Defense - 2600	131,260.91	131,260.91	
Palisades Emergency Planning Facility UP - 2630	123.25	123.25	
Local Corrections Officers Training Fund - 2640	658.00	658.00	
Grants - 2790	4,599.93	4,599.93	
Saugatuck City - 2811	196.08	196.08	
Child Care-Circuit/Family - 2921	2,584.29	2,584.29	
Senior Millage - 2950	182,349.39	182,349.39	
Fleet Management - 6612	267.89	267.89	
Self-Insurance Fund - 6770	165,535.18	165,535.18	
Drain Fund - 8010	56,035.83	56,035.83	
TOTAL AMOUNT OF CLAIMS	\$690,619.03	\$690,619.03	

THEREFORE BE IT RESOLVED that the Board of Commissioners adopts the report of claims for 7/17/20 and 7/24/20, 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

2020 BOARD PLANNING: SALE OF 277 NORTH STREET - ALLEGAN

WHEREAS, on February 27, 2020, the Board of Commissioners authorized the Administrator to reduce price of 277 North Street in the City of Allegan (former CMH-ACC Building) to \$325,000 for a period of 90 days; and

WHEREAS, the property remains for sale.

THEREFORE BE IT RESOLVED, the Board of Commissioners authorizes the Administrator to maintain the reduced listing price of \$325,000 through December 31, 2020.

Allegan County

Administrator

Robert J. Sarro



County Services Building

3283 – 122nd Avenue

Allegan, MI 49010

269.673.0203

MEMORANDUM

July 17, 2020

TO: Board of Commissioners

RE: Off Road Ordinance (ORV)

A County-Wide ORV Ordinance was considered in 2014. Through Board action it was determined such will not be pursued at the County level. At the request of citizens during public comment and through email and ultimately at the request of Commissioner Kapenga, the Board has set this matter as a discussion item for July 23, 2020.

In preparation for the discussion, each agency that was asked to provide input during the 2014 process was again asked to review the information and either confirm the previous information/positions remain valid or provide an updated perspective.

The following represents the responses received: (for convenience the original 2014 information has been attached)

Received July 2, 2020, from Brandy Gildea, Parks Manager:

After reviewing the materials and the Parks Commission's (now Parks Advisory Board) 2014 recommendation, I am not aware of changes in the rationale its supplied that would lead to a change at this time.

Received July 6, 2020, from Mike Larsen, Undersheriff:

Regarding ORV's in Allegan County, the Sheriff's Office maintains that we do not have adequate resources to properly patrol, enforce, or respond to complaints regarding usage of ORV's. State surveys show that a large percentage of citizens feel ORV's create unacceptable damage to the environment. This would more than likely result in property damage complaints in right of ways that border private property. Further, it is illegal to cross state or federal roadways even if an ordinance existed. This would result in violations at every occurrence. We also believe that safety on the roadways for all users would significantly decrease due to the lack of proper equipment such as lighting, turn signals, horns, etc. Lastly, DNR grant monies for enforcement of recreational programs has steadily decreased, leaving the bulk of costs for staffing and equipment at the local level.

For the reasons outlined above, we cannot support the prospect of an ordinance that would allow usage of ORV's off of private property in Allegan County. Please let me know if you need further discussion.

Received July 6, 2020, from Myrene Koch, Prosecuting Attorney:

I agree with Undersheriff Larsen. Most ORV's also lack seat belts which can pose significant problems as well for the safety of the passengers who are often children. Please let me know if you want further information.

Received July 16, 2020, from Craig Atwood, Road Commission Director:

The Road Commission reviewed the materials during its regular Commission meeting on July 15, 2020, and confirmed the position provided in 2014.

Review of Board Action
Off-Road Recreational Vehicles

2-13-14 Board Meeting

OFF-ROAD RECREATIONAL VEHICLES - PERMIT ON COUNTY ROADS

13/ Joshua Driscoll, Heath Township resident addressed the number of signatures he gathered of people who support allowing ORVs on county roads. He stated that our citizens have to travel up to an hour to get to an area that permits ORVs. Areas which allow ORV use have seen benefits to the economy and he urges the Board to consider this for Allegan County.

Chairman DeYoung referred this to the Parks Commission to review and give their opinion.

4-24-14 Board Meeting

Off Road Vehicles (ORV) on County Roads (Parks & Road Commissions).

SUMMARY: On February 13, 2014, a request was received from a Heath Township resident to allow ORVs on County roads. The Board of Commissioners referred this matter to the Road Commission and Parks Commission for advisement. Both Boards have reviewed and oppose support of this request due to safety concerns; see official statements in the Board packet.

OFF ROAD VEHICLES ON COUNTY ROADS - PUBLIC COMMENT

15/ Chairman DeYoung asked if there were individuals who wished to address the ORV issue and the following individuals appeared and spoke in support of allowing ORVs on county roads:

Ed Boeve, Hamilton
Joel Sprick, 5120 130th Avenue
Todd Orvey, Holland
Josh Driscoll, Hamilton
Jamison Burchfield, 4570 Byron Road
Steve Schulz, Allegan Township

OFF ROAD VEHICLES ON COUNTY ROADS

15.1/ Moved by Commissioner Storey, seconded by Commissioner Kapenga to receive input on the ORV issue from the Tourist Council and the Economic Development Commission.

Moved by Commissioner Campbell, seconded by Commissioner Kapenga to amend the motion to communicate with counties that are close to our size where this is being done, and we need to poll the townships first since they have the ability to make this determination themselves and each Commissioner is to poll their districts and bring the information back. The motion carried.

The motion as amended was carried and the discussion will be put on the June 26, 2014 agenda.

6-26-14 Board Meeting

AGENDA - ADDITIONS

9/ Chairman DeYoung asked if there were any additions or changes to the agenda. Commissioner Campbell asked to have the ORV issue removed from this agenda and set on the agenda for the second meeting in July.

Moved by Commissioner Campbell, seconded by Commissioner Kapenga to adopt the changes to the meeting agenda as requested. Motion carried by roll call vote: Yeas - 6 votes. Nays - 1 votes. Absent - 0 votes.

Y	DEAN KAPENGA	Y	TOM JESSUP
Y	JIM STOREY	Y	JON CAMPBELL
N	MAX THIELE	Y	DON BLACK
Y	MARK DEYOUNG		

OFF ROAD VEHICLES - REMOVE FROM THE TABLE

18/ Moved by Commissioner Campbell, seconded by Commissioner Storey to remove the Off Road Vehicle issue from the table for consideration. Motion carried.

OFF ROAD VEHICLES - TAKE NO ACTION

19/ Moved by Commissioner Storey, seconded by Commissioner Kapenga to take no action regarding development of an ordinance to allow off road vehicles to travel on county road. Motion carried.

July 24, 2014 Session

Board of County Road Commissioners Of Allegan County

1308 LINCOLN ROAD

ALLEGAN, MICHIGAN 49010-9762

TELEPHONE (269) 673-2184

www.alleganroads.org

FAX (269) 673-5922

EXTRACT COPY

The following is an extract copy of the minutes of the meeting of the Board of County Road Commissioners of Allegan County, held in the office in Allegan on Wednesday, April 2, 2014.

“It was moved by Commissioner Kaarlie and seconded by Commissioner Kleinheksel to adopt the following resolution regarding ORV Traffic on County Roads:

WHEREAS, House Bill No. 4284, House Bill No. 4299, Senate Bill No. 50 have amended 1994 PA 451 to allow a municipality to pass an ordinance authorizing the operation of ORVs on one or more streets within the municipality.

WHEREAS, the Allegan County Road Commission is responsible for the maintenance of the 512 miles of Primary Road and 1286 miles of Local Road within Allegan County.

WHEREAS, it is the opinion of the Allegan County Road Commission that allowing ORVs to operate on public roads in Allegan County will result in a reduction in safety on the public road system.

WHEREAS, while this Act authorizing ORV access on County Roads (PA 118 of 2013) does not call for additional maintenance responsibilities, and protects our governmental immunities, a road commission’s statutory duty under the highway exception to governmental immunity (MCL691.1402) extends to ALL forms of public travel. Allowing ORVs to use county roads will increase the number of lawful users of our roads and increase our exposure to claims, especially if said county roads do not have proper accommodations for them.

WHEREAS, the potential of serious injury would likely increase if ORVs are permitted to use the roadways.

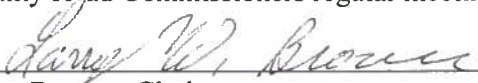
WHEREAS, claims experience bears heavily on the calculation of our Pool’s insurance costs, an increase in claims could have a negative financial effect on the road commission’s expenses.

NOW THEREFORE BE IT RESOLVED, that the Board of Allegan County Road Commissioners does not support allowing ORVs to operate on roads under the jurisdiction of the Allegan County Road Commission.

BE IT FINALLY RESOLVED, that the copies of this resolution be transmitted to the Allegan County Board of Commissioners and to all Township Boards in the County of Allegan.

ROLL CALL VOTE AYES: Commissioners Culver, Kaarlie, and Kleinheksel
NAYS: None”

I hereby certify that the above is a true extract copy of the Resolution taken from the minutes of the Board of County Road Commissioners regular meeting of April 2, 2014.


Larry Brown - Clerk



Allegan County Parks, Recreation, & Tourism

3255 122nd Avenue, Suite 103

Allegan, MI 49010

Phone: (269) 686-9088 • Fax: (269) 673-0454

Parks Web: www.allegancounty.org/Parks

Tourism Web: www.visitallegancounty.com

E-mail: parks@allegancounty.org



April 1, 2014

Human Services Building

Zimmerman Room

8:30am

Minutes of a Scheduled meeting of the Allegan County Parks and Recreation Commission

The regularly scheduled monthly meeting of the Allegan County Parks and Recreation Commission was called to order by Parks Commission Chairman Bob Kaarlie at 8:29am on Tuesday, April 1, 2014 in the Zimmerman Room located on the main level of the Human Services Building, 3255 122nd Avenue, Allegan, Michigan.

Roll Call showed the following members:

PRESENT:	Lenore Sartini	Marylne Langeance
	Larry Rasmussen	Denise Medemar
	Mark DeYoung	Dean Kapenga
	Chuck Pullen	Robert Kaarlie
	Bruce Culver	Bruce Brandon

ABSENT: None

Also Present:

- Dan Wedge, Executive Director of County Services
- Brandy Gildea, Parks Coordinator
- Ronda Foreman, County Development Administrative Assistant
- Bob Wakeman, County Facilities Director
- Kris Allred, Hamilton Resident
- Jan West, Allegan Resident
- James Downing, Allegan Resident

ADDITIONS/DELETIONS TO AGENDA

None.

APPROVAL OF MARCH MEETING MINUTES

The meeting date is incorrect in the opening paragraph of the March 4, 2014 draft meeting minutes. A motion was made by Denise Medemar, seconded by Larry Rasmussen to approve the March 4, 2014 meeting minutes as amended with meeting date correction in the opening paragraph. The motion carried.

FINANCIAL STATEMENTS

The new park season has not started yet so there is nothing new to report in the financial statements. Dan reports the Gun Lake Park pavilion is badly worn and needs to be replaced. Winter damage can be found throughout the parks, primarily a lot of branches down.

A motion was made by Maryln Langeance, seconded by Bruce Brandon to approve the April financial reports as presented. The motion carried.

PUBLIC PARTICIPATION

Jan West, owner of Wild West Ranch in Allegan, is present; Wild West Ranch is a riding stable located near the equestrian trail system and Silver Creek Park area. Larry stated Jan was told she could obtain a Commercial Use Permit allowing her to take groups on the ETS; in early March she submitted a verbal request to the Parks office. Before proceeding with the permit, Ronda looked over the lease agreement between Allegan County and the DNR where there was verbiage addressing commercial use on the trails. She then contacted Mark Mills at the DNR State Game Area Headquarters who stated they plan to deny all Commercial Use Permit requests however the Parks Commission can issue a permit for commercial use on the six miles of county-owned trails located within the Silver Creek Park boundary providing the boundary onto state land is not crossed. Jan was informed of the DNR's response and advised to contact Mark Mills who informed her that a Commercial Use Permit application can be submitted to the State however would include a \$50 application fee.

Larry stated this was already discussed and approved by the Parks Commission in the past; Ronda recalled having discussions but does not recall a motion to approve a request nor has she ever received a formal request for a Commercial Use Permit in the trail system. Over the past six months Kris and Ronda have received inquiries on behalf of Wild West Ranch however cannot be approved until a formal request is received prior to the issuance of any use permit. Dan stated we need to look at the lease agreement and see where we legally stand; Dean asked minutes be researched to see if anything had been done during past meetings.

A motion was made by Larry Rasmussen, seconded by Chuck Pullen to table the Commercial Use Permit discussion until the May meeting once research of past meetings minutes and review of the lease agreement has been completed. The motion carried.

UNFINISHED BUSINESS

BLUE STAR TRAIL

Included in today's agenda packet is a summary of Brandy's research regarding the ORV agenda item, and Dan has asked her to do the same for the Blue Star Trail matter so we can make recommendation to the Board of Commissioners. He stated the biggest issue is still the ownership of the trail between South Haven and Saugatuck/Douglas and long-term maintenance responsibilities. Bruce Culver reports the Road Commission was informed one township is opposed to the trail and does not want it whereas other townships are on board with the project. He stated the Road Commission will definitely not take any ownership so is up to the County. Bruce Brandon stated Casco Township is for the trail but cannot support it financially. Brandy will research other counties and put together a summary to present at the next meeting.

WEST SIDE PARK GRANT UPDATE

Brandy is working to get the contract with MC Smith secured within the next couple weeks for the West Side Park project; currently bids are scheduled to go out in the fall with anticipated start date spring of 2015. Dan stated the longer schedule provides for more time to get things prepared. Bruce Culver stated there may be time to do some work in the fall to get the project going. Dan asked Brandy to look into the earlier time schedule to check what can be done in the fall and continued in the spring; if feasible this will most likely be a part of the contract Brandy is finalizing before submitting it for approval to the BOC later this month.

OFF ROAD VEHICLES (ORV) ON COUNTY ROADS

As previously mentioned, included in the agenda packet is background information Brandy researched and collected regarding the legislation and the State's position for ORV usage on county roads along with how other counties in the state are responding to the new law. She found most counties who are approving ORV usage on their county roads already have established trails and lots of state & federal forest lands.

Mark Mills from the Allegan State Game Area Headquarters could not be in attendance today however he informed Brandy the DNR does not allow us or will they allow use of ORV's in the State Game Area; those areas are funded by license sales and the federal Pittman/Robertson funds (tax on guns, ammo, bows, etc.). The state has left it up to the counties to make a decision regarding usage on their roads. Mark stated the townships have the ability to form their own ORV ordinance; Hopkins will probably change their ordinance because it works in their area with folks who want to use ATVs to run to the corner store. They also have their own police patrol to address enforcement issues. The BOC wants a recommendation from the Parks Commission.

A motion was made by Bruce Culver, seconded by Bruce Brandon that at this time the Parks Commission does not support a resolution allowing off-road recreational vehicle usage on county roads due to the lack of resources and the Department of Natural Resources assertion ORV usage permits will not be issued in the Allegan State Game Area; per state law, townships within Allegan County have ability to change their local ordinance. The motion carried.

NEW BUSINESS

PARKS OPENING UPDATE

Brandy reports the Silver Creek Park Manager position has been posted with an application deadline of Friday, April 11th. Next week on Thursday, April 10th the seasonal park staff meeting will be held; no official park opening date has been determined, hopefully the first of May. Clean-up at Silver Creek Park is anticipated to begin by the end of this week. Lenore asked if the campground will be plowed for the Benefit Ride on April 19th if roads are still covered by snow and ice; Bob Wakeman stated no however they will take a look at the road conditions in the next couple weeks. He reports all the seasonal staff is returning with the exception of Kris. The pavilion roof at Gun Lake Park will be measured for replacement and damage from the Gun Lake Winterfest held in February will be assessed. There are reports of turf damage near the parking lot when it was plowed for the festival, also damage to a couple of the picnic tables. Bob will have it checked out and will contact organizers regarding the damage. His intent is to change his focus from the construction of the jail to the county parks.

NEXT MEETING- JOINT MEETING WITH THE TOURIST COUNCIL ON TUESDAY, MAY 6, 2014 @ 10AM IN THE ZIMMERMAN TRAINING ROOM.

ROUND TABLE DISCUSSION

Kris Allred stated in the winter she stores some parks' items in her shed at home; she will turn everything over to staff at Silver Creek once they start clean-up.

Chuck Pullen asked a thank you letter be sent again to Dr Connell and his wife for printing the equestrian trail maps for free distribution to users. He also added regarding the commercial use permit for Jan West, if we find information to approve her request, she should be informed before the next meeting so she can make plans.

ADJOURNMENT

With no further business to discuss, a motion was made by Larry Rasmussen, seconded by Lenore Sartini to adjourn the meeting at 9:37am. The motion carried.

By: _____

Ronda Foreman

County Development Administrative Assistant

**April 1, 2014 Parks Agenda Item #9
Off Road Vehicles (ORV) on County Roads Supplement Information**

ORV Trail Information

Info about the Michigan Legislature on ORV's:

LANSING, Mich. - Local governments may now seek permission from the state Department of Transportation (MDOT) to allow off-road recreational vehicles (ORV) on the shoulders of state roads where necessary to connect existing ORV networks after Gov. Rick Snyder signed three bills into law today. Local governments across the entire state also will now have the option of opening their own roads to such access.

"These measures will make it easier to enjoy off-road vehicles in our state, and will enhance tourism in Pure Michigan," Snyder said.

House Bill 4284, sponsored by state Rep. Joel Johnson, establishes criteria and deadlines for MDOT's consideration of these requests. The bill also lets the department decide whether to allow ORV shoulder riding on designated highways (not including Interstates), and establish criteria for designating highways. It is now Public Act 117 of 2013.

HB 4299, sponsored by state Rep. Jon Bumstead, allows all 83 Michigan counties to seek ORV road access. Formerly only select counties in northern Michigan had the privilege. The bill also contains numerous requirements for safe operation of ORVs, including considering ORV operators negligent if involved in an accident with a traditional road vehicle. It is now PA 118.

Senate Bill 50, sponsored by state Sen. Tom Casperson, expands the current list of activities where an ORV license is not required, provides interstate ORV license reciprocity, allows the Department of Natural Resources to establish free riding days, and allows the department to exempt certain events from needing a permit. It is now PA 119.

Public Act No. 118 of 2013 - Major Changes

Approved by the Governor, September 25, 2013, Filed with the Secretary of State September 25, 2013, EFFECTIVE DATE: September 25, 2013, STATE OF MICHIGAN 97TH LEGISLATURE REGULAR SESSION OF 2013, Introduced by Reps. Bumstead, Genetski and Franz. ENROLLED HOUSE BILL No.4299

This Bill allows all 83 counties to seek ORV access. Formally only select Counties in Northern Michigan had the privilege. The bill also contains numerous requirements for safe operation of ORVs, including considering ORV operators negligent if involved in an accident with a traditional road vehicle.

What local governments need to consider in order to adopt an ORV ordinance:

- What is the process for adopting a county ORV ordinance?
 - The county clerk must send notice of a public hearing on a proposed ordinance by certified mail to the county road commission and to the DNR (only if state forestland is located in the county) at least 45 days before the public hearing held by the county board of commissioners. However, the county board of commissioners is not obligated to abide by any recommendation of the county road commission or the DNR in adopting an ordinance.
- What authority does the county road commission have?
 - A county road commission may close up to 30% of the linear miles of roads in the county to ORVs in response to a particular and demonstrable threat to public safety

April 1, 2014 Parks Agenda Item #9
Off Road Vehicles (ORV) on County Roads Supplement Information

or to protect the environment. The 30% applies to the total linear miles of county roads, not 30% of the linear miles of roads open to ORVs.

- What authority do cities, villages and townships have?
 - A city or village may open or close its streets to ORVs at any time. No notification to other agencies or units of government is required. A township may close its streets or roads to the operation of ORVs that were opened by the township or county at any time with no notification to other agencies or units of government. If the county does not adopt an ORV ordinance including a particular township, that township may adopt its own ORV ordinance no sooner than 1 year following the effective date of the act. Notification is the same as required of the county except that the notification period is shortened to 30 days.
- What liability do local governments have?
 - Local governments do not have a duty to maintain roads or streets in a condition safe and convenient for the operation of ORVs except as otherwise required by law. Local governments are immune from tort liability except for gross negligence (conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results).
- What is the ORV fund?
 - The treasurer of the local unit of government adopting an ORV ordinance shall establish a fund to receive fines and damages imposed as a result of violations of the ordinance. The legislative body of that local unit shall appropriate 50% of the revenue in the fund to the county sheriff or local police department for ORV enforcement and training. The legislative body of that local unit shall appropriate the remaining 50% to the county road commission or local public works office (city and village only) for repairing damage to the environment, roads, streets or other public property caused by ORVs and/or to post signs indicating ORV speed limits or whether a road or street is open or closed to ORVs.

***** ORV Operation on State-Owned Lands:**

State Forest Lands: ORV restrictions vary by location.

- **Upper Peninsula:** ORV operation is permitted on designated trails and forest roads in the Upper Peninsula unless posted as closed.
-
- **Lower Peninsula:** ORV operation is permitted on all designated trails, designated areas, and designated routes (forest roads that are designated for ORV use) in the Lower Peninsula.
-
- **Statewide:** ORV use on designated trails is limited to vehicles with an overall width of less than 50 inches. Off-trail or off-route operation outside of a designated area is prohibited except for hunters operating an ORV at speeds of 5 mph or less for the purpose of removing deer, bear, or elk.

State Game Areas: All motorized vehicle operation is prohibited except on established roads open to the public. *ORVs are specifically prohibited.* These areas are found primarily in the southern third of Michigan.

State Parks and State Recreation Areas: ORV operation is prohibited in all state parks and recreation areas except in designated areas of Silver Lake State Park.

April 1, 2014 Parks Agenda Item #9
Off Road Vehicles (ORV) on County Roads Supplement Information

***** ORV Operation on National Forest Lands:**

In all national forests, motor vehicles can be used only on roads, trails, or areas that are designated as open. This includes all motorized wheeled vehicles from ATVs to street-legal vehicles.

***** Prohibited ORV Operation on Other Lands:**

Roads, streets, and highways maintained for year-round automobile travel are closed to ORV operation, including the shoulder and the right-of-way. (That is, the entire width between boundary lines of public ways maintained for vehicular travel is closed to ORVs.) However, ORVs registered as motor vehicles by the Secretary of State may be operated on the roadway.

ORVs may be operated on a roadway in accordance with a locally enacted ordinance. The ORV rider is responsible for contacting the local authorities to find out which roadways are open to ORV use.

Private land is closed to ORV operation, except for use by the landowner and the landowner's invited guests. *The failure of a landowner to post or fence private property against ORV use does not imply consent to ORV operation.*

***** The handbook of Michigan Off-Road Vehicle Laws:** https://www.offroad-ed.com/assets/pdf/handbook/mi_handbook_entire.pdf

Feedback/ Responses from Following Counties:

Clinton County:

Clinton County does not have an Ordinance allowing for ORV's on county roads.

Mason County:

Mason County had some discussion on this subject when the law first come up allowing ORV on county roads but it quickly went a different route, that being the Townships. We have 11 of our 15 townships that have passed an ORV Ordinance and they police it themselves. Some apprehension at first but it has worked out with very little problems being reported. When there is a problem, the Township is notified and they address it promptly, usually by informing the problem suspects that this privilege could disappear quickly if they don't adhere to the ordinance.

Muskegon County

At this time there are no requests that I am aware of to create a trail system along Muskegon County roads. I am hoping that continues but at some juncture I am certain it will happen.

Oakland County:

No ordinance for ORV riding. Working with the DNR to establish an ORV park in the future.

Oceana County:

This was subject of discussion in Oceana County in 2011. Be advised that the Oceana County Board of Commissioners, at its Regular Meeting of Thursday, October 13, 2011 accepted the

April 1, 2014 Parks Agenda Item #9
Off Road Vehicles (ORV) on County Roads Supplement Information

recommendation of the Oceana County Planning Commission to not pursue a countywide ORV ordinance.

The Oceana County Board of Commissioners is not opposed to ORV use; rather, the Board feels that such a decision is best left to the individual townships for the following reasons:

- Townships have the authority to adopt an ordinance authorize ORV use;
- Townships have the knowledge as to the “needs and wants” of their constituents
- Townships have the knowledge as to which roads, if any, are suited to ORV use;
- A county-wide “one size fits all” type of ordinance regarding ORVs is not practical as the east side of the county differs substantially from the west side of the county.

Osceola County:

In Osceola County, each township decided what they wanted for ORVs. We do not allow the ORVs in the park except on trailers if camping. Take the time to look at impacts that these ORVs could have on your park and if you have a way to supervise on a 24-7 basis. Keeping the ORVs on the designated trails is a problem. Noise can carry and interferes with quiet areas.

Oscoda County;

Oscoda County is currently open to ORV traffic on almost all county maintained roads (a few closures due to safety reasons). Our trails are 50” wide and we have approximately 230+ miles of trails. We also connect to MCCCT system which has around 689 miles of trails for ORV traffic. ORV’s can use the county roads to go from trail to trail or to gas stations, restaurants, etc.. Damages to county roads (especially primary road shoulders) have been escalating every year since the inception of the ORV ordinance and are getting noticed by the public who have to use the road for economic reasons. Only time will tell what will happen when the silent majority of public opinion intervenes. We try to keep up with the repairs but all this does is pull our resources away from other road repair responsibilities to fix these nuisance ORV damages. If only the ORV’s would abide by the ordinances speed limit.

St. Clair County:

St. Clair County has not had any discussions about opening our road rights of way to ORVs.

Van Buren County:

Van Buren County has not taken a position on the use of the right of way by ORV’s at this time. The unofficial position of the Road Commission is that the use of said ORV’s on the system will only serve to further deteriorate the already failing road network and thus they are not in favor of passing of an ordinance which many northern counties have done. Informally, several of our County Commissioners as well have concurred that to allow them full access as can be allowed with an ordinance would be a disservice to the tax payers who pay a 1 mil property tax county wide for roads.

Counties with ORV ordinances:

Emmet County:

<http://www.emmetcounty.org/uploads/126278809009-02-ORV.pdf>

Gladwin County:

<http://www.gladwinco.com/Postings/ORVOrdinance.pdf>

April 1, 2014 Parks Agenda Item #9
Off Road Vehicles (ORV) on County Roads Supplement Information

Iosoc County:

<http://iosco.m33access.com/parks/ORVordinance.pdf>

Lake County:

<http://www.newkirktownship.com/Lake%20County%20ORV%202012.pdf>

Mecosta County:

<http://www.co.mecosta.mi.us/Sheriff/MC-ORVOrdinance.pdf>

Missaukee County:

<http://www.missaukee.org/docs/orv.htm>

Newaygo County:

<http://www.countyofnewaygo.com/Resources/SheriffsDepartment/Newaygo%20County%20ORV%20Ordinance.pdf>

Oscoda County (also see response above)

<http://www.oscodacountymi.com/PDFs/ORVOrdinance.pdf>

Roscommon County:

<http://www.roscommoncounty.net/wp-content/uploads/ORV-brochure.pdf>

Conclusions/Things to Consider:

1. Counties that have an ORV ordinance:
 - a. Have National or State Forest Land
 - i. ORV's are permitted on roads/designated trails in these areas
 - b. Have established ORV trails
 - c. Have low traffic volume
2. All motorized vehicle operation is prohibited except on established roads open to the public in State Game areas. ORVs are specifically prohibited. DNR has a strong stance on this issue. The reason ORV's are restricted in the State Game Area has to do with their designation of this land for hunting and wildlife habitat as well as their funding through license sales and the federal Pittman/Robertson funds (tax on guns, ammo, bows, etc.).
3. Things to ask yourself when considering adopting an ORV Ordinance
 - a. Where are riders going to and from?
 - b. Will adopting an ORV Ordinance increase tourism/economy if there are no additional established trails or trail heads?
 - i. Where will people park/unload ORV's?
 - c. What damages will this cause to roads/roads shoulders?
 - i. Who will maintain these areas
 - ii. Who will pay for these costs
 - d. How much additional noise pollution will they cause?
 - e. Will Allegan County eventually have established ORV trails?

Act No. 117
Public Acts of 2013
Approved by the Governor
September 25, 2013
Filed with the Secretary of State
September 25, 2013
EFFECTIVE DATE: September 25, 2013

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Rep. Johnson

ENROLLED HOUSE BILL No. 4284

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 81131 (MCL 324.81131), as amended by 2011 PA 107.

The People of the State of Michigan enact:

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

(2) Subject to subsection (4), the county board of commissioners of an eligible county 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.

(3) Subject to subsection (4), the legislative body of a township or municipality located in an eligible county 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. This subsection does not apply to a township or municipality until 1 year after the effective date of the amendatory act that first defined eligible county so as to include the county in which that township or municipality is located.

(4) The board of county road commissioners may close a county road to the operation of ORVs under subsection (2) or (3) to protect the environment or if the operation of ORVs under subsection (2) or (3) poses a particular and demonstrable threat to public safety. A county road commission shall not under this subsection close more than 30% of the linear miles of county roads located within the county to the operation of ORVs under subsection (2) or (3). The legislative body of a township or municipality located in an eligible county may adopt an ordinance to close a county road located in the township or municipality to the operation of ORVs under 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 under subsection (3).

(5) The legislative body of a municipality located in an eligible county may adopt an ordinance authorizing the operation of ORVs on 1 or more streets within the municipality.

(6) The legislative body of a local unit of government may request the state transportation department to authorize the local unit of government to adopt an ordinance authorizing the operation of ORVs on a highway, other than an interstate highway, located within the local unit of government. The request shall describe how the authorization would meet the requirements of subsection (7). The state transportation department shall solicit comment on the request from the department, ORV clubs, and local units of government where the highway is located. The state transportation department shall consider comments received on the request before making a decision on the request. The state transportation department shall grant the request in whole or in part or deny the request not more than 60 days after the request is received. If the state transportation department grants a request in whole or in part under this subsection, the local unit of government that submitted the request may adopt an ordinance authorizing the operation of ORVs on the highway that was the subject of the request. A county may submit a request for authorization under this subsection on behalf of 1 or more local units of government located within that county if requested by those local units of government. Before January 1, 2015, the state transportation department may authorize the operation of ORVs on a highway as provided in this subsection and subsection (7) on the department's initiative and without having received a request from a local unit of government.

(7) The state transportation department shall authorize operation of an ORV under subsection (6) only on a highway that is not an interstate highway and that meets 1 or more of the following requirements:

(a) Serves as a connector between ORV areas, routes, or trails designated by the department or an ORV user group.

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

(c) Serves as a connector between 2 segments of the same county road that run along discontinuous town lines and on which ORV use is authorized pursuant to subsection (2) or (3).

(d) Includes a bridge or culvert that allows an ORV to cross a river, stream, wetland, or gully that is not crossed by a county road or street on which ORVs are authorized to operate under subsection (2), (3), or (5).

(8) The state transportation department may close a highway to the operation of ORVs otherwise authorized pursuant to subsection (6) after written notice to the clerk of each local unit of government where the highway is located and the senate and house committees with primary responsibility for natural resources, recreation, and transportation. The notice shall be in writing and sent by first-class United States mail or personally delivered not less than 30 days before the adoption of the rule or order closing the highway. The notice shall set forth specific reasons for the closure.

(9) Subject to subsection (4), if a local unit of government adopts an ordinance pursuant to subsection (2), (3), or (5), a person may operate an ORV with the flow of traffic on the far right of the maintained portion of the street or county road covered by the ordinance. If the operation of ORVs on a highway is authorized pursuant to subsection (6), a person may operate an ORV with the flow of traffic as follows:

(a) On the right shoulder of the highway.

(b) If there is not a right shoulder or the right shoulder is not of adequate width, on the right unmaintained portion of the highway.

(c) On the far right of the right traffic lane of the highway, if necessary to cross a bridge or culvert and if the operator brings the ORV to a complete stop before entering and yields the right-of-way to an approaching vehicle on that traffic lane.

(10) A person shall not operate an ORV as authorized pursuant to subsection (2), (3), (5), or (6) 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 street, county road, or highway.

(11) Unless the person possesses a license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, a person shall not operate an ORV 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. ORVs operated as authorized pursuant to subsection (2), (3), (5), or (6) 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.

(12) A person shall not operate an ORV as authorized pursuant to this section without displaying a lighted headlight and lighted taillight.

(13) 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.

(14) A township that has authorized the operation of ORVs on a county road under subsection (3) does not have a duty to maintain the county road in a condition reasonably safe and convenient for the operation of ORVs. This state

does not have a duty to maintain a highway in a condition reasonably safe and convenient for the operation of ORVs. A board of county road commissioners, a county board of commissioners, or a municipality does not have a duty to maintain a county road or street under its jurisdiction in a condition reasonably safe and convenient for the operation of ORVs, except the following ORVs:

- (a) ORVs registered as motor vehicles as provided in the code.
- (b) ORVs permitted by an ordinance as provided in subsection (1).

(15) This state, a board of county road commissioners, a county board of commissioners, a county, and a municipality are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV that is not registered under the code or that is registered under the code but is operated as authorized pursuant to subsection (2), (3), (5), or (6). The immunity provided by this subsection does not apply to actions that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

(16) 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.

(17) 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.

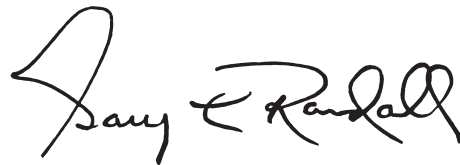
(18) The treasurer of the local unit of government shall deposit fines collected by that local unit of government under section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379, and subsection (17) and damages collected under subsection (17) into a fund to be designated as the "ORV fund". The legislative body of the local unit of government shall appropriate revenue in the ORV fund as follows:

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

(b) Fifty percent to the board of county road commissioners or, in the case of a city or village, to the department responsible for street maintenance in the city or village. However, if a fine was collected for a violation of an ordinance adopted under subsection (6), 50% of the fine revenue shall be appropriated to the state transportation department. 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 as authorized pursuant to this section.

(19) A person who violates a rule promulgated or order issued under subsection (6) is responsible for a state civil infraction and may be ordered to pay a civil fine of 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 highway, or public property as a result of the violation.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Act No. 118
Public Acts of 2013
Approved by the Governor
September 25, 2013
Filed with the Secretary of State
September 25, 2013
EFFECTIVE DATE: September 25, 2013

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Reps. Bumstead, Genetski and Franz

ENROLLED HOUSE BILL No. 4299

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 81131 (MCL 324.81131), as amended by 2011 PA 107.

The People of the State of Michigan enact:

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

(2) Subject to 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).

(4) 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 safety.

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

(6) The legislative body of a local unit of government may request the state transportation department to authorize the local unit of government to adopt an ordinance authorizing the operation of ORVs on a highway, other than an interstate highway, located within the local unit of government. The request shall describe how the authorization would meet the requirements of subsection (7). The state transportation department shall solicit comment on the request from the department, ORV clubs, and local units of government where the highway is located. The state transportation department shall consider comments received on the request before making a decision on the request. The state transportation department shall grant the request in whole or in part or deny the request not more than 60 days after the request is received. If the state transportation department grants a request in whole or in part under this subsection, the local unit of government that submitted the request may adopt an ordinance authorizing the operation of ORVs on the highway that was the subject of the request. A county may submit a request for authorization under this subsection on behalf of 1 or more local units of government located within that county if requested by those local units of government. Before January 1, 2015, the state transportation department may authorize the operation of ORVs on a highway as provided in this subsection and subsection (7) on the department's initiative and without having received a request from a local unit of government.

(7) The state transportation department shall authorize operation of an ORV under subsection (6) only on a highway that is not an interstate highway and that meets 1 or more of the following requirements:

(a) Serves as a connector between ORV areas, routes, or trails designated by the department or an ORV user group.

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

(c) Serves as a connector between 2 segments of the same county road that run along discontinuous town lines and on which ORV use is authorized pursuant to subsection (2) or (3).

(d) Includes a bridge or culvert that allows an ORV to cross a river, stream, wetland, or gully that is not crossed by a street or county road on which ORVs are authorized to operate under subsection (2), (3), or (5).

(8) The state transportation department may close a highway to the operation of ORVs otherwise authorized pursuant to subsection (6) after written notice to the clerk of each local unit of government where the highway is located and the senate and house committees with primary responsibility for natural resources, recreation, and transportation. The notice shall be in writing and sent by first-class United States mail or personally delivered not less than 30 days before the adoption of the rule or order closing the highway. The notice shall set forth specific reasons for the closure.

(9) Subject to subsection (4), if a local unit of government adopts an ordinance pursuant to subsection (2), (3), or (5), a person may operate an ORV with the flow of traffic on the far right of the maintained portion of the street or county road covered by the ordinance. If the operation of ORVs on a highway is authorized pursuant to subsection (6), a person may operate an ORV with the flow of traffic as follows:

(a) On the right shoulder of the highway.

(b) If there is not a right shoulder or the right shoulder is not of adequate width, on the right unmaintained portion of the highway.

(c) On the far right of the right traffic lane of the highway, if necessary to cross a bridge or culvert and if the operator brings the ORV to a complete stop before entering and yields the right-of-way to an approaching vehicle on that traffic lane.

(10) A person shall not operate an ORV as authorized pursuant to subsection (2), (3), (5), or (6) 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 street, county road, or highway.

(11) Unless the person possesses a license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, a person shall not operate an ORV 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. ORVs operated as authorized pursuant to subsection (2), (3), (5), or (6) 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.

(12) A person shall not operate an ORV as authorized pursuant to this section without displaying a lighted headlight and lighted taillight.

(13) 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.

(14) A township that has authorized the operation of ORVs on a county road under subsection (3) does not have a duty to maintain the maintained portion or unmaintained portion of the county road in a condition reasonably safe and convenient for the operation of ORVs. This state does not have a duty to maintain a highway in reasonable repair so that it is reasonably safe and convenient for the operation of ORVs except ORVs registered and operated as motor vehicles as provided in the code. A board of county road commissioners, a county board of commissioners, or a municipality does not have a duty to maintain the maintained portion or unmaintained portion of a county road or street under its jurisdiction in a condition reasonably safe and convenient for the operation of ORVs, except the following ORVs:

- (a) ORVs registered and operated as motor vehicles as provided in the code.
- (b) ORVs operated as authorized pursuant to subsection (1).

(15) 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 or that is registered under the code but is operated as authorized pursuant to subsection (2), (3), (5), or (6). 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.

(16) 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.

(17) 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.

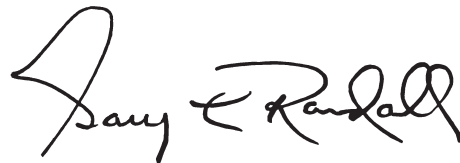
(18) The treasurer of the local unit of government shall deposit fines collected by that local unit of government under section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379, and subsection (17) and damages collected under subsection (17) into a fund to be designated as the "ORV fund". The legislative body of the local unit of government shall appropriate revenue in the ORV fund as follows:

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

(b) Fifty percent to the board of county road commissioners or, in the case of a city or village, to the department responsible for street maintenance in the city or village. However, if a fine was collected for a violation of an ordinance adopted under subsection (6), 50% of the fine revenue shall be appropriated to the state transportation department. 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.

(19) A person who violates a rule promulgated or order issued under subsection (6) is responsible for a state civil infraction and may be ordered to pay a civil fine of 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 highway, or public property as a result of the violation.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Act No. 119
Public Acts of 2013
Approved by the Governor
September 25, 2013
Filed with the Secretary of State
September 25, 2013
EFFECTIVE DATE: September 25, 2013

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Senator Casperson

ENROLLED SENATE BILL No. 50

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 81101, 81115, 81122, 81129, 81133, and 81147 (MCL 324.81101, 324.81115, 324.81122, 324.81129, 324.81133, and 324.81147), section 81101 as amended by 2012 PA 246, sections 81115, 81129, and 81147 as amended by 2008 PA 240, section 81122 as added by 1995 PA 58, and section 81133 as amended by 2012 PA 340; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 81101. As used in this part:

(a) “ATV” 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.

(b) “Code” means the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(c) “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.

(d) “Dealer” means a person engaged in the sale, lease, or rental of an ORV as a regular business or, for purposes of selling licenses under section 81116, any other person authorized by the department to sell licenses or permits, or both, under this act.

(e) “Designated”, unless the context implies otherwise, means posted by the department, with appropriate signs, as open for ORV use.

(f) “Farm vehicle” means either of the following:

(i) An implement of husbandry as defined in section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

(ii) A vehicle used in connection with a farm operation as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

- (g) “Forest road” means a hard surfaced road, gravel or dirt road, or other route capable of travel by a 2-wheel drive, 4-wheel conventional vehicle designed for road use. Forest road does not include a street, county road, or highway.
- (h) “Forest trail” means a designated path or way capable of travel only by a vehicle less than 50 inches in width.
- (i) “Highway” means a state trunk line highway or a segment of a state trunk line highway.
- (j) “Highly restricted personal information” means an individual’s photograph or image, social security number, digitized signature, and medical and disability information.
- (k) “Late model ORV” means an ORV manufactured in the current model year or the 5 model years immediately preceding the current model year.
- (l) “Local unit of government” means a county, township, or municipality.
- (m) “Maintained portion” means the roadway and any shoulder of a street, county road, or highway.
- (n) “Manufacturer” means a person, partnership, corporation, or association engaged in the production and manufacture of ORVs as a regular business.
- (o) “Municipality” means a city or village.
- (p) “Off-road vehicle account” means the off-road vehicle account of the Michigan conservation and recreation legacy fund established in section 2015.
- (q) “Operate” means to ride in or on, and be in actual physical control of, the operation of an ORV.
- (r) “Operator” means an individual who operates or is in actual physical control of the operation of an ORV.
- (s) “ORV” or, unless the context implies a different meaning, “vehicle” means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. 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.
- (t) “Owner” means any of the following:
- (i) A vendee or lessee of an ORV that is the subject of an agreement for the conditional sale or lease of the ORV, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee.
- (ii) A person renting an ORV, or having the exclusive use of an ORV, for more than 30 days.
- (iii) A person who holds legal ownership of an ORV.
- (u) “Person with a disability” means an individual who has 1 or more of the following physical characteristics:
- (i) Blindness.
- (ii) Inability, during some time of the year, to ambulate more than 200 feet without having to stop and rest.
- (iii) Loss of use of 1 or both legs or feet.
- (iv) Inability to ambulate without the prolonged use of a wheelchair, walker, crutches, braces, or other device required to aid mobility.
- (v) A lung disease from which the individual’s expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the individual’s arterial oxygen tension is less than 60 mm/hg of room air at rest.
- (vi) A cardiovascular disease that causes the individual to measure between 3 and 4 on the New York heart classification scale, or that results in a marked limitation of physical activity by causing fatigue, palpitation, dyspnea, or anginal pain.
- (vii) Other diagnosed disease or disorder including, but not limited to, severe arthritis or a neurological or orthopedic impairment that creates a severe mobility limitation.
- (v) “Personal information” means information that identifies an individual, including an individual’s driver identification number, name, address not including zip code, and telephone number, but does not include information on ORV operation or equipment-related violations or civil infractions, operator or vehicle registration status, accidents, or other behaviorally-related information.
- (w) “Public agency” means the department or a local or federal unit of government.
- (x) “Roadway” means the portion of a street, county road, or highway improved, designed, or ordinarily used for travel by vehicles registered under the code. Roadway does not include the shoulder.
- (y) “Route” means a forest road or other road that is designated for purposes of this part by the department.

(z) "Safety chief instructor" means an individual who has been certified by a nationally recognized ORV organization to certify instructors and to do on-sight evaluations of instructors.

(aa) "Shoulder" means that portion of a street, county road, or highway contiguous to the roadway and generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped motor vehicles otherwise permitted on the roadway.

(bb) "Southern county" means Muskegon, Kent, Ionia, Clinton, Shiawassee, Genesee, Lapeer, or Macomb county, or a county lying south of the territory constituted by these counties.

(cc) "Street" means a city or village major street or city or village local street as described in section 9 of 1951 PA 51, MCL 247.659, or a segment thereof.

(dd) "Traffic lane" means a clearly marked lane on a roadway.

(ee) "Unmaintained portion" means the portion of a street, county road, or highway that is not the maintained portion.

(ff) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Sec. 81115. (1) 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:

(a) Except as otherwise provided by law, on or over land, snow, ice, or other natural terrain.

(b) Except as otherwise provided in this part, on a forest trail or in a designated area.

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

(2) An ORV is not required to be licensed under this part under any of the following circumstances:

(a) The ORV is used exclusively in a comprehensive program for training as required in section 81129.

(b) The ORV is operated solely on private property by the owner of the property, a family member of the owner, or an invited guest of the owner.

(c) The ORV is being operated on a free ORV-riding day. The department shall designate as free ORV-riding days each year a Saturday and the following Sunday that are also designated as free fishing days under section 43534. In addition, the department may designate 1 other day or 2 other consecutive days each year as free ORV-riding days. A person operating an unlicensed ORV during a free ORV-riding day has the same privileges and is subject to the same rules and regulations as a person operating an ORV licensed as required under subsection (1).

(d) If and to the extent the department waives the requirement pursuant to a reciprocal agreement with another state.

(3) The department is authorized to enter a reciprocal agreement described in subsection (2)(d).

Sec. 81122. (1) A person shall not operate an ORV that is not registered under the code upon a street, county road, or highway, except as provided in section 81131 or under the following conditions and circumstances:

(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.

(b) A vehicle may be operated on a street, county road, or highway for a special event of limited duration and conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. Subject to subsection (2), a special event involving ORVs may be conducted on the frozen surface of public waters only under permit from the department.

(c) A farmer, employee of a farmer, or family member of a farmer who is at least 16 years of age may operate an ORV on a street, county road, or highway while traveling to or from the farmer's residence or work location or field during the course of farming operations. An ORV shall not be operated pursuant to this subdivision during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions. The individual shall operate the ORV in the same manner and on the same portion of the street, county road, or highway as required under section 81131(9). The state transportation department and all of its employees are immune from tort liability for injury or damages sustained by any person arising in any way by reason of the operation or use of an ORV for the limited purposes allowed under this subdivision. 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.

(2) The department shall not require a permit under this part merely for organized group recreational ORV riding on department lands, or for an ORV event on the frozen surface of public waters, if conducted in compliance with applicable statutes, rules, and orders. Within 90 days after the effective date of the amendatory act from the 2013-2014 legislative session that added this subsection, the department shall develop and establish, in consultation with representatives of the Michigan snowmobile and trails advisory committee and other interested parties, policy criteria for determining circumstances under which notice to the department or a permit is required for ORV events on department lands.

(3) In a court action in this state if competent evidence demonstrates that a vehicle that is permitted to operate on a highway pursuant to the code is in a collision on a roadway with an ORV that is not registered under the code, the operator of the ORV involved in the collision shall be considered prima facie negligent.

Sec. 81129. (1) Subject to subsections (2), (3), and (17), a parent or legal guardian of a child less than 16 years of age shall not permit the child to operate an ORV unless the child is under the direct visual supervision of an adult and the child 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.

(2) Subject to subsection (17), a parent or legal guardian of a child less than 12 years of age shall not permit the child to operate a 4-wheeled ATV, unless the child is not less than 10 years of age and is on private land owned by a parent or legal guardian of the child. This subsection does not apply to the operation of an ATV used in agricultural operations.

(3) A parent or legal guardian of a child less than 16 years of age shall not permit the child to operate a 3-wheeled ATV.

(4) Subject to subsections (5), (6), and (17), the owner or person in charge of an ORV shall not knowingly permit the vehicle to be operated by a child less than 16 years of age unless the child is under the direct visual supervision of an adult and the child 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.

(5) Subject to subsection (17), the owner or person in charge of a 4-wheeled ATV shall not knowingly permit the vehicle to be operated by a child less than 12 years of age, unless the child is not less than 10 years of age and is on private land owned by a parent or legal guardian of the child. This subsection does not apply to the operation of an ATV used in agricultural operations.

(6) The owner or person in charge of a 3-wheeled ATV shall not knowingly permit the vehicle to be operated by a child less than 16 years of age.

(7) The owner or person in charge of an ORV shall not knowingly permit the vehicle to be operated by a person who is incompetent to operate the vehicle because of mental or physical disability.

(8) The department 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 shall provide for the training of youthful operators and for the issuance of ORV safety certificates to those who successfully complete the training and may include separate instruction for each type of ORV.

(9) In implementing a program under subsection (8), the department shall cooperate with private organizations and associations, private and public corporations, the department of education, the department of state, and local governmental units. The department shall consult with ORV and environmental organizations and associations in regard to the subject matter of a training program and performance testing that leads to certification of ORV operators.

(10) The department may designate a person it considers qualified to provide course instruction and to award ORV safety certificates.

(11) The department may promulgate rules to implement subsections (8) to (10) and (17).

(12) Subject to subsections (13), (14), and (17), a child who is less than 16 years of age shall not operate an ORV unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession an ORV safety certificate issued pursuant to this section or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(13) Subject to subsection (17), a child who is less than 12 years of age shall not operate a 4-wheeled ATV, unless the child is not less than 10 years of age and is on private land owned by a parent or legal guardian of the child. This subsection does not apply to the operation of an ATV used in agricultural operations.

(14) A child who is less than 16 years of age shall not operate a 3-wheeled ATV.

(15) Subject to subsection (17), when operating an ORV, a child who is less than 16 years of age shall present the ORV safety certificate to a peace officer upon demand.

(16) Notwithstanding any other provision of this section, an operator who is less than 12 years of age shall not cross a street, county road, or highway. An operator who is not less than 12 years of age but less than 16 years of age may cross a street, county road, or highway or operate an ORV pursuant to section 81131(9) if the operator has a valid ORV safety certificate in his or her immediate possession and meets any other requirements under this section for operation of the vehicle.

(17) The requirement that a child possess an ORV safety certificate to operate an ORV, and the requirement that a child who is less than 12 years of age not operate a 4-wheeled ATV unless the child is not less than 10 years of age and is on private land owned by a parent or legal guardian of the child, do not apply if all of the following requirements are met:

(a) The child is participating in an organized ORV riding or racing event held on land not owned by this state.

(b) The child's parent or legal guardian has provided the event organizer with written permission for the child to participate in the event.

(c) The event organizer has not less than \$500,000.00 liability insurance coverage for the event.

(d) A physician or physician's assistant licensed or otherwise authorized under part 170 or 175 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084 and 333.17501 to 333.17556, or a paramedic or emergency medical technician licensed under part 209 of the public health code, 1978 PA 368, MCL 333.20901 to 333.20979, is present at the site of the event or available on call.

(e) The event is at all times under the direct visual supervision of adult staff of the event organizer and a staff member serves as a flagger to warn ORV riders if another ORV rider is injured or an ORV is inoperable in the ORV operating area.

(f) Fencing or another means of crowd control is used to keep spectators out of the ORV operating area.

(g) If the event is on a closed course, dust is controlled in the ORV operating area and the riding surface in the ORV operating area is otherwise properly prepared.

(h) Three-wheeled ATVs are not used by participants.

(i) Any ATVs used by participants are equipped with a side step bar or comparable safety equipment and with a tether kill switch, and the tether is used by all participants.

(j) Each participant in the event wears a crash helmet approved by the United States department of transportation, a protective long-sleeved shirt or jacket, long pants, boots, and protective gloves.

(k) Any other applicable requirements of this part or rules promulgated under this part are met.

(18) If a child less than 16 years of age participates and is injured in an organized ORV riding or racing event, the organizer of the event shall, within 30 days after the event, submit to the department a report on a form developed by the department. The report shall include all of the following, as applicable:

(a) Whether any participant less than 16 years of age was killed or suffered an injury resulting in transportation to a hospital as a result of an ORV accident at the event.

(b) The age of the child.

(c) Whether the child had been issued an ORV safety certificate under this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(d) The type of ORV operated.

(e) A description of the accident and injury.

(19) By December 31 of each year, the department shall submit to the legislature a report that summarizes reports received under subsection (18) during the preceding calendar year. In the report, the department may recommend amendments to this part to improve the safety of children less than 16 years of age participating in organized ORV riding or racing events.

(20) The requirements of this section are in addition to any applicable requirements of section 81131(13).

Sec. 81133. (1) An individual shall not operate an ORV:

(a) At a rate of speed greater than is reasonable and proper, or in a careless manner, having due regard for conditions then existing.

(b) Unless the individual and any passenger in or on the vehicle is wearing on his or her head a crash helmet and protective eyewear approved by the United States department of transportation. This subdivision does not apply to either of the following:

(i) The operator of or a passenger in a vehicle that is equipped with a roof that meets or exceeds standards for a crash helmet if the operator and each passenger is wearing a properly adjusted and fastened safety belt.

(ii) The operator of or a passenger in an ORV that is operated on a state licensed game bird hunting preserve at a speed of not greater than 10 miles per hour.

(c) During the hours of 1/2 hour after sunset to 1/2 hour before sunrise without displaying a lighted headlight and lighted taillight. The requirements of this subdivision are in addition to any applicable requirements of section 81131(12).

(d) Unless 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.

(e) In a state game area or state park or recreation area, except on roads, trails, or areas designated for this purpose; on other state-owned lands under the control of the department where the operation would be in violation of rules promulgated by the department; in a forest nursery or planting area; on public lands posted or reasonably identifiable as an area of forest reproduction, and when growing stock may be damaged; in a dedicated natural area of the department; or in any area in such a manner as to create an erosive condition, or to injure, damage, or destroy trees or growing crops. However, the department may permit an owner and guests of the owner to use an ORV within the boundaries of a state forest in order to access the owner's property.

(f) On the frozen surface of public waters within 100 feet of an individual not in or upon a vehicle, or within 100 feet of a fishing shanty or shelter or an area that is cleared of snow for skating purposes, except at the minimum speed required to maintain controlled forward movement of the vehicle, or as may be authorized by permit in special events.

(g) Unless the vehicle is equipped with a spark arrester type United States forest service approved muffler, in good working order and in constant operation. 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.

(h) Within 100 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except under any of the following circumstances:

(i) On property owned by or under the operator's control or on which the operator is an invited guest.

(ii) On a forest road or forest trail if the forest road or forest trail is maintained by or under the jurisdiction of the department.

(iii) On a street, county road, or highway on which ORV use is authorized pursuant to section 81131(2), (3), (5), or (6).

(i) In or upon the lands of another without the written consent of the owner, the owner's agent, or a lessee, when required by part 731. The operator of the vehicle is liable for damage to private property caused by operation of the vehicle, including, but not limited to, damage to trees, shrubs, or growing crops, injury to other living creatures, or erosive or other ecological damage. The owner of the private property may recover from the individual responsible nominal damages of not less than the amount of damage or injury. Failure to post private property or fence or otherwise enclose in a manner to exclude intruders or of the private property owner or other authorized person to personally communicate against trespass does not imply consent to ORV use.

(j) In an area on which public hunting is permitted during the regular November firearm deer season, from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an emergency or for law enforcement purposes, to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle, or to remove from public land a deer, elk, or bear that has been taken under a valid license; except to conduct necessary work functions involving land and timber survey, communication and transmission line patrol, or timber harvest operations; or except on property owned or under control of the operator or on which the operator is an invited guest. A hunter removing game under this subdivision may leave the designated trail or forest road only to retrieve the game and shall not exceed 5 miles per hour. A vehicle registered under the code is exempt from this subdivision while operating on a private road capable of sustaining automobile traffic or a street, county road, or highway. A person holding a valid permit to hunt from a standing vehicle issued under part 401, or a person with a disability using an ORV to access public lands for purposes of hunting or fishing through use of a designated trail or forest road, is exempt from this subdivision. An individual holding a valid permit to hunt from a standing vehicle issued under part 401, or a person with a disability using an ORV to access public lands for purposes of hunting or fishing, may display a flag, the color of which the department shall determine, to identify himself or herself as a person with a disability or an individual holding a permit to hunt from a standing vehicle under part 401.

(k) Except as otherwise provided in section 40111(3) or (4), while transporting on the vehicle a bow unless unstrung or encased, or a firearm unless unloaded and securely encased, or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(l) On or across a cemetery or burial ground, or land used as an airport.

(m) Within 100 feet of a slide, ski, or skating area, unless the vehicle is being used for the purpose of servicing the area or is being operated pursuant to section 81131(2), (3), (5), or (6).

(n) On an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as provided for in section 81127.

(o) In or upon the waters of any stream, river, bog, wetland, swamp, marsh, or quagmire except over a bridge, culvert, or similar structure.

(p) To hunt, pursue, worry, kill, or attempt to hunt, pursue, worry, or kill an animal, whether wild or domesticated.

(q) In a manner so as to leave behind litter or other debris.

(r) On public land, in a manner contrary to operating regulations.

(s) While transporting or possessing, in or on the vehicle, alcoholic liquor in a container that is open or uncapped or upon which the seal is broken, except under either of the following circumstances:

(i) The container is in a trunk or compartment separate from the passenger compartment of the vehicle.

(ii) If the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is encased or enclosed.

(t) While transporting any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.

(u) On adjacent private land, in an area zoned residential, within 300 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle except under any of the following circumstances:

(i) On a forest road or forest trail if the forest road or forest trail is maintained by or under the jurisdiction of the department.

(ii) On a street, county road, or highway on which ORV use is authorized under section 81131(2), (3), (5), or (6).

(2) 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.

Sec. 81147. (1) Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 or more than \$1,000.00, or both, for each violation.

(2) A person who violates section 81133(1)(e) by operating an ORV in such a manner as to create an erosive condition or who violates section 81133(1)(i) or (o) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$250.00 or more than \$1,000.00, or both, for each violation.

(3) A person who violates section 81105, 81107, 81115, 81116, 81121, 81130, or 81133(1)(b), (c), (d), (f), (g), (h), (j), (l), or (m) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(4) A person shall not remove, deface, or destroy a sign or marker placed by the department indicating the boundaries of an ORV trail or area or that marks a route.

(5) In addition to the penalties otherwise provided under this part, a court of competent jurisdiction may order a person to restore, as nearly as possible, any land, water, stream bank, streambed, or other natural or geographic formation damaged by the violation of this part to the condition it was in before the violation occurred.

(6) The department or any other peace officer may impound the ORV of a person who commits a violation of this part that is punishable as a misdemeanor or who causes damage to the particular area in which the ORV was used in the commission of the violation.

(7) Upon conviction of a person for violation described in subsection (6), a court of competent jurisdiction may order the ORV and any personal property on the ORV seized as a result of the violation returned to the owner or, upon recommendation of the local prosecuting attorney, turned over to the department. An ORV or any other property turned over to the department under this subsection shall be disposed of in the manner provided for condemnation of property in part 16. The proceeds realized by the department under this subsection shall first be used to restore areas damaged by ORV use, with the balance to be deposited in the off-road vehicle account.

Enacting section 1. Sections 81102 and 81128 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81102 and 324.81128, are repealed.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved.....

.....
Governor



2020 Capital Project Report - 2nd Quarter

Status of Approved 2020 Capital Projects and Projects Remaining to be Completed from Previous Years								
	Projects	Unscheduled	Queued	Development	Contracting	Execution	Closure	Completed
Status at end of 4th Quarter								
Status at end of 3rd Quarter								
Status at end of 2nd Quarter	63	0	0	5	10	18	10	20
Status at end of 1st Quarter	62	0	0	15	9	20	10	8
Status at start of 2020	62	0	2	36	8	12	3	1
Status at end of 2019	59	0	0	1	6	10	3	39
Status at end of 2018	79	3	5	13	9	10	4	35
Status at end of 2017	65	8	2	6	5	9	0	35
Status at end of 2016	81	11	6	13	9	5	5	32
Status at end of 2015	62	12	0	5	4	16	4	24

Multi-Year CIP Project Data	Capital Project Funding Approved In:								TOTAL
	2013	2014	2015	2016	2017	2018	2019	2020	
Capital Projects:	30	37	25	29	27	38	32	43	261
Completed in 2013	10								10
Completed in 2014	11	12							23
Completed in 2015	3	11	10						24
Completed in 2016	3	9	8	12					32
Completed in 2017	0	2	5	10	18				35
Completed in 2018	2	1	1	4	6	21			35
Completed in 2019	0	2	0	0	2	12	23		39
Completed in 2020	0	0	1	1	1	2	5	10	20
Total Completed	29	37	25	27	27	35	28	10	218
Remaining to be Completed	1	0	0	2	0	3	4	33	43

Cumulative Project Metrics for 2020	Actual	# On Schedule	# On Budget	# In Scope	% On Schedule	% On Budget	% In Scope
1st Quarter Completed	8	7	8	7	88%	100%	88%
2nd Quarter Completed	20	17	20	18	85%	100%	90%
3rd Quarter Completed							
4th Quarter Completed							
Carryover Projects							

On Schedule - Project execution was completed in the month that was projected when the project schedule was established.

On Budget - Project was completed within the approved project budget appropriations.

In Scope - Major project outcomes were clearly defined and met upon project completion.

7

Status of Projects with Budgets over 100K - 06/30/2020

Projects Sorted by Total Approved Funding

#	Prj ID	S	D	C	E	M	F	Project Name	Funding Year	Total Approved Funding	Jan20	Feb20	Mar20	Apr20	May20	Jun20	Jul20	Aug20	Sep20	Oct20	Nov20	Dec20	
1	13074							911 Radio System Replacement - Procure New System	2016	\$ 2,415,000	M	M	M	M	M	M	Done						
	Scope: Replace central dispatch radio system with 800MHz equipment, replace mobile and portable radios used by public safety, integrate new radio system with MPSCS and decommission old equipment.																						
	Update: Progress has been made, but still waiting for resolution of 2 items by Motorola. 10% of final billing retained pending completion.																						
2	12033-20							Courthouse Improvements - Construction	2020	\$ 935,300	S	S	D	D	D	D	C	C	E	E	E	E	E
	Scope: Construct a new security entrance, add a sally port and improve holding cells.																						
	Update: Project scope and overall plan has been finalized. GMB is working on detailed construction drawings and technical specifications in preparation for RFP release in August.																						
3	11024-20A							Roof Replacement at ACSO - Section 1B	2020	\$ 520,000	C	C	E	E	E	E	E	E	E	E	Done		
	Scope: Replace roofing materials on remaining 1/3 of Section 1. 2/3 completed in 2019 project.																						
	Update: Execution completed. Waiting for final billing.																						
4	11018-20							Indigent Defense Offices	2020	\$ 366,300	C	C	E	E	E	M	Done						
	Scope: Replace roofing materials on remaining 1/3 of Section 1. 2/3 completed in 2019 project.																						
	Update: Public Defender has moved into the Human Services Building. Wrapping up a few loose ends for integrating card access with building controls.																						
5	11204-18							GL - Pavilion Replacement	2018	\$ 283,629	C	C	C	C	C	E	E	E	E	E	E	Done	
	Scope: This project combines the following three major projects - ramp improvements, launch access road improvements and pavilion replacement along with necessary engineering services.																						
	Update: Contract for pavilion replacement awarded and is scheduled for this fall. Boat launch re-scheduled for 2022 to pursue potential opportunity to replace ramp using DNR work crew.																						
6	15030							ROD Public Records Management System Upgrade	2018	\$ 270,000	E	Done	Done										
	Scope: Replace current software solution used by Register of Deeds to manage public land records and Clerk to manage vital records.																						
	Update: Project completed.																						
7	14000-15							Annual Heat Pump Replacements (Phase I and II)	2015	\$ 220,000	C	C	E	E	E	Done	E	Done					
	Scope: Replace up to 60 heat pumps in an ongoing effort to refurbish all 133 heat pumps at the courthouse. Replacement projects for 2015, 2016 and 2017 have been combined into a single project.																						
	Update: Project completed with replacement of 28 heat pumps.																						
8	11024-20B							Roof Replacement at Courthouse - Section 2 and 4	2020	\$ 215,000	S	D	C	C	E	E	E	E	E	E	Done		
	Scope: Replace roofing materials on Section 2 and 4 of the County Courthouse.																						
	Update: Contractor is currently working on-site to replace roof sections and work should be completed in July.																						
9	14040-20D							Vehicles - Replace 6 Sheriff's Utility Vehicles	2020	\$ 201,000	C	C	M	M	M	M	M	Done					
	Scope: Purchase 6 replacement Utility Vehicles for Sheriff's Patrol																						
	Update: Vehicles have been ordered, awaiting delivery in the summer.																						
10	12081-18							Court Recording Solution Upgrade (Phase III)	2018	\$ 172,500	C	C	E	E	E	E	Done						
	Scope: Upgrade court recording system and replace aging equipment. Carryover funding from 2018 combined with new funding appropriated with 2019 capital.																						
	Update: Installation of new equipment in remaining three small hearing rooms to complete the project has been scheduled for August by the contractor.																						
11	14004-17A							ACSO Parking Lot - Construction	2016	\$ 167,000				E	E	E	M	Done					
	Scope: Front lot reconstruction to add parking spaces, improve ADA parking, pedestrian safety and signage.																						
	Update: Major construction completed. Waiting for delivery of bollards and final billing.																						
12	16013-20							Dispatch CAD Upgrade	2020	\$ 160,000	C	C			E	E	E	E	E	E	E	E	E
	Scope: Upgrade New World Computer Aided Dispatch System hardware and software.																						
	Update: Site and system data being gathered by IS in preparation for upgrade which will start to ramp up in the second half of this year.																						
13	11025-20A							Body Scanner Replacement	2020	\$ 160,000					S	S	D	C	C	E	E	Done	
	Scope: Purchase a body scanner to replace the one acquired through federal surplus.																						
	Update: Preliminary discussions underway with Sheriff's Office.																						
14	15013-17C							YH Surveillance and Intercom System Replacement	2013	\$ 138,571	E	E	E	M	M	M	Done						
	Scope: Replace and enhance aging video surveillance and room intercom systems.																						
	Update: Contractor has returned to work on-site to wrap up a few loose ends needed to complete project.																						

Status of Projects with Budgets over 100K - 06/30/2020

Projects Sorted by Total Approved Funding

#	Prj ID	S	D	C	E	M	F	Project Name	Funding Year	Total Approved Funding	Jan20	Feb20	Mar20	Apr20	May20	Jun20	Jul20	Aug20	Sep20	Oct20	Nov20	Dec20
15	11019-19A							Dispatch Console Replacement	2019	\$ 120,000	E	M	M	M	M	Done						
	Scope: Replace aging dispatch consoles.																					
	Update: Project Complete.																					
16	16021-20							Jail Security System Upgrade	2020	\$ 115,000	C	C				E	E	E	M	Done		
	Scope: Replace jail security system servers, other critical equipment and upgrade software to ensure continued reliability of the system.																					
	Update: New servers have been delivered and configured. They are being racked and expected to come online in early July.																					
17	11028-20B							YH Fire Safety System Improvements	2020	\$ 100,000	S	D	C	E	E	E	E	E	E	E	E	Done
	Scope: Upgrade the fire suppression system in the Youth Home.																					
	Update: Work is underway by Contractor.																					
18	11075-20							Emergency Siren Activation Solution	2020	\$ 100,000					D	D	D	C	C	C	E	E
	Scope: Research and implement an alternate method to for siren activation that does not rely on maintaining any VHF infrastructure.																					
	Update: Dispatch is researching and discussing options with vendors to find a potential solution.																					

Project Budget Status as of 06/30/2020

#	Prj ID	Project Name	Initial Funding Requested	Additional Funds Needed	Total Approved Funding	Expenditures To Date	Committed Funds	Available Funds	Turnback to Fund Balance	Project Completed?
	#2118	CENRTAL DISPATCH CIP								
1	13074	911 Radio System Replacement - Procure New System	\$ 2,415,000	\$ -	\$ 2,415,000	\$ 2,164,134	\$ 240,459	\$ 10,407	\$ -	No
2	16013-20	Dispatch CAD Upgrade	\$ 160,000	\$ -	\$ 160,000	\$ 33,341	\$ 113,192	\$ 13,466	\$ -	No
3	11019-19A	Dispatch Console Replacement	\$ 120,000	\$ (3,833)	\$ 116,168	\$ 110,069	\$ -	\$ -	\$ 6,099	Yes
4	11075-20	Emergency Siren Activation Solution	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ -	\$ 100,000	\$ -	No
5	11006-20	911 Audio Call Recorder Upgrade	\$ 15,000	\$ -	\$ 15,000	\$ -	\$ 14,678	\$ 322	\$ -	No
6	15013-20A	Dispatch Surveillance Camera Replacement	\$ 15,000	\$ -	\$ 15,000	\$ -	\$ -	\$ 15,000	\$ -	No
7	11005-18	Dispatch PFN SIP Card Purchase	\$ 12,000	\$ -	\$ 12,000	\$ -	\$ 12,000	\$ -	\$ -	No
8	14004-20	Pavement Maintenance 2020 - Dispatch	\$ 2,000	\$ -	\$ 2,000	\$ -	\$ -	\$ 2,000	\$ -	No
		TOTALS FOR #2118 - CENTRAL DISPATCH CIP	\$ 2,839,000	\$ (3,833)	\$ 2,835,168	\$ 2,307,544	\$ 380,330	\$ 141,196	\$ 6,099	
	#2300	TRANSPORTATION GRANT								
9	11025-20B	ACT Tire Changer and Wheel Balancer Replacement	\$ 16,000	\$ -	\$ 16,000	\$ -	\$ -	\$ 16,000	\$ -	No
10	15013-20B	ACT Surveillance Camera Replacement	\$ 6,000	\$ 489	\$ 6,489	\$ -	\$ 6,489	\$ -	\$ -	No
11	11025-20C	Vehicle Diagnostic Scanner Replacement	\$ 5,500	\$ -	\$ 5,500	\$ -	\$ -	\$ 5,500	\$ -	No
12	14004-20	Pavement Maintenance 2020 - Transportation	\$ 2,000	\$ -	\$ 2,000	\$ -	\$ -	\$ 2,000	\$ -	No
		TOTALS FOR #2300 - TRANSPORTATION GRANT	\$ 29,500	\$ 489	\$ 29,989	\$ -	\$ 6,489	\$ 23,500	\$ -	
	#2450	PUBLIC IMPROVEMENT FUND								
13	12033-20	Courthouse Improvements - Construction (see note at bottom)	\$ 935,300	\$ -	\$ 935,300	\$ -	\$ 9,817	\$ 925,484	\$ -	No
14	11024-20A	Roof Replacement at ACSO - Section 1B	\$ 520,000	\$ -	\$ 520,000	\$ -	\$ 499,872	\$ 20,128	\$ -	No
15	11024-20B	Roof Replacement at Courthouse - Section 2 and 4	\$ 215,000	\$ -	\$ 215,000	\$ -	\$ 186,941	\$ 28,059	\$ -	No
16	14040-20D	Vehicles - Replace 6 Sheriff's Utility Vehicles	\$ 201,000	\$ -	\$ 201,000	\$ -	\$ 197,964	\$ 3,036	\$ -	No
17	12081-18	Court Recording Solution Upgrade (Part III - 2020)	\$ 172,500	\$ 21,673	\$ 194,173	\$ 173,607	\$ 14,891	\$ 5,675	\$ -	No
18	14004-17A	ACSO Parking Lot Improvements	\$ 198,000	\$ (31,000)	\$ 167,000	\$ 157,585	\$ -	\$ 9,415	\$ -	No
19	11025-20A	Body Scanner Replacement	\$ 160,000	\$ -	\$ 160,000	\$ -	\$ -	\$ 160,000	\$ -	No
20	14000-15	Annual Heat Pump Replacements - Phase I (2015)	\$ 118,694	\$ -	\$ 118,694	\$ 118,694	\$ -	\$ -	\$ 0	Yes
21	16021-20	Jail Security System Upgrade	\$ 115,000	\$ -	\$ 115,000	\$ 31,631	\$ 36,219	\$ 47,150	\$ -	No
22	14000-17	Annual Heat Pump Replacements - 2016, 17 -Phase II	\$ 101,306	\$ -	\$ 101,306	\$ 89,211	\$ -	\$ -	\$ 12,095	Yes
23	14004-18A	Resurface Front Lot at County Services Building	\$ 65,000	\$ 31,000	\$ 96,000	\$ 95,228	\$ -	\$ -	\$ 772	Yes
24	14040-20A	Vehicles - Replace 3 Facilities Pick-ups	\$ 90,000	\$ -	\$ 90,000	\$ 29,629	\$ 57,344	\$ 3,027	\$ -	No
25	11072-20	eTicket Solution Implementation	\$ 70,000	\$ -	\$ 70,000	\$ -	\$ 7,283	\$ 62,717	\$ -	No
26	12033-20	Courthouse Improvements - Design	\$ 64,700	\$ -	\$ 64,700	\$ 27,741	\$ 36,959	\$ -	\$ -	No
27	11026-20A	Probate Court Microfilm Scanning	\$ 60,000	\$ -	\$ 60,000	\$ -	\$ -	\$ 60,000	\$ -	No
28	13004-18	Pictometry Imagery (2020)	\$ 56,000	\$ -	\$ 56,000	\$ -	\$ 55,560	\$ 440	\$ -	No
29	11030-20B	CSB HVAC Unit Replacement - 2020	\$ 50,000	\$ -	\$ 50,000	\$ -	\$ 37,667	\$ 12,333	\$ -	No
30	13096-20A	Pump House 1 Reconstruction	\$ 50,000	\$ 25,000	\$ 75,000	\$ -	\$ 68,691	\$ 6,309	\$ -	No
31	11033-19A	Animal Shelter - Floor Refinishing	\$ -	\$ 40,000	\$ 40,000	\$ 39,054	\$ -	\$ -	\$ 946	Yes
32	14040-20E	Vehicles - Equip Sheriff's Vehicles	\$ 39,000	\$ -	\$ 39,000	\$ -	\$ -	\$ 39,000	\$ -	No
33	14040-20B	Vehicles - Replace 2 Court Vehicles	\$ 38,500	\$ -	\$ 38,500	\$ -	\$ 37,512	\$ 988	\$ -	No
34	11033-19B	Animal Shelter - HVAC Improvements	\$ -	\$ 35,000	\$ 35,000	\$ 30,952	\$ -	\$ -	\$ 4,048	Yes
35	11055-20	Vehicles -Marine Shallow Water Boat and Trailer	\$ 30,000	\$ -	\$ 30,000	\$ 28,630	\$ -	\$ -	\$ 1,371	Yes
36	14004-20	Pavement Maintenance 2020 - County	\$ 30,000	\$ -	\$ 30,000	\$ -	\$ -	\$ 30,000	\$ -	No
37	11019-20	CH Chair Replacement - 2020	\$ 30,000	\$ -	\$ 30,000	\$ -	\$ -	\$ 30,000	\$ -	No
38	13096-18	Repair Pumphouse Retaining Wall	\$ 20,000	\$ -	\$ 20,000	\$ -	\$ -	\$ 20,000	\$ -	No
39	13018-20	Scanner Replacements	\$ 20,000	\$ -	\$ 20,000	\$ 12,800	\$ -	\$ -	\$ 7,200	Yes
40	13096-20B	Water Tower - Clean and Re-paint Interior	\$ 20,000	\$ -	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000	Yes
41	13096-20C	Lagoon Structure Valve Replacement	\$ 16,000	\$ -	\$ 16,000	\$ 14,753	\$ -	\$ -	\$ 1,247	Yes
42	11053-19	County Website Redesign	\$ 16,000	\$ -	\$ 16,000	\$ -	\$ -	\$ 16,000	\$ -	No
43	13017-20	Copier Replacements	\$ 16,000	\$ -	\$ 16,000	\$ 9,768	\$ -	\$ -	\$ 6,232	Yes
44	11030-20A	ACSO Relocate and Repair / Replace Heat Pumps	\$ 16,000	\$ -	\$ 16,000	\$ -	\$ -	\$ 16,000	\$ -	No

Project Budget Status as of 06/30/2020

#	Prj ID	Project Name	Initial Funding Requested	Additional Funds Needed	Total Approved Funding	Expenditures To Date	Committed Funds	Available Funds	Turnback to Fund Balance	Project Completed?
45	14004-17B	HSB Parking Lot Study	\$ 15,000	\$ -	\$ 15,000	\$ 14,500	\$ -	\$ -	\$ 500	Yes
46	15014-20	Server Replacements	\$ 15,000	\$ -	\$ 15,000	\$ 13,730.73	\$ -	\$ -	\$ 1,269	Yes
47	11002-20	ACSO Repair Domestic Water Boiler	\$ 13,000	\$ -	\$ 13,000	\$ 9,229	\$ -	\$ -	\$ 3,771	Yes
48	11033-19C	Animal Shelter - Sink Replacement	\$ -	\$ 10,000	\$ 10,000	\$ 6,562	\$ -	\$ -	\$ 3,438	Yes
49	11059-20	Inmate Lookup Tool	\$ 10,000	\$ -	\$ 10,000	\$ -	\$ -	\$ 10,000	\$ -	No
50	11030-20C	ACSO Dehumidification Controls for Air Handlers	\$ 10,000	\$ -	\$ 10,000	\$ 4,248	\$ 4,248	\$ 1,505	\$ -	No
51	11028-20	Friend of the Court Vault Renovation	\$ 8,000	\$ -	\$ 8,000	\$ 7,200	\$ 800	\$ -	\$ -	No
52	11007-20A	UPS Battery Replacement - CH	\$ 6,000	\$ -	\$ 6,000	\$ -	\$ -	\$ 6,000	\$ -	No
		TOTALS FOR #2450 - PUBLIC IMPROVEMENT FUND	\$ 3,611,000	\$ 131,673	\$ 3,742,673	\$ 914,753	\$ 1,251,767	\$ 1,513,265	\$ 62,888	
	#2465	CHILD CARE CAPITAL								
53	15013-17C	YH Surveillance and Intercom System Replacement	\$ 70,000	\$ 68,571	\$ 138,571	\$ 92,443	\$ 16,365	\$ 29,763	\$ -	No
54	11028-20B	Youth Home Fire Safety System	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ 82,964	\$ 17,036	\$ -	No
55	11030-20D	Youth Home AC Replacement	\$ 15,000	\$ -	\$ 15,000	\$ -	\$ 13,850	\$ 1,150	\$ -	No
56	11019-20B	Cheever Wardrobe Replacement	\$ 10,000	\$ -	\$ 10,000	\$ 8,361	\$ -	\$ -	\$ 1,640	Yes
57	14004-20	Pavement Maintenance 2020 - Youth Home	\$ 5,000	\$ -	\$ 5,000	\$ -	\$ -	\$ 5,000	\$ -	No
58	11007-20B	UPS Battery Replacement - YH	\$ 2,300	\$ -	\$ 2,300	\$ -	\$ -	\$ -	\$ 2,300	Yes
		TOTALS FOR #2465 - CHILD CARE CAPITAL	\$ 202,300	\$ 68,571	\$ 270,871	\$ 100,804	\$ 113,179	\$ 52,949	\$ 3,940	
	#2470	LOCAL GOVERNMENT REVENUE SHARING (PARKS)								
59	11204-18	Gun Lake Watercraft Launch and Pavilion - Engineering	\$ 27,266	\$ -	\$ 27,266	\$ 27,266	\$ -	\$ -	\$ -	Yes
60	11204-18	Gun Lake Watercraft Launch and Pavilion - Construction	\$ 75,438	\$ -	\$ 75,438	\$ -	\$ 75,438	\$ -	\$ -	No
61	14040-20C	Vehicles - Replace 3 Parks Vehicles	\$ 93,000	\$ -	\$ 93,000	\$ -	\$ 57,758	\$ 35,242	\$ -	No
62	11208-20	Vault Outhouse Venting and Roof Replacement	\$ 30,000	\$ -	\$ 30,000	\$ 11,750	\$ -	\$ -	\$ 18,250	Yes
63	14004-20	Pavement Maintenance 2020 - Parks	\$ 25,000	\$ -	\$ 25,000	\$ -	\$ -	\$ 25,000	\$ -	No
		TOTALS FOR #2470 - LOCAL GOV. REV. SHARING (PARKS)	\$ 250,704	\$ -	\$ 250,704	\$ 39,016	\$ 133,196	\$ 60,242	\$ 18,250	
	#VARIOUS	OTHER CAPITAL PROJECTS								
64	11033-20B	Animal Shelter Dog Run	\$ 10,000	\$ -	\$ 10,000	\$ -	\$ -	\$ 10,000	\$ -	No
65	15030	ROD Public Records Management System Upgrade	\$ 300,000	\$ (100,000)	\$ 200,000	\$ 187,363	\$ -	\$ -	\$ 12,637	Yes
66	11018-20	Indigent Defense Offices	\$ 366,300	\$ -	\$ 366,300	\$ -	\$ 19,805	\$ 346,495	\$ -	No

Notes: Total number of projects may not match the summary as some projects are counted once in the summary but may be represented here by several rows to account for multiple funding sources.

Project #12 Courthouse Improvements - Construction: Budget amount includes \$500,000 transfer in from Self-Insurance Fund #6770.

Project Schedule and Status as of 6/30/2020

Typ	Prj ID	S	D	C	E	M	F	Project Name	Jan20	Feb20	Mar20	Apr20	May20	Jun20	Jul20	Aug20	Sep20	Oct20	Nov20	Dec20	On Time	In Budget	In Scope
PROJECTS COMPLETED																							
1	11007-20B							UPS Battery Replacement - YH	Done												Y	Y	Y
2	15030							ROD Public Records Management System Upgrade	E	Done	Done										N	Y	Y
3	13018-20							Scanner Replacements	E	Done	E	E	Done								Y	Y	Y
4	13096-20B							Water Tower - Clean and Re-paint Interior	Cancelled - Inspection revealed interior is in good condition												Y	Y	Y
5	11033-19C							Animal Shelter - Sink Replacement	E	M	Done										Y	Y	Y
6	11033-19A							Animal Shelter - Floor Refinishing	E	M	Done										Y	Y	Y
7	14000-15							Annual Heat Pump Replacements - Phase I (2015)	E	E	Done	E	E	Done							Y	Y	Y
8	15014-20							Server Replacements	C	C	Done	E	E	Done							Y	Y	Y
9	11019-20B							Cheever Wardrobe Replacement	C	E	E	Done	M	Done							Y	Y	Y
10	11033-19B							Animal Shelter - HVAC Improvements	E	M	M	Done									Y	Y	Y
11	14004-17B							HSB Parking Lot Study	C	E	E	E	Done	M	Done						Y	Y	Y
12	11204-18							Gun Lake Watercraft Launch and Pavilion - Engineering	M	M	M	M	Done								N	Y	N
13	11055-20							Vehicles -Marine Shallow Water Boat and Trailer	D	C	C	E	Done	M	Done						Y	Y	Y
14	11002-20							ACSO Repair Domestic Water Boiler	C	E	E	M	Done								Y	Y	Y
15	11019-19A							Dispatch Console Replacement	E	M	M	M	M	Done							Y	Y	Y
16	13096-20C							Lagoon Structure Valve Replacement	E	E	E	M	Done								Y	Y	Y
17	13017-20							Copier Replacements	C	C	E	E	M	Done							Y	Y	Y
18	14004-18A							Resurface Front Lot at County Services Building				E	E	Done	M	Done					Y	Y	Y
19	11208-20							Vault Outhouse Venting and Roof Replacement		D	C	C	E	Done	M	Done					Y	Y	Y
20	14000-17							Annual Heat Pump Replacements - 2016, 17 -Phase II	C	C	E	E	E	Done	E	Done					N	Y	Y
PROJECTS IN MONITORING																							
21	15013-17C							YH Surveillance and Intercom System Replacement	E	E	E	M	M	M	Done								
22	11018-20							Indigent Defense Offices	C	C	E	E	E	M	Done								
23	13074							911 Radio System Replacement - Procure New System	M	M	M	M	M	M	Done								
24	11006-20							911 Audio Call Recorder Upgrade	C	E	E	E	E	E	Done								
25	11028-20							Friend of the Court Vault Renovation		S	D	C	E	E	M	Done							
26	14040-20D							Vehicles - Replace 6 Sheriff's Utility Vehicles	C	C	M	M	M	M	M	Done							
27	14040-20A							Vehicles - Replace 3 Facilities Pick-ups	C	C	M	M	M	M	M	Done							
28	14040-20B							Vehicles - Replace 2 Court Vehicles	C	C	M	M	M	M	M	Done							
29	14040-20C							Vehicles - Replace 3 Parks Vehicles	C	C	M	M	M	M	M	Done							
30	11024-20A							Roof Replacement at ACSO - Section 1B	C	C	E	E	E	E	E	E	E	E	E	Done			
PROJECTS IN EXECUTION																							
31	11030-20C							ACSO Dehumidification Controls for Air Handlers	D	E	C	E	E	E	Done								
32	12081-18							Court Recording Solution Upgrade (Part III - 2020)	C	C	E	E	E	E	Done								
33	14004-17A							ACSO Parking Lot Improvements				E	E	E	M	Done							
34	11030-20D							Youth Home AC Replacement	D	C	C	C	C	E	E	Done							
35	11005-18							Dispatch PFN SIP Card Purchase	E	E	E	E	E	E	E	Ctovr	M	Done					
36	16021-20							Jail Security System Upgrade	C	C	C			E	E	E	M	Done					
37	11030-20B							CSB HVAC Unit Replacement - 2020	D	C	C	C	E	E	E	E	E	Done					
38	11024-20B							Roof Replacement at Courthouse - Section 2 and 4	S	D	C	C	E	E	E	E	E	E	Done				
39	11028-20B							Youth Home Fire Safety System	S	D	C	E	E	E	E	E	E	E	Done				
40	15013-20B							ACT Surveillance Camera Replacement					C	E	C	C	E	E	M	Done			
41	13004-18							Pictometry Imagery (2020)	M						E	E	M	M	M	Done			
42	14040-20E							Vehicles - Equip Sheriff's Vehicles	E	E	E	E	E	E	E	E	E	E	E	Done			
43	11072-20							eTicket Solution Implementation		D	C	C	E	Eval	Eval	C	E	E	E	Done			
44	14004-20							Pavement Maintenance 2020 - County	D	D	C	C	E	E	E	E	E	E	M	Done			
45	11204-18							Gun Lake Pavilion - Construction	C	C	C	C	C	E	E	E	E	E	E	Done			
46	16013-20							Dispatch CAD Upgrade	C	C			E	E	E	E	E	E	E	E			
47	11053-19							County Website Redesign	D	C	C	C	C	E	E	E	E	E	E	E			
48	12033-20							Courthouse Improvements - Design	E	E	E	E	E	E	E	E	E	E	E	E			

X = Unplanned Project

Project Schedule and Status as of 6/30/2020

Typ	Prj ID	S	D	C	E	M	F	Project Name	Jan20	Feb20	Mar20	Apr20	May20	Jun20	Jul20	Aug20	Sep20	Oct20	Nov20	Dec20	On Time	In Budget	In Scope
PROJECTS IN CONTRACTING																							
49	13096-18							Repair Pumphouse Retaining Wall		C	C	C	C	C	E	E	Done						
50	11033-20B							Animal Shelter Dog Run		C	C	C	C	C	E	Done							
51	11030-20A							ACSO Relocate and Repair / Replace Heat Pumps	D	C	C	C	C	C	E	E	Done						
52	11025-20C							Vehicle Diagnostic Scanner Replacement			S	D	C	C	E	E	M	Done					
53	13096-20A							Pump House 1 Reconstruction			D	D	C	C	E	E	E	M	Done				
54	11025-20B							ACT Tire Changer and Wheel Balancer Replacement			S	D	D	C	C	E	E	M	Done				
55	11059-20							Inmate Lookup Tool	D	C	C		C	C	E	E	E	E	E	Done			
56	15013-20A							Dispatch Surveillance Camera Replacement					D	C	C	E	E	M	Done				
57	11007-20A							UPS Battery Replacement - CH					D	C	C	E	E	M	Done				
58	11204-18							Gun Lake Watercraft Launch - Construction	C	C	C	C	Postponed to 2020										
PROJECTS IN DEVELOPMENT																							
59	11019-20							CH Chair Replacement - 2020					S	C	D	C	E	E	M	Done			
60	11025-20A							Body Scanner Replacement					S	S	D	C	C	E	E	Done			
61	11026-20A							Probate Court Microfilm Scanning			S		D	D	C	C	E	E	E	Done			
62	11075-20							Emergency Siren Activation Solution					D	D	D	C	C	C	E	E	E		
63	12033-20							Courthouse Improvements - Construction	S	S	D	D	D	D	C	C	E	E	E	E			
PROJECTS IN SCOPING																							

X = Unplanned Project