

January 27, 2015

The regular meeting of the Otsego County Board of Commissioners was held at the County Building, 225 West Main St., Room 100. The meeting was called to order at 9:30 a.m. by Chairman Ken Borton. Invocation by Commissioner Paul Beachnau, followed by the Pledge of Allegiance led by Mary Sanders.

Roll Call:

Present: Julie Powers-Gehman, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix, Doug Johnson, Ken Borton, Bruce Brown.

Motion by Commissioner Paul Liss, to approve the regular minutes of January 13, 2015 with attachments. Ayes: Unanimous. Motion carried.

Consent agenda:

Motion to approve FY 2015 Groen Nature Preserve Budget Amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve FY 2015 General Fund Snowmobile Grant Budget Amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve FY 2015 Equipment Fund (Computers) Budget Amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve FY 2015 Capital Projects Budget Amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve FY 2014 Miscellaneous Budget Amendments. Ayes: Unanimous. Motion carried. (see attached)

USDA Grant Public Hearing (OCEMS Ambulance) was opened at 9:33 a.m. Public hearing was closed at 9:35 a.m.

Dona Wishart reported on the Commission on Aging

Committee Reports:

Motion by Commissioner Paul Beachnau, to approve the addition of one full-time Sheriff's Deputy position along with the associated budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Administrator's Report:

John Burt reported on the Sheriff Office remodeling; Ice rink; cutting trees at the Groen Nature Preserve.

Special Presentations:

Kelley Heimstra reported on the MSU Extension.

Department Head Report:

Bill Michaels reported on the Sportsplex.

City Liaison, Township and Village Representative:

Bill Wishart reported on the City Council meeting.

Mary Sanders reported on the Townships.

Matt Nowicki reported on the Sheriff's Department.

Roberta Tholl reported on the Road Commission.

Correspondence: None.

New Business:

Motion by Commissioner Julie Powers-Gehman, to approve the January 20, 2015 Warrant in the amount of \$72,010.91. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Liss, to approve the January 27, 2015 Warrant in the amount of \$216,157.29. Ayes: Unanimous. Motion carried.

Motion by Commissioner Lee Olsen, to adopt resolution OCR 15-02 proclaiming April as Social Host Awareness:

Roll Call Vote:

Ayes: Julie Powers-Gehman, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Erma Backenstose, to approve the Straits Area Narcotics Enforcement (SANE) Interlocal Agreement. Ayes: Unanimous. Motion carried. (see attached)

Public Comment:

Chairman Ken Borton opened up the meeting for public comment.

Board Remarks:

Commissioner Paul Beachnau reported on a non-motorized trail project meeting; Chamber of Commerce awards banquet February 10, 2015 at Treetops at 6:00 p.m.

Motion by Commissioner Paul Beachnau, to encourage and direct Otsego County Prosecutor Mike Rola, to prosecute those individuals found responsible for the malicious destruction of property at Treetops Resort over the weekend of January 16, 17, and 18 to the fullest extent of the law. Ayes: Unanimous. Motion carried.

Commissioner Julie Powers-Gehman had no report.

Commissioner Lee Olsen attended the BeBloomin presentation.

Commissioner Erma Backenstose had no report.

Commissioner Paul Liss had no report.

Commissioner Richard Sumerix had no report.

Commissioner Doug John attended the BeBloomin presentation.

Commissioner Ken Borton had no report.

Meeting adjourned at 10:45 a.m.

Kenneth Borton, Chairman

Susan I. DeFeyter, Otsego County Clerk



**OTSEGO COUNTY
BUDGET AMENDMENT**

(2015)

FUND/DEPARTMENT: Equipment Fund

As provided for in the Uniform Budget and Accounting Act of 1978, as amended, and consistent with Otsego County Policy, the Administrator and Finance Director are hereby authorized to record the following adjustments to the budget.

Fund Type: General Special Revenue Debt Service Capital Project Business-Type (Enterprise or Internal Svc)

DESCRIPTION Bring remaining budget dollars forward into 2015 to complete virtual server project (project total is \$37,413; \$29,922 was completed in 2014)

REVENUE

Account Number	Decrease	Increase
266-050-400.001 Budgeted Use of Fund Balance	\$	\$ 7,491
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
266-9001-970.440 Property - Computers	\$ 7,491	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

Rachel Frinch 1/16/15
Department Head Signature Date

Finance Department
Entered:
By:

Administrator's Signature Date

1/27/15
Board Approval Date (if necessary)

Budget Adjustment #

Posting Number

01/15/2015

REVENUE AND EXPENDITURE REPORT FOR OTSEGO COUNTY
PERIOD ENDING 12/31/2014

2014

GL NUMBER	DESCRIPTION	YTD BALANCE 12/31/2013	2014 AMENDED BUDGET	YTD BALANCE 12/31/2014	AVAILABLE BALANCE
Fund 101 - GENERAL FUND					
Expenditures					
Dept 101-COMMISSIONERS					
101-101-703.040	PER DIEM	21,440.00	25,000.00	25,680.00	(1,120.00)
101-101-704.110	HOSPITALIZATION	26,604.70	26,697.00	25,506.12	<u>1,120.00</u>
					0.00
Dept 215-COUNTY CLERK/ROD					
101-215-703.010	REG EMP - DEPT DIR/COMM	53,086.02	52,395.00	53,882.14	(1,488.00)
101-215-704.400	EDUCATION & TRAINING				180.00
101-215-930.600	MEMBERSHIPS AND DUES				63.00
101-215-703.060	PART TIME WAGES				297.00
101-215-704.800	SICK PAY BUYOUT				407.00
101-215-726.000	SUPPLIES				<u>541.00</u>
					0.00
Dept 261-COOPERATIVE EXTENSION					
101-261-704.500	UNEMPLOYMENT COMPENSA	360.00	150.00	380.00	(230.00)
101-853-940.110	RETIREE HC				<u>230.00</u>
					0.00
Dept 267-PROSECUTOR					
101-267-703.010	REG EMP - DEPT DIR/COMM	75,273.38	79,863.00	79,863.68	(1.00)
101-267-703.070	OVERTIME	0.00	0.00	142.75	(143.00)
101-267-704.140	LIFE AND DISABILITY	2,307.55	2,920.00	2,985.24	(66.00)
101-267-704.301	POST EMLMT HLTH CARE SA	1,350.00	1,400.00	1,410.00	(10.00)
101-267-704.500	UNEMPLOYMENT COMPENSA	2,294.86	1,800.00	2,210.04	(411.00)
101-267-920.410	SERVICE CONTRACTS	3,877.64	2,802.00	2,866.39	(65.00)
101-267-930.500	TRAVEL	2,062.83	1,230.00	1,381.48	(152.00)
101-267-703.020	SALARIES				848.00
					0.00
Dept 301-SHERIFF					
101-301-703.010	REG EMP - DEPT DIR/COMM	61,129.90	64,857.00	64,858.04	(2.00)
101-301-704.500	UNEMPLOYMENT COMPENSA	2,520.00	2,400.00	2,660.00	(260.00)
101-301-704.800	SICK PAY BUY OUT	1,764.25	3,399.00	3,674.81	(276.00)
101-301-801.020	PROFESSIONAL	267.00	400.00	1,755.02	(1,356.00)
101-301-930.660	GASOLINE	25,719.23	20,000.00	20,405.67	(406.00)
101-301-703.030	WAGES/HOURLY				<u>2300.00</u>
					0.00
Dept 302-SHERIFF - CIVIL DIVISION					
101-302-703.060	PART-TIME/TEMPORARY	24,094.52	27,730.00	29,473.28	(3,000.00)
101-302-704.200	SOCIAL SEC CONTRIBUTIONS	1,843.22	2,140.00	2,243.02	(500.00)
101-302-726.000	SUPPLIES - GENERAL	666.18	1,629.00	1,640.36	(500.00)
101-302-726.050	REPAIRS AND MAINT SUPPLIE	327.62	924.00	928.60	(500.00)
101-131-703.060	PART-TIME/TEMPORARY				<u>2,500.00</u>

101-131-703.070	OVERTIME				2000.00
					0.00
Dept 834-SECONDARY ROAD PATROL					
101-334-703.030	REGULAR - HOURLY	40,604.29	43,907.00	45,136.88	(1,230.00)
101-334-703.070	OVERTIME	2,534.87	5,000.00	5,286.56	(287.00)
101-334-704.200	SOCIAL SEC CONTRIBUTIONS	3,263.85	3,472.00	3,815.80	(344.00)
101-334-704.300	RETIREMENT CONTRIBUTIONS	3,517.46	1,103.00	1,146.52	(44.00)
101-334-930.660	GASOLINE	9,088.36	7,500.00	7,820.28	(321.00)
101-301-703.030	WAGES/HOURLY				2226.00
					0.00
Dept 351-JAIL					
101-351-703.030	REGULAR - HOURLY	420,666.01	440,032.00	446,818.88	(6,787.00)
101-351-704.200	SOCIAL SEC CONTRIBUTIONS	36,618.99	34,926.00	37,881.63	(2,956.00)
101-351-704.300	RETIREMENT CONTRIBUTIONS	54,865.50	55,652.00	58,788.15	(3,136.00)
101-351-920.520	RENTAL - EQUIP/VEHICLES	1,102.50	500.00	890.55	(391.00)
101-351-930.210	TELEPHONE	0.00	(3,000.00)	0.00	(900.00)
101-351-930.230	CELLULAR	794.11	60.00	709.08	(650.00)
101-351-930.660	GASOLINE	0.00	0.00	535.93	(536.00)
101-351-703.060	PART-TIME/TEMPORARY				1,045.00
101-351-703.070	OVERTIME				770.00
101-351-704.110	HOSPITALIZATION				4,449.00
101-351-704.140	LIFE AND DISABILITY				1,197.00
101-351-704.400	EDUCATION & TRAINING				1,000.00
101-351-704.600	WORKERS COMP				1,336.00
101-351-704.800	SICK PAY BUY OUT				5,559.00
					0.00
Dept 445-DRAINS					
101-445-930.999	MISC OTHER SERVICES	4,250.00	5,000.00	8,780.00	(3,780.00)
101-853-940.110	RETIREE HC				3780
					0.00
Dept 682-VETERANS AFFAIRS					
101-682-703.010	REG EMP - DEPT DIR/COMM	22,563.89	22,861.00	22,953.92	(93.00)
101-682-703.060	PART-TIME/TEMPORARY	2,141.27	2,408.00	2,332.94	(225.00)
101-682-704.200	SOCIAL SEC CONTRIBUTIONS	1,764.04	1,785.00	1,792.25	(8.00)
101-682-704.300	RETIREMENT CONTRIBUTIONS	5,807.30	7,005.00	7,147.53	(143.00)
101-853-940.110	RETIREE HC				469.00
					0.00
Dept 721-PLANNING / ZONING					
101-721-703.070	OVERTIME	0.00	0.00	259.38	(260.00)
101-853-940.110	RETIREE HC				260
					0.00
Dept 864-DISTRIBUTIVE SERVICES					
101-864-920.410	SERVICE CONTRACTS	5,128.48	6,300.00	6,518.12	(219.00)
101-864-930.150	SERVICE CHARGES	8,373.65	13,500.00	13,677.93	(178.00)
101-853-940.110	RETIREE HC				397.00
					0.00

Rachel Arisoch

01/16/2015

 REVENUE AND EXPENDITURE REPORT FOR OTSEGO COUNTY
 PERIOD ENDING 12/31/2014

2014

GL NUMBER	DESCRIPTION	YTD BALANCE 12/31/2013	2014 AMENDED BUDGET	YTD BALANCE 12/31/2014	AVAILABLE BALANCE
Fund 208 - PARKS AND RECREATION					
Dept 752-RECREATIONAL PROGRAMS					
208-752-703.030	REGULAR - HOURLY	66,497.41	66,884.00	67,456.26	(573.00)
208-752-703.070	OVERTIME	7,395.37	4,000.00	6,876.57	(2,877.00)
208-752-704.200	SOCIAL SEC CONTRIBUTIONS	12,720.78	12,216.00	12,657.91	(442.00)
208-752-704.300	RETIREMENT CONTRIBUTIONS	24,753.97	27,929.00	28,477.15	(549.00)
208-752-704.500	UNEMPLOYMENT COMPENSATION	2,657.11	805.00	2,672.38	(1,868.00)
208-752-704.600	WORKERS COMPENSATION	6,941.25	4,011.00	5,792.44	(1,872.00)
208-752-704.700	PAYMENTS IN LIEU OF INSURANCE	2,000.00	2,000.00	2,038.88	(39.00)
208-752-726.046	SUPPLIES - UNIFORM/ACC	1,123.80	400.00	439.30	(40.00)
208-752-930.230	CELLULAR	1,162.05	1,400.00	1,463.81	(64.00)
208-752-930.450	SHIPPING AND MAILING	139.74	279.00	287.46	(9.00)
208-752-930.660	GASOLINE	4,850.68	3,800.00	4,261.99	(462.00)
208-752-940.010	OUTSIDE CONTRACTED SERVICES	0.00	0.00	20.00	(20.00)
208-752-940.010-V	OUTSIDE CONTRACTED SERVICES	3,175.00	(125.00)	0.00	(125.00)
208-751-703.010	SALARY DIRECTOR				1,104.00
208-751-703.060	PART TIME				2,500.00
208-751-704.140	LIFE DISABILITY				105.00
208-751-704.301	POST EMPLOYMENT HEALTH CARE SAVINGS				45.00
208-751-726.000	SUPPLIES				85.00
208-751-920.200	WATER/SEWAGE				44.00
208-751-704.110	HOSPITALIZATION				389.00
208-050-400.001	BUDGETED USE OF FUND BALANCE				<u>4,668.00</u>
					0.00
Fund 212 - ANIMAL CONTROL					
Dept 430-ANIMAL CONTROL					
212-430-703.030	REGULAR - HOURLY	88,771.87	87,481.00	92,853.86	(5,373.00)
212-430-704.110	HOSPITALIZATION	23,125.68	22,803.00	26,668.56	(3,866.00)
212-430-704.140	LIFE AND DISABILITY	1,372.10	1,812.00	2,430.29	(619.00)
212-430-704.300	RETIREMENT CONTRIBUTIONS	10,727.01	10,388.00	11,696.34	(1,309.00)
212-430-704.301	POST EMPLMT HLTH CARE SAVINGS	1,440.00	0.00	1,440.00	(1,440.00)
212-430-704.500	UNEMPLOYMENT COMPENSATION	1,440.00	150.00	1,888.69	(1,739.00)
212-430-703.060	PART TIME				677.00
212-430-703.070	OVERTIME				46.00
212-430-704.400	EDUCATION AND TRAINING				255.00
212-430-930.471	MEDICAL				500.00
212-430-930.610	NATURAL GAS				596.00
212-906-990.201	INTEREST PAYMENT				2,154.00
212-941-999.990	CONTRIBUTION TO FUND BALANCE				<u>10,118.00</u>
					0.00

Fund 232 - HOUSING COMMISSION					
232-999-999.000	TRANSFER OUT	51,337.52	56,336.00	68,532.25	(12,197.00)
232-050-400.001	BUDGETED USE OF FUND BALANCE	51,337.52	56,336.00	68,532.25	<u>12,197.00</u>
					0.00
Fund 249 - BUILDING INSPECTION FUND					
249-371-703.060	PART-TIME/TEMPORARY	6,948.10	11,488.00	14,836.00	(3,348.00)
249-371-703.030	HOURLY WAGES				<u>3348</u>
					0.00
Fund 261 - 911 SERVICE FUND					
261-427-703.070	OVERTIME	18,314.31	0.00	373.28	(374.00)
261-427-704.110	HOSPITALIZATION	57,009.86	0.00	1,041.41	(1,042.00)
261-427-704.140	LIFE AND DISABILITY	1,739.67	0.00	15.08	(16.00)
261-427-704.500	UNEMPLOYMENT COMPENSATION	2,160.00	0.00	204.90	(205.00)
261-427-704.600	WORKERS COMPENSATION	716.92	0.00	16.98	(17.00)
261-427-801.020	PROFESSIONAL	1,532.38	0.00	333.98	(334.00)
261-427-930.100	INSURANCE AND BONDS	608.00	0.00	1,863.00	(1,863.00)
261-427-930.230	CELLULAR	1,314.75	1,000.00	1,098.63	(99.00)
261-427-940.010	OUTSIDE CONTRACTED SERVICES	149,935.83	488,641.00	531,291.75	(42,651.00)
261-050-400.001	BUDGETED USE OF FUND BALANCE				<u>46,601.00</u>
					0.00
Fund 266 - EQUIPMENT FUND					
266-901-920.400	REPAIRS AND MAINTENANCE SVCS	51.49	180.00	1,222.55	(1,043.00)
266-050-400.001	BUDGETED USE OF FUND BALANCE				<u>1,043.00</u>
					0.00
Fund 645 - ADMINISTRATIVE SERVICES					
Dept 172-COUNTY ADMINISTRATOR					
645-172-704.140	LIFE AND DISABILITY	1,504.55	1,822.00	2,397.27	(576.00)
645-172-704.301	POST EMPMT HLTH CARE SAVINGS	0.00	0.00	560.00	(560.00)
645-172-726.300	SOFTWARE UPGRADES				280
645-172-930.230	CELLULAR				206
645-172-704.400	EDUCATION AND TRAINING				<u>650</u>
					0.00

Rachel Frisch



**OTSEGO COUNTY
BUDGET AMENDMENT**

Pg 1 of 2
2015

FUND/DEPARTMENT: General Fund/Sheriff Dept

As provided for in the Uniform Budget and Accounting Act of 1978, as amended, and consistent with Otsego County Policy, the Administrator and Finance Director are hereby authorized to record the following adjustments to the budget.

Fund Type: General Special Revenue Debt Service Capital Project Business-Type (Enterprise or Internal Svc)

DESCRIPTION Addition of full-time Sheriff Deputy position

REVENUE

Account Number	Decrease	Increase
101-050-699.030RSRF Transfer In	\$	\$ 55,040
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
101-301-703.030 Hourly Wages	\$ 33,083	\$
101-301-704.800 Sick Pay Buyout	\$ 891	\$
101-301-704.200 Payroll Taxes	\$ 2,274	\$
101-301-704.500 Workers Comp	\$ 1,168	\$
101-301-704.300 Retirement	\$ 2,177	\$
101-301-704.110 Health Insurance	\$ 14,786	\$
Total	\$	\$

Rachel Fresh
Department Head Signature

1/22/15
Date

[Signature]
Administrator's Signature

1/23/15
Date

Finance Department
Entered:
By:

1/27/15
Board Approval Date (if necessary)

Budget Adjustment #

Posting Number

OCR 15-02
April 2015 is Social Host Awareness Month
Otsego County Board of Commissioners
January 27, 2015

WHEREAS, adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety and legal problems; and

WHEREAS, alcohol is the drug of choice among America's adolescents and is used by more young people than tobacco or illicit drugs. More than one fifth of youth begin drinking before age 13; and

WHEREAS, underage drinking contributed to a wide range of costly health and social problems, including motor vehicle crashes (the greatest single mortality risk for underage drinkers); suicide; interpersonal violence (e.g. homicides, assaults, rapes); unintentional injuries such as burns, falls, and drowning; brain impairment; alcohol dependence; risky sexual activity; academic problems; and alcohol and drug poisoning; and

WHEREAS, on average, alcohol is a factor in the deaths of approximately 4,700 young people in the United States per year, shortening their lives by an average of 60 years; and

WHEREAS, Research shows that young people's brains keep developing well into their 20s. Alcohol can alter this development, potentially affecting both brain structure and function. This may cause cognitive or learning problems and/or make the brain more prone to alcohol dependence. This is especially a risk when people start drinking young and drink heavily; and

WHEREAS, according to the 2014 Michigan Profile for Healthy Youth report, of 14 counties of northern Michigan who participated, an average of 23.8% of 9th graders and 49.6% of 11th graders have been drunk in their lifetime. Of these reporting students, who drank recently, 58.9% reported that they usually drank alcohol at another person's home during the past 30 days; and

WHEREAS, one-hundred percent of any alcohol consumed by a minor came from an adult. At one time, an adult over the age of 21 was in control of the alcohol and a minor gained access to it; and

WHEREAS, it is illegal for adults to knowingly allow their child's friends to drink alcohol in their home, even with the permission of the friends' parents, and adults have the authority and should have the responsibility to take steps to reduce the likelihood that their homes will become venues for underage drinking; now, therefore, be it

RESOLVED, that the Otsego County Board of Commissioners, do hereby proclaim that April 2015 is Social Host Awareness Month. We also call upon all parents, citizens, homeowners and property owners to host gatherings responsibly and take measures to eliminate access of alcohol to persons under the age of 21.

**INTERLOCAL AGREEMENT
STRAITS AREA NARCOTICS ENFORCEMENT**

WHEREAS, the participating entities Cheboygan County, Emmet County, Otsego County, City of Gaylord, City of Petoskey and Michigan Department of State Police ("participating entities") enter into this agreement pursuant to the Urban Cooperation Act, MCL 124.501 et seq.;

WHEREAS, the participating entities are desirous of establishing a cooperative task force by combining their investigative services, manpower, and/or resources for the purpose of enforcing narcotic and/or controlled substance laws and deterring related criminal activity; and

WHEREAS, the participating entities do not intend by this agreement to establish this task force or its command board as a separate legal or administrative entity under Section 7 (1) of the Urban Cooperation Act, MCL 124.507 (1) and have not therefore provided for or otherwise established such an entity by the terms of this agreement.

THEREFORE, in consideration of the mutual interest, obligations and promises herein contained, the participating entities hereto agree as follows:

ARTICLE I

OPERATIONAL PROCEDURES AND GUIDELINES

I. PURPOSE

The participating entities enter into this agreement to create Straits Area Narcotics Enforcement for the purpose of combining their efforts toward the enforcement of narcotic and controlled substance laws in the State of Michigan.

II. COMMAND BOARD

A Command Board shall be formed which will consist of the administrative heads, or their representatives, of the police agencies of the participating entities contributing law enforcement personnel to Straits Area Narcotics Enforcement, or meeting obligations of a participating entity as established in the bylaws. The Command Board shall meet on matters concerning the day to day operations of the team. A quorum shall consist of a simple majority of the members present and voting.

III. OPERATION POLICIES AND PROCEDURES

The Command Board shall adopt by-laws for the operational policies and procedures to be implemented and followed by Straits Area Narcotics Enforcement.

IV. PERSONNEL AND COMPENSATION

All participating entities shall maintain at least one (1) full time police officer assigned to exclusively work in drug law enforcement with Straits Area Narcotics Enforcement, or make a monetary contribution as established in the bylaws.

Each law enforcement officer assigned to Straits Area Narcotics Enforcement by his/her

participating entity's police agency shall remain an agent of that participating entity's police agency. Said participating entity and officers assigned to Straits Area Narcotics Enforcement agree to conform to all operating procedures established by Michigan Department of State Police, Field Services Bureau Policy Book, specifically including but not limited to, the handling of narcotic cases, confidential informants, evidence, and forfeiture procedures.

Personnel costs for sworn law enforcement officers assigned to Straits Area Narcotics Enforcement, including wages, overtime, insurance, and other fringe benefits shall be provided for and paid by the participating entity supplying such personnel. The exception would be those personnel funded through grants.

V. COMMANDER

The Michigan Department of State Police shall appoint a Straits Area Narcotics Enforcement Commander who shall have the authority, as designated by the Michigan Department of State Police and the Command Board, to coordinate the operation of Straits Area Narcotics Enforcement. The Commander will arrange for the training of participating police personnel, for the control and accounting of expenditures and property, and for the filing of a monthly report of Straits Area Narcotics Enforcement activity to each Command Board member.

VI. LIABILITY AND INSURANCE

Liability insurance and/or legal representation in civil suits for alleged tortious conduct and/or civil rights violations against Straits Area Narcotics Enforcement personnel, a participating entity, and/or a participating entity's representative on the Command Board is the individual responsibility of each participating entity and a participating entity may provide liability insurance and/or legal representation for itself, for its personnel on Straits Area Narcotics Enforcement and/or for its representative on the Command Board.

A judgment for actual and/or punitive damages resulting from a finding of tortious conduct or violation of civil rights, against a participating entity's personnel, a participating entity itself and/or a participating entity's representative on the Command Board, may be paid by the participating entity which supplied the personnel against whom a judgment entered and/or which appointed the representative against whom a judgment entered. No participating entity, Straits Area Narcotics Enforcement personnel or Command Board representative is liable for or required to satisfy a judgment against another participating entity, that entity's personnel on Straits Area Narcotics Enforcement or that entity's representative on the Command Board. Further, Straits Area Narcotics Enforcement shall not indemnify assigned personnel, a participating entity, or its appointed representative to the Command Board for any claim or judgement referred to herein.

VII. JURISDICTION

Any duly sworn police officer, while assigned to Straits Area Narcotics Enforcement and while working in furtherance of the purposes and activities of Straits Area Narcotics Enforcement, shall have the same powers, duties, privileges and immunities as are conferred upon him/her as a police officer in his/her own jurisdiction, and in any jurisdiction within the State.

ARTICLE II
FORFEITURE PROCEDURES AND DISPOSITION OF PROPERTY SEIZED

I. FORFEITURES PURSUANT TO THE PUBLIC HEALTH CODE

All property seized by Straits Area Narcotics Enforcement pursuant to the Public Health Code, 1978 PA 368, MCL 333.7521 et seq., as amended, shall be maintained and handled pursuant to Michigan Department of State Police guidelines under Michigan Department of State Police policies, and will be recorded on the prescribed Michigan Department of State Police forms. Property will be controlled, inspected, and disposed of according to Michigan Department of State Police procedures.

When property is seized pursuant to the Public Health Code, an officer assigned to Straits Area Narcotics Enforcement seizing the property shall use the standard Michigan Department of State Police Narcotics Forfeiture Forms. The Michigan Department of State Police will be the Quartermaster and custodian of all property seized by Straits Area Narcotics Enforcement and will receive and maintain said seized property under Michigan Department of State Police policies.

In the event that property seized by Straits Area Narcotics Enforcement is subsequently forfeited to Straits Area Narcotics Enforcement, the property will be disposed of in accordance with MCL 333.7524. All property forfeited to Straits Area Narcotics Enforcement and the proceeds from the sale of said property shall be used for law enforcement purposes.

In the event that it is necessary to file judicial forfeiture proceedings, the county prosecuting attorney having jurisdictional authority or his/her assistant prosecuting attorney shall file forfeiture proceedings for property seized by Straits Area Narcotics Enforcement. Said forfeiture proceedings shall be instituted in the name of the county prosecutor or his/her assistant prosecuting attorney.

The county prosecuting attorney having jurisdictional authority or, by and through his/her designated assistant prosecuting attorney, working in conjunction with the Straits Area Narcotics Enforcement Commander, shall have the authority to establish sale prices, negotiate real estate transactions, accept bids, make counter-offers, sign deeds and other documents associated with the sale of real estate forfeited to the Command Board.

II. CUSTODIAN OF SEIZED AND FORFEITED MONIES AND PROPERTY

The County of Emmet shall be the custodian of all seized and forfeited monies for purposes stated under MCL 333.7524. All such money received by the County of Emmet shall be placed in a "Drug Law Enforcement Fund 265 Account." The County shall establish two such accounts: (1) A "Pending" non-adjudicated forfeiture account in which shall be placed all seized (except evidence) monies prior to settlement or judicial adjudication. Monies shall not be disbursed from said "Pending" account unless the County receives an Administrative Order (Declaration of Administrative Forfeiture), a Stipulation of Out-of-Court Settlement, a Judgment of Forfeiture, or a Court Order authorizing the release of said monies; (2) A "Revenue" account which shall contain forfeited monies, proceeds from the sales of forfeited real and personal property, a court ordered restitution receipts, and any other miscellaneous income received by Straits Area Narcotics Enforcement or the Command Board.

Property forfeited to the Command Board and used by Straits Area Narcotics Enforcement to enhance drug law enforcement shall be inventoried and otherwise accounted for by the County

(the information may come directly from the task force) on an ongoing basis.

All existing funds and/or property in the possession of Straits Area Narcotics Enforcement shall be transferred and utilized pursuant to and in accordance with the terms of this Agreement.

III. DUTIES AND FUNCTIONS OF THE COUNTY OF EMMET

The County of Emmet shall perform those functions and exercise those powers and responsibilities set forth at MCL 333.7524. The funds obtained pursuant to MCL 333.7524, shall be used for the purposes specified under this agreement.

The County of Emmet, as the custodian of the seized and forfeited funds and property, shall comply with the terms of MCL 333.7524 with respect to the annual reports and audits required under that statute which pertain to the receipt and disbursement of forfeited property. Audit findings shall be submitted to each of the participating entities under this agreement.

The County of Emmet shall also prepare and submit to each participating entity under this agreement, at the beginning of each fiscal year, a proposed line item budget. The proposed budget shall include proposed allocation in response to requests for drug law enforcement support from each participating entity. This budget shall be adopted by the County of Emmet no later than December each year and submit the same to the participating entities for informational purposes.

Notwithstanding any contrary provision, the County of Emmet is to adopt a budget, which provides for the payment of appropriated expenses from the drug forfeiture property received pursuant to MCL 333.7524 prior to the expenditure of monies.

Payments for the budgeted or appropriated expenses shall be made after receipt of appropriate documentation verifying the expenditures.

ARTICLE III WITHDRAWAL; TERMINATION

I. WITHDRAWAL FROM AGREEMENT

Any participating entity may withdraw from this agreement by providing not less than thirty (30) days prior written notice to each of the participating entities. The agreement may be terminated by joint action of all the participating entities at any time.

The Command Board may terminate a participating entity in the event the participating entity fails to maintain at least one full time police officer assigned to exclusively work in drug enforcement with Straits Area Narcotics Enforcement, or make the required monetary contribution or violates any other term or condition of membership as set forth in this agreement. The command board shall give sixty (60) days written notice to the member.

II. DISTRIBUTION OF FORFEITURE ASSETS UPON WITHDRAWAL

In the event that any participating entity withdraws from this agreement, any assets which have been retained by the County of Emmet shall remain in the custody of the County and shall be disposed of as provided in the bylaws and in accordance with MCL 333.7524.

III. DISTRIBUTION OF FORFEITURE ASSETS UPON TERMINATION

In the event of a complete termination of this agreement, any remaining assets shall be distributed to each of the participating entities. That distribution shall be proportionate to the number of full-time employee positions allocated, excluding grant funded positions, plus the proportionate amount of funds provided, if any, to the cooperative drug law enforcement effort in the preceding twenty-four (24) months by participating entities.

IV. TERMINATION CLAUSE

The agreement becomes effective when all participating entities have entered into this agreement and will remain in effect until it is terminated by participating entities.

IV. INTEGRATION CLAUSE

This Interlocal Agreement encompasses the full and final agreement of the participating entities, and supersedes all previous understandings and agreements between the participating entities.

County of Cheboygan

Date: _____

By: Peter Redmond
Cheboygan County Board Chair

Although the county sheriff(s), county prosecutor(s) and local police chief(s) are not parties to the agreement and aren't required to sign the agreement, they may sign as acknowledgement of their role as described in the agreement.

Date: _____

By: Sheriff Dale Clarmont
Cheboygan County Sheriff Department

Date: _____

By: Daryl Vizina
Cheboygan County Prosecuting Attorney

County of Emmet

Date: _____

By: James E. Tamlyn
Emmet County Board Chair

Although the county sheriff(s), county prosecutor(s) and local police chief(s) are not parties to the agreement and aren't required to sign the agreement, they may sign as acknowledgement of their role as described in the agreement.

Date: _____

By: Sheriff Peter A. Wallin
Emmet County Sheriff Department

Date: _____

By: James Linderman
Emmet County Prosecuting Attorney

County of Otsego

Date: _____

By: John Burt
Otsego County Administrator

Although the county sheriff(s), county prosecutor(s) and local police chief(s) are not parties to the agreement and aren't required to sign the agreement, they may sign as acknowledgement of their role as described in the agreement.

Date: _____

By: Sheriff Matthew Nowicki
Otsego County Sheriff Department

Date: _____

By: Michael Rola
Otsego County Prosecuting Attorney

Michigan Department of State Police

Date: _____

By: Col. Kriste Kibbey Etue

City of Gaylord

Date: _____

By: Joseph P. Duff
Gaylord City Manager

Although the county sheriff(s), county prosecutor(s) and local police chief(s) are not parties to the agreement and aren't required to sign the agreement, they may sign as acknowledgement of their role as described in the agreement.

Date: _____

By: Chief Brett A. McVannel
Otsego County Sheriff Department

City of Petoskey

Date: _____

By: Alan Terry
Petoskey City Manager

Although the county sheriff(s), county prosecutor(s) and local police chief(s) are not parties to the agreement and aren't required to sign the agreement, they may sign as acknowledgement of their role as described in the agreement.

Date: _____

By: Director John F. Calabrese
Petoskey Department of Public Safety