

## GRAND TRAVERSE COUNTY BOARD OF COMMISSIONERS

Wednesday, January 17, 2018 @ 5:30 p.m.  
Governmental Center, 2<sup>nd</sup> Floor Commission Chambers  
400 Boardman, Traverse City, MI 49684

### General Meeting Policies:

- ❖ Please turn off all cell phones or switch them to silent mode.
- ❖ Any person may make a video, audio or other record of this meeting. Standing equipment, cords, or portable microphones must be located so as not to block audience view.

If you need auxiliary aid assistance, contact 231-922-4760.

### CALL TO ORDER:

#### 1. OPENING CEREMONIES OR EXERCISES

(Pledge of Allegiance)

#### 2. ROLL CALL

#### 3. APPROVAL OF MINUTES

(Reading aloud is waived as long as the Board has been furnished a copy in the packet prior to the meeting)

- a. Minutes of January 3, 2017 (Organizational Meeting).....3
- b. Minutes of January 3, 2017 (Regular Meeting) .....6

#### 4. FIRST PUBLIC COMMENT

Any person shall be permitted to address a meeting of the Board of Commissioners which is required to be open to the public under the provision of the Michigan Open Meetings Act. Public Comment shall be carried out in accordance with the following Board Rules and Procedures:

Any person wishing to address the Board shall state his or her name and address.

No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions, if any. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, extend the amount of time any person is allowed to speak.

Public comment will be solicited during the two public comment periods noted in Rule 5.4, Order of Business. However, public comment will generally be received at any time during the meeting regarding a specific topic currently under discussion by the board. Members of the public wishing to comment should raise their hand or pass a note to the clerk in order to be recognized, and shall not address the board until called upon by the chairperson. Please be respectful and refrain from personal or political attacks.

#### 5. APPROVAL OF AGENDA

#### 6. CONSENT CALENDAR:

The purpose of the Consent Calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the Consent Calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

If any item is not removed from the consent calendar, the action noted (receive & file or approval) is approved by a single Commission action adopting the consent calendar.

All Information identified on the Consent Calendar can be viewed in it's entirety at [www.grandtraverse.org](http://www.grandtraverse.org).

a.	Receive and File:	
1)	Airport Commission Regular Minutes of November 21, 2017 (Amended) .....	10
2)	Road Commission Monthly Report for January 16, 2018.....	14
b.	Approvals:	
1)	Ratify Labor Agreement with COAM – Grand Traverse Central Supervisory Unit (file attached) .....	15
2)	2018 Hauler Licenses .....	16
3)	Appointments to Boards & Committees (Finance Director) .....	18
4)	Ratify 2018 Board Rules with change recommended at the organizational meeting (6.3.2.7 added) ..	20
c.	Action:	
7.	SPECIAL ORDERS OF BUSINESS:	
a.	Public Hearing and Approval to Send to DEQ – Soil Erosion & Sedimentation Control Ordinance.....	40
8.	ITEMS REMOVED FROM CONSENT CALENDAR	
9.	DEPARTMENTAL ITEMS:	
a.	COMMISSION ON AGING:	
1)	2018 Purchase of Services Contracts for the AAA of Northwest Michigan and Northern Health care Management .....	61
2)	Overview/Update of Commission on Aging (presentation)	
b.	PARKS AND RECREATION:	
1)	Memorandum of Agreement with the Grand Traverse Band and Conservation District to Implement Conservation Practices Related to Managing the Boardman River Bottomlands at the Nature Education Reserve .....	62
c.	FINANCE:	
1)	December 2017 Claims Approval.....	70
2)	Budget to Actual Revenue and Expenditure Report.....	73
3)	Audit Proposal Recommendation.....	78
10.	OLD/UNFINISHED BUSINESS:	
a.	Commission on Aging Board Resolution .....	80
b.	Strategic Planning Discussion	
11.	NEW BUSINESS:	
a.	Airport Commission Ad Hoc Recommendation for Appointments .....	81
b.	Animal Control Ad Hoc Recommendation .....	82
c.	Planning Commission Discussion .....	85
12.	SECOND PUBLIC COMMENT (Refer to Rules under Public Comment/Input above.)	
13.	COMMISSIONER/DEPARTMENT REPORTS:	
14.	NOTICES:	
15.	CLOSED SESSION IF NEEDED:	
a.	Christopher Cooke – Carlson v Grand Traverse County	
b.	Haider Kazim – Laura Green v Grand Traverse County	
16.	ADJOURNMENT	



GRAND TRAVERSE COUNTY  
BOARD OF COMMISSIONERS

Organizational Meeting  
January 3, 2018

Chairwoman Crawford called the meeting to order at 5:32 p.m. at the Governmental Center.

OPENING CEREMONIES OR EXERCISES

The Pledge of Allegiance to the Flag of the United States of America was recited.

PRESENT: Ron Clous, Cheryl Gore Follette, Bob Johnson, Dan Lathrop, Tom Mair, Addison Wheelock, Jr., and Carol Crawford

PUBLIC COMMENT

**John Sych**, Planning Director, informed the Board of his resignation from the County.

ELECTION OF VICE CHAIRPERSON

Chairwoman Crawford called for nominations for Vice Chairperson of the Board of Commissioners for 2018.

**Nominations**

Commissioner Johnson nominated Commissioner Clous as the Vice Chair for 2018. Commissioner Mair seconded the nomination.

There being no further nominations, Chairwoman Crawford declared the nominations closed.

**Voting on Nominee**

Roll Call Vote to appoint Commissioner Clous as the Vice Chair for 2018.

Yes 7

APPROVAL OF AGENDA

Moved by Johnson, seconded by Gore Follette to approve the agenda as presented. Motion carried.

ADOPTION OF STANDING RULES

Commissioners reviewed the Board Rules of Order. Chairwoman Crawford requested that the following phrase be added under Public Comment as section 6.3.2.7:

“Please be respectful and refrain from personal or political attacks”.

Moved by Gore Follette, seconded by Clous to adopt the Standing Rules as amended. Motion carried.

ADOPTION OF ANNUAL RESOLUTIONResolution

1-2018

**Resolution Permitting the Treasurer to Waive  
Administration Fee and Interest Charge on  
Delinquent Taxes for Senior Citizens  
And Others Specified by Law**

WHEREAS, Act 166 of P.A. of 1977, section 59 (3) as amended, permits County Boards of Commissioners to direct the County Treasurer to waive the administration fee (4%) and interest charges of (1% per month) added after the last day of February for senior citizens, eligible widows, totally and permanently disabled, or blind, as defined in said Act, between March 1 and April 30 on taxes in the first year of delinquency; and,

WHEREAS, it is the recommendation of the County Board that the County Treasurer be authorized to waive the administration fee and interest between March 1 and April 30 for taxes in the first year of delinquency for eligible taxpayers,

NOW THEREFORE BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT THE County Treasurer is hereby directed to waive the administration fee and interest between March 1 and April 30 for taxes in the first year of delinquency for eligible taxpayers as provided in Act 166 of the Public Acts of 1977, section 59 (3), as amended.

Moved by Wheelock, seconded by Mair to approve Resolution 1-2018.  
Motion carried.

AUDIT COMMITTEE:**A) Appointments**

Chairwoman Crawford appointed herself as Chair of the Audit Committee and Commissioner Wheelock as Vice Chair.

**B) Meeting Dates and Times**

Moved by Wheelock, seconded by Johnson to approve the Audit Committee's meeting dates and times provided in the packet. Motion carried.

APPROVAL OF SCHEDULES**A) Board of Commissioners' Meeting Dates and Times**

Moved by Wheelock, seconded by Johnson to approve the Board of Commissioner's meeting dates and times provided in the packet. Motion carried.

**B) Commissioner Appointments/Assignments for 2018**

Chairwoman Crawford presented the board assignments. A change was made to appoint Commissioner Clous to the Brownfield Redevelopment Authority.

Moved by Johnson, seconded by Clous to approve the amended Commissioner Appointment/Assignment list for 2018. Motion carried.

OLD BUSINESS

None

NEW BUSINESS

**A) Consideration of Code of Ethics and Standard of Conduct for the Board of Commissioners**

Moved by Gore Follette, seconded by Crawford to approve the Code of Ethics and Standard of Conduct for the Board of Commissioners.

After the Board discussed the issue, the Board decided they did not want to have a formal Code of Ethics and Standard of Conduct. Commissioner Gore Follette withdrew her motion and Commissioner Crawford withdrew her second.

PUBLIC COMMENT

None

NOTICES

Commissioner Mair discussed the need for snow removal for the elderly.

The next Animal Control meeting will be Wednesday, January 10th, at 5:30 p.m.

Meeting adjourned at 5:55 p.m.

\_\_\_\_\_  
Bonnie Schæele, County Clerk

\_\_\_\_\_  
Carol Crawford, Chairwoman

APPROVED: \_\_\_\_\_

(Date)

(Initials)

GRAND TRAVERSE COUNTY  
BOARD OF COMMISSIONERS

Regular Meeting  
January 3, 2018

Chairwoman Crawford called the meeting to order at 6:02 p.m. at the Governmental Center.

OPENING CEREMONIES OR EXERCISES

The Pledge of Allegiance to the Flag of the United States of America was not recited again since it was done at the Organizational meeting immediately preceding this meeting.

PRESENT: Ron Clous, Cheryl Gore Follette, Bob Johnson, Dan Lathrop, Tom Mair,  
Addison Wheelock, Jr., and Carol Crawford

APPROVAL OF MINUTES

Minutes of December 20, 2017 – Regular Session

Moved by Gore Follette seconded by Johnson to approve the minutes as presented.  
Motion carried.

PUBLIC COMMENT

None

APPROVAL OF AGENDA

Add: Commission on Aging Advisory Board Discussion under Old Business

Moved by Johnson, seconded by Clous to approve the agenda as amended. Motion carried.

CONSENT CALENDAR

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item on the consent calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

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A. RECEIVE AND FILE

1. Grand Traverse Conservation District Report
2. Northern Michigan Community Action Agency (NMCAA) minutes of November 16, 2017

B. APPROVALS

1. Resolution 2-2018  
Remonumentation  
2018 Grant Acceptance
2. Recycling Drop-Off Site Relocation. Removed from calendar.
3. Resolution 3-2018  
Finance  
Mileage, Meals & Incidental Expense Rates for 2018

ACTION ON THE CONSENT CALENDAR

After the County Clerk read the Consent Calendar for the record, the following item was removed:

B-2

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By Wheelock

Moved by Johnson, seconded by Mair to approve the Consent Calendar minus Item B-2.  
Motion carried.

SPECIAL ORDERS OF BUSINESS

None

ITEMS REMOVED FROM CONSENT CALENDAR

**B-2 – Recycling Drop-Off Site Relocation**

Resolution 4-2018  
Resource Recovery  
Relocation of Recycling Drop-Off Site to  
Lafranier Public Services Building

Moved by Wheelock, seconded by Clous to approve Resolution 4-2018. Motion carried.

DEPARTMENT ACTION ITEMS

**a. Finance Department**

1. FY 2017 Budget Amendments  
Budget amendments and resolution were distributed.

Resolution 5-2018  
Finance Department  
Budget Amendments

Moved by Gore Follette, seconded by Johnson to approve Resolution 5-2018.  
Motion carried.

OLD/UNFINISHED BUSINESS

**a. Update on Activities (Administration)**

Vicki Uppal, County Administrator, gave an update on various County Departments.

Wendy Hirschenberger, Health Officer, requested they fund the Animal Control Officer up to 37.5 hours per week.

Commissioner Gore Follette requested Administration create a business plan for utilizing the Governmental Center basement for a daycare and they look into lowering the copy charges for the County.

**b. Animal Control Discussion (Lathrop)**

Moved by Lathrop, seconded by Clous to increase the Animal Control budget to the previous level set in 2015.

The Board discussed the Animal Control department and its budget and decided to let the Ad Hoc Committee study the issue more regarding the structure of the department and how to fund it and have them come back with more information.

Commissioner Lathrop withdrew his motion and Commissioner Clous withdrew his second.

NEW BUSINESS

**a. Commission on Aging Advisory Board**

Commissioners discussed the structure of the board and decided to change it to include 7 members consisting of the following:

- 1 Commission on Aging client
- 1 Commission on Aging employee
- 1 Board of Commissioner
- 4 Citizens

Moved by Crawford, seconded by Clous to modify Resolution 126-2016 to reflect the new structure.

The County Clerk suggested that they rescind Resolution 126-2016 and replace with a new resolution instead since they may want to remove other sections of the original resolution.

Chairwoman Crawford withdrew her motion and Commissioner Clous withdrew his second.

Moved by Gore Follette, seconded by Wheelock to rescind Resolution 126-2016 and request that Administration create a new Commission on Aging Advisory Board resolution to be brought to the Board at the next meeting. Motion carried.

PUBLIC COMMENT

None

COMMISSIONER/DEPARTMENT REPORTS

None

NOTICES

a. **Conference Dates for 2018 – Information only**

CLOSED SESSION

None

Meeting adjourned at 6:48 p.m.

\_\_\_\_\_  
Bonnie Scheele, County Clerk

\_\_\_\_\_  
Carol Crawford, Chairwoman

APPROVED: \_\_\_\_\_  
(Date) (Initials)

NORTHWESTERN REGIONAL AIRPORT COMMISSION  
CHERRY CAPITAL AIRPORT  
REGULAR MEETING  
MINUTES - AMENDED  
NOVEMBER 21, 2017  
3:00 P.M.

A. Pledge of Allegiance

B. Roll Call:

Present	Chairman	Mark Eckhoff
	Commissioners	Dan Ahrns (via telephone), Doug DeYoung, Lee Foerster, Tom Kern, Debra Rushton
	Secretary	Kevin Klein
	Counsel	Karrie Zeits
	Others	Luanne Zak, Dan Sal, Heather Sexton, Richard Whitmer
Absent		Bob Johnson (excused)

The Chairman called the meeting to order at 3:00 p.m. The Secretary called the roll and advised the Chairman a quorum was present.

C. Review and Approval of the Agenda:

It was moved by Commissioner Kern and supported by Commissioner Rushton to approve the agenda as presented. MOTION PASSED.

D. Public Comment: None

E. Reading and Approving Previous Meeting Minutes:

1. The regular meeting minutes of October 24, 2017 were reviewed by the Commission.

It was moved by Commissioner Kern and supported by Commissioner Foerster to approve the minutes as presented. MOTION PASSED.

F. Reading of Communications:

1. The MDOT Passenger Statistics Report for October 2017 was received and filed.

G. Reports of Standing Committees: None



H. Reports of Special Committees:

1. Commissioner Rushton gave a report of the Personnel Committee meeting of November 16, 2017.

The Committee discussed the evaluation of the Airport Director. The Committee Chairman presented the evaluation matrix and reviewed the completed evaluation forms with the Airport Director. The Airport Director received a 97.23% approval rating.

The Chairman informed the Personnel Committee that due to some confusion with the dates in the contract (signed in 2015; term began in 2014), the Airport Director's contract expired in May 2017. The Chairman recommends using Steven Baldwin Associates (SBA) to assist in developing a new employment agreement for the Airport Director. As set forth in the November 15, 2017 correspondence from SBA, SBA will perform the following services under Task Order #3: Employment Agreement Support if approved:

- Provide support, guidance and direction to the Personnel Committee as it creates a new employment agreement for the Airport Director;
- Provide salary and compensation data research for the airport director position at comparable airports;
- Review existing industry sources regarding salary and compensation data for the airport director position;
- Assist the Committee and Board as a whole in developing retention and exit strategies for inclusion in any agreement based on overall goals of the Board;
- Utilize their database of employment agreements for similar positions to supplement research for the Personnel Committee throughout the assignment; and
- Provide continuing support, including: preparation of draft agreement(s); negotiation assistance, if needed; and additional assistance for successful outcomes for the Board.

The task will be billed on a time and materials basis as per similar projects with SBA.

The Committee discussed the compensation process for Airport staff. The Airport Director presented to the Committee an estimated calculation of cost of living of 2.1%. However, the NRAC is currently in negotiations with the bargaining unit. The Finance Committee is need of a recommendation from the Personnel Committee for budgeting purposes. The Committee recommended a range of 1.25% - 3% to provide to the Finance Committee for use in the 2018 budget.

It was moved by Commissioner Kern and supported by Commissioner DeYoung to approve the minutes as presented.

It was moved by Commissioner DeYoung and supported by Commissioner Kern to approve Task Order #3 as set forth in the November 15, 2017 correspondence from Steven Baldwin Associates in an amount not to exceed \$3,000. MOTION PASSED.

I. Unfinished Business: None

J. New Business:

1. The lease with the U.S. General Services Administration, for space used by TSA, provides the Government with the option to terminate the Lease in whole or in part any time after October 31, 2017 by giving at least sixty (60) days' notice.

The Government has elected to exercise this option and has provided notice that they have vacated Room 155MA and Room 155NA (located in the Delta hallway).

Based upon a recommendation of the Airport Director, it was moved by Commissioner Kern and supported by Commissioner Rushton to approve the release of space in accordance with the lease terms. MOTION PASSED.

2. Amendment #1 to the Mead & Hunt contract provides for the construction administration associated with the Runway 10 approach tree clearing project.

Mead & Hunt will provide on-site coordination between the Contractor, Airport and property owners. Critical tasks will include recording payable quantities of trees and stumps to be removed by the individual parcel.

Based upon a recommendation of the Airport Director, it was moved by Commissioner Rushton and supported by Commissioner Ahrens to approve Amendment #1 to Mead & Hunt contract for construction administration on the Runway 10 approach tree clearing project in the amount of \$162,331.60. MOTION PASSED.

3. On November 3, 2017, Mead & Hunt opened and read publicly the bids received for the Runway 10 approach tree clearing project.

Bids were received as follows:

Wonsey Tree Service, Inc.	\$1,552,130
M & M Excavating	\$1,581,870
Treeworks, Inc.	\$1,761,365

Based upon a recommendation of the Airport Director and Mead & Hunt, it was moved by Commissioner Kern and supported by Commissioner Rushton that the contract for tree clearing, clearing and grubbing be awarded to Wonsey Tree Service, Inc. in the amount of \$1,552,130. MOTION PASSED.

- K. 1. The Airport Director reviewed the Activity Report for the Commission.
2. The Airport Director reviewed the Operations Report for the Commission.
3. The Airport Director reviewed the Accounts Receivable Report for the Commission.

L. Public Comment:

Richard Whitmer asked if the strategic plan has been completed. Chairman Eckhoff indicated that it is currently being worked on.

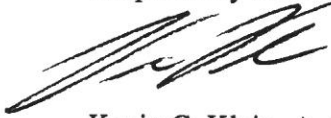
M. Commissioner Comment:

Commissioner Rushton reminded the Board members that they will be meeting with Steven Baldwin Associates individually next week and if they have any questions in regard to Task Order #3 they can ask when they meet with them. Commissioner Rushton indicated she really likes the direction the Board is moving in with this Director ~~or any other Director.~~

N. Adjournment:

There being no further business to come before the Commission, the Chairman adjourned the meeting at 4:02 p.m.

Respectfully submitted,



Kevin C. Klein, A.A.E.  
Airport Director



*"Our mission is to upgrade and maintain  
a safe and efficient road system."*

**TO:** Chair – Board of Commissioners  
**FROM:** Jim Cook, Manager  
**DATE:** January 4, 2017  
**SUBJECT:** **REPORT FOR THE JANUARY 16, 2018 MEETING  
AT 5:30 P.M. IN THE COMMISSION CHAMBERS  
400 BOARDMAN AVENUE, TRAVERSE CITY**

**cc:** Board of County Road Commissioners

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A commissioner or I will be available to provide more detailed responses at the BOC meeting on the following items:

1. **East-West Corridor Consultant** – Our contract with OHM, the East-West Corridor Study consultants, will be reviewed for approval at our January 11, 2017, 7 PM, Special Meeting.
2. **Resolution Regarding TIF and Other Taxing Authorities** - The Board adopted the attached resolution requesting the exemption of our road millage from the current and future TIF and other taxing authorities.
3. **South Airport Road** – Bids for the majority our 2018 projects will be awarded at our January 25, 2018 meeting. The South Airport Project, from US-31 to Veteran's Drive, is currently in the design phase. Bidding is anticipated for late winter/early spring. To ensure the project can move forward in 2018, the Board respectfully requests the County Board approve beginning the process to bond this approximately \$4+ million project between US-31 and Veterans Drive. Smaller, additional projects or project enhancements will be added to the bond project list should surplus funds be available upon completion of the project as bid.
4. **MERS 2018 Payment** - The Board approved making the full 2018 MERS contribution in 2017 due to the resulting financial benefits.
5. **Amendment to the 2017 Budget** - The Board approved an amendment to balance the 2017 budget including the above-mentioned advance MERS payment.
6. **Finance Manager** – We are pleased to announce that Phillip Masserant, CPA, will be joining us on January 29, 2018. Phillip will be leaving his current Director of Finance position with Monroe County Road Commission. He has a wealth of experience as an auditor and controller in the private sector.
7. **Virtual Road Tours** – Check your email box for an invitation to our 2017 Year-End Virtual Road Tours. The dates are Tuesday, January 30 at 1:30 pm and Wednesday, January 31 at 10:30 am.

RESOLUTION  
XX-2017  
**RESOLUTION TO RATIFY THE AGREEMENT WITH  
THE COMMAND OFFICERS ASSOCIATION OF MICHIGAN,  
GRAND TRAVERSE CENTRAL SUPERVISORY UNIT**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on January 17, 2018, and moved to ratify the agreement with the Command Officers Association Of Michigan, Grand Traverse Central Supervisory Unit; and,

WHEREAS, the Union ratified and executed the successor Collective Bargaining Agreement incorporating various changes.

THEREFORE BE IT RESOLVED THAT THE Grand Traverse County Board of Commissioners hereby ratifies the attached agreements reached by the Union and the Employer's bargaining team and authorizes the Chairwoman to sign the attached Collective Bargaining Agreement, which has been reviewed and approved as to form by the County's labor counsel.

BE IT FURTHER RESOLVED THAT THE Board authorizes the Board Chair to sign all applicable documents for effectuating the terms of the agreement identified.



## Action Request

Meeting Date:	January 17, 2018		
Department:	County Clerk	Submitted By:	Bonnie Scheele
Contact E-Mail:	bscheele@grandtraverse.org	Contact Telephone:	231.922.4760
Agenda Item Title:	2018 Hauler Licenses		
Estimated Time:	0 <small>(in minutes)</small>	Laptop Presentation:	<input type="radio"/> Yes <input checked="" type="radio"/> No

### Summary of Request:

Staff has received and reviewed the following applications for 2018 hauler licenses:

Yard Waste Applications Received:  
Y-2018-7 Natural Landscapes

Solid Waste Applications Received:  
S-2018-7 Acme Hauling  
S-2018-8 American Waste  
S-2018-9 Bloxsom Roofing & Siding Co.

Special Solid Waste Applications Received:  
SP-2018-3 Profile

The above applications have been found to be administratively complete and fee has been paid.  
(License numbers will be granted upon approval)

### Suggested Motion:

Approve 2018 hauler licenses as submitted by staff and authorize signature by Board of Commissioners Chair.

### Financial Information:

Total Cost:		General Fund Cost:		Included in budget:	<input type="radio"/> Yes <input checked="" type="radio"/> No
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If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

Reviews:	Signature	Date
Finance Director		
Human Resources Director		
Civil Counsel		
Administration: <input type="checkbox"/> Recommended	Date:	
Miscellaneous:		

### Attachments:

Attachment Titles:



## RESOLUTION

**XX-2018**

### **Resource Recovery – 2018 Hauler Licenses**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on December 6, 2017 and reviewed requests to approve the Hauler Licenses for 2018 as follows:

Solid Waste Haulers:	Acme Hauling American Waste Bloxsom Roofing & Siding Co
Special Solid Waste Haulers:	Profile
Yard Waste Haulers:	Natural Landscapes

WHEREAS, the above applications have been found to be administratively complete and approval is recommended.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT Grand Traverse County approve Hauler Licenses for 2018 as identified above.

BE IT FURTHER RESOLVED THAT, the Board of Commissioners authorizes the Board Chair or County Administrator to effectuate the necessary documents to implement the Board authorized action.

APPROVED: January 17, 2018



## Action Request

Meeting Date:	January 17, 2018		
Department:	Administration	Submitted By:	Chris Cramer
Contact E-Mail:	ccramer@grandtraverse.org	Contact Telephone:	922-4797
Agenda Item Title:	Appointments to Boards and Committees - Finance Director		
Estimated Time:	0 <small>(in minutes)</small>	Laptop Presentation:	<input type="radio"/> Yes <input checked="" type="radio"/> No

### Summary of Request:

Several appointments need to be updated due to recent staff changes.

- 1) Dean Bott as Finance Director is the representative on the Building Authority for the remainder of the term ending 12-31-18.
- 2) Dean Bott will also represent Grand Traverse County on the Boardman River Dam's Implementation Team.
- 3) The previous appointment of Cheryl Wolf to the Hospital Finance Authority will continue, as it follows the appointee rather than the position.

### Suggested Motion:

Ratify appointment of Dean Bott to the Building Authority and Boardman River Dam Implementation Team.

### Financial Information:

Total Cost:	0	General Fund Cost:	0	Included in budget:	<input type="radio"/> Yes <input type="radio"/> No
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If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

<b>Reviews:</b>	Signature	Date
Finance Director		
Human Resources Director		
Civil Counsel		
<b>Administration:</b>	<input type="checkbox"/> Recommended	Date:
Miscellaneous:		

### Attachments:

Attachment Titles:



RESOLUTION

**XX-2018**

**Finance Director**

**Appointment to Building Authority and  
Boardman River Dam Implementation Team**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on January 17, 2018, and reviewed recommendation to appoint Dean Bott, Finance Director to the Building Authority for the remainder of the term ending 12-31-18; and,

WHEREAS, The County Administrator also recommends that Dean Bott, Finance Director, represent Grand Traverse County on the Boardman River Dam Implementation Team; and,

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT Grand Traverse County ratify appointments of Dean Bott to the Building Authority and Boardman River Dam Implementation Team.

APPROVED: January 17, 2018

## **COUNTY BOARD RULES OF ORDER**

**Effective January 17, 2018**

**(All previous versions of these rules are rescinded in their entirety)**

### **1. AUTHORITY**

These rules are adopted by the Grand Traverse County Board of Commissioners pursuant to MCL 46.11, as amended.

### **2. MEETINGS**

#### **2.1 Organizational Meeting.**

2.1.1 The first meeting in each calendar year shall be the organizational meeting.

#### **2.1.2 Procedure in Odd Numbered Years.**

In each odd numbered year, the County Clerk shall preside. As the first item of business the County Clerk may administer the oath of office to the Commissioners, if they have not taken the oath of office.

The second item of business shall be the election of the Chairperson of the Board and Vice-Chairperson. The County Clerk shall call for nominations for the office of Chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the County Clerk shall order the roll of Commissioners to be called. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared the Chairperson.

The newly elected Chairperson shall assume the Chair and proceed with the election of the Vice-Chairperson, appointment of committee members, and the adoption of the Board Rules.

If the Commissioners present shall not cast a majority for one nominee, the County Clerk shall continue to preside until a majority of Commissioners elects one of its members to be Chairperson. The Board of Commissioners may proceed onto other agenda matters as they shall decide.

#### **2.1.3 Procedure In Even Numbered Years.**

In even numbered years, the first order of business shall be the election to the office of Vice-Chairperson and appointment of Commissioners to standing committees and liaison positions. The Chairperson shall make all such appointments and shall appoint a Chairperson and Vice-Chair for each standing committee. All appointments shall be subject to approval of the full Board.

**[MCL 46.1; 46.3]**

**2.2 Regular Monthly Meetings.**

Regular meetings of the Board of Commissioners shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month, unless otherwise changed by the Board.

**[MCL 209.5]**

**2.21 Study Sessions.**

Study Sessions are meetings designed to provide an opportunity for in-depth discussion of a matter and the agenda for any study session shall be requested by the County Administrator, Board Chairperson, three commissioners or an Elected County Official. Study Sessions of the Board of Commissioners shall be scheduled on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month. Study sessions may be cancelled at the discretion of the Chairperson in conjunction with the County Administrator.

**2.3 Annual Meeting.**

The annual meeting shall be the last September regular Board meeting. The annual meeting may be held concurrently with the Board's regular meeting.

**[MCL 46.1; MCL 46.63]**

**2.4 Equalization Meeting**

The equalization meeting shall be held on the Tuesday following the second Monday in April. The equalization report shall be completed before the first Monday in May.

**[MCL 211.34; 209.5]**

**2.5 Emergency Meetings**

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds (2/3 (5)) of the members of the Board and only if delay would threaten severe and imminent danger to the health, safety, and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before the public notice as provided in rule 4 can be given.

**2.6 Place of Meetings**

Meetings of the Board of Commissioners or any of its committees shall be held in the Governmental Center located at 400 Boardman Avenue, Traverse City, Michigan, unless public notice of the meeting states a different location. Whenever the regular meeting place shall appear inadequate for members of the public to attend, the Chairperson may change the meeting location to a larger facility in the County. A notice of such change shall be prominently posted on the door of the regular meeting place. The County Clerk shall also give notice of the change in the meeting place in a newspaper if time permits.

## **2.7 Time of Regular Meetings and Study Sessions**

Regular meetings of the Board of Commissioners shall begin at a fixed time as established annually by the Board at the organizational meeting. The Board shall not begin considering any matter on the agenda not yet under consideration by the time of 10:00 pm except upon the unanimous consent of the members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or a special meeting if one is called.

**2.8 Changes in Meeting Schedule; Recessed Meetings; Special Meetings** By a majority vote of the Board members elected and serving, changes may be made to the meeting schedule including time and place, or to recess any meeting to a later date. A special meeting of the County Board of Commissioners shall be held only when requested by at least 1/3 (3) of the members of the Board. The request shall be in writing, shall be addressed to the County Clerk, and shall specify the time, date, place, and purpose of the meeting. Upon the reception of a request, the County Clerk shall give notice to each of the commissioners at least 18 hours prior to the meeting, except in the case of an emergency meeting called in accordance with MCL § 15.265 (see Rule 2.5), in one of the following manners: by causing notice to be delivered to the Commissioners personally; or by leaving the notice at the residence of the Commissioner; or, by telephone, including leaving a message on a telephone answering machine, to a telephone number previously supplied for such purposes by the Commissioner; or, by email to an address previously supplied for such purpose by the Commissioner; or, by confirmed facsimile transmission to a fax number previously supplied by the Commissioner. Notice may also be delivered to a Commissioner by mailing a copy of the notice to his or her post office address by certified mail with return receipt requested, at least 10 days before the time of the meeting. Public notice of the time, date, and place of the meeting shall be given in the manner required by the Open Meetings Act and Rule 4, below.

[MCL 46.10; 15.265]

## **3. QUORUM**

A majority of the elected and serving members of the County Board of Commissioners constitutes a quorum for the transaction of the ordinary business of the County.

[MCL 46.3]

## **4. PUBLIC NOTICE OF MEETINGS**

The County Clerk shall provide the proper notice for all meetings of the Board of Commissioners. A meeting of the board shall not be held unless public notice is given as provided in this section by the County Clerk. Such notice shall include, but not necessarily be limited to the following.

**4.1 Regular, Annual, Organizational, Study Sessions and Equalization Meetings** For regular meetings, as well as the annual meeting, organizational meeting, study sessions and equalization meeting, the County Clerk shall post a notice within 10 days after the organizational meeting of the Board in each calendar year a public notice stating the dates, times, and places of its regular, annual, organizational and equalization meetings.

**4.2 Schedule Change**

If there is a change in the schedule of regular meetings of the Board, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings. Except as provided in this subsection, for a rescheduled regular or a special meeting of the Board, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting. The requirement of 18-hour notice shall not apply to special meetings of subcommittees of the Board.

**4.3 Recessed Meetings**

A meeting of the Board which is recessed for more than 36 hours shall be reconvened only after public notice, which is equivalent to that required under subsection 4.2, has been posted.

**4.4 Emergency Meetings**

Nothing in this section shall bar the Board from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 (5) of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat.

**4.5 Special Notice Requirements for Meetings at Residential Dwellings**

A meeting of the Board may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the Board. For a meeting of a public body which is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than two days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice, which shall be at the bottom of the display advertisement and which shall be set off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

**4.6 Notification to Media and Others**

The County Clerk shall notify, without charge, any newspaper or radio or television station of the Board's meeting schedule, schedule changes, or special or emergency meetings whenever such media establishment has filed with the County Clerk a written

request for such notice. The County Clerk shall also notify other individuals or organizations of regular meetings schedules, or special or emergency meetings, but only upon their written requests and agreement to pay the county for printing and postage expenses. The County Clerk shall mail all such notices required by the rule by first class mail or email.

**[MCL 15.265 and 15.266; MCL 46.10]**

## **5. AGENDA FOR REGULAR MEETINGS**

The County Administrator, after first reviewing pending matters and requests, shall prepare the agenda of business for all regularly scheduled Commission meetings. Any Commissioner, department head, elected official, or chair of any board, authority or commission, desiring to place a matter on the agenda shall notify the County Administrator of such item by 5:00 pm on the Tuesday preceding the meeting. Items received after the agenda has been posted shall not be considered by the Board unless approved by a majority vote of the Board members elected and serving.

### **5.1 Agenda for Special Meetings**

Whenever the Board is called into session pursuant to Rule 2.8, changed, recessed and special meetings, the agenda shall be included in the notice of the meeting and no other matter shall be considered except when all Board members are present and a majority concurs.

### **5.2 Distribution of Agenda and Materials**

Upon the completion of the agenda, the County Administrator shall immediately distribute copies of the agenda together with copies of reports, supporting information and documentation that relates to the matters of business on the agenda. Commissioners shall be entitled to receive such materials not later than noon on the Friday preceding the next regular meeting.

### **5.3 Consent Calendar**

#### **5.3.1 Consent Calendar – Defined**

The Consent Calendar shall consist of those matters that the Commission has determined to be “routine” and usually matters about which the Board commonly concurs. Among such matters are the approval of minutes, reports of departments, committees and other boards, commissions and authorities, and other matters that the Board of Commissioners is required by statute or Board Rule to approve.

### **5.3.2 Consent Calendar – Procedure**

The County Administrator, in preparing the meeting agenda, shall list those matters under the heading of “consent calendar” and include the associated materials with those distributed to the members in accordance with rule 5.2. At a meeting of the Commissioners where a consent calendar has been prepared, the Board, upon the motion of a Commissioner, shall vote on the approval of the matters included under the consent calendar. Before putting the question to the Commissioners, any member of the Board, the public, or staff may request that an item or items be removed from the consent calendar and such request shall be granted. The Chairperson shall then direct the County Clerk to remove such matters and place them in their usual place on the meeting’s agenda. A vote shall not be required to remove a matter from the consent calendar. The Chairperson shall then call a roll call vote to approve or disapprove the consent calendar.

### **5.4 Order of Business**

After the Chairperson calls the meeting to order, the following shall be the order of the business for all regular meetings of the Board:

- a. Opening Ceremonies or Exercises\*
- b. Roll Call
- c. Approval of Minutes of Last Regular (and/or special) Meeting(s) of the body (reading aloud is waived as long as the Board has been furnished a copy in the packet prior to the meeting)
- d. First public comment†
- e. Approval of the agenda
- f. Action on consent calendar
- g. Special orders of business
- h. Items removed from consent calendar
- i. Department Action Items (includes Administration)
- j. Unfinished business
- k. New business
- l. Second public comment†
- m. Commissioner committee reports++
- n. Notices
- o. Closed session, if needed
- p. Adjournment

\*If the opening ceremonies include an invocation, the invocation should precede all other ceremonies, such as the singing of the National Anthem or Pledge of Allegiance.

†Public comment may be allowed during the meeting in accordance with rule 6.3.2.6.



++ At the 2<sup>nd</sup> Board meeting of the month, each department director or appropriate staff member, on a rotating basis, will provide a 5 minutes report to the board.

## **6. CONDUCT OF MEETINGS**

### **6.1 Chairperson**

The person elected Chairperson in each odd numbered year shall preside at all meetings of the Board. In the absence of the Chairperson, the person elected to the position of vice-chair in the first meeting each year shall preside. If neither the Chairperson nor Vice-Chair is present, the County Clerk shall preside until the Commissioners present elect a Commissioner to preside during the absence of the Chairperson and Vice-Chair. The Chairperson shall have all the same rights as other members with respect to procedural matters, debate and voting.

### **6.2 Rights and Duties of Board Members**

- All Board members who wish to speak on a motion subject to debate shall be permitted to speak once before any Board members shall be allowed to speak a second time.
- When a Board member is speaking on any question before the Board, the Board member shall not be interrupted except to be called to order.
- When a Board member is called to order, the Board member shall immediately cease speaking. The Board, if appealed to, shall decide the case. If there is no appeal, the ruling of the Chairperson shall be final.
- When a Board member is commenting on a question before the Board, the Board member cannot conclude their comments by moving the previous question.
- Board members shall not engage in dialogue with members of the public who address the Board, however, questions are permitted.
- The Chairperson shall vote on all questions except on an appeal from his or her own decision.

### **6.3 Rights of the Public**

#### **6.3.1 Right of the Public to be Present**

All persons shall be permitted to attend any meeting unless a closed meeting may be held in accordance with the provisions of sections 7 and 8 of the Open Meetings Act. No conditions on attendance may be placed on the public such as requiring that an attending person provide his name or other information. A person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting.

**6.3.2 Right of the Public to Address the Meeting.** Any person shall be permitted to address a meeting of the Board which is required to be open to the public under the provisions of the Michigan Open Meetings Act, as amended, MCLA 15.261, et. seq. Public comment shall be carried out in accordance with the following procedure:



#### **6.3.2.1 Name and Address**

Any person wishing to address the Board may state his or her name and address.

#### **6.3.2.2 Permitted Topics**

Persons may address the Board on matters or issues which are relevant and germane to County government.

#### **6.3.2.3 Individuals**

No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, extend the amount of time any person is allowed to speak.

#### **6.3.2.4 Groups**

Whenever a group wishes to address the Board, the group shall identify itself and make it known ahead of time that it wishes to address the Board in order to facilitate the planning of time allotments to various portions of the agenda. The Chairperson may require that the group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak, which shall not exceed ten (10) minutes. The Chairperson may, at his or her discretion, extend the amount of time the spokesperson is allowed to speak.

#### **6.3.2.5 Special Presentations**

It is expected that most special presentations will take place at study sessions. Should a special presentation be scheduled at a regular meeting of the Board, the person(s) invited by the Board or County Administrator will provide information on a specific item limited to 10 minutes, exclusive of questions. The Board shall limit its questions to 5 minutes. The Chairperson may, at his or her discretion, extend the amount of time for the presentation, the questions, or both.

#### **6.3.2.6 Time of Public Comment**

Public comment will be solicited during the two public comment periods noted in Rule 5.4, Order of Business. However, public comment will generally be received at any time during the meeting regarding a specific topic currently under discussion by the Board. Members of the public wishing to comment should raise their hand or pass a note to the County Clerk in order to be recognized, and shall not address the Board until called upon by the Chairperson. Neither the Chairperson nor the Board shall end or conclude any public comment period until each and every member of the public desiring and/or requesting to make a public comment during a public comment period has a full and fair opportunity to do so.

(See *Laurence v Grand Traverse County Board of Commissioners*, Grand Traverse County Circuit Court Case No. 13-30092 CZ)

#### **6.3.2.7 Addition to Public Comment Language**

The following phrase will be added to the Public Comment Language on the agenda: "Please be respectful and refrain from personal or political attacks."

#### **6.4 Form of Address**

Each person who speaks shall direct his/her comments to the Chairperson. In order to avoid unscheduled debates, the Board generally will not comment or respond to a person who is addressing the Board. Silence or non-response from the Board should not be interpreted as disinterest or disagreement by the Board. Board members wishing to address a member of the public during public comment shall first obtain the approval of the Chairperson.

#### **6.5 Disorderly Conduct**

The Chairperson shall call to order any person who is behaving in a disorderly manner by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the Chairperson shall have determined whether the person is in order. If a person so engaged in presentation shall be ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave of the Board of Commissioners. If the person shall continue to be disorderly and to disrupt the meeting, the Chairperson may order the sergeant-at-arms, who shall be the County Sheriff or any of his/her deputies, to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

[MCL 15.263]

### **7. CHAIRPERSON; VICE-CHAIRPERSON**

#### **7.1 Election**

At the organizational meeting held in January of each year, the Board shall elect, from among its members a Chairperson (in odd numbered years only) and a Vice-Chairperson. The concurrence of a majority of all members of the Board shall be necessary for election. The Chairperson and Vice-Chairperson shall begin their duties immediately upon their election. The Chairperson shall serve a two year term; the Vice-Chairperson shall serve a one year term.

#### **7.2 Duties**

The Chairperson shall preside at a meeting of the Board, but if the Chairperson is absent from a meeting, the Vice-Chairperson shall preside. A Chairperson may administer an oath to a person concerning a matter submitted to the County Board of Commissioners or

connected with the discharge of its duties, may issue subpoenas for witnesses, and may compel the attendance of a witness in the same manner as a court of law. The Chairperson shall be the agent for the Board in the signing of contracts, orders, resolutions, determinations, Board minutes and certifications. Unless otherwise agreed by the Board, the Vice-Chairperson is designated to affix his or her signature to contracts, bonds, and other documents requiring the signature of the Chairperson, if the Chairperson is unable to do so because of illness or other exigency which, in the opinion of the board, prevents the chairperson from performing the functions of the office.

[MCL 46.3(4)]

## **8. RECORD OF MEETINGS**

### **8.1 Minutes and Official Records**

The County Clerk, or in his or her absence the County Clerk's deputy, shall be the Clerk of the Board and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board with respect to substantive (non-procedural) motions. The minutes shall include the names of the mover, the person seconding the action, and the vote of the Commissioners. The record shall also state whether the vote was by voice or by roll call, and shall show how each Board member voted.

The County Clerk shall maintain in the Office of the County Clerk copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution, or other matter.

### **8.2 Record of Discussion**

The County Clerk shall not be responsible for maintaining a written record or summary record of the discussions or comments of the Board members, nor of the comments made by members of the public. The County Clerk, though, shall be responsible for keeping an electronic record of each meeting of the Board of Commissioners. Each such recording shall be maintained in the Office of the County Clerk for a period of six months following the date of the meeting. Thereafter, the recording may be discarded unless the recording shall be pertinent to any legal proceeding then underway, pending, or reasonably anticipated.

### **8.3 Public Access to Meeting Records**

The County Clerk shall make available to members of the public the records and minutes of the Board meetings in accordance with the Freedom of Information Act. Board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the

Board shall be available within five business days after the date of the meeting in which the minutes were approved. The County Clerk shall promptly mail copies of the minutes to persons who have subscribed.

#### **8.4 Publication of Minutes (MCL 46.9)**

Immediately following each session of the Board of Commissioners, the County Clerk shall prepare a report of the proceedings of the Board at that meeting and make the report available as soon as possible in the Office of the County Clerk for public inspection and copying without charge, and mail copies of the report upon request without charge, and advertise that the report is available from the Office of the County Clerk in the Traverse City Record Eagle or other well-established newspaper in the County.

**[MCL 46.4; MCL 15.269; MCL 15.231-15.244 and MCL 15.261-15.275]**

### **9. OFFICIALS NOT TO BENEFIT**

#### **9.1 Conflicts of Interest, County Commissioners**

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

#### **9.2 Conflict of Interest, Other Board, Commission, Authority or Committee Members**

Any person who serves on any County board, commission, authority, special or advisory committee and who qualifies as a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee and shall comply in all respects with MCL 15.322, Public Servants Contracting with the Public Entity they Serve.

**[MCL 46.30; MCL 46.30a; MCL 15.322 and 15.323]**

### **10. MOTIONS, RESOLUTIONS AND ORDINANCES**

#### **10.1 Method of Making Motions.**

No motion shall be put before the Board for discussion or decision unless seconded and shall be restated by the chairperson prior to debate. Any motion shall be put in writing at the request of any Board member. Any motion may, with the permission of the Board member who made the motion and the Board member who seconded the motion, be withdrawn at any time before the motion has been adopted. All motions and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

#### **10.2 Resolutions and Ordinances to be in Writing**

All resolutions and ordinances shall be presented in writing and must be seconded before debate. Any resolution or ordinance may, with the permission of the member who made the motion and the second, be withdrawn at any time before the same has been adopted.

All resolutions, ordinances, and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

### **10.3 Procedural Motions**

#### **10.3.1 Motion to Adjourn.**

A motion to adjourn shall always be in order except while a vote is being taken on any other motion already before the Board, or when a Board member has the floor; provided that there shall be other intervening business or a change in the circumstances between the two motions to adjourn.

#### **10.3.2 Motion to Clear the Floor**

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

#### **10.3.3 Motion to Reconsider.**

A motion to reconsider shall be in order on any question the Board has decided except for a motion to clear the floor. The motion to reconsider shall be in order on the same day as the vote to be reconsidered was taken and the next regular meeting following. The motion to reconsider shall be made only by a member who voted with the prevailing side. A main motion on a question the Board has decided shall be in order at the next regular board meeting at which a motion to reconsider the questions is no longer in order.

#### **10.3.4 Appeal Ruling of the Chairperson**

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

#### **10.3.5 Division of Question**

If a pending main motion (or an amendment to it) contains two or more parts capable of standing as separate questions, the Board can vote to treat each part individually in succession. Such a course is proposed by the motion for division of a question.

#### **10.3.6 Withdrawal or Modification of Motion by the Maker**

Once a motion has been made, the member who made it may withdraw or modify the motion at any time prior to when the Chairperson states the motion. After the motion has been stated by the Chairperson, the mover must ask permission to withdraw the motion. Upon the making of such a request, the Chairperson shall announce: "Unless there is objection [pause] the motion is withdrawn." If there is an objection, any other Commissioner can move that permission to withdraw be granted, and no second is required. A request for permission to withdraw a motion, or motion to grant such

permission, can be made at any time before voting on the question has begun, even though the motion has been since modified. Any Board member can suggest that the maker of a motion ask permission to withdraw it, which the maker can do or decline to do, as he chooses. After a motion has been withdrawn, the situation is as though it had never been made; therefore, the same motion can be made again at the same meeting.

To modify a motion after it has been stated by the Chairperson, the maker asks permission to do so, as in the case of withdrawal of a motion. If there is no objection, the Chairperson states the question on the modified motion. If anyone objects, and amendment is otherwise proper, the modification must be approved by a majority vote of those members present. The amendment requires a second if moved by the member who originally made the request.

#### **10.3.7 Motion to Lay on the Table**

A motion to lay on the table may be made by the Chairperson or any other Commissioner at any time prior to a vote on the main motion. A second is required and the motion requires a majority present to approve. If the motion to lay on the table is approved, consideration of the main motion is suspended temporarily without setting a time for resuming its consideration, but with the provision that it can be taken up again whenever a majority so decides.

#### **10.3.8 Motion to Take from the Table**

A motion to take from the table may be made by the Chairperson or any other Commissioner to reconsider a main motion that has been laid on the table. A second is required and a motion to take from the table must be approved by a majority present. A question that has been laid on the table remains there and can be taken from the table during the same session, or at the next session after it was laid on the table. If not taken from the table within these time limits, the question dies, although it can be renewed at a later date.

#### **10.3.9 Motion to Amend; Secondary Amendments; No Tertiary Amendments**

A motion to amend a main motion, called a “primary amendment,” takes precedence over the main motion. Any Commissioner may move to amend a main motion so long as they have the floor. A second is required. Amendments must be germane to the main motion, that is, it must in some way involve the same question that is raised by the motion to which it is applied. The Chairperson shall rule out of order any proposed motion to amend that is not germane.

A motion to amend an amendment to a main motion is called a “secondary amendment” and shall take precedence over a main motion or primary amendment. A secondary amendment also requires a second. A secondary amendment cannot be amended. Only one primary and one secondary amendment are permitted at a time, but any number of each can be offered in succession—so long as they do not again raise questions already decided.



#### **10.3.10 Motion to Postpone Indefinitely**

A motion to postpone indefinitely is a motion that the assembly decline to take a position on the main motion, and is in order only when the main motion is pending. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question. A motion to postpone indefinitely requires a second and a majority present to approve. An affirmative vote on the motion to postpone indefinitely can be reconsidered. A negative vote on it cannot be reconsidered.

#### **10.3.11 Order of Precedence of Motions**

Only one motion may be pending at one time. Generally, a main motion yields to all secondary motions. Secondary motions shall take precedence in the following order:

1. Fix the Time to Which to Adjourn
2. Adjourn
3. Recess
4. Raise a Question of Privilege
5. Call for the Orders of the Day
6. Lay on the Table (To interrupt the pending business so as to permit doing something else immediately)
7. Previous Question (Immediately to close debate and the making of certain motions)
8. Limit or Extend Limits of Debate
9. Postpone to a Certain Time
10. Commit
11. Amend
12. Postpone Indefinitely
13. Main Motion

### **11. VOTING**

#### **11.1 Roll call Votes**

The names and votes of Commissioners shall be recorded on Board actions to adopt final measures as ordinances or appointment or election of officers. The Chairperson or any Commissioner may request a roll call vote be taken on a particular item.

#### **11.2 Votes Required**

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

### **11.3 Measures Requiring Two-Thirds (2/3 (5)) Vote of Members Elect**

The following actions of the Board shall require a two-thirds (2/3 (5)) vote of the members elected and serving.

Final passage or adoption of a non-agenda item. [MCL 46.3].

Removal of the County seat. [MCL 46.17].

Removal from office of a County officer who refuses or neglects to make a report under oath to the board or to give a bond reasonable or necessary for the performance of the duties of the office. [MCL 46.11(k)].

To meet in closed session for any of the reasons noted in Rule 15. Any other matter requiring a 2/3 (5) vote by law.

### **11.4 Measures Requiring Majority Vote of Members Elected and Serving**

The following actions of the Board shall require a majority vote of the members elected and serving:

Final passage or adoption of any measure or resolution. [MCL 46.3(2)]

Final passage of an ordinance. [MCL 46.11(j)]

Allowance of any claim against the County. [MCL 46.3(2)]

Adoption of an annual budget. [MCL 46.3(2)]

Adoption or amendment of these Rules. [RONR 10<sup>th</sup> ed., p 573]

Appointment of Road commissioners. [MCL 224.6]

Appointment of Civil Counsel. [MCL 49.71]

Election of the Chairperson and Vice-chairperson of the board.

Any other matter which by law requires a majority vote of members elected and serving.

### **11.5 Measures Requiring Three-Fourths (3/4 (6)) Vote of Members Seated and Serving**

Contract between the County and County Employees or Officials.

### **11.6 Method of Voting [MCL 46.3a]**

Members of the Board of Commissioners must be physically present at a meeting to vote on an action taken by the Board of Commissioners or by a committee of the Board of County Commissioners. Members are not permitted to vote by telephone or by means of video conferencing. The names and votes of members shall be recorded on an action taken by the Board of Commissioners or by a committee of the board of County Commissioners if the action is on an ordinance or the appointment or election of an officer. The vote and the name of the member voting on other questions or motions shall be recorded at the request of 1/5 of the members present if the question or motion is before the Board, or 1/3 of the members present if the question or motion is before a committee of the Board. A



record that is made pursuant to this section shall be available for public inspection. All other measures shall be voted by voice vote. If a commissioner present does not respond to the call for the voice vote, his or her vote shall be recorded as an affirmative vote, unless good cause is shown for abstaining. If there is abstention or a nay vote, there shall be a roll call vote.

#### **11.7 Procedure for Conducting Roll Call Vote**

All roll call votes shall be conducted in accordance with the following procedures:

Prior to the first meeting of the Board in each odd numbered year, the County Clerk shall prepare four lists of the members of the Board in the following sequences, provided however, that the name of the Chairperson shall appear as the final name on each of the four lists: (1) alphabetical order; (2) reverse alphabetical order; (3) by district number; and (4) by reverse district number.

The County Clerk shall randomly mix the four (4) different lists prior to each meeting of the board.

For each roll call vote at each meeting of the Board, the County Clerk shall proceed to select one list and call the roll in descending order in which the members appear on that list for all roll calls at that meeting.

[MCL 46.3 and 46.3a]

### **12. RULES OF PROCEDURE; APPEAL**

#### **12.1 Questions of Procedure Not Covered by Standing Rules**

The rules contained in the latest edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with these rules and any special rules of order the board may adopt.

#### **12.2 Appeal**

The Board as a whole, not the Chairperson, is the final authority in judging whether these rules have been violated. A Board member who disagrees with a ruling by the Chairperson may appeal the ruling to the Board as a whole. Without waiting to be recognized, a member wishing to appeal the ruling shall say, "I appeal from the decision of the Chairperson." An appeal requires a second. The appeal may be debated, however, unlike other motions, each member may speak only once. The Chairperson may speak in debate twice, the first time in preference over other members and the second time to close debate. An appeal is stated and put to a vote as "Shall the decision of the Chairperson be sustained?" It requires a majority vote in the negative to overturn the chair's ruling. A tie sustains the decision of the Chairperson, and loses the appeal.

[RONR (10<sup>th</sup> ed), pp 247-252]

### **13. COMMITTEES**

Each committee shall thoroughly investigate any matter referred to it by the Board or Board Chairperson and shall report in writing the findings to the Board without undue delay. Upon the motion of any Board member, and approval by a majority of the Board, the Board may discharge a committee from further consideration of any matter.

#### **13.1 Special Committees**

The Board may create such special or advisory committees as it deems necessary or appropriate. Special or advisory committees shall automatically expire on December 31<sup>st</sup> of the year in which they are created unless a different term is specified in the resolution establishing the special or advisory committee, such as until a date certain, or until completion of the appointed task. The term of a special or advisory committee may be extended by the Board. The terms of all members of a special or advisory board shall automatically expire upon the termination of the special or advisory committee. Special or advisory committees may consist, in whole or in part, of persons who are not Board members. Members of special committees shall be made by the Board Chairperson subject to board approval.

#### **13.2 Open Meetings Act**

Meetings of all committees of the Board of Commissioners shall conform to the requirements of the Open Meetings Act.

#### **13.3 Rules of Order**

The rules of order adopted by the Board of Commissioners, to the extent that they are applicable, shall govern all matters of procedure related to committees.

### **14. STUDY SESSIONS.**

#### **14.1 Calling and Scheduling Study Sessions**

Study Sessions may be called by the County Clerk on the request of the County Administrator, the Board Chairperson, or any three Commissioners. Regardless of whether a study session is actually called, study sessions will be scheduled for the second and/or fourth Wednesday in each month at the same location where regular meetings are held. Study Sessions shall normally begin at 5:30pm. Different starting times may be established in the notice of the meeting.

#### **14.2 Cancelling a Study Session**

The Board Chairperson may cancel a study session if there is nothing to consider on the agenda. Cancellation shall occur no later than the Friday preceding the session at 5:00 p.m.

#### **14.3 Open Meeting Act**

Meetings of all study sessions of the board of commissioners shall conform to the requirements of the Open Meetings Act.

#### **14.4 Rules of Order**

The rules of order adopted by the board of commissioners, to the extent that they are applicable, shall govern all matters of procedure related to Study Sessions.

### **15. APPOINTMENTS TO OTHER BOARDS, COMMISSIONS AND AUTHORITIES.**

#### **15.1 Appointments of Commissioners to Other Boards, Commissions and Authorities**

Appointment of Commissioners to other boards, commissions and authorities shall be made by the Chairperson at the organizational meeting and ratified by a majority of the board elected and serving.

#### **15.2 Vacancies on Other Boards, Commissions and Authorities.**

Whenever there shall arise the need to make an appointment to other boards, authorities or commissions, the Chairperson shall appoint an ad hoc committee to review applications for the position and make recommendations for the appointment to the full Board. All appointees to other boards, authorities and commissions shall be ratified by the board. However, appointment to the Road Commission and Health and Human Services Board shall be made by the full board.

### **16. CLOSED SESSIONS**

#### **16.1 Motion for Closed Session**

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

#### **16.2 Two-thirds Vote (5 members)**

The Board of Commissioners may meet in closed session, closed to the members of the public, upon the motion of any Board member and a roll call vote approval by two-thirds (5) of the Board members for the following purposes:

To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained.

To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the county board.

To meet with an attorney to consider the attorney's written opinion.

To review the specific contents of an application for employment to a County position and the applicant requests that the application remain confidential.

Whenever the board meets to interview an applicant, it shall be in open session.

### **16.3 Other Reasons**

The board may also meet in closed session for the following reasons without the requirement of the two-thirds (5) vote.

To reconsider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. If the person rescinds his/her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting.

To consider strategy connected with the negotiation of a collective bargaining agreement.

### **16.4 Attendance, Closed Session**

A member of the Board of Commissioners must be physically present at a meeting in order to attend a Closed Session. A member may not attend a closed session by telephone or by means of video conferencing.

### **16.5 Minutes, Closed Session**

For each closed session, the County Clerk shall make a separate record of the topics discussed. This record shall not be disclosed to the public except upon the order of a court. The County Clerk may destroy the minutes after one year and one day have passed after the meeting at which the approved minutes of the meeting at which the board voted to hold the executive meeting.

[MCL 15.267; *Booth Newspapers v City of Wyoming* (425 NW2d 695)].

## **17. COMPENSATION**

The Board shall by budget resolution fix the compensation, per diem, mileage reimbursement, retirement, health benefits and allowed expenses of members of the Board of Commissioners and its committees. The Board shall also establish a per diem policy setting forth the appropriate guidelines for per diem payments. Changes in compensation shall become effective only after the time members of the Board commence their terms of office after a general election, provided that it is voted upon

before the commencement of the new terms of office. This rule shall not be construed to prohibit a structured change in compensation implemented in phases over the term of office.

**[MCL 46.415; 1977-1978 OAG 81].**

#### **18. AMENDMENT TO AND EFFECTIVE DATE OF THESE RULES**

These Rules may be amended, suspended, or rescinded only if approved by at least a majority of the Commissioners elected and serving. These Rules shall remain in effect until rescinded or amended. Any amendment to these Rules shall take immediate effect unless otherwise stated by the Board at the time of adoption.



# Memorandum

Grand Traverse County  
Administration  
231.922.4797 Fax 231.922.4636  
email: [jderenzy@grandtraverse.org](mailto:jderenzy@grandtraverse.org)

**To:** County Board of Commissioners

**From:** Robert Cooney, Prosecuting Attorney  
Dan Thorell, Environmental Health Director  
Jean Derenzy, Interim Deputy County Administrator

**Date:** January 12, 2018

**Subject:** Soil Erosion and Sedimentation Control Ordinance Public Hearing

## **SUMMARY OF ITEM TO BE PRESENTED:**

In October, 2017 the County Board of Commissioners received an overview of the proposed changes to the soil erosion and sedimentation ordinance. The changes to the ordinance were proposed in 2015 by a group of stakeholders and reviewed by DEQ. After two years working with DEQ on the ordinance, as well as with soil erosion staff to recommend a sustainable Soil Erosion Department, the ordinance is now ready for public comment and recommendation to the DEQ.

The attached ordinance reflects the changes proposed by the stakeholder group and DEQ, as well as reflects having the Health Department as the Enforcing Agency. Other changes from the previous ordinance include:

1. Changing requirements that all commercial sites require a soil erosion permit.
2. Slope change from 10% to 20%
3. There is no "after the fact for emergencies". Permits must be issued before the project starts.

The ordinance proposed is more stringent than the State of Michigan's Part 91 requiring soil erosion permitting. Staff believes this maintains the water quality and protection that is needed for Grand Traverse County and recommends submitting the Ordinance to the State Department of Environmental Quality for approval.

The process for ordinance approval is as follows:

1. Public Hearing to receive comments (Hearing is scheduled and held on 01/17/2018)
2. If ordinance is acceptable, County Board approves by majority vote and passes this Amended Ordinance on to the DEQ for approval. (Resolution is attached).

3. Upon receipt of the proposed amendment, MDEQ must forward a copy to the Grand Traverse County Conservation District for review and comment. Within 90 days after the department received the proposed amendment, the department must notify the County Clerk of its approval or disapproval along with recommendations for revisions if the proposed amendment does not conform to the minimum requirements of Part 91 (MCL 324.9100, et seq.) or the rules promulgated under Part 91. If the department does not notify the clerk within the 90-day period, the amendment shall be considered to have been approved by the department.
4. Final Vote is required by the County Board of Commissioners to adopt the ordinance.

**RECOMMENDATION:** Approval to send Grand Traverse County Soil Erosion and Sedimentation Control Ordinance to the Michigan Department of Environmental Quality for their consideration and approval.



**GRAND TRAVERSE COUNTY  
SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE**

# \_\_\_\_\_

An Ordinance to provide for soil erosion and sedimentation control; definitions; application requirements; soil erosion and sedimentation control permits; soil erosion and sedimentation control plans; inspections; building and other permits; penalties; enforcement; construction; severability; and repeal.

**ARTICLE I – General**

Section 1. Authority. The authority for this Ordinance is Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 194 PA 451, as amended, that being MCL 324.9101 *et seq.* and the Administrative Rules promulgated by the Michigan Department of Environmental Quality.

Section 2. Jurisdiction. This Ordinance shall be administered and enforced throughout the County except within the territorial boundaries of a governmental unit that has adopted an Ordinance and has been designated by the Department as a Municipal Enforcing Agency pursuant to Section 9106 of Part 91, or has been designated by the Department as an Authorized Public Agency pursuant to Section 9110 of Part 91.

Section 3. County Enforcing Agency. The Board of Commissioners is responsible for carrying out the requirements of Part 91. The Board of Commissioners designates the Grand Traverse County Health Department as the County Enforcing Agency responsible for administering and enforcing Part 91, its rules and this Ordinance.

Section 4. Part 91 and Rules Adopted. The County adopts and incorporates by reference Part 91 and the Rules adopted by the Department, and as amended from time to time.

Section 5. Fee Schedule. All fees for administering and enforcing this Ordinance shall be paid to the County in accordance with a Fee Schedule determined by resolution of the Board of Commissioners. The Board of Commissioners may revise the Fee Schedule by adopting a written amendment to the Fee Schedule from time to time. All fees shall be doubled if work starts without a permit.

Section 6. Other Regulations Repealed. All other Ordinances and Regulations and parts of Ordinances and Regulations which are inconsistent with the provisions of this Ordinance are repealed. In addition, the Grand Traverse County Soil Erosion Sedimentation and Storm Water Control Ordinance is repealed.

Section 7. More Restrictive Provisions. To the extent that any regulations contained in this Ordinance are more restrictive than, or are in addition to, the provisions or requirements of Part 91 or the Rules, this Ordinance shall control.

## ARTICLE II – Definitions

All definitions included in Part 91 and as amended time to time are incorporated by reference. The following additional definitions shall apply. Where a definition in this Ordinance conflicts with a definition included in Part 91, or as interpreted by Michigan Courts, the Part 91 definition shall control.

1. Accelerated Soil Erosion – The increased loss of the land surface that occurs as a result of human activities.
2. Act – Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, being Act 451, Public Acts of 1994, as amended.
3. Agricultural Practices – “Agricultural practices” means all land farming operations except the plowing or tilling of land or the purpose of crop production or the harvesting of crops.
4. Appointed Local Official – The Enforcing Agency or its designee who is legally authorized to issue municipal civil infraction citations.
5. Authorized Public Agency – “Authorized public agency” means a state agency or an agency of a local unit of government authorized under section 9110 to implement soil erosion and sedimentation control procedures with regard to earth changes undertaken by it.
6. Board of Commissioners – Grand Traverse County Board of Commissioners.
7. Citation – A written complaint or notice to appear in District Court upon which an appointed local official records the occurrence or existence of one (1) or more violations of the Act, the Rules and/or this Ordinance by the party cited.
8. County Drain – means any drain, irrespective of size, carrying drainage water or sewage or both, located, established or constructed by the county drain commissioner or drainage board.
9. County Enforcing Agency – “County Enforcing Agency” means a county agency or a conservation district designated by the county board of commissioners under section 9105 of Part 91.
10. “Department” – Means the Michigan Department of Environmental Quality
11. Designated Agent – A person who has written authorization from the landowner to sign the application and secure a permit in the landowner’s name.
12. District Court – means the 86<sup>th</sup> Judicial District Court.
13. Earth Change – “Earth change” means a human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.
14. Erosion – The wearing away of land by the action of wind, water, ice, gravity, or a combination thereof.
15. Grading – means to level off to a smooth horizontal or sloping surface.

16. Hydrologic Soil Group D – means soils that have a very slow infiltration rate (high runoff potential) when thoroughly wet. This group typically has the following characteristics: a greater than 40 percent clay ratio; less than 50 percent sand ratio; a high shrink-swell potential; a high water table; a claypan or clay layer at or near the surface; and/or soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.
17. Lake – The Great Lakes and all natural and artificial inland lakes and/or impoundments that have definite banks, a bed, and visible evidence of a continued occurrence of water and a surface area of water that is equal to or greater than one (1) acre. This does not include sediment basins and lakes constructed for the sole purpose of storm water retention or detention, cooling water, or for treating polluted water.
18. Landowner – A person who owns or holds recorded easement on the property or who is engaged in construction in a public right of way in accordance with Sections 13, 14, 15, and 16 of Act 368, Public Acts of 1925, as amended.
19. Mining – The process or business of extracting ore or minerals from a mine.
20. Municipal Enforcing Agency – means an agency designated by a municipality under section 9106 of the Act to enforce a local ordinance.
21. Municipality – means any of the following: a city, a village, a charter township or a general law township that is located in a county with a population of 200,000 or more.
22. Municipal Civil Infraction – An act or omission that is prohibited by the Act, the Rules, and/or this Ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses and costs may be ordered as authorized by Chapter 87 of Act 236, Public Acts of 1961, as amended.
23. Non-erosive Velocity – A speed of water movement that is not conducive to the development of accelerated soil erosion.
24. Permanent Soil Erosion and Sediment Control Measures – Control measures which are installed or constructed to control soil erosion and sedimentation and which are maintained after project completion.
25. Person – An individual, partnership, corporation, association, government entity, or other legal entity.
26. Pond – A permanent body of open water less than one (1) acre. This does not include sediment basins and ponds constructed for the sole purpose of storm water retention or detention, cooling water, or for treating polluted water.
27. Rules – means the administrative rules promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24, 328, those being Rules 323.1701 to 323.1714.
28. Sediment – “Sediment” means solid particulate matter, including both mineral and organic matter that is in suspension in water, is being transported, or has been removed from its site or origin by the actions of wind, water, or gravity and has been deposited elsewhere.
29. Soil Erosion – “Soil erosion” means the wearing away of land by the action of wind, water, gravity, or a combination of wind, water, or gravity.
30. Soil Erosion and Sedimentation Control Permit (hereinafter referred to as “soil erosion permit” or “permit”) – A document issued to authorize work to be

- performed under this Ordinance signed by a representative of the Enforcing Agency.
31. Stabilization – The establishment of vegetation, or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.
  32. Stream – A river, creek, or other watercourse which may or may not be serving as a drain as defined in Act 40, Public Acts of 1956, as amended, which has definite banks, a bed, and visible evidence of continued flow or continued occurrence of water, including the connecting waters of the Great Lakes.
  33. Temporary Soil Erosion and Sediment Control Measures – Interim control measures which are installed or constructed to control soil erosion and sedimentation and which are not maintained after project completion.
  34. Vegetative Cover – Grasses, shrubs, trees, and other vegetation which are sufficiently established such that soils may be considered stabilized.
  35. Waters of the State – Great Lakes and their connecting waters, inland lakes and streams as defined in rules promulgated under the Act, and wetlands regulated under Part 303 of Act 451, Public Acts of 1994, as amended.
  36. Wetlands – Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

### **ARTICLE III – Earth Changes Requiring a Permit**

Section 1. A person shall not maintain or undertake an earth change governed by this Ordinance, except in accordance with this Ordinance, Part 91, and, when required, in accordance with a permit issued by the enforcing agency.

Section 2. Earth Changes Requiring Soil Erosion Permits. Except as noted below in Section III, earth changes requiring a soil erosion permit include any of the following:

- a. An earth change (including spoils from grading activities within or adjacent to the earth change area) that disturbs one (1) or more acres.
- b. An earth change within 500 feet of the Waters of the State.
- c. Earth change involving the removal of clay, gravel, sand, peat, or topsoil that is either one (1) or more acres or within 500 feet of the water's edge of a lake or stream; and, access roads to and from the removal site or ancillary activities associated with removal.
- d. Earth change for access roads to and from the site where active mining or logging is taking place or ancillary activities associated with mining or logging.
- e. Earth change within 500 feet of an inlet to or an open County drain.
- f. Earth changes involving slopes of 20% or greater.
- g. Earth changes involving land classified in hydrologic group D by the United States Geological Survey.

Section 3. Permit Exemptions and Waivers – A soil erosion permit is not required for any of the following:

a. Exemptions:

- (i) A beach nourishment project permitted under Part 325 of Act No 451 of the Public Acts of 1994, as amended, being MCL 324.32501 *et seq.* of the Michigan Compiled Laws.
- (ii) Normal road and driveway maintenance, such as grading or leveling, that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.
- (iii) An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance and that will not contribute sediment to lakes, streams.
- (iv) Installation of oil, gas, and mineral wells under permit from the supervisor of wells if the owner-operator is found by the supervisor of wells to be in compliance with the conditions of part 91.
- (v) Earth changes associated with the logging industry, the mining industry, or the plowing or tilling of land for the purpose of crop production or the harvesting of crops. The exemption from obtaining a soil erosion permit does not apply to access roads to and from the site where active mining or logging is taking place, or ancillary activities associated with logging and mining.
- (vi) A metallic mineral mining activity that is regulated under a mining and reclamation plan if the plan contains soil erosion and sedimentation control provisions and is approved by the Michigan Department of Environmental Quality under Part 631 or 632, respectively.
- (vii) Earth changes associated with well locations, surface facilities, flow lines, or access roads relating to oil or gas exploration and development activities regulated under Part 615 of Act 451, Public Acts of 1994, as amended, if the application for a permit to drill and operate under Part 615 contains a soil erosion and sedimentation control plan that is approved by the Michigan Department of Environmental Quality under part 615. This section does not apply to a multisource commercial hazardous waste disposal well as defined in section 324.62506a.
- (viii) Earth change necessary for septic repair or well replacement where no part of the earth change is greater than one (1) acre of disturbance or within 500 feet of Waters of the State.
- (ix) A residential property owner who causes the following activities to be conducted on individual residential property owned and occupied by him or her is not required to obtain a permit under this part if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site:

- a. An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance.
  - b. Gardening, if the natural elevation of the area is not raised.
  - c. Post holes for fencing, decks, utility posts, mailboxes, or similar applications, if no additional grading or earth change occurs for use of the post holes.
  - d. Removal of tree stumps, shrub stumps, or roots resulting in an earth change not to exceed 100 square feet.
  - e. All of the following activities, if soil erosion and sedimentation controls are implemented, the earth change is stabilized within 24 hours of the initial earth disturbance, and soil erosion or sedimentation to adjacent properties or the waters of the state has not or will not reasonably occur:
    - (i) Planting of trees, shrubs, or other similar plants.
    - (ii) Seeding or reseeding of lawns of less than 1 acre if the seeded area is at least 100 feet from the waters of the state.
    - (iii) Seeding or reseeding of lawns closer than 100 feet from the waters of the state if the area to be seeded or reseeded does not exceed 100 square feet.
    - (iv) The temporary stockpiling of soil, sand, or gravel not greater than a total of 10 cubic yards on the property if the stockpiling occurs at least 100 feet from the waters of the state.
    - (v) Seawall maintenance that does not exceed 100 square feet.
- b. Waivers:
- (i) Earth changes within 500 feet of a regulated wetland or County drain, and less than 1 acre in earth disturbance, but only upon an affirmative showing by the property owner by clear and convincing evidence that the earth change will not result in sedimentation of the Waters of the State. The property owner must provide a signed affidavit stating that the earth change will not result in sedimentation of the Waters of the State. This waiver provision does not apply, however, if the county drain meets the definition of a stream as defined at MCL 323.1701(1)(k).
  - (ii) The Enforcing Agency may grant a permit waiver for an earth change after receiving a signed affidavit from the landowner stating that the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes and streams.
- c. As used in this section, “mining” does not include the removal of clay, gravel, sand, peat, or topsoil.
- d. Exemptions provided under this Section, with the exception of plowing or tilling for purposes of crop production, shall not be construed as exemptions from enforcement procedures under part 91, its Rules or this Ordinance. If the



activities exempted cause or result in a violation of Part 91, its Rules or this Ordinance, at a site where a soil erosion permit was not otherwise required, then the County Enforcing Agency may require the owner to obtain a soil erosion permit, unless that activity is specifically exempt, in which case the County Enforcing Agency may take enforcement action only. Earth changes not requiring a soil erosion permit under this Section shall conform to the same processes and standards and shall be subject to the same enforcement procedures when there is a violation of Part 91, its Rules, or this Ordinance, as if they had required a soil erosion permit.

#### Section 4. Approval from Other Governmental Agencies.

- a. Responsibility for other permits: Soil erosion permits issued in accordance with this Ordinance do not relieve the owner of the responsibility for obtaining all other necessary permits or approvals from federal, state, and/or local agencies.
- b. Notice to other permitting authorities: The enforcing agency shall notify all other permitting agencies of permits authorized under this Ordinance, and provide a copy of the permit requirements to those other permitting agencies. The Drain Commissioner shall be notified of all permits issued for earth changes within 500 feet of a County drain.
- c. Building permits; ingress and driveway permits:
  - (i) A local agency or township that issues building permits shall notify the County Enforcing Agency immediately upon receipt of an application for a building permit that requires an earth change permit.
  - (ii) Pursuant to Rule 323.1711, a township, city, village, or any county agency within the jurisdiction of the County Enforcing Agency shall not issue a building permit to a person engaged in an earth change if the earth change requires a soil erosion permit under the Act, the Rules, or this Ordinance until the County Enforcing Agency has issued the required soil erosion permit.
  - (iii) The Grand Traverse County Road Commission shall not issue an ingress or driveway permit to a person engaged in an earth change if the earth change requires a soil erosion permit under the Act, the Rules, or this Ordinance, until the County Enforcing Agency has issued the required soil erosion permit.
  - (iv) In the event that a soil erosion permit is revoked, or a violation of the Act, the Rules, or this Ordinance is found by the County Enforcing Agency, the applicable township, village, and/or county agency, including the Grand Traverse County Road Commission, that issues building permits or other permits, shall be requested to place a “hold” on any permits, approvals, inspections or legal exchanges of property until the site is brought into compliance.
- d. Copies of other permits; verifications by other agencies prior to soil erosion permit issuance: Applicants for a soil erosion permit, shall provide the County Enforcing Agency with copies of the following permits, if those permits are required under the applicable law, and if in the determination of the County



Enforcing Agency, those permits are necessary to determine whether soil erosion measures are adequate to protect Waters of the State, and whether the application is in compliance with the Act, the Rules, and this Ordinance:

- (i) Wetland permit, pursuant to Part 303 of Act 451, Public Acts of 1994, as amended, or pursuant to a local wetland ordinance.
  - (ii) Inland Lake and Streams permit, pursuant to Part 301 of Act 451, Public Acts of 1994, as amended.
  - (iii) The County Enforcing Agency may require the applicant to provide verification as to the location of Waters of the State, if necessary to ensure compliance with the Act, the Rules, and this Ordinance.
  - (iv) The County Enforcing Agency may require the applicant to provide a copy of the land use site plans provided to the local township or city, including updated or amended site plans or other documentation to reflect changes at the site during the pendency of the soil erosion permit.
- e. Copies of Notice of Coverage, Permit-by-Rule: Soil erosion permit holders, required to obtain a Notice of Coverage (Sites disturbing greater than 5 acres with a direct discharge to waters of the state), Permit-by-Rule, under the National Pollution Discharge Elimination System (NPDES), Rule 323.2190 of Part 31 of Act 451, Public Acts of 1994, as amended, shall submit to the County Enforcing Agency:
- (i) A copy of the NPDES acknowledgement letter within ten (10) business days of issuance of coverage.
- f. Notice by Authorized Public Agency: Pursuant to Rule 323.1706(4), an authorized public agency exempt from obtaining a soil erosion permit under this Ordinance, shall notify the County Enforcing Agency of each proposed earth change in Grand Traverse County at least 5 days prior to commencement of that activity.

#### **ARTICLE IV – Soil Erosion Permit Application Process**

Section 1. Soil Erosion Permit Application Process. Whenever an earth change activity requires a soil erosion permit under this Ordinance, a soil erosion permit shall be obtained from the County Enforcing Agency prior to the commencement of that activity. Any unauthorized work shall be considered a violation of this Ordinance, subject to all enforcement actions and penalties under this Ordinance, regardless of any later actions taken toward compliance.

To make application for a soil erosion permit, the landowner or designated agent shall submit to the County Enforcing Agency a completed application form, a fee, and a soil erosion and sedimentation control plan along with any other materials required in the application. Application shall be made to:

Grand Traverse County Health Department  
Soil Erosion and Sedimentation Control Program  
2650 LaFranier Road

The County Enforcing Agency shall review and determine if the application and soil erosion and sedimentation control plan is complete, informing the applicant of any deficiencies found. If no deficiencies are found, pursuant to Section 9112(1) of the Act, the County Enforcing Agency shall approve or deny an application for a soil erosion permit within thirty (30) calendar days after the filing of a complete application.

## Section 2. Earth Change Requirement.

- a. A person shall design, construct, and complete an earth change in a manner that limits the exposed area of any disturbed land for the shortest possible period of time as determined by the County Enforcing Agency.
- b. A person shall remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
- c. A person shall design a temporary or permanent control measure that is designed and constructed for the conveyance of water around, through, or from the earth change area to limit the water flow to a non-erosive velocity.
- d. A person shall install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and shall maintain the measures on a daily basis. A person shall remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. A person shall stabilize the area with permanent soil erosion control measures under approved standards and specifications as prescribed by R 323.1710.
- e. A person shall complete permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area within 5 calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or if significant earth change activity ceases, then a person shall maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

Section 3. Soil Erosion and Sedimentation Control Plan Requirements. A person shall prepare a soil erosion and sedimentation control plan for any earth change identified as requiring a soil erosion and sedimentation control permit under Article III, above. A person shall design the plan to effectively reduce accelerated soil erosion and sedimentation and shall identify factors that may contribute to soil erosion or sedimentation, or both. The plan shall include, but not limited to, all of the following:

- a. A map or maps including all of the following and to the scale indicated:
  - (i) Site location sketch that includes the proximity of any proposed earth changes within 500 feet of Waters of the State.
  - (ii) Legal description of the affected parcel of land including the property tax identification number, easements, township, section, and address, if available.

- (iii) Predominate land features.
- (iv) Contour at 2 foot intervals or slope description.
- (v) Scale:
  - a. Non-residential. A scaled site plan, of not more than 100 feet to the inch for commercial soil erosion plans.
  - b. Residential. A scaled site plan not more than 100 feet to the inch for residential soil erosion plans, or indication of exact distances between notes featured on site plan.
- b. A soils survey or a written description of the soil types of the exposed land area contemplated for the earth change.
- c. Details for proposed earth change, including all of the following:
  - (i) Description and location of the physical limits of each proposed earth change, labeled limits of earth disturbance.
  - (ii) A Description and the location of all existing and proposed on-site drainage and dewatering facilities, including drainage arrows and discharge pipes and the location of catch basins.
  - (iii) The timing and sequence of each proposed earth change.
  - (iv) The location and description for installing and removing of all proposed temporary soil erosion and sediment control measures.
  - (v) A description and the location of all proposed permanent soil erosion and sediment control measures. The plan is to reflect that permanent soil erosion and sediment control measures are to be completed for all slopes, channels, ditches, or any other disturbed area within five (5) calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or if significant earth change activity ceases, then a person may request that the Part 91 agency consider approval of a soil erosion plan modification detailing the specific timeline for establishing permanent stabilization and the interim temporary measures that will be implemented and maintained until such time permanent stabilization can be achieved.
  - (vi) A program proposal for the continued daily maintenance of all permanent soil erosion and sedimentation control measures that remain after project completion, including the designation of the person responsible for each maintenance. Maintenance responsibility shall become part of any sales or exchange agreement for the land on which the permanent soil erosion control measures are located.
  - (vii) Name, address, and telephone numbers of the landowner, builder, and designated agent, if any.
  - (viii) Any other specific information needed to determine the adequacy of the soil erosion plan for assuring minimization of soil erosion and sedimentation, as determined by the County Enforcing Agency. This could include requesting engineering calculations, product specifications, etc.

#### Section 4. Qualified Plan.

- a. Except for sites disturbing 1 acre or less, the soil erosion plan shall be prepared under the direction of a qualified individual, certified in Michigan, unless waived in writing by the County Enforcing Agency. A “qualified individual” is an engineer or landscape architect, or other qualified individual if approved by the County Enforcing Agency. The soil erosion plan for sites disturbing 1 acre or less will not require preparation under the direction of a professional engineer, certified in Michigan, unless determined necessary due to site condition by the County Enforcing Agency in writing to the applicant.
- b. All site developments disturbing 1 acre of soil or less shall contain one (1) set of plans. All other soil erosion permit applications shall contain three (3) sets of plans.
- c. A soil erosion plan shall be considered complete when all of the items required in Section 3, above, have been included on the plan. However, the plan may not be approvable as submitted unless the provisions identified in section 2, above, are also met.

Section 5. Best Management Practices. All temporary and permanent measures proposed in the soil erosion plan shall be installed and maintained in accordance with the standards and specifications of the product manufacturer, the Michigan Department of Environmental Quality guidelines, including “Guidebook of Best Management Practices for Michigan Watersheds,” the local conservation district, the Michigan Department of Transportation, and County Enforcing Agency, if applicable and if formally adopted. If a conflict exists between the standards and specifications, then the enforcing agency or authorized public agency shall determine which specifications are appropriate for the project.

Section 6. Soil Erosion Permit Approval and Issuance. A soil erosion permit will be issued provided the applicant meets all the requirements of the Act, the Rules, and this Ordinance; and if, in the determination of the County Enforcing Agency, the earth disturbance is designed such to assure minimization of erosion and sedimentation and will not result in or contribute to the soil erosion or sedimentation of the waters of the State and adjoining properties. If the application and soil erosion and sedimentation control plan is approved and a soil erosion permit is issued, the applicant shall be notified by first-class mail. The County Enforcing Agency need not notify by mail if the permit is given to the applicant in person. A soil erosion permit is issued for up to twelve (12) months, based upon the project, and must be renewed unless the site is permanently stabilized and the permit is closed by the County Enforcing Agency. The County Enforcing Agency may increase the permit timeframe upon request and with a prorated fee if the County Enforcing Agency deems it appropriate to have a longer permit period. The soil erosion permit shall be posted at the site in a location noted in the permit, until the site is permanently stabilized and the permit is closed by the County Enforcing Agency. The soil erosion plan shall be available on-site for inspection upon request by the County Enforcing Agency.

Section 7. Soil Erosion Permit Denial. A soil erosion permit will be denied, or the application required to be modified, when the County Enforcing Agency determines that

the application and/or soil erosion and sedimentation control plan as submitted is incomplete, not assuring minimization of soil erosion and sedimentation, will result in or contribute to the soil erosion or sedimentation of the Waters of the State or adjoining properties, or is not consistent with the requirements of the Act, the Rules, or this Ordinance. If the application is disapproved, and the permit denied, the County Enforcing Agency shall notify the applicant by certified mail of the reasons for denial and the conditions necessary for approval. The County Enforcing Agency need not notify by mail if the applicant is given written disapproval in person.

Section 8. Soil Erosion Permit Modifications. A soil erosion permit may be modified by written order of the County Enforcing Agency at any time. If there are any changes to the scope or character of the project from what was approved in the issued soil erosion permit, including but not limited to the area of disturbance or temporary soil erosion control measures, the permittee must submit these changes to the County Enforcing Agency for approval as a modification of the permit prior to the change occurring. This request shall be in writing and include a revised soil erosion plan reflecting any proposed modifications. The County Enforcing Agency shall provide written notification of its determination of the request for permit modification within ten (10) days of receipt of the request. There will be no additional fee for modification of a permit, unless the area under disturbance is increased.

Section 9. Soil Erosion Permit Renewal. All soil erosion permits must be renewed before expiration unless the County Enforcing Agency determines that the earth disturbance is permanently stabilized and the permit can be closed. If the County Enforcing Agency has not made that determination, the permittee shall make application for renewal at least two (2) weeks prior to the expiration of the permit. The request for renewal shall include the appropriate fee in effect at the time of renewal, and a written description and revised soil erosion plan reflecting any changes to the scope of the activity or other information, since the previous permit was issued. The renewal permit is to be posted-on-site with the original permit. The County Enforcing Agency retains the right to require a plan modification in accordance with Section 8 (above) where a delay may impact plan requirements.

Section 10. Soil Erosion Permit Transfers. If property subject to a permit under this part is proposed to be transferred, the transferor shall notify the transferee of the permit in writing on a form developed by the department and provided by the County Enforcing Agency or municipal enforcing agency. The notice shall inform the transferee of the requirements of MCL 324.9112, subsection (2) and, as applicable, MCL 324.9112, subsection (3) or (4). The notice shall include a copy of a permit. The transferor and transferee shall sign the notice, and the transferor shall submit the signed notice to the County Enforcing Agency before the property is transferred. The County Enforcing Agency may charge a fee for the transfer of a permit. The fee shall not exceed the administrative costs of transferring the permit. Fees collected under this subsection shall only be used for the enforcement and administration of this part by the County Enforcing Agency. Violations, responsibility for violations, and partial transfer scenarios shall be governed in accordance with MCL 324.9112 and as amended.



Section 11. Soil Erosion Permit Closure. A soil erosion permit will be closed when the County Enforcing Agency has determined that the earth disturbance has been permanently stabilized. For purposes of this determination, the earth disturbance is considered permanently stabilized when permanent control measures (pavement, rock, grasses or other vegetation and landscaping) are installed in a manner that ensures its resistance to soil erosion, sliding, or other earth movement. The Construction Site is considered permanently stabilized when all earth change activity has ceased, all permanent control measures have been installed, maintenance for the permanent controls has been arranged, vegetation is well established throughout all areas that were disturbed to a degree that ensures their resistance to erosion, slumping, etc., and temporary controls have been removed.

Section 12. Soil Erosion Permit Revocation or Suspension. Soil erosion permits may be suspended or revoked for any of the following reasons:

- a. Failure to adhere to conditions of the permit, including the approved SESC plan.
- b. Misrepresentation or failure to disclose relevant facts in the application or plans as submitted.
- c. Failure to adhere to the requirements of the Act, the Rules, or this Ordinance that results in the issuance of a Cease and Desist Order.

Notice of permit revocation shall be by certified mail and by posting on-site. A copy of the notice may also be given in person or by facsimile, but will not substitute for the other notice. If a permit has been revoked for any reason, the permit process will begin again and an application, plan, and necessary fees, including re-inspection fees, will have to be submitted. Fees will be based on those in effect at the time of reapplying for a permit. Revocation must be made in accordance with the Administrative Procedures Act.

Section 13. Soil Erosion Permit Performance Guarantees. Permit performance guarantees may be required by the County Enforcing Agency at the issuance of a permit, including after a Cease and Desist Order has been issued. The performance guarantee shall be in an amount sufficient to assure the installation and completion of such protective or corrective measures as may be required by the County Enforcing Agency to implement and maintain soil erosion and sedimentation controls authorized by the permit, until the site is permanently stabilized. All necessary costs and expenses incurred, including the incidental administrative and legal costs, shall be covered through this performance guarantee. At the permittee's choosing, this performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit or bond acceptable to the County Enforcing Agency. The remaining balance of the performance guarantee will be returned to the permittee upon the determination by the County Enforcing Agency at permit closure inspection, that the site is permanently stabilized and has met all requirements set forth by the Act, the Rules, this Ordinance, and the issued permit. The remaining balance of the performance guarantee shall be returned within one month of this determination.

## **ARTICLE VI**

Inspections. As specifically allowed under Section 9113(2) of the Act, the County Enforcing Agency may enter at any reasonable time upon any property to conduct on site inspections and investigations to ensure compliance with the Act, the Rules, this Ordinance or any issued permit. Such inspections may take place before, during and/or after any earth change activity. If, upon inspection, existing site conditions are found to be in conflict with the Act, the Rules, this Ordinance, or with an issued soil erosion permit, a Cease and Desist Order and/or any other enforcement action authorized under the Act, the Rules, or this Ordinance may be pursued by the County Enforcing Agency.

## **ARTICLE VII**

Fees. All fees shall be paid to the County Enforcing Agency in accordance with a fee schedule determined by resolution to the Grand Traverse County Board of Commissioners, which shall be amended from time to time.

## **ARTICLE VIII**

Section 1. Notice of Violation. If the County Enforcing Agency determines that soil erosion and sedimentation of the Waters of the State or adjoining properties has occurred or could reasonably occur in violation of the Act, the Rules, or this Ordinance, the County Enforcing Agency may seek to enforce compliance by notifying the landowner and agent by certified mail, return receipt requested, of its determination. In addition, the property upon which the violation is occurring will be posted with the notice. The notice shall contain a description of the violation, what must be done to remedy the violation, and specify a time in which to comply with the notice, but not more than five (5) calendar days from mailing of the notice.

In addition, the County Enforcing Agency may require the landowner to obtain a permit and remit fees for the activity, even if the activity causing the violation was otherwise not required to obtain a permit.

Section 2. Compliance; time. If the landowner has failed to comply with the notice of violation within five (5) calendar days of mailing, the County Enforcing Agency may enter upon the land to construct, implement, and maintain soil erosion and sedimentation control measures in conformance with the Act, the Rules, this Ordinance and the notice, whenever soil erosion and sedimentation of the waters of the State or adjoining properties could reasonably occur or have occurred. However, the County Enforcing Agency shall not expend more than \$10,000 for the cost of the work, materials, labor and administration without prior written notice that the expenditure could exceed \$10,000. If more than \$10,000 is to be expended, then the work shall not begin until at least ten (10) calendar days after the notice of violation has been mailed.

Section 3. Reimbursement of County Enforcing Agency's Lien for Expenses; Priority; Collection and Treatment of Lien. All expenses incurred by the County Enforcing



Agency to bring land into compliance under this Section shall be reimbursed by the landowner. The County Enforcing Agency shall have a lien for the expenses incurred to bring the land into conformance. With respect to single-family or multi-family residential property, the lien for such expenses shall have priority over all liens and encumbrances filed or recorded after the date of such expenditure, pursuant to the Act. With respect to all other property, the lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, being Act 206, Public Act of 1893, as amended.

Section 4. Cease and Desist. The County Enforcing Agency may issue a Cease and Desist Order upon finding a violation of the Act, the Rules, or this Ordinance, an issued soil erosion permit, including the soil erosion plan, or an affidavit of compliance. Notice shall be given by certified mail, return receipt requested, and posted on-site. When a Cease and Desist Order is issued, the soil erosion permit or affidavit of compliance is revoked pursuant to Section 1 of Article V.

### **ARTICLE IX – Injunctive Relief**

Notwithstanding any other remedy and penalty provided in the Act, the Rules, or this Ordinance, the County may maintain an action in its own name in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violation of the Act, the Rules, this Ordinance, or a permit issued hereunder.

### **ARTICLE X – Violation and Penalties**

Section 1. A person who violates Part 91, the Rules or this Ordinance, is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$2,500.

Section 2. A person who knowingly violates Part 91, the Rules or this Ordinance or knowingly makes a false statement in an application for a permit or in a Soil Erosion and Sedimentation Control Plan is responsible for the payment of a civil fine of not more than \$10,000 for each day of violation. A person who knowingly violates Part 91 after receiving a notice of determination under MCL 324.9112 or 324.9117 is responsible for the payment of a civil fine of no less than \$2,500 or more than \$25,000 for each day of the violation.

Section 3. Enforcement Officer. Any peace officer and any soil erosion and sedimentation control officer designated as such by the Enforcing Agency is authorized to issue a municipal civil infraction for violation of this Ordinance.

Section 4. Violations Bureau; Payments. The Grand Traverse County District Court with jurisdiction has been established as the Violations Bureau for the uniform municipal civil infraction citations. All persons that receive uniform municipal civil infraction citation shall have 21 days to pay the fine to the District Court Office. If responsibility is denied or the fine is unpaid after 21 days, the uniform municipal civil infraction citation

shall be processed by the District Court for resolution pursuant to Chapter 87 of the Revised Judicature Act, MCL 600.8701, *et seq.* Either party may request a formal hearing before a judge.

Section 5. All fines paid pursuant to this Ordinance shall be paid to the County Enforcing Agency for purposes of enforcing this Ordinance, Part 91 and its Rules.

## **ARTICLE XI – Appeals**

Section 1. Appeal of Permit Decision; Informal Hearing. If any person is aggrieved by a permit decision, they may file a written appeal including the reason for the appeal, which references the applicable section of the Ordinance along with the required fees, if any, with the Grand Traverse County Health Department within 30 days of the decision. An informal hearing before the Health Officer or his/her designee will be scheduled within 5 calendar days of receiving the request. The informal hearing will allow the appellant, landowner, designated agency, or County Enforcing Agency staff an opportunity to submit additional information or re-emphasize previously submitted data. The Health Director will then review the information and take under advisement any other comments received before making a final decision which shall be made within 5 calendar days after receiving the request, not including the day on which the request is received, and forward this final decision to the appellant, landowner, and designated agent by first class mail. A permit shall not be invalidated during this appeal period.

Section 2. Appeal of Notice of Violation; Informal Hearing. If the landowner or designated agent is aggrieved by a compliance and enforcement action made by the County Enforcing Agency pursuant to this Ordinance, they may file a written appeal including the reason for the appeal, which references the applicable section of the Ordinance along with the required fees, if any, with the Grand Traverse County Health Department within 24 hours of receiving a notice of violation. If an appeal is filed, an informal hearing will allow the landowner or designated agent an opportunity to submit additional information or re-emphasize previously submitted data. The Health Director or his/her designee will then review the information and take under advisement any other information received before making a final decision within 5 days of having received the request, and forward this final decision to the landowner and any designated agent in person or by certified mail, return receipt requested.

Section 3. Standard of Review. The Health Officer or his/her designee, who must also be a certified enforcement agent, shall review the decision of the County Enforcing Agency staff and may affirm, modify or reverse the decision, but only if the decision of the Director is in accordance with Part 91, its Rules and this Ordinance.

Section 4. Final Decision. All decisions of the Health Officer, his/her designee or an arbiter shall be in writing and shall include a brief recap of testimony and evidence presented. The decision of the Health Officer or his/her designee or arbiter shall be

binding upon the County Enforcing Agency and the Landowner, Designated Agent and/or On-Site Authorized Agent. A person may file an appeal or seek judicial review of any final decision as authorized by Michigan law.

Section 5. Administrative Procedures Act. All appeals shall comply with the requirements of the Administrative Procedures Act.

Section 6. Qualifications. The Health Officer, his/her designee must have a level II certification issued by the Michigan Department of Environmental Quality.

Section 7. Irrespective of the filing of an appeal, the landowner must come into compliance within five days of notice of determination and ensure that there is no discharge off-site or to waters of the state in order to be in compliance with Part 91. An appeal does not put the obligation for compliance on hold. The appeals process does not extend or void the responsibility of the landowner to comply with Part 91, nor does it alleviate the obligations of the Part 91 agency to pursue enforcement remedies necessary to return the site to compliance in a timely manner.

## **ARTICLE XII – Miscellaneous Provisions**

Section 1. Severability. The various parts, sections, subsections, paragraphs, sentences, phrases, and clauses of this Ordinance are declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it shall be considered severed from this Ordinance and shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 2. Repeal. All ordinances or parts of ordinances inconsistent with this Ordinance are repealed.

Section 3. Effective Date. This Ordinance shall be effective when approved by the Michigan Department of Environmental Quality and notice of adoption is published in a newspaper of general circulation within the County. All unexpired permits issued prior to the adoption of this Ordinance and bonds on file pursuant to those permits shall remain in effect and shall be subject to provisions of this Ordinance.

Commissioners Present: Wheelock, Mair, Crawford, Clous, Lathrop, Gore Follette, Johnson

Commissioners Absent:

Ayes:

Nays:

Adopted: \_\_\_\_\_, 2017.

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Carol Crawford  
Chairperson, Board of Commissioners

RESOLUTION  
**XX-2018**

**Soil Erosion and Sedimentation Control Ordinance  
Public Hearing and Authorization to Send to DEQ**

WHEREAS, A Public Hearing was held on January 17, 2018, for review and comment on the amended Soil Erosion and Sedimentation Control Ordinance; and,

WHEREAS, The County Board of Commissioners reviewed the Soil Erosion and Sedimentation Control Ordinance as recommend and found is acceptable; and,

WHEREAS, The recommendation of the County Board of Commissioners is to pass the Amended Ordinance on to the DEQ for Approval.

NOW, THEREFORE BE IT RESOLVED, THAT the Grand Traverse County Board of Commissioners authorizes sending the Amended Soil Erosion and Sedimentation Control Ordinance to the Department of Environmental Quality for approval.

APPROVED: January 17, 2018



## Action Request

Meeting Date:	12/20/2017		
Department:	Commission on Aging	Submitted By:	Cynthia Kienlen
Contact E-Mail:	ckienlen@grandtraverse.org	Contact Telephone:	6201
Agenda Item Title:	2018 Purchase of Services Contracts for the Area Agency on Aging of Northwest Michigan and Northern Healthcare Management		
Estimated Time:	<div></div> (in minutes)	Laptop Presentation:	<input type="radio"/> Yes <input checked="" type="radio"/> No

### Summary of Request:

The Commission on Aging (COA) is requesting approval of the 2018 Purchase of Services Agreements for the MiChoice Waiver program with the Area Agency on Aging of Northwest Michigan (AAANM), and Northern Healthcare Management (CMH).

Historically the Commission on Aging has entered into a contract for the purchase of services with both AAANM and CMH for the MiChoice Waiver Program. This program provides Homemaker Aide, Home Health Care, Respite and Snowplowing services for DHHS clients.

Although there was no contract signed with AAANM in 2017, the COA continued to provide services to those AAANM MiChoice Waiver clients, that COA was servicing in 2016, without reimbursement, to provide a continuum of care to our mutual clients. In 2016, the fees received by COA from the MiChoice Waiver Program were approximately \$40,100.

### Suggested Motion:

Approval of the 2018 Purchase of Services Agreements between the Grand Traverse County Commission on Aging and the Area Agency on Aging of Northwest Michigan and with Northern Health Care Management.

### Financial Information:

Total Cost:	None	General Fund Cost:	None	Included in budget:	<input checked="" type="radio"/> Yes <input type="radio"/> No
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If not included in budget, recommended funding source:

Revenue only, no cost.

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

Reviews:	Signature	Date
Finance Director		
Human Resources Director		
Civil Counsel		
Administration:	<input type="checkbox"/> Recommended	Date:
Miscellaneous:		

### Attachments:

Attachment Titles:





## Action Request

Meeting Date:	1/17/2017		
Department:	Parks and Recreation	Submitted By:	K. Erickson
Contact E-Mail:	<a href="mailto:kerickson@grandtraverse.org">kerickson@grandtraverse.org</a>	Contact Telephone:	(231) 922-4522
Agenda Item Title:	Consideration to enter into a Memorandum of Agreement (MOA) with the Grand Traverse Band of Ottawa and Chippewa Indians and the Grand Traverse Conservation District to implement conservation practices related to managing the Boardman River bottomlands at the Nature Education Reserve.		
Estimated Time:	10 <small>(in minutes)</small>	Laptop Presentation:	<input type="radio"/> Yes <input checked="" type="radio"/> No

### Summary of Request:

Environmental Quality Incentive Program (EQIP) funds have become available to Grand Traverse Band of Ottawa and Chippewa Indians by the Natural Resources Conservation Service (NRCS) for installation of the riparian forest buffer and other vegetative conservation practices which could, by mutual agreement among parties (Grand Traverse County Parks and Recreation, Conservation District, and GT Band), be made available for the improvement of fish and wildlife habitats at the Nature Education Reserve (NER). This same arrangement was made with great success by the City of Traverse City to implement similar practices relative to the Brown Bridge bottomlands. It is understood that other grant funds are necessary beyond the available EQIP funding to successfully implement one or more of these conservation practices. If the parties are not successful in acquiring necessary additional funding, parties may terminate the Memorandum of Agreement (MOA). The Conservation District will oversee the duties and obligations of the MOA through the Agreement for Resource Management Services currently in place between County Parks and Recreation and the Conservation District to manage the NER, dated January 1, 2017. The proposed MOA has been reviewed and approved, as to form and content, by Deputy Civil Counsel Christopher Forsyth. The Parks and Recreation Commission recommended County Board of Commissioners' approval of the proposed MOA during its regular meeting held January 11, 2018.

### Suggested Motion:

*Authorize the Parks and Recreation Department to enter into a Memorandum of Agreement (MOA) with the Grand Traverse Band of Ottawa and Chippewa Indians, to be overseen and executed by the Grand Traverse Conservation District, to implement conservation practices related to managing the Boardman River bottomlands at the Nature Education Reserve.*

### Financial Information:

Total Cost:	\$50,000 estimated	General Fund Cost:	\$0.00	Included in budget: <input type="radio"/> Yes <input type="radio"/> No
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If not included in budget, recommended funding source:

*Grant funding will be sought.*

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

Reviews:	Signature	Date
Finance Director		
Human Resources Director		
Civil Counsel		

**Administration:** ☐ Recommended Date:

Miscellaneous:

### Attachments:

Attachment Titles: 2018-1-4 Memo Largent-Erickson Draft EQIP MOA; Draft-MOA-GTB-GTCD-County; SIGNED 2017-2019 GTCD Agmt for Res Mgmt Services



## MEMO

TO: Chris Forsyth, Deputy Civil Counsel  
FROM: Steve Largent, Conservation Team Coordinator & County Parks & Rec Comm.  
CC: Kristine Erikson, Parks & Recreation Director  
SUBJECT: **Draft MOA For EQIP Funding – Boardman Bottomlands**  
DATE: January 4, 2017

Attached please find a draft memo between Grand Traverse County, the Grand Traverse Band of Ottawa & Chippewa Indians (GTB), and the Grand Traverse Conservation District to access Environmental Quality Incentive Program (EQIP) funding for the Boardman bottomlands. This is a great opportunity for the County to access federal funding through the GTB to continue restoration of the Boardman bottomlands post dam removal. The City of Traverse City entered into a similar MOA to help restore the Brown Bridge bottomlands. Implementation of the practices is covered through the Resource Management Agreement between the County and the Conservation District. A copy of that agreement is also attached.

The plan is to receive preliminary approval from the County Parks & Recreation Commission on January 11<sup>th</sup> before going to the County Board for their approval on January 17<sup>th</sup>. It then goes to Tribal Council for their approval on the 18<sup>th</sup>.

**Director's Note:** This Memorandum of Agreement has been reviewed and approved by Civil Counsel as of January 5, 2018

## MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) is made by and between the Grand Traverse Band of Ottawa and Chippewa Indians, a sovereign tribal nation of 2605 N. West Bay Shore Drive Peshawbestown, MI 49682 (GTB), the Grand Traverse Conservation District, a governmental subdivision of the State of 1450 Cass Rd. Traverse City, MI 49685 (GTCD), and Grand Traverse County, a Michigan County Government of 400 Boardman Avenue, Traverse City, Michigan 49684 (County).

WHEREAS, GTB has an interest in maintaining the ecological integrity of streams in the six county (Antrim, Benzie, Charlevoix, Grand Traverse, Leelanau and Manistee) service area; and,

WHEREAS, GTB's Natural Resources Department has identified degradation of fish and wildlife habitat in riparian corridors, in certain cases, as limitations to overall watershed health and/or as major contributors of large amounts of sediment to streams in the service area; and,

WHEREAS, Environmental Quality Incentive Program (EQIP) funds have become available to GTB by the Natural Resources Conservation Service (NRCS), for installation of the riparian forest buffer and other vegetative conservation practices which could, by mutual agreement between the parties, be made available for the improvement of fish and wildlife habitat at the Natural Education Reserve established as Farm 2519 and Tract 6425 in USDA-Farm Service Agency records; and,

WHEREAS, the County and GTCD are parties to an Agreement for Resource Management Services dated January 1, 2017; and,

WHEREAS, GTCD shall undertake the duties and obligations under this agreement as part of the Agreement for Resource Management Services between GTCD and the County dated 1/1/17; and,

WHEREAS, the Natural Education Reserve will continue to be open to the public for recreational use;

NOW, THEREFORE, the parties agree that as EQIP funding for improvements to wildlife habitat becomes available to GTB, and subject to GTB's approval, GTB shall reimburse the County from these funds on the following terms and conditions:

1. The County through its agent the GTCD agrees to install, operate, and maintain NRCS conservation practices according to NRCS standards and specifications for the lifespan of each practice.

**GRAND TRAVERSE CONSERVATION DISTRICT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## AGREEMENT FOR RESOURCE MANAGEMENT SERVICES

THIS AGREEMENT made this first (1<sup>st</sup>) day of January 2017, by and between GRAND TRAVERSE COUNTY PARKS AND RECREATION COMMISSION, a department of a Michigan county, 1213 West Civic Center Drive, Traverse City, Michigan, 49686, (the "Commission"), and the GRAND TRAVERSE CONSERVATION DISTRICT, a governmental subdivision of the State, of 1450 Cass Road, Traverse City, Michigan, 49685, (the "District"),

WITNESSETH:

WHEREAS, the Commission wishes to engage the services of the District to provide professional resource management assistance for its various public parkland properties; and

WHEREAS, the District is well-suited for, and wishes to furnish, such technical and professional service to the Commission.

THEREFORE, the Commission and the District mutually agree as follows:

1. Scope of Services. The District shall provide services to the Commission in accordance with and as set forth in Schedule "A," Scope of Services, attached hereto and incorporated herein by reference. The Commission and the District agree that services provided will be further defined in a mutually agreeable Work Plan developed for each year of the agreement. A proposed annual Work Plan and project budget will be submitted to the Commission for approval in July of each year of this Agreement.
2. Compensation and Method of Payment. The Commission shall pay to the District and the District agrees to accept as full compensation for services under this agreement \$46,416.00 (Forty-six Thousand Four Hundred Sixteen and no hundredths Dollars) annually in four equal installments of \$11,604.00 (Eleven Thousand Six Hundred Four and no hundredths Dollars). The first installment shall be due upon execution of this Agreement. The remaining payments shall be made quarterly thereafter.
3. Period of Performance. The obligations to be rendered under this Agreement shall commence January 1, 2017, and continue until December 31, 2019, or until terminated in accordance with paragraph 15. The Commission and the District agree to meet and confer annually on the approximate anniversary of this Agreement to discuss changes.
4. Independent Contractor. The relationship of the District and its employees to the Commission is that of an independent contractor and in accordance therewith, the District covenants and agrees to conduct itself consistent with such status and that neither it nor its employees, officers, or agents will claim to be an employee, officer, or agent of the Commission or make any claim, demand, or application to or for any rights or privileges applicable to any officer or employee of same, including but not limited to worker's compensation coverage, unemployment insurance benefits, social security coverage, or retirement membership or credit.
5. District Responsibility. The District shall perform the work in a good and workmanlike manner and assume the risk in performing under this Agreement. The District shall be solely responsible and answerable in damages for all improper work, accidents, or injuries to person or property resulting from actions or negligence of its officers, agents, or employees.
6. Indemnity. The District shall defend, indemnify, and hold harmless the Commission, its officers and employees, from and against any and all claims, liabilities, losses, damages, actual attorney's fees, and settlement expenses for injury or death of any person and damage or loss of any property allegedly or actually resulting or arising out of any act, omission, or negligence of the District or its employees, agents,

or subcontractors, in connection with performing this Agreement. This indemnification agreement shall not be limited by reason of any insurance coverage.

7. Workers Compensation. The District shall maintain suitable workers compensation insurance on its employees pursuant to Michigan law and the District shall provide a certificate of insurance or copy of state approval for self insurance to the Commission upon execution of this Agreement.
8. Compliance with Regulations. The District shall comply with all applicable statutes, rules, and regulations of all Federal, State, and local governments and agencies having jurisdiction, and bears the risk of any such authorities or changes thereto.
9. Non-Discrimination. The Commission and the District agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment: on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, military service, or other non-merit factor. Breach of this covenant may be regarded as a material breach of this Agreement.
10. Prohibition Against Assignment. This Agreement is intended to secure the service of the District because of its ability and reputation and none of the District's duties under the Agreement shall be assigned, subcontracted, or transferred without the prior written consent of the Commission. Any assignment, subcontract, or transfer of District's duties under this Agreement must be in writing.
11. Qualifications of the District. The District specifically represents and agrees that its employees possess the experience, knowledge, and competence necessary to fulfill the duties required in this Agreement.
12. Notice. Whenever it is provided in this Agreement that a notice or other communication is to be given or directed to the Commission or the District, the same shall be given or directed to the respective party at its address as specified in this Agreement, or at such other address as either party may, from time to time, designate by written notice.
13. Amendments. This Agreement may be modified from time to time, but such modifications shall be in writing and signed by the District and the Commission.
14. Termination. This Agreement may be terminated either for:
  - A. Default, defined as the failure of the Commission or the District to fulfill a material obligation of this Agreement, in which case termination may be immediate; or
  - B. Lack of further need of the services under this Agreement due to program changes, changes in laws, rules or regulations, relocation of offices, or lack of funding. In this case, only the Commission may terminate this contract by giving the District written notice of such cancellation thirty (30) days prior to the date of cancellation. Upon termination, the District shall be entitled to, and the terminating party shall pay, the costs actually incurred in compliance with and as approved under this Agreement until the date of such termination.

Termination of this Agreement by the District or the Commission shall cause this entire Agreement to be terminated.

15. Interpretation. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. The pronouns and relative words used herein are written in the neuter and singular. However, if more than one person or entity joins in this Agreement on behalf of the District or the

Commission, or if a person of masculine or feminine gender joins in this Agreement on behalf of District or the Commission, such words shall be interpreted to be in the plural, masculine, or feminine as the sense requires.

16. Venue. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Grand Traverse, State of Michigan.
17. Entire Agreement. This Agreement, together with all items incorporated herein by reference, constitutes the entire agreement of the District and the Commission and there are no valid promises, conditions, or understandings, which are not contained herein.
18. Authority to Execute. The District and the Commission agree that the signatories appearing below have the authority and are duly authorized to execute this Agreement on behalf of the party to the Agreement.

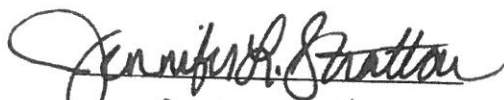
IN WITNESS WHEREOF, the District and the Commission hereto have executed this Agreement on the date and year first above written.

WITNESSES:

  
Kristin Erickson

GRAND TRAVERSE COUNTY PARKS  
AND RECREATION COMMISSION

By   
John Roth, President

  
Jennifer L. Stratton

GRAND TRAVERSE CONSERVATION DISTRICT

By   
Andy Blodgett, Chair

**SCHEDULE -A**  
**SCOPE OF SERVICES**  
**2017-2019**

The Grand Traverse Conservation District shall provide resource management services to Grand Traverse County Parks and Recreation Commission. The services shall consist of:

1. Oversee implementation of the Natural Education Reserve (NER) Management Plan and upon request and with mutual agreement of the Commission and the District, assist with projects on other County-owned quiet recreation parklands.
2. In conjunction with the NER Advisory Committee, develop and implement an annual Work Plan for the NER. The Work Plan will be submitted to the County Parks and Recreation Commission annually. Projects identified in the Work Plan are dependent on funds provided by the Commission.
3. Coordinate routine inspections and maintenance of existing structures and trails.
4. Provide management services for the exposed bottomlands of Boardman Pond and/or Sabin Pond according to the Bottomlands Management Plan developed through the Boardman Dams Project. Other than routine debris removal, sign replacement, etc., the Grand Traverse County Administrator, or his or her designee, will approve recommended actions to be taken to provide reasonable and safe public access.
5. Develop at least one grant proposal for funding a specific Commission-approved project.
6. Obtain permits needed for the above activities.
7. Regularly monitor the public's activities within the NER corridor.
8. Whenever possible, coordinate and utilize volunteers to accomplish work at the NER to garner greater community support, create better stewards of our environment, and to reduce labor costs.
9. Purchase supplies and materials, and coordinate labor for maintenance and improvements for the properties identified in Item 1 in Schedule A, District's Scope of Services: all to be reimbursed by Grand Traverse County.
10. The District shall provide administrative and clerical support necessary to accomplish the above tasks.
11. The District shall regularly attend County Parks and Recreation Commission meetings to provide verbal reports of progress.
12. The District shall provide the Commission with monthly written activity reports.
13. The District shall provide a final report and recommendations for program continuation to the Commission prior to November 30, 2019.
14. The District will not be responsible for any activities listed above that are not accomplished due to inability to obtain permits, or to lack of funding, labor availability, or other factors beyond the District's control.





## Action Request

Meeting Date:	January 17, 2018		
Department:	Finance	Submitted By:	Dean Bott
Contact E-Mail:	dbott@grandtraverse.org	Contact Telephone:	922-4680
Agenda Item Title:	December 2017 Claims Approval		
Estimated Time:	Consent Calendar <small>(in minutes)</small>	Laptop Presentation:	<input type="radio"/> Yes <input checked="" type="radio"/> No

### Summary of Request:

Claims and payroll disbursement activity for the month of December 2017 is requested for approval, as attached. Further detail regarding disbursements may be requested directly from the Finance Department.

### Suggested Motion:

Approval of the requested claims and payroll disbursements for the month of December 2017.

### Financial Information:

Total Cost:	\$7,617,387.70	General Fund Cost:		Included in budget:	<input checked="" type="radio"/> Yes <input type="radio"/> No
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If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

<b>Reviews:</b>	Signature	Date
Finance Director	Dean Bott	01/10/2018
Human Resources Director		
Civil Counsel		
<b>Administration:</b>	<input type="checkbox"/> Recommended	Date:
<u>Miscellaneous:</u>		

### Attachments:

Attachment Titles:

December 2017 Claims and Check Distribution Summary

**AUDIT COMMITTEE****DECEMBER 2017 CLAIMS**

<b>TYPE</b>	<b>DATE</b>	<b>AMOUNT</b>
<b>CLAIMS, ACCOUNTS AND IMMEDIATE PAYMENTS FOR BOARD APPROVAL</b>		
CLAIMS AND ACCOUNTS	12/12/2017	461,053.34
CLAIMS AND ACCOUNTS	12/28/2017	1,164,995.67
<b>TOTAL CLAIMS &amp; ACCOUNTS</b>		<b>1,626,049.01</b>
IMMEDIATE PAYMENTS	12/1/2017	81,292.00
IMMEDIATE PAYMENTS	12/1/2017	31,656.13
IMMEDIATE PAYMENTS	12/4/2017	9,375.83
IMMEDIATE PAYMENTS	12/4/2017	5,255.16
IMMEDIATE PAYMENTS	12/6/2017	44,347.85
IMMEDIATE PAYMENTS	12/8/2017	16,626.68
IMMEDIATE PAYMENTS	12/12/2017	3,118.36
IMMEDIATE PAYMENTS	12/13/2017	1,264,169.22
IMMEDIATE PAYMENTS	12/13/2017	999.23
IMMEDIATE PAYMENTS	12/14/2017	500.00
IMMEDIATE PAYMENTS	12/14/2017	19,647.24
IMMEDIATE PAYMENTS	12/15/2017	50,639.26
IMMEDIATE PAYMENTS	12/19/2017	16,841.01
IMMEDIATE PAYMENTS	12/20/2017	144,183.01
IMMEDIATE PAYMENTS	12/20/2017	1,416.98
IMMEDIATE PAYMENTS	12/22/2017	40,772.45
IMMEDIATE PAYMENTS	12/29/2017	95,049.46
IMMEDIATE PAYMENTS	12/29/2017	20,921.59
IMMEDIATE PAYMENTS	12/29/2017	7,351.14
IMMEDIATE PAYMENTS	12/30/2017	64,231.18
<b>TOTAL IMMEDIATE PAYMENTS</b>		<b>1,918,393.78</b>
<b>TOTAL CLAIMS, ACCOUNTS, AND IMMEDIATE PAYMENTS</b>		<b>3,544,442.79</b>
<b>CHECK DISTRIBUTION SUMMARY RECONCILING ITEMS</b>		
<b>Health Department Claims:</b>		
HEALTH	12/12/2017	39,710.10
HEALTH	12/28/2017	24,322.22
<b>TOTAL HEALTH CLAIMS</b>		<b>64,032.32</b>
<b>Department of Public Works Check Runs Approved by Board of Public Works:</b>		
DPW Check Runs	12/6/2017	60,143.28
DPW Check Runs	12/14/2017	264,099.40
DPW Check Runs	12/21/2017	11,602.31
DPW Check Runs	12/28/2017	448,966.57
<b>TOTAL DPW CHECK RUNS</b>		<b>784,811.56</b>
<b>TOTAL RECONCILING ITEMS</b>		<b>848,843.88</b>
<b>Total Claims, Immediate Pay, Health &amp; DPW</b>		<b>4,393,286.67</b>
<b>Monthly Check Distribution Summary</b>		<b>4,393,286.67</b>
	<b>Difference</b>	<b>0.00</b>
<b>PAYROLL</b>		
PAYROLL (regular, longevity & special pay)	12/1/2017	1,153,419.79
PAYROLL	12/15/2017	851,434.77
PAYROLL	12/29/2017	864,743.06
BENEFITS	12/29/2017	354,503.41
<b>TOTAL PAYROLL</b>		<b>3,224,101.03</b>
<b>FOR BOARD APPROVAL:</b>		
<b>TOTAL CLAIMS, ACCOUNTS, IMMEDIATE PAY &amp; PAYROLL</b>		<b>7,617,387.70</b>

REQUEST APPROVAL

RESOLUTION  
XX-2017  
**Finance Department**  
**December 2017 Claims Approval**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on January 17, 2018, and reviewed claims and payroll disbursements for the month of December 2017 that were requested by the Director of Finance and are recommended for approval; and,

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT the attached CLAIMS AND PAYROLL DISBURSEMENT FOR THE MONTH OF December 2017 are hereby approved. (See file for attachments.)

APPROVED: January 17, 2018



**GRAND TRAVERSE COUNTY  
FINANCE DEPARTMENT**

400 BOARDMAN AVENUE  
TRAVERSE CITY, MI 49684-2577

FINANCE DIRECTOR  
DEPUTY FINANCE DIRECTOR  
FAX

(231) 922-4680  
(231) 922-4682  
(231) 922-4636

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DATE: January 10, 2018

TO: Grand Traverse County Board of Commissioners

FROM: Dean Bott, Finance Director

RE: Budget to Actual Revenue and Expenditure Report

Please find attached the Budget to Actual Revenue and Expenditure Reports for the County's General Fund and Special Revenue Funds for the period ending December 31, 2017.

The activity reflected in this report is actual year to date activity as of January 10, 2018. The available balance is as of this date as well.

Please note that this activity does not reflect the fourth quarter appropriation to several funds. Those entries will be posted for December during the month of January. There will be a payroll accrual that will be posted back to December once the January 12<sup>th</sup> payroll is processed. There are also revenue and expenditures yet to accrue back to December for normal costs as well as grants. The December 31, 2017 amounts on this report are by no means final for 2017.

Please do not hesitate to contact me with any questions or for additional information. I would be happy to assist you in any way I can. Rather than anticipate any questions or concerns, knowing in advance of the meeting would allow time to look up any specific requests.

**GRAND TRAVERSE COUNTY**  
**FISCAL YEAR 2017**  
**BUDGET TO ACTUAL EXPENDITURE REPORT (UNAUDITED)**  
**FOR THE PERIOD ENDING DECEMBER 31, 2017**

**SUMMARY BY FUND**

% OF YEAR COMPLETE: 100.00%

<b>FUND</b>	<b>FUND NAME</b>	<b>FY16 AMENDED BUDGET</b>	<b>FY16 ACTIVITY AS OF 12/31/2016</b>	<b>FY17 AMENDED BUDGET</b>	<b>YTD ACTIVITY AS OF 12/31/2017</b>	<b>AVAILABLE BALANCE</b>	<b>% BUDGET USED</b>
101	GENERAL FUND	38,000,571	34,827,280	42,355,483	38,133,374	4,222,109	90%
131	13TH CIRCUIT COURT	1,946,168	1,809,647	2,067,407	1,854,728	212,679	90%
132	LCVR	15,000	13,168	13,000	8,586	4,414	66%
136	86TH DISTRICT COURT	3,972,943	3,840,521	4,148,012	3,673,969	474,043	89%
202	COUNTY SPECIAL PROJECTS	27,322	-	9,000	9,000	-	0%
207	CENTRAL DISPATCH/911	2,529,742	2,360,167	2,490,107	2,339,761	150,346	94%
208	PARKS AND RECREATION	538,039	522,162	730,471	636,803	93,668	87%
209	MAPLE BAY DEVELOPMENT	10,000	-	-	-	-	0%
215	FRIEND OF THE COURT	2,199,191	2,037,865	2,191,488	2,029,229	162,259	93%
216	SAFE HAVENS	143,574	143,574	-	-	-	0%
222	HEALTH DEPARTMENT	6,273,922	6,108,674	6,696,928	6,162,729	534,199	92%
251	VETERANS' TRUST FUND	70,200	56,436	50,200	12,562	37,638	25%
252	VETERANS' MILLAGE	-	-	627,389	466,591	160,798	74%
256	REGISTER OF DEEDS AUTOMATION	123,704	126,149	178,100	95,682	82,418	54%
260	COMMUNITY CORRECTIONS PAS11	746,004	746,036	816,913	793,719	23,194	97%
261	COUNTY LAW LIBRARY	6,500	-	15,500	-	15,500	0%
262	FEDERAL EQUITABLE SHARING	8,000	-	-	-	-	0%
263	CONCEALED PISTOL LICENSING	23,000	19,599	24,105	20,752	3,353	86%
264	CORRECTIONS OFFICERS TRAINING	63,500	56,621	63,500	47,618	15,882	75%
266	CRIMINAL JUSTICE TRAINING ACT	20,000	10,379	14,000	12,097	1,903	86%
269	MITCHELL CREEK WATERSHED	8,155	-	-	-	-	0%
278	HOUSING TRUST	74,600	191	73,000	-	73,000	0%
279	CDBG	123,600	110,835	309,066	231,914	77,152	75%
280	NEXT MICHIGAN	88,200	25,036	64,300	49,960	14,340	78%
281	EDC	155,800	158,960	33,083	29	33,054	0%
287	TNT FORFEITURE FUND	116,633	114,732	125,220	80,867	44,353	65%
288	TNT GRANT	97,970	97,293	129,400	111,141	18,259	86%
292	CHILD CARE FUND	1,887,931	1,635,033	1,633,500	1,246,279	387,221	76%
295	ANIMAL CONTROL	88,825	65,622	133,068	106,558	26,510	80%
297	COMMISSION ON AGING	2,801,912	2,301,134	3,630,270	2,956,562	673,708	81%
298	SENIOR CENTER	652,330	522,289	610,539	525,401	85,138	86%
471	COUNTY FACILITIES	1,928,300	1,668,962	1,981,223	1,497,730	483,493	76%
472	CAPITAL IMPROVEMENT PROJECTS	900,000	401,717	1,179,413	249,400	930,013	21%
<b>TOTAL APPROPRIATIONS</b>		<b>65,641,636</b>	<b>59,780,084</b>	<b>72,393,685</b>	<b>63,353,041</b>	<b>9,040,644</b>	<b>88%</b>

GRAND TRAVERSE COUNTY  
FISCAL YEAR 2017  
BUDGET TO ACTUAL  
REVENUE AND EXPENDITURE REPORT (UNAUDITED)  
FOR THE PERIOD ENDING DECEMBER 31, 2017

GENERAL FUND

% OF YEAR COMPLETE: 100.00%

REVENUE SOURCE	FY16 AMENDED BUDGET	FY16 ACTIVITY AS OF 12/31/2016	FY17 AMENDED BUDGET	YTD ACTIVITY AS OF 12/31/2017	AVAILABLE BALANCE	% BUDGET USED
Taxes	22,865,142	23,291,455	22,968,526	23,330,015	(361,489)	102%
Licenses and Permits	159,000	188,373	199,000	223,430	(24,430)	112%
Federal Grants	2,520	100,566	73,200	64,877	8,323	89%
State Grants	3,644,305	3,491,013	3,620,069	3,353,612	266,457	93%
Local Unit Contributions	1,899,712	1,824,040	1,775,056	1,616,314	158,742	91%
Charges for Services	4,665,843	4,312,852	4,512,104	4,117,399	394,705	91%
Fines and Forfeitures	113,100	96,039	111,000	97,463	13,537	88%
Interest and Rents	707,803	704,497	687,930	823,936	(136,006)	120%
Other Financing Sources	2,501,316	2,610,060	2,621,003	2,697,761	(76,758)	103%
Transfers In	941,830	1,037,573	2,883,246	2,848,095	35,151	99%
Use of Surplus	500,000	-	2,904,860	-	2,904,860	0%
<b>TOTAL REVENUES</b>	<b>38,000,571</b>	<b>37,656,469</b>	<b>42,355,994</b>	<b>39,172,902</b>	<b>3,183,092</b>	<b>92%</b>

GRAND TRAVERSE COUNTY  
FISCAL YEAR 2017  
BUDGET TO ACTUAL EXPENDITURE REPORT (UNAUDITED)  
FOR THE PERIOD ENDING DECEMBER 31, 2017

GENERAL FUND

% OF YEAR COMPLETE: 100.00%

DEPT #	DEPARTMENT NAME	FY16 AMENDED BUDGET	FY16 ACTIVITY AS OF 12/31/2016	FY17 AMENDED BUDGET	YTD ACTIVITY AS OF 12/31/2017	AVAILABLE BALANCE	% BUDGET USED	TOTAL GENERAL FUND BUDGET
<b>LEGISLATIVE</b>								
101	Board of Commissioners	367,459	366,581	255,800	230,053	25,747	90%	1%
	SUBTOTAL	367,459	366,581	255,800	230,053	25,747	90%	1%
<b>JUDICIAL</b>								
147	Jury Commission	46,897	39,106	46,260	40,636	5,624	88%	0%
148	Probate Court	734,213	732,513	738,000	688,602	49,398	93%	2%
149	Family Court-Juvenile Division	1,832,797	1,548,554	1,589,037	1,476,337	112,700	93%	4%
	SUBTOTAL	2,613,907	2,320,173	2,373,297	2,205,575	167,722	93%	6%
<b>GENERAL GOVERNMENT</b>								
155	ART Grant	55,019	20,366	101,626	60,310	41,316	59%	0%
172	Administrator/Controller	378,585	283,434	379,182	365,394	13,788	96%	1%
174	Brownfield Administration	189,206	186,269	164,104	142,237	21,867	87%	0%
191	Elections	96,307	90,138	66,648	45,898	20,750	69%	0%
201	Finance	525,882	438,389	494,975	473,989	20,986	96%	1%
215	County Clerk	893,280	872,467	905,502	870,587	34,915	96%	2%
225	Equalization	412,012	394,948	560,056	505,231	54,825	90%	1%
226	Human Resources	478,034	514,500	429,804	394,335	35,469	92%	1%
229	Prosecuting Attorney	1,649,717	1,610,889	1,697,427	1,607,544	89,883	95%	4%
230	Equalization/East Bay	161,968	152,952	162,603	154,245	8,358	95%	0%
236	Register of Deeds	461,258	332,538	360,602	345,704	14,898	96%	1%
242	County Surveyor	58,187	58,203	58,187	26,657	31,530	46%	0%
253	County Treasurer	393,035	382,077	408,144	382,809	25,335	94%	1%
257	Cooperative Extension	269,931	264,891	258,421	246,263	12,158	95%	1%
259	MSU Extension-Grant Funded	32,789	24,739	-	-	-	0%	0%
261	Building Authority-Rent	1,275,569	1,275,094	1,299,319	1,298,869	450	100%	3%
265	Facilities Management	1,102,179	860,888	792,143	640,778	151,365	81%	2%
275	Drain Commission	22,133	19,888	25,506	21,108	4,398	83%	0%
276	Soil Erosion & Sedimentation	174,097	198,635	186,395	174,402	11,993	94%	0%
280	Soil Conservation	37,500	37,500	27,500	27,500	-	100%	0%
400	Planning & Development	199,116	172,012	154,576	137,954	16,622	89%	0%
402	GIS	171,327	166,646	-	-	-	0%	0%
	SUBTOTAL	9,037,131	8,357,464	8,532,720	7,921,814	610,906	93%	20%
<b>PUBLIC SAFETY</b>								
307	Central Records	864,549	836,993	825,183	782,159	43,024	95%	2%
308	Central Dispatch	266,942	64,294	225,307	-	225,307	0%	1%
311	Sheriff-Special Investigation	201,130	193,660	132,194	102,630	29,564	78%	0%
312	Sheriff-County Investigation	1,101,194	1,059,329	1,117,033	1,081,027	36,006	97%	3%
314	Sheriff-County Patrol	5,760,262	5,651,825	5,910,388	5,690,973	219,415	96%	14%
315	Off Road Vehicle-GTSSO	-	-	-	-	-	0%	0%
316	Secondary Road Patrol	110,851	100,742	109,789	100,601	9,188	92%	0%
325	Sheriff-Administration	617,989	589,248	650,979	629,881	21,098	97%	2%
327	Snowmobile Enforcement	11,819	11,136	19,769	13,038	6,731	66%	0%
331	Sheriff-Marine Law Enforcement	106,511	103,770	152,803	140,096	12,707	92%	0%
348	Medical Marijuana Grant 2016	35,025	21,958	27,235	27,038	197	99%	0%
351	Sheriff-Corrections	5,168,558	5,030,690	5,488,025	5,187,815	300,210	95%	13%
352	Corrections-Interim Services	40,000	35,834	60,000	47,923	12,077	80%	0%
435	Emergency Management	-	-	-	-	-	0%	0%
	SUBTOTAL	14,284,830	13,699,478	14,718,705	13,803,181	915,524	94%	35%
<b>HEALTH &amp; WELFARE</b>								
631	Substance Abuse	327,041	317,324	349,286	349,286	-	100%	1%
651	Ambulance	25,000	25,000	25,000	25,000	-	100%	0%
682	Veterans	502,951	481,115	-	-	-	0%	0%
	SUBTOTAL	854,992	823,439	374,286	374,286	-	100%	1%
<b>OTHER</b>								
865	Insurance & Bonds	335,000	132,200	677,860	523,111	154,749	77%	2%
890	Miscellaneous Contingencies	359,000	76,000	2,707	-	2,707	0%	0%
891	Appropriations to Non-Profit	682,200	682,200	682,200	682,200	-	100%	2%
894	Pension Stabilization Approp.	-	-	4,892,234	4,892,234	-	100%	0%
	SUBTOTAL	1,376,200	890,400	6,255,001	6,097,545	157,456	97%	15%



## GENERAL FUND

% OF YEAR COMPLETE: 100.00%

DEPT #	DEPARTMENT NAME	FY16 AMENDED BUDGET	FY16 ACTIVITY AS OF 12/31/2016	FY17 AMENDED BUDGET	YTD ACTIVITY AS OF 12/31/2017	AVAILABLE BALANCE	% BUDGET USED	TOTAL GENERAL FUND BUDGET
<b>TRANSFERS</b>								
965	County Law Library Fund	-	-	-	-	-	0%	0%
968	Health Department Fund	1,269,000	1,064,000	1,269,000	951,750	317,250	75%	3%
970	Child Care Fund	875,000	776,263	698,602	692,701	5,901	99%	2%
971	Department of Human Services	49,365	49,365	33,365	32,500	865	97%	0%
974	Parks & Recreation Fund	290,302	275,632	350,664	254,699	95,965	73%	1%
975	Friend of the Court Fund	378,490	283,868	384,813	213,610	171,203	56%	1%
978	County Facilities Fund	1,622,650	1,216,988	1,662,623	1,216,987	445,636	73%	4%
979	CIP Fund	450,000	337,500	876,270	337,500	538,770	39%	2%
982	Circuit Court Fund	1,568,524	1,398,199	1,581,805	1,306,229	275,576	83%	4%
983	District Court Fund	2,914,640	2,931,870	2,988,532	2,494,944	493,588	83%	7%
986	Community Corrections Fund	48,081	36,061	-	-	-	0%	0%
	SUBTOTAL	9,466,052	8,369,745	9,845,674	7,500,920	2,344,754	76%	23%
<b>GENERAL FUND TOTAL APPROPRIATIONS</b>		<b>38,000,571</b>	<b>34,827,280</b>	<b>42,355,483</b>	<b>38,133,374</b>	<b>4,222,109</b>	<b>90%</b>	
GENERAL FUND REVENUES		38,000,571	37,656,469	42,355,994	39,172,902	3,183,092	92%	
Authorized Use of Surplus		(500,000)	-	(2,904,860)				
<b>PROJECTED SURPLUS (DEFICIT)</b>		<b>-</b>	<b>2,829,189</b>	<b>511</b>	<b>1,039,528</b>			
BEGINNING FUND BALANCE		9,516,512	9,516,512	12,345,701				
ENDING FUND BALANCE*		9,016,512	12,345,701	9,441,352				
* Total fund balance includes both restricted and unrestricted amounts								



## Action Request

Meeting Date:	January 17, 2018		
Department:	Finance	Submitted By:	D. Bott
Contact E-Mail:	dbott@grandtraverse.org	Contact Telephone:	922-4680
Agenda Item Title:	Audit Proposal Recommendation		
Estimated Time:	<div style="border: 1px solid black; width: 100px; height: 20px;"></div> <small>(in minutes)</small>	Laptop Presentation:	<input type="radio"/> Yes <input checked="" type="radio"/> No

### Summary of Request:

Audit proposals were received from six (6) qualified firms. All firms had received a rating of "Pass" on Peer Reviews, which means their systems of quality control for their accounting and audit practice provide us with reasonable assurance that they would be able to perform and report in conformity with applicable professional standards in all material respects.

The proposals were reviewed by Commissioner Crawford, Dean Bott, Finance Director, Cheryl Wolf, Deputy Finance Director, Heidi Scheppe, Treasurer, and Marissa Milliron, Health Department – Finance and Administrative Services Director. This group met and discussed the proposals. It was decided that two firms would best serve our needs. The firm of Gabridge & Co. and Vredevelde Haefner LLC. Gabridge & Co. completed the 2016 Financial Audit and Vredevelde Haefner LLC is currently the Grand Traverse County Road Commission auditor.

The rationale for our recommendation as well as the summary of proposal costs is attached for information.

### Suggested Motion:

Recommendation is to award a three year audit contract to Vredevelde Haefner LLC based on this firm's experience, the fact they are also performing the City of Traverse City and Grand Traverse County Road Commission financial audits, and the general opinion this would provide us with another fresh look at our internal accounting controls and financial system.

### Financial Information:

Total Cost:	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>	General Fund Cost:	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>	Included in budget:	<input type="radio"/> Yes <input checked="" type="radio"/> No
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If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

Reviews:	Signature	Date
Finance Director	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>
Human Resources Director	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>
Civil Counsel	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>
<b>Administration:</b> <input type="checkbox"/> Recommended <div style="float: right;">Date: <div style="border: 1px solid black; width: 150px; height: 20px;"></div></div>		
Miscellaneous:		

### Attachments:

Attachment Titles:

Memorandum



## GRAND TRAVERSE COUNTY FINANCE DEPARTMENT

400 BOARDMAN AVENUE  
TRAVERSE CITY, MI 49684-2577  
231-922-4680 / FAX 231-922-4636

DATE: January 17, 2018  
TO: Board of Commissioners  
FROM: Dean Bott, Finance Director  
RE: Audit Proposal Recommendation

Audit proposals were received from six (6) qualified firms. All firms had received a rating of "Pass" on Peer Reviews, which means their systems of quality control for their accounting and audit practice provide us with reasonable assurance that they would be able to perform and report in conformity with applicable professional standards in all material respects.

The proposals were reviewed and it was decided that two firms would best serve our needs. The firm of Gabridge & Co. and Vredevelde Haefner LLC.. Gabridge & Co. completed the 2016 Financial Audit and Vredevelde Haefner LLC is currently the Grand Traverse County Road Commission auditor.

In narrowing the proposals from six to two, a key consideration was the firm's position regarding whether or not the County would need to provide a financial statement draft for the auditor to begin audit fieldwork. Both of these firms will actually prepare draft financial statements from the financial transaction detail that we provide them. They then focus their audit procedures based on audit risk at the financial statement level of detail which we agreed was the most efficient process for us and for the auditor. Both of these firms are also familiar with the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting program.

Key considerations then focused on the advantages and cost of each firm. For Gabridge & Co., one advantage is the fact they were the prior year auditor and those individuals involved in the audit felt the overall audit process went well with this firm. The cost of Gabridge & Co.'s audit proposal had a lower overall cost and a fixed cost of \$39,645 for three and five year contracts. This cost is net of a 20% discount resulting from the time of year they would perform our audit. One key advantage with Vredevelde Haefner LLC is this firm also performs the audit for the Grand Traverse County Road Commission which should ensure that we have no issues with audit completion and coordination. Vredevelde Haefner LLC also audits the City of Traverse City, and therefore is familiar with our current accounting software. Another advantage with Vredevelde Haefner LLC is the experience of the firm's partners, who each have 27 and 20 years respectively, conducting audits of governmental entities. The Vredevelde Haefner LLC proposal was overall \$15,265 higher when compared to Gabridge & Co. over a three year contract.

It would be our recommendation to award a three year audit contract to Vredevelde Haefner LLC based on this firm's experience, the fact they are also performing the City of Traverse City and Grand Traverse County Road Commission financial audits, and the general opinion this would provide us with another fresh look at our internal accounting controls and financial system.

### Proposal Summary:

<b>Firm</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>	<b>2020</b>	<b>2021</b>
Yeo & Yeo	46,500	48,000	49,500	144,000	51,000	52,500
DG&N	46,500	47,500	48,500	142,500	49,500	50,500
Vredevelde Haefner LLC	44,000	44,750	45,450	134,200	46,200	46,900
Clark Schaefer Hacket	42,000	43,500	45,000	130,500		
Gabridge & Co.	39,645	39,645	39,645	118,935	39,645	39,645
UHY LLP	32,000	32,000	32,000	96,000	32,000	32,000

**RESOLUTION**  
**XX-2018**  
**Commission on Aging**  
**Board Redesign**

WHEREAS, In August 2016, the County Administrator established the Quality Assessment Panel (QAP) to review operations of the Commission on Aging (COA); and,

WHEREAS, The work of the QAP identified a number of areas for improvement and enhancements that would provide better services to the clients of the COA and ensure compliance with best-practices; and,

WHEREAS, The recommendation of the QAP was to redesign the COA to maximize the use of staff time such that it can be designated for work to support client services and the work of the new director and the improvements that are underway at the COA while minimizing the time spent supporting its Commission on Aging Board; and

WHEREAS, Although a board redesign was recommended at that time, after further review, that board design is being reestablished in a manner that will work in an advisory capacity to the Department Director for COA and the County Board of Commissioners; and,

NOW THEREFORE BE IT RESOLVED, that the Grand Traverse County Board of Commissioners approve the following:

- 1) Create new bylaws and rules and regulations for a Commission on Aging Advisory Board.
- 2) The COA Advisory Board shall be comprised of seven (7) members and appointments shall be for three (3) years.
- 3) These members will be appointed by the Board of Commissioners and will focus their advice to the COA Director and County Board specifically on these five areas:
  - Service Quality / Client Satisfaction
  - Financial Oversight, Transparency, and Accountability
  - Compliance with Best-Practices and Legal Responsibilities
  - Healthcare Best-Practices
  - Community Partner for Senior Services; and
- 4) The seven member board will consist of the following:
  - 1 – Commission on Aging Client
  - 1 – Commission on Aging Employee
  - 1 – Board of Commissioner
  - 4 – Citizens
- 5) The COA Advisory Board shall not have any policy making authority as that shall rest with the Board of Commissioners but shall work in an Advisory role to the Department Director and the Board of Commissioners to share knowledge and experience.

APPROVED: January 17, 2018

**RESOLUTION**  
**XX-2017**  
**Board of Commissioners**  
**Appointments to Northwestern Regional Airport Commission**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on January 17, 2018, and reviewed recommendation from the Ad Hoc Committee charged with reviewing applications for individuals interested in appointment to the Northwestern Regional Airport Commission (NRAC); and,

WHEREAS, on January 10, 2018 the Ad Hoc Committee met, six individuals were interviewed for two open positions, and the following recommendations were made:\

- 1) Appoint Dan Ahrns to the three year term, effective immediately through December 31, 2020; and
- 2) Appoint Mike Coco to the three year term, effective immediately through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT the appointments to the Northwestern Regional Airport Commission, as identified above, are hereby approved.

APPROVED: January 17, 2018



# Memorandum

Grand Traverse County  
Administration  
231.922.4797 Fax 231.922.4636  
email: [jderenzy@grandtraverse.org](mailto:jderenzy@grandtraverse.org)

---

**To:** County Board of Commissioners

**From:** Vicki Uppal, County Administrator  
Jean Derenzy, Interim Deputy County Administrator

**Date:** January 12, 2018

**Subject:** Animal Control Recommendation

## **SUMMARY OF ITEM TO BE PRESENTED:**

The Animal Control Ad Hoc Committee of Commissioners' Gore-Follette (Chairman), Johnson and Lathrop was formed in 2017 and met with staff of the Health Department and Sheriff's Department to determine how to meet the long-term needs of Animal Control. The Committee also received assistance and support from citizen interest/advisory group to assist in public input.

At the meeting of January 10, 2018 the Ad Hoc Committee made recommendation to Administration to find funding for the Animal Control Department as well as identify location for where the Department should be located.

With that direction the following is outlined:

Budget for Animal Control: The approach is to have two animal control officers and one supervisor/animal control officer and a .05 clerical support. The Supervisor/Animal Control position will be in the field but assigning duties, responsibilities, setting policies/procedures, approving budgets, handling reports, email, legal consultation and public relations. Added into the personnel costs would be vehicles, office supplies, uniforms, dues, etc. for a total increase to the general fund of \$150,000.

The goal in finding the \$150,000 is to work within the existing budget approved by the County Board. Therefore working with our Finance Director, the following is recommended to fund the Animal Control budget for 2018:

\$110,000 from County Planning – Recommendation is to not hire Planning Director.  
\$ 40,000 from general fund Miscellaneous Contingency (currently there is \$127,000 in that fund).  
\$150,000 Total Needed



Relating location, the Keystone building, which is currently housing COA home chore workers and all equipment would be an ideal location to have the Animal Control operation out of. Having toured the building, there is room that would allow both Animal Control in the front portion of the building and the COA in the back area. There has not been sufficient time to talk with COA Director Cindy Kienlen about how the sharing or timing of this could occur.

Based on the recommendation from the Ad Hoc Committee, identifying the funds to implement the following recommendation is provided.

Progress reports will be provided on a monthly basis on the timing of implementation the full plan of hiring and relocating the program to Keystone.

**RECOMMENDATION:** Approval to staff Animal Control with 2 full time Animal Control Officers; 1 full time Program Supervisor and .05 Office Specialist. Further costs associated with staffing, and expenses totaling \$150,000 above and beyond fees come from the current 2017 budget being from Planning Department and Miscellaneous Contingency.

Further, that location of County property of Keystone be the preferred option to house operation.

**RESOLUTION**  
**XX-2018**  
**Board of Commissioners**  
**Ad Hoc Committee Recommendation for Animal Control**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on January 17, 2018, and reviewed recommendation from the Ad Hoc Committee charged with making a recommendation regarding Animal Control; and,

WHEREAS, this Ad Hoc Committee was established on June 28, 2017, as a result of a study session held by the Board of Commissioners to discuss options for improving the Animal Control Department; and,

WHEREAS, the Committee held several public meetings discussing various options and ideas surrounding the Animal Control Program; and,

WHEREAS, after reviewing the various options available at this time, it is recommended that Grand Traverse County:

- 1) Continue the Animal Control Department having it report to the Health Department;
  - 2) Provide full funding to the department per budget proposed covering 3.105 FTE's;
- And,
- 3) Direct County Administration to provide options for site location.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT the Grand Traverse County Animal Control Department will continue providing services as a part of the Health Department, with funding provided as proposed for 2018, and options will be provided for relocation.

APPROVED: January 17, 2018



## PLANNING DEPARTMENT

400 BOARDMAN AVENUE, SUITE 307  
TRAVERSE CITY, MI 49684  
(P) 231.922.4677  
(F) 231.922.4636  
[www.grandtraverse.org/planning](http://www.grandtraverse.org/planning)

---

**To:** Vicki Uppal, County Administrator  
**From:** John Sych, AICP, Planning Director  
**Date:** January 10, 2018  
**Re:** Planning Commission

---

I have prepared the following information to allow the County to study the future of its planning activities:

County Planning Commission. As with all community planning in Michigan, a Planning Commission (PC) is not mandated. However, if a community does have a PC, then it must adhere to the Michigan Planning Enabling Act and the Zoning Enabling Act. Furthermore, to have a valid master plan, a community must have a planning commission.

If the County decides to eliminate the PC, then it will have to repeal the county ordinance which created the planning commission. Per Public Act 261 of 1965, a member of the PC is a representative on the County Parks and Recreation Commission. This would also have to be addressed to ensure there is a complete parks and recreation commission.

1. **Meetings.** The PC currently meets the 3<sup>rd</sup> Tuesday at 3:00 p.m. Per state statute, the PC must meet at least 4 times per year.
2. **Membership.** The PC has nine members and no vacancies. State statute requires a school district representative on a county planning commission. One member is a representative from TCAPS.

The PC will be holding its regular monthly meeting on January 16, 2018. The purpose of the meeting is to hold their annual election of officers and set the 2018 meeting schedule. In addition, they will be having a discussion among themselves to provide some feedback/thoughts to the County Board and Administration on how to move the PC forward.

Local Zoning and Plan Reviews. Current policy in accordance with state statute has administrative and PC review of all Township zoning changes (see below). This "policing" function ensures that zoning is fair, consistent and follows the requirements of the state of Michigan for the benefit of developers, land owners, residents, and businesses. All master plans (city, villages, and townships)

must be reviewed by the PC per state statute. There are a few approaches to deal with the reviews for the time being:

1. Receive the reviews at Administration and provide them to the PC for their meetings. The PC will need to have some technical guidance in making their reviews.
2. Have the PC adopt temporary policy to waive all reviews.
3. Let reviews lapse. Per state statute, no PC response within 30 days allows reviews to keep moving forward however this does delay the overall process for the townships.

#### Policy Documents.

1. **County Master Plan** (Adopted by County Board in 2013). Per Planning Enabling Act, it should be reviewed by the Planning Commission in 2018 to determine if any changes are necessary. The master plan provides the foundation for many County functions. It provides the reasoning “why” the County has a brownfield redevelopment authority, an economic development corporation, and a land bank authority, construction code department, drain commissioner, parks department, etc. These County programs advance the goals and objectives of the master plan. The master plan is the single overarching policy document to address all kinds of “areas of focus” in the future development of the county.
2. **Long Range Capital Improvement Plan** (Adopted by County Board in 2015). No action is required by the County at this time. The long range CIP complemented the 5-year CIP that used to be completed by Facilities Management. The long range CIP addresses the bigger facility issues (i.e., moving operations, new buildings, etc.)
3. **Housing Inventory and Strategy** (Adopted by County Board in 2013). No action is required by the County at this time.

#### Miscellaneous Items. The following remaining items may be considered:

1. **Census 2020.** I am presently the main contact at the County for the U.S. Census. Someone at the County needs to be identified as the main contact for the U.S. Census Bureau.
2. **Land Bank Project.** I solicited a proposal from Amanda Harrell-Seyburn to conduct planning and design services for the 70-acre Blair Township parcel currently being held by the Township. Should the Land Bank be interested in the proposal, I have attached it here.
3. **Paradise Township Visioning Proposal.** I submitted a proposal for community survey and visioning services. Obviously, these services will no longer be provided.
4. **CDBG Revolving Loan Fund.** A contact at the County is needed for the CDBG RLF program managed by Venture North is needed. The contact will be responsible to coordinate CDBG functions required by the Board of Commissioners for business loans.

Department Files. All information related to the Planning Department is primarily housed under K:\PLANNINGDEV\PLANNING. Other work files can be found under K:\PLANNINGDEV



Grand Traverse County Planning Commission  
**Policy #1: Review of City, Village and Township Plans & Ordinances**  
 Adopted: January 17, 2017

### Introduction

In accordance with the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act, the County Planning Commission may provide recommendations on master plans and zoning ordinances to other units of government. The County Planning Commission and staff will conduct a review prior to the recommendation. The recommendation allows the county planning commission to coordinate planning and zoning efforts by:

1. Providing constructive feedback that will be helpful to the local unit of government.
2. Establishing a dialog with local units of government on planning and zoning issues.
3. Tracking plans and ordinances that become resources for other communities.

### Review Type

Each review will be addressed depending on the type as outlined below:

Review Type	Review is Waived	Planning Commission Review	Committee Review
<b><i>City, Villages, Townships and Counties</i></b>			
Master Plan Amendment		X	
New Master Plan			X
<b><i>Townships Only</i></b>			
Zoning Ordinance – Text Amendment*	X		
Zoning Ordinance – Map Amendment (Rezoning)	X		
Zoning Ordinance – Major Map Amendment (Rezoning) a. Greater than 80 acres in area; or b. within 1/4 mile of township boundary; or c. more than five parcels under separate ownership		X	
Zoning Ordinance – New Chapter		X	
New Zoning Ordinance			X
*Text amendments may include definitions, clarifications or corrections of language or numeric adjustments and addition, alteration or deletion of language to one or more chapters but not the entire chapter.			

#### Committee Review

Planning Commission Chair appointments a committee of planning commissioners to review the item with staff and, if possible, a local representative. Committee provides comments to the Planning Commission. Planning Commission provides any comments to the local unit government.

#### Planning Commission Review

The full Planning Commission reviews item and provides any comments to the local unit of government.

#### Local Representatives

A local representative will be requested to attend the meeting of the Planning Commission for items under Planning Commission or Committee Review. The local representative will be heard by the Planning Commission in order to provide important background information on the item.

#### Request for Review

Any township may, at any time, request a zoning review and recommendation by the Planning Commission.

### **Review of City, Village and Township Master Plans & Amendments**

---

#### Purpose

The purpose of this policy is to coordinate a proposed master plan, or master plan amendment, by any unit of government within or adjacent to Grand Traverse County with the master plan of a neighboring township, city, or village and the Grand Traverse County Comprehensive Plan.

#### Background

In accordance with the Michigan Planning Enabling Act, PA 33 of 2008 as amended, the County Planning Commission has the statutory duty to review proposed master plans and master plan amendments from other units of government.

#### Review

In its review, the County Planning Commission shall consider the following items:

1. Consistency with applicable county and other government agency plans.
2. Compatibility with existing plans and land use policies of neighboring municipalities.
3. Consider comments provided by neighboring municipalities (if available).

#### Response to Unit of Government

The County Planning Commission shall submit to the unit of government its comments



on the proposed plan. These advisory comments shall include, but need not be limited to:

1. A statement whether the County Planning Commission considers the proposed plan to be inconsistent with the plan of any neighboring city, village, township, county or region.
2. A statement whether the County Planning Commission considers the proposed plan to be inconsistent with any county plans.

## **Review of Township Zoning Ordinances & Amendments**

---

### Purpose

The purpose of this policy is to coordinate a proposed zoning ordinance, or zoning ordinance amendment, by any township within Grand Traverse County with the zoning ordinance of a neighboring township, city, or village and ensuring an overall common approach to zoning within the County.

### Background

In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, following a public hearing, the township planning commission shall submit a proposed zoning ordinance or amendment, including any maps, to the County Planning Commission for review and recommendation. If the recommendation has not been received by the township within 30 days after receipt of the zoning ordinance or amendment by the County, it shall be presumed the County Planning Commission has waived its right for review and recommendation.

### Preliminary Review (Optional)

A township, at its option, may submit a proposed zoning ordinance or amendment to the County Planning Commission prior to the formal review process. This review by the County Planning Commission is preliminary and only provides initial feedback on a proposed zoning ordinance or amendment. A preliminary report shall be submitted by the County Planning Commission to the township.

### Review

In its review, the County Planning Commission shall consider the following items:

1. Consistency with applicable county and other government agency plans, including issues of county-wide concern.
2. Compatibility with existing plans and/or zoning ordinances of neighboring municipalities.
3. Determine whether appropriate drafting and adoption procedures have been followed.

4. While it is not required that all townships define its zoning districts the same, the intent and uses permitted in the zoning districts should be similar.

Response to Township

The County Planning Commission shall submit to the township its comments on the proposed zoning ordinance.



The Institute for Public Policy and Social Research

# Policy Brief

Volume 8

[www.ippsr.msu.edu/ppie/policybrief.htm](http://www.ippsr.msu.edu/ppie/policybrief.htm)

January 2004

## To Plan or Not to Plan Current Activity within Michigan's Local Governments



### Welcome

Welcome to the latest edition of IPPSR Policy Brief. This edition was prepared using data generated by the Michigan Local Planning and Zoning Survey 2003, conducted by IPPSR's Office for Survey Research. The complete dataset may be viewed online at our website.

This is a publication of the Institute for Public Policy and Social Research that is meant to bring the latest research in executive summary format to policymakers and those interested in public policy issues. We value your input. Please let us know if you have any suggestions for future issues.

### Why Planning and Zoning?

City planning has taken place for thousands of years, since the birth of cities themselves. As people began to come together to form urban centers, there was a need to organize into a meaningful pattern on the land. Where would people live? Where would commerce take place? Where would public works be developed? Where would roads be developed? As citizens answered these questions, cities took shape. One can look back to the grid-based system of ancient Roman cities to see that even by that time, logical systems had been developed to help urban areas efficiently

meet the needs of their populace in a visually appealing manner.

The same questions asked thousands of years ago continue to be the same basic questions asked of modern community planners. Central cities, suburbs, and rural areas alike have discovered a need to plan for how they will develop. A multitude of tools are now at the disposal of planners to assist them in helping shape communities at present and into the future. One very powerful, commonly-used tool is zoning.

Zoning is a way of controlling how land develops by dividing a community into certain areas and reserving each area for a specific purpose, such as residential development or industrial use. Within these districts, zoning can also be used to control the actual development on a piece of property. For instance, residential lot sizes may be limited to a minimum of one acre, or the height of a building may be capped at eighty feet. A U.S. Supreme Court decision in 1926 established the legality of zoning and allowed for its widespread use across the country.

### How Does It Work in Michigan?

Planning and zoning in Michigan has most certainly been shaped by the structure of its

local units of government. Some 1,857 local units of government (272 cities, 261 villages, 1,241 townships, and 83 counties) occupy the landscape of the state. Counties in Michigan were first organized by the Northwest Territory Act of 1787; townships were laid out as the survey units of each county. As population in Michigan rapidly grew in the late 1800's, local units of government were called on to exercise more governmental responsibilities. In 1908, Michigan became a "home rule" state, thus mandating cities and villages to adopt charters to guide their governments. Similar powers were granted to charter townships in 1947. In the 1920's and 1930's, cities, villages, townships, and counties were first granted zoning, then planning, authority. Some of these laws were replaced in the 1940's when regional planning was first authorized.

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**IPPSR**



## IPPSR Policy Brief

is an executive-style briefing of current legislative topics published by:

# IPPSR

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From 1934 to 1947, Michigan had a State Planning Commission in place. The Commission initiated comprehensive planning efforts that cut across all state departments and focused on achieving integrated and coordinated land-use planning. In addition to inventorying state resources and planning, the Commission was responsible for approving all county zoning ordinances, and also assisted in developing them. The Commission was terminated in 1947.

Without a statewide planning commission in place, local units of government were essentially free to plan and zone for their development as they saw fit, without necessarily taking into account surrounding communities. A somewhat confusing system emerged, as counties can plan for all units in a county, but only zone those townships without zoning in place. Local governments can choose to do their own planning and zoning, or, in some instances, not to do either. What has resulted is a hodgepodge of local units of governments with varying levels of planning.

Noting that there are indeed many units of government in Michigan exercising planning and zoning power, there have been seven systematic surveys of every local unit of government in Michigan to ascertain their planning and zoning capacities. Two were conducted by the State

Planning Commission. Four more were conducted by the State in 1969, 1972, 1976, and 1979. The last survey of this nature was conducted for the Michigan Society of Planning Officials by a consulting firm in 1994, and received about a 76% response rate.

## IPPSR Survey

Noting that data on the planning and zoning capacities of local units of government had not been collected in nearly ten years, Michigan State University sought to update the previous 1994 survey. Statewide agencies had been routinely using ten year-old data to describe the state of local planning and zoning in Michigan. Thanks to grant funding from the W.K. Kellogg Foundation of Battle Creek, MSU's Institute for Public Policy and Social Research (IPPSR) was able to move forward with conducting this important survey. IPPSR partnered with several groups to make the survey a success: the Planning and Zoning Center, the Michigan Association of Counties, the Michigan Municipal League, the Michigan Society of Planning, the Michigan Townships Association, and MSU Extension.

The Michigan Local Planning and Zoning Survey 2003 was conducted by IPPSR's Office for Survey Research (OSR) between March 3 and September 30 of 2003. (The original survey document can be found online at [www.ippsr.msu.edu/PPIE/LandUse/Resources.htm](http://www.ippsr.msu.edu/PPIE/LandUse/Resources.htm)). Initial surveys were mailed to all counties, townships, cities, and villages in Michigan, with reminder postcards following shortly after. A second full mailing was sent to non-respondents. By June, OSR's phone laboratory began making follow-up phone calls to communities, first as a reminder, then to obtain missing information. By October, when the data collection phase was officially concluded, information had been collected from a staggering 93% of local governments in Michigan. By then, a process was initiated to

validate the information by performing logic checks and verifying suspect information.

## Results of the Survey

During the survey process, two findings became immediately clear, though they were certainly not anticipated. One was that the sheer number of local governments in the state - 1,857 - was an overwhelming number with which to deal. Establishing contact and obtaining just basic information from this large a number of jurisdictions required an exceptional amount of time and funding. The second finding was that quite often communities were not aware of who was in charge of planning and zoning, or even whether or not the community had zoning in place. This led to some miscommunications. For instance, in a number of cases, several surveys were returned by different people for the same community, but with different information provided.

### Master Planning

Approximately 27% of all local governments in Michigan do not have any sort of master planning document in place. Eighty percent of these communities also have a population of fewer than 2,000 persons. As the population of a community increases, so too does the likelihood that it will have a master plan in place. The one caveat to this generalization is that it does not apply to counties. Eight of Michigan's 20 largest counties (ranging from Macomb County to Muskegon County) do not have a master plan. This is so because in these more urban counties, local government units are more likely to have larger populations and thus more apt to plan for themselves.

Among community types, cities by far have the highest tendency to plan: only 5% of cities do not have a master plan in place (the most populous city in Michigan to report not having

**Figure 1. Master or Comprehensive Plan by Community Type**

		Type of Community				Total
		City	Village	Township	County	
Has your Community Adopted a Master or Comprehensive Plan?	Yes	254	155	756	61	1226
	No	12	67	364	22	465
Total		266	222	1120	83	1691

one is Owosso). Counties, townships, and villages all have master planning documents at about the same rate: between 71-74% (See Figure 1).

Regionally, Southeast Michigan communities have the most master planning documents in place (only 4% do not have any). Eighty-one percent of Southwest Michigan communities have master plans, while East-Central and West-Central Michigan communities have rates of 75% and 71%, respectively. Only 58% of communities in the Northern Lower Peninsula have master plans; that number drops to 45% in the Upper Peninsula.

In the 1994 survey, 69% of Michigan communities had adopted master plans. Today, three-quarters of Michigan's communities have a master plan on record. Also, 640 communities indicated in the survey that they have either updated their master plan since 2000 or are currently in the process of doing so.

### Zoning Ordinances

Three out of four Michigan communities have their own zoning ordinances in place. An additional 13% are subject to county zoning (Bagley Township in Otsego County is the most populous township to report being subject to county zoning), bringing the total number of communities in Michigan with zoning ordinances up to 88% (Boston Township in Ionia County is the most populous township reporting that it has no zoning). A quarter of these communities are counties. Nineteen of Michigan's twenty largest counties do not zone at a county-wide level (Eaton County is the only one with county-wide zoning). Again,

**Figure 2. Zoning Ordinance by Community Type**

		Type of Community				Total
		City	Village	Township	County	
Has your Community Adopted a Zoning Ordinance?	Yes	265	186	797	25	1273
	No	1	38	325	58	422
Total		266	224	1122	83	1695

this is so because in these more urban counties, local government units are more likely to have larger populations and thus more apt to conduct zoning.

Almost all cities in Michigan (at least 97%) report having zoning ordinances. Eighty-three percent of villages and townships (both those with their own zoning and those subject to county zoning) report having zoning ordinances. Counties have the lowest rate of zoning ordinances in place; only 30% of counties have zoning ordinances (See Figure 2).

Once again, communities in Southeast Michigan are the most likely to have zoning ordinances on file: 95%. Southwest Michigan communities have zoning ordinances at a rate of 81%. East-Central and West-Central Michigan have respective rates of 79% and 72%. The Northern Lower Peninsula and the Upper Peninsula have identical rates of 59%.

The number of communities in Michigan with zoning ordinances in 2003 is approximately the same as it was in 1994. Though the overall number has changed little, there has been

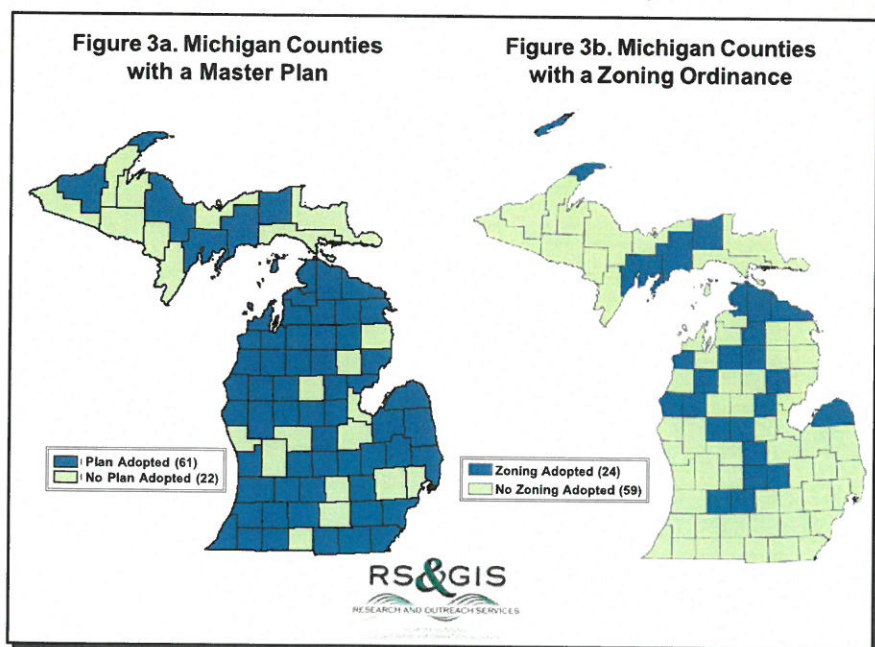
some activity in the addition and dissolution of zoning ordinances. For instance, in 2001 Lake County adopted county-wide zoning. As a result, several townships in Lake County went from having no zoning to county zoning. Two additional townships in Lake County adopted their own zoning ordinances at the same time. While Lake County was adjusting to its new ordinances, a year later (2002) Alger County repealed its zoning ordinances, citing that, "zoning seems to be more effective on the local level." Lake County remains in a state of transition, as several of its townships have or are working towards adoption of their own zoning ordinances.

### Regional Cooperation

Sixty-five percent of respondents report that their community works closely with neighboring units of government to plan for land use, growth, and development. Some 83% of counties report that they work closely, while only 54% of villages indicate close cooperation. Collaboration between governmental units did not seem to depend on area of the state. A better predictor of cooperation was population. As this measure increases, so does the likelihood that a community will work with its neighbors. Only 47% of communities with population under 500 work closely with their neighbors, while 80% of communities over 100,000 do so.

### GIS Usage

While a full two-thirds of communities in Michigan report that they update and maintain planning and zoning information using a computer database or other electronic retrieval system, only 30% of communities use a Geographical Information System (GIS) (Arcview is the most-used GIS system in use in Michigan, according to the survey). Counties are by far the leading users of GIS: two-thirds of counties have a system in operation. Forty-two percent of cities use GIS, but only 26% of townships and 14% of villages do. Certainly, the expense of owning and operating a GIS system is more cost-effective for larger units of government. Indeed, 95% of communities with over 100,000 residents have GIS in place,





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compared to 13% of communities with under 500 residents. There is some slight variation in GIS usage from region to region. Southeast Michigan has a rate of GIS usage of 42% in its local governments, whereas the Upper Peninsula and East-Central regions only have a usage rate of 18-19%. Other regions exhibit an approximate rate of 30%.

### **Conclusion**

Though it can be said that not much has changed in terms of the

number of communities practicing planning and zoning in the state, it is still significant to point out that even today, 27% of Michigan's communities still have no master planning document in place. On top of that, at least 12% (220) of Michigan's communities have no zoning. While it is mostly smaller communities that do not plan or zone, a number of these places are located in areas that are or could soon be high-growth areas. This is especially significant given that development in Michigan is outpacing its population growth rate eight times over. As a result, areas with a rural character now could soon find themselves under

immense development pressure. Even if the pressure to develop is not so great, a community can only benefit from putting some thought into where and how future development will occur.

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And though some counties are removing themselves from the planning and zoning business, it arguably makes more sense for these larger units (and, indeed,

regions) to be more greatly involved in planning and zoning decisions. Planning at the county or regional level would not only allow for a pooling of capacity at one centralized office, but it would also allow for a more efficient land-use plan for a larger land area.

While two-thirds of local government units across the state report that they are working closely with other neighboring units to more effectively address planning and land-use issues, a full one-third (around 600) are not. Perhaps in the future these units will work more

closely together, in order to more efficiently use resources (human, technological, and otherwise) and jointly plan.

### **For More Information**

For a detailed look at the institutional structure for making land-use decisions in Michigan, please see the Institutional Structure for Land Use Decision Making in Michigan: Working Paper prepared for the Michigan Society of Planning Officials by Mark Wyckoff, FAICP, of the Planning & Zoning Center. For further information, please contact David Downey at the Michigan Society of Planning at [ddowney@planningmi.org](mailto:ddowney@planningmi.org) or (734) 913-2000.

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