

May 26, 2009

The Regular meeting of the Otsego County Board of Commissioners was held in the Multi-Purpose Room of the J. Richard Yuill Alpine Center. The meeting was called to order at 9:32 a.m. by Chairman Glasser. Invocation by Commissioner Bates, followed by the Pledge of Allegiance led by Commissioner Harkness.

Roll call:

Present: Backenstose, Bates, Beachnau, Brown, Glasser, Harkness, Hyde, Johnson, Liss.

The regular minutes of May 12, 2009 with attachments and the special meeting of May 15, 2009 were approved presented.

The agenda was amended to add under new business item C) Airport runway contract.

Consent Agenda:

Motion to adopt OCR-09-16 COA Grant Support as presented.

Roll Call Vote:

Ayes: Backenstose, Bates, Beachnau, Brown, Glasser, Harkness, Hyde, Johnson, Liss.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion to adopt OCR-09-17 Magistrate appointment of Victoria Courterier as presented.

Roll Call Vote:

Ayes: Backenstose, Bates, Beachnau, Brown, Glasser, Harkness, Hyde, Johnson, Liss.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion to approve the weapons policy as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the personal watercraft grant budget amendment as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the animal control operating/building fund budget amendment as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the general fund contingency to airport fund budget amendment as presented. Ayes: Unanimous. Motion carried. (see attached)

ORV public hearing opened at 9:35 a.m.

Public hearing closed at 11:11 a.m.

Motion by Commissioner Harkness, to adopt the ORV ordinance as amended. The Ordinance is amended to strike the two sentences under Chester Township and Otsego Lake Township. Ayes: Unanimous. Motion carried. (see attached)

Correspondence:

The April 2009 financial report was reviewed.

Chairman Glasser received letters from MAC regarding receiving resolutions.

New Business:

Motion by Commissioner Johnson, to approve the May 19, 2009 Warrant in the amount of \$119,543.45 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Hyde, to approve the May 26, 2009 Warrant in the amount of \$231,215.87 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Backenstose, to approve the Otsego County Investment Policy as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Liss, to approve the Airport Runway project contract #2009-0466. Ayes: Unanimous. Motion carried.

Public Comment:

Randy Stults reported on the Planning Commission.

Gary Hendershot questioned the stimulus money.

Board Remarks:

Commissioner Bates: Attended Veteran's Day ceremony.

Commissioner Liss: Memorial ceremony in Vanderbilt.
Mental Health meeting.

Commissioner Beachnau: Sportsplex.
Livingston Township.

Commissioner Brown: Elmira Township meeting.

Commission Hyde: Hayes Township.

Commissioner Backenstose: ORV Ordinance.

Meeting adjourned at 12:20 p.m. at the call of the Chair.

Kenneth R. Glasser, Chairman

Susan I. DeFeyter, Otsego County Clerk

RESOLUTION NO. OCR 09-16

DJW GRANT 2009

COMMISSIONER LETTER OF SUPPORT FOR APPLICATION FOR FUNDING

Otsego County Board of Commissioners

May 26, 2009

WHEREAS, the Otsego County Board of Commissioners established the Otsego County Commission on Aging as a County Board in 1979 to coordinate and/or provide programs, public and private, and function as the single focal point of services for older adults in Otsego County under a community plan, which promotes and safeguards the independence and well being of older adults of Otsego County, and

WHEREAS, grant funding will help the Otsego County Commission on Aging fulfill this mission; now, therefore, be it

RESOLVED that the Otsego County Board of Commissioners hereby strongly supports the application of the Commission on Aging for funding of services including but not limited to:

TITLE IIIIE National Family Caregiver Support Program

Kinship Care – Support Group

Kinship Care – Funding

Health Resource/Education

Education/Caregiver Support Group

Education/Parkinson Support Group

Respite/Up & Go

TITLE IIID Disease Prevention Health Promotion

Healthy Moves

Matter of Balance

Tai Chi

MERIT AWARD (TOBACCO SETTLEMENT)

Adult Day Services – Otsego Haus

THREE YEAR AWARD

Homemaking, Personal Care, Respite

Congregate Meals, Home Delivered Meals

and be it, further

RESOLVED that the Otsego County Board of Commissioners urges acceptance thereof.

RESOLUTION NO. OCR 09-17
APPROVING THE APPOINTMENT OF COURT MAGISTRATE

Otsego County Board of Commissioners
May 26, 2009

WHEREAS, Pursuant to MCLA 600.8521, MSA 227A.8521, the Otsego County Board of Commissioners has reviewed the following listed Magistrate duly appointed by the Honorable Patricia a. Morse, Chief Judge of the 87-A District Court.

Victoria Courterier

now, therefore, be it

RESOLVED that the Otsego County Board of Commissioners does hereby approve the appointment of this Magistrate for Otsego County.



Weapons Policy

BACKGROUND

In Court Executive Orders C46-2009-09J, D87A-2009-08J, and P69-2009-09J, the 46th Circuit Court, the 87-A District Court, and the Otsego County Probate Court prohibited all weapons in any courtroom, court facility, judicial offices, court staff offices, friend of the court offices, juvenile holding room, clerk of the court offices, and common areas. The Court has the ability to issue administrative orders governing internal court management as provided under Michigan Court Rules, MCR 8.112(B). It is Otsego County's policy to provide a safe environment for victims, witnesses, defendants, and judicial staff. Further, it is Otsego County's intent to follow all applicable firearms/weapons laws.

POLICY

- A. Weapons of any nature are prohibited in the following Otsego County facilities:
1. Otsego County Courthouse, 225 W. Main Street, Gaylord, Michigan, except for the Sheriff's Office for purposes of gun registration.
 2. Otsego County Alpine Center Courthouse, 800 Livingston Boulevard, Gaylord, Michigan.
 3. This policy does not apply to law enforcement personnel.
 4. This policy does not apply to parking lot areas for the above facilities.
- B. No weapon will be allowed in any other Otsego County facility, except as authorized by law.



FINANCE

2009 MARINE SAFETY PROGRAM (FEDERAL FUNDING)
GRANT AGREEMENT – EQUIPMENT
Required by 1994 PA 451, as amended, and 1972 PA 227.

This Agreement is between the Michigan Department of Natural Resources for and on behalf of the State of Michigan ("DEPARTMENT") and OTSEGO COUNTY ("GRANTEE").

1. The GRANTEE has been approved by the DEPARTMENT to receive Marine Safety program funding to purchase equipment necessary for the GRANTEE'S Marine Safety program.

Specific Items approved for reimbursement include:

PWC

2. Federal funding is provided to state agencies under the authority of 46 U.S.C. 13103(a)(2) and (3). The State of Michigan has received a federal funding apportionment for fiscal year 2009 through the United States Coast Guard, Department of Homeland Security. From this federal funding, the amount shown below is provided to the GRANTEE by the DEPARTMENT for the purpose of supporting the GRANTEE'S Marine Safety program. Reference the "Department of Homeland Security, United States Coast Guard, Boating Safety Financial Assistance CFDA 97.012, and passed through by Department of Natural Resources" on your single audit reports and other financial statements as required. Single audit reports are to be provided to the Office of Internal Audit, Michigan Department of Natural Resources, PO Box 30028, Lansing, Michigan 48909.

3. The DEPARTMENT agrees to reimburse the GRANTEE a sum of money equal to 100% of the total eligible costs of purchasing the item(s) listed above, but not to exceed Three Thousand Eight Hundred (\$3,800.00) dollars.

There is no local match required for this reimbursement.

The Agreement period is January 1, 2009 through September 30, 2009.

4. This Agreement shall be administered on behalf of the DEPARTMENT through Grants Management. All reports, documents, or actions required of the GRANTEE shall be submitted to the Grants Specialist, Grants Management, Michigan Department of Natural Resources, PO Box 30425, Lansing, MI 48909-7925.

The GRANTEE'S contact person for this project is:

Name: Marcia LaForest Title: Deputy/Administrative Division

Mailing Address: 124 S Court Ave, Gaylord MI 49735-1309

Phone Number: 989-731-7283 Fax Number: 989-731-7299

E-mail: mforest@otsegocountymi.gov

5. Equipment purchases must be completed by September 1, 2009. To receive reimbursement under this Agreement, the GRANTEE shall submit a completed State Aid Voucher-Equipment (PR1929Equip), and Detail of Expenditures-Equipment (PR1929-1), along with required documentation of expenditures, to the DEPARTMENT. Completed forms and documentation of expenditures are due by September 30, 2009.

6. The GRANTEE may not assign or transfer any interest in this Agreement to any other agency, group or individual.

*MAILED
01/23/2009*

7. The Agreement may be executed separately by the parties. This Agreement is not effective until:

- ❖ The GRANTEE has signed it and returned it, and
- ❖ The DEPARTMENT has signed it.

The individuals signing for the parties indicated below certify by their signatures that they have the authority to do so and will ensure that the terms of the Agreement are fulfilled.

GRANTEE

SIGNED:

By: James D. McBride

Printed Name: James D McBride

Title: Otsego County Sheriff

Date: 04/28/2009

WITNESSED:

By: Matthew J Nowicki

Printed Name: Matthew J Nowicki

By: Brian E Webber

Printed Name: Brian E Webber

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED:

By: James B. Wood

Title: Manager, Grants Management

Date: _____

WITNESSED BY:

APPENDIX A
EQUIPMENT PURCHASED WITH FEDERAL FUNDS
FROM 43 CODE OF FEDERAL REGULATIONS (CFR) PART 12

§ 12.72 Equipment.

(a) *Title.* Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.

(b) *States.* A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and subgrantees will follow paragraphs (c) through (e) of this section.

(c) *Use.*

(1) Equipment shall be used by the grantee or subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

(2) The grantee or subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in §12.65(a) to earn program income, the grantee or subgrantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.

(4) When acquiring replacement equipment, the grantee or subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

(d) *Management requirements.* Procedures For managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, at a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) *Disposition.* When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:

(1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.

(2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

(3) In cases where a grantee or subgrantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or subgrantee to take excess and disposition actions.

(f) *Federal equipment.* In the event a grantee or subgrantee is provided Federally-owned equipment:

- (1) Title will remain vested in the Federal Government.
- (2) Grantees or subgrantees will manage the equipment in accordance with Federal agency rules and procedures, and submit an annual inventory listing.
- (3) When the equipment is no longer needed, the grantee or subgrantee will request disposition instructions from the Federal agency.

(g) *Right to transfer title.* The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third party named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

- (1) The property shall be identified in the grant or otherwise made known to the grantee in writing.
- (2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow 12.72(e).
- (3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

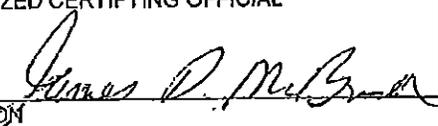
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
James D McBride 		Otsego County Sheriff	
APPLICANT ORGANIZATION		DATE SUBMITTED	
Otsego County Sheriff's Office Gaylord MI 49735-1309		04/28/2009	



**OTSEGO COUNTY
BUDGET AMENDMENT**

FUND/DEPARTMENT: Animal Control

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)

REVENUE Transfer monies from operating fund to building fund - \$500,000

Account Number	Decrease	Increase
212-030 - 400-001 - Budgeted Use of Fund Bal.	\$	\$ 405,295
413-050 - 699-030 - Transfer In	\$	\$
	\$	\$ 500,000
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
212-999 - 999-000 - Transfer Out	\$ 500,000	\$
212-941 - 999-990 - Contrib. to Fund Bal.	\$	\$ 94,705
413-901 - 970-200 - Property-Bldgs	\$ 500,000	\$
	\$	\$
	\$	\$
Total	\$	\$

Rachel Trisch
Angel D'Amico
Department Head Signature

3-5-07
Date

Finance Department
Entered:
By:

Administrator's Signature Date

Board Approval Date (If necessary) Budget Adjustment # Posting Number



**OTSEGO COUNTY
BUDGET AMENDMENT**

FUND/DEPARTMENT: General / Airport

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)

REVENUE Transfer for Airport equipment purchase

Account Number	Decrease	Increase
281.050 - 699.030 - Transfer In	\$	\$ 4,000
-	\$	\$
-	\$	\$
-	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
281.901 - 970.200 - Property - bldgs	\$ 4,000	\$
-	\$	\$
101.941 - 999.000 - Contingency	\$	\$ 4,000
101.966 - 999.000 - Approp - Airport	\$ 4,000	\$
-	\$	\$
-	\$	\$
Total	\$	\$

Rachel Frisch
Department Head Signature

5-19-09
Date

Finance Department	
Entered:	
By:	

Administrator's Signature

Date

Board Approval Date (if necessary)

Budget Adjustment #

Posting Number



County Investment Policy

1. POLICY

It is the policy of the County of Otsego to manage public funds in a manner which will provide the highest investment return with maximum security, while meeting the daily cash flow demands of the County and conforming to all State statutes and local resolutions governing the investment of public funds.

The intent of the Investment Policy of the County of Otsego is to define the parameters within which the County's funds are to be managed. The County recognizes its responsibilities with respect to the use and custody of public funds.

As a result of changes in the market or State statute, current holdings could exceed the guidelines of this policy. Whenever that occurs, notice will immediately be provided by the Otsego County Treasurer to the Administrator and Budget and Finance Committee and appropriate action taken.

The comprehensive policy will define the following:

- Scope of policy
- Investment objectives
- Prudence
- Authority
- Ethics and conflicts of interest
- Authorized financial dealers and institutions
- Authorized and suitable investments
- Maturities and diversification
- Safekeeping of investments
- Cash management
- Accounting
- Internal controls
- Investment performance and reporting
- Investment Policy adoption

Questions regarding this policy should be directed to

County of Otsego
Office of the County Treasurer
(989) 731-7560

2. STATUTORY REFERENCES

Act 20 of the Public Acts of 1943, as amended, MCL 129.91 et seq.

3. SCOPE

The Investment Policy applies to all County funds held by the County other than pension funds; deferred compensation funds; and certain funds of the District Court, Friend of the Court, and Social Services. These assets are accounted for in the County's annual financial report and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Enterprise Funds
- Internal Service Funds
- Trust and Agency Funds

4. INVESTMENT OBJECTIVES

The following investment objectives, in priority order, will be applied in the management of the County's funds:

Safety. The primary objective of the County's investment activities is the preservation of capital in the overall portfolio and the protection of investment principal. The County Treasurer will establish investment procedures and strategies to control risks and diversify investments regarding specific security types and individual financial institutions.

Diversification. The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity. The investment portfolio will remain sufficiently liquid to enable the County to meet future operating, capital expenditure, and debt needs which might be reasonably anticipated, and to meet unanticipated needs.

Management of Risk. To control risks regarding specific security types, or individual financial institutions, or specific maturity, the county will diversify its investments.

Return on Investment. It is the intent of the County to maximize its return on surplus funds by actively investing all available and prudent balances within the guidelines established by State statutes and this Policy. The County recognizes that interest earnings are an important revenue source; however, the priority is safety, liquidity to meet County obligations and then interest earnings.

Competitive Environment. An objective of the Investment Policy is to provide for a competitive environment while providing flexibility to the County Treasurer. Competitive concepts include taking bids on investments placed and bank services purchased.

5. PRUDENCE

The standard of prudence to be applied by the investment officials shall be the “prudent person rule” and shall be applied in the context of managing an overall portfolio. Under the “prudent person rule”, investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, but for investment, considering the probable safety of their capital as well as the probable revenue to be derived.

6. AUTHORITY

The County Treasurer is the custodian of all County funds. By resolution, and in accordance with Act No. 40, Public Acts of Michigan, 1932, as amended, the County Board of Commissioners designates a depository or depositories for County funds.

By State statute, the County Treasurer is authorized to invest surplus County funds in the various forms of investments that are permitted by State statutes and that follow the guidelines of this Policy.

The County Treasurer shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of the staff of the Treasurer’s Office. The County Treasurer shall complete an investment training course at least once per year.

7. ETHICS AND CONFLICTS OF INTEREST

The Treasurer and employees of the Treasurer’s Office, involved in investment activities, shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair (or create the appearance of an impairment on) their ability to make impartial investment decisions. These persons shall disclose to the County Board of Commissioners any material financial interests in financial institutions that conduct business with Otsego County, and they shall further disclose any large personal financial investment positions that could be related to the performance of the County’s portfolio. The Treasurer and the above mentioned employees shall subordinate their personal financial transactions to those of the County, particularly with regard to the time of purchases and sales.

8. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

Depositories. Deposits made by the County with financial institutions consist of checking accounts, savings accounts, and certificates of deposit. It is understood by the County that for FDIC deposit insurance purposes, all funds in deposit form with one financial institution are added together and insured up to a maximum of \$250,000 in demand deposits and \$250,000 in time deposits regardless of the number of accounts involved. It is the policy of the County to manage the risk by establishing procedures to evaluate the creditworthiness of the financial institutions and to diversify by setting concentration limits for each financial institution where funds are placed in deposit form. The County does not expect to manage this risk by limiting deposits with each financial institution to \$250,000. Deposits held in non-interest bearing accounts or low-interest accounts (.50%) are fully insured regardless of the amount in the account. This full coverage is in effect through December 31, 2009.

Depositories shall be selected through the County's banking services procurement process, which shall include a two (2) year solicitation and review of current vendor pricing and market comparisons, and issued every four (4) years a formal request for proposals. The banking services procurement process shall be managed by the County Treasurer in a manner consistent with the County's Purchasing Policy and the requirements of Michigan law. The County Treasurer will recommend financial institutions to provide depository services to the County Commission for approval. In selecting depositories, the creditworthiness of institutions shall be considered. The evaluation of the financial institution will be based upon information provided by a service such as the FDIC's Federal Financial Institutions Examination Council.

The evaluation will include the following recommended financial ratios and other relevant data (financial institutions that do not meet all of the criteria will still be considered on an individual basis for some Certificate of Deposit investments):

Net income ratio/Net income to earning assets	minimum	0.6%
Net loan charge off to average loans	maximum	1.0%
Cash and Treasuries to total deposits	minimum	10.0%
Net purchased money to earning assets	maximum	110.0%
Capital to total assets	minimum	5.0%
Net loans to deposits	maximum	80.0%
Municipal time deposits to total deposits	maximum	20.0%

In addition to a ratio analysis, the institution will have been profitable for the past five years. However, if a loss is reported in no more than one year of the past five years, and if the institution remains profitable in the aggregate, the County Treasurer may review the circumstances and approve the institution for the bid list if appropriate.

All financial institutions who desire to become qualified bidders for investment transactions must supply the County Treasurer with the following: audited financial statements for the most recent fiscal year and then annually, within 6 months of the year end; certification of having read the County's Investment Policy and the pertinent State statutes; proof of National Association of Security Dealers certification; and proof of State registration, where applicable.

9. AUTHORIZED AND SUITABLE INVESTMENTS

The County is empowered by Public Act 20 of 1943 (as amended through June 30, 1997) to invest public funds. In its Investment Policy, the County Board of Commissioners limits the investment authority to the following:

1. Bonds, securities or other obligations of the United States or an agency or Instrumentality of the United States.
2. Certificates of deposit, savings accounts, deposit accounts or depository receipts of a financial institution. The financial institution must be:
 - a. a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank or credit union
 - b. whose deposits are insured by an agency of the United States government, and
 - c. subject to the laws of the State of Michigan
3. Commercial paper rated at the time of purchase within the two highest classifications by at least two rating services and that mature not more than 270 days after the date of purchase. Not more than 50% of any fund may be invested in commercial paper at any time.
4. Repurchase agreements consisting of bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
5. Banker's acceptances of United States banks.
6. Mutual funds registered under the Federal Investment Company Act of 1940, composed of the investment vehicles described above. The policy includes securities whose net asset value per share may fluctuate on a periodic basis.
7. Obligations described above if purchased through an inter-local agreement under the Urban Cooperation Act of 1967 (for example, the MBIA program).
8. Investment pools organized under the Surplus Funds Investment Pool Act (Public Act 367 of 1982), e.g. bank pools.

10. MATURITIES AND DIVERSIFICATION

Liquidity shall be assured through practices ensuring that disbursement, payroll, and bond payable dates are covered through maturing investments or marketable US Treasury issues.

It is the policy of the County to diversify its investment portfolio. Assets held in the pooled funds and other investment funds shall be diversified to eliminate the risk of loss resulting from the over concentration of assets in a specific maturity, a specific issuer, or a specific class of securities. In establishing diversification strategies, and within the statutory restrictions, the following guidelines and constraints shall apply:

<u>INSTRUMENT</u>	<u>PORTFOLIO MIN/MAX</u>	<u>PERCENT OF PORTFOLIO</u>	
		<u>ISSUER MAXIMUM</u>	<u>MATURITY/DURATION MAXIMUM</u>
US Treasuries	15% min.	N/A	10 years
US Agencies	50% max.	20%	7 years
Certificates of Deposit	50% max.	5% net worth \$10 million	1 year 10% to 2 years
Commercial Paper	50% max.	5% net worth	A-1 90 days A-2 60 days
Repurchase Agreements	50% max.	10%	60 days
Bankers Acceptances	50% max.	10%	184 days
Mutual Funds	25% max.	10%	N/A
Money Market Mutual Funds	50% max.	N/A	N/A

Portfolio Maturity and Limitation Percentages. The average maturity of the portfolio as a whole may not exceed three years. This calculation excludes the maturities of the underlying securities of a repurchase agreement. Limitation percentages of the portfolio are measured from the date the securities are acquired.

US Treasuries. US Treasuries are debt obligations, such as bills, notes and bonds, of the U.S. government. When you buy a Treasury security, you are lending money to the federal government for a specified period of time. The County Treasurer may invest in negotiable direct obligations of the US Government. Such securities will include, but not limited to the following: Treasury cash management bills, notes, bonds, and zero strips. At least 15% of the portfolio must be in direct government securities or repurchase agreements. The maximum length to maturity of any direct investment in government obligations is ten years, except for the underlying securities of the repurchase agreements (see Repurchase Agreements).

US Agencies. US Agency/Federal Agency Bonds are bonds that do not include those issued by the U.S. Treasury or municipalities. They include such agencies as Fannie Mae, Freddie Mac, Sallie Mae and the Federal Home Loan Banks. The County Treasurer may invest in Federal Agencies. Such securities may include but not limited to the Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), and Federal Farm Credit Bank (FFCB). No more than 50% of the portfolio may be in Federal Agency securities or repurchase agreements involving Federal Agency securities. There shall be a maximum of 20% of the portfolio in any one agency security. The

maximum stated maturity for an investment in Federal Agency securities is seven years from the date of purchase.

Certificates of Deposit. A Certificate of deposit (CD) is a debt instrument issued by banks. CDs may be purchased only from financial institutions which qualify under Michigan law and are consistent with Opinion No. 6168, Opinions of the Attorney General (1982). Purchases of certificates of deposit are further restricted to financial institutions which have been evaluated for creditworthiness and meet the ratios stated in Section VI of this Policy. As a general guideline, certificates of deposit in any one financial institution are to be combined with all funds in deposit form with the financial institution to meet a maximum test of 5% of net worth with an overall maximum of \$10 million in any one financial institution. A maximum of 10% of the portfolio may be invested in negotiable certificates of deposit with a maturity date range of 366 to 730 days and with interest paid semiannually. All other CD investments must not exceed a maximum maturity of 365 days.

Commercial Paper. Commercial paper investments are short-term loans to corporations. Investments in commercial paper are restricted to those which have, at the time of purchase, the top two investment ratings (A-1/P-1 or A-2/P-2) by either Standard and Poor's and/or Moody's or like ratings established by not less than two standard rating services. Commercial paper held in the portfolio which subsequently receives a reduced rating shall be closely monitored and sold immediately if the principal invested may otherwise be jeopardized. No more than 50% of the portfolio or 50% of any one fund may be in commercial paper. The maximum per issuer is 5% of the net worth of the issuer. The maximum maturity for A-1/P-1 paper is 90 days and 60 days for A-2/P-2 paper or subject to evaluation by the County Treasurer for a longer period of time.

Repurchase Agreements. Repurchase agreements are agreements between two parties whereby one party sells the other a security at a specified price with a commitment to buy the security back at a later date for another specified price. The County Treasurer may invest in repurchase agreements comprised only of those investment instruments as authorized with Sections VII and VIII of this Policy. All firms with whom the County enters into repurchase agreements will have in place and executed a Master Repurchase Agreement with the County (to include guidelines for safety). No more than 50% of the portfolio may be in repurchase agreements with a maximum of 10% per issuer. The maximum length to maturity is 60 days from the date of the agreement.

Bankers Acceptances. A bankers acceptance is a short term debt instrument guaranteed by a bank, and sold through a brokerage company to investors. The County Treasurer may invest in bankers acceptances (BA's) or United States banks which are eligible as defined by the Federal Reserve; from institutions who long-term debt is rated at least A or equivalent by Moody's or Standard and Poor's. A maximum of 50% of the portfolio may be directly invested in BA's. A maximum of 10% of the portfolio may be invested with any one issuer. The maximum length to maturity of any BA's investment is 180 days.

Mutual Funds. Mutual funds represent an investment company designed to pool the funds of smaller investors and place them under professional management. The County Treasurer may invest in fixed income mutual funds composed of investment vehicles which are legal for direct investment by local units of government in Michigan and are consistent with Opinion No. 6776, Opinions of the

Attorney General (1993) and are within the limitations of this Policy. The securities underlying the mutual fund must be rated at least A or better by either Moody's or Standard and Poor's or be from institutions whose long-term debt rating is AAA or better. A maximum of 25% of the portfolio may be invested in fixed-income mutual funds. A maximum of 10% of the portfolio may be invested with any one fund.

Money Market Mutual Funds. Money market mutual funds trade in short-term, low-risk securities, such as certificates of deposit and U.S. Treasury notes. Permitted investments include money market mutual funds or pooled funds organized under State statute such as the Surplus Funds Investment Pool Act and the Intergovernmental Corporation Act which are composed of investment vehicles which are legal for direct investment by local governments in Michigan. A maximum of 50% of the portfolio may be invested in money market mutual funds.

11. SAFEKEEPING OF INVESTMENTS

Investment securities purchased by the County shall be held in third-party safekeeping by an institution designated as primary agent. The County Treasurer, with the approval of the Board of Commissioners, will execute a third-party safekeeping agreement with the primary agent. Such agreement will include details as to responsibilities of each party; provision for delivery vs. payment; notification of transactions; safekeeping and transactions costs; and procedures in case of wire failure or other unforeseen mishaps including liability of each party. Safekeeping procedures and agreements should follow the Governmental Accounting Standards Board (GASB) guidelines for risk categories I or II.

Investment securities not included in the third-party safekeeping procedure include certificates of deposit, mutual funds, direct purchases of commercial paper, and banker's acceptances.

12. CASH MANAGEMENT

The County's policy regarding cash management is based upon the realization that there is a time-value to money. Temporarily idle cash should be invested in accordance with the County's Investment Policy. Accordingly, the County's financial team consisting of the County Administrator, County Treasurer, Finance Director, and Accounting Director shall cause to be prepared written cash management procedures which shall include, but not limited to, the following:

Receipts. All moneys due the County shall be collected as promptly as possible. Moneys that are received shall be deposited in an approved financial institution no later than the next business day after receipt by County departments or as may be deposited by written policy. Amounts that remain uncollected after a reasonable length of time shall be subject to any available legal means of collection.

Disbursements. Any disbursements to suppliers of goods or services or to employees for salaries and wages shall be contingent upon an available budget appropriation and the required prior approvals as

stated in the County's general policies. The payment of County funds should be through controlled disbursements to maximize investment opportunities, however, payment should be made timely.

Cash forecast. At least annually, cash forecast shall be prepared using expected revenue sources and items of expenditure to project cash requirements over the fiscal year. The forecast shall be updated from time to time to identify the probable inevitable balances that will be available.

Pooling of cash. Except for cash in certain restricted and special accounts, the County Treasurer shall pool cash of various funds to maximize investment earnings.

Distribution of interest. Investment interest shall follow principal. Interest on the pooled funds shall be distributed based upon the average monthly balance of the specific General Ledger fund and the average interest yield of the pool. Certain General Ledger funds that receive funding from the General Fund are exempt from the interest distribution and the interest is given to the General Fund.

Allocation of service charges. Unless otherwise specified by the financial institution, service charges shall follow principal. Service charges on the pooled funds shall be distributed based upon the average monthly balance of the specific General Ledger fund and the average service charge of the pool.

13. ACCOUNTING

The County maintains its records on the basis of funds and account groups, each of which is considered a separate accounting entity. All investment transactions shall be recorded in the various funds of the County in accordance with generally accepted accounting principles as promulgated in Statement No. 31 of the Government Accounting Standards Board (GASB). Accounting treatment will include:

- Investments will be carried at fair value in the balance sheet or other statements of financial position.
- Fair value is the amount at which an investment could be exchanged in a current transaction between willing parties.
- The method used to determine fair value will be quoted market prices.
- The calculation of realized gains and losses is independent of a calculation of the net change in the fair value of investments.
- Realized gains and losses on investments that had been held in more than one fiscal year and sold in the current year are included as a change in the fair value of investments reported in the prior year(s) and the current year.
- All investment income, including changes in the fair value of investments shall be recognized as revenue in the operating statement.

14. INTERNAL CONTROLS

The County Treasurer shall abide by a system of established internal controls, documented in writing, which is designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by investment officers of the County. Internal control procedures are subject review with regard to appropriateness and compliance during the annual independent audit process.

15. INVESTMENT PERFORMANCE AND REPORTING

The County Treasurer shall submit to the Board of Commissioners through the Budget and Finance Committee on a quarterly basis, a report which summarizes the County's investment of surplus funds for the preceding year, describes the County's existing investment holdings, examines the County's future fiscal needs, and proposes investment strategy for the coming quarter. The report should also examine the performance of the portfolio for the previous quarter.

16. INVESTMENT POLICY ADOPTION

The County's Investment Policy is a comprehensive policy covering the statutory responsibilities of the County Treasurer and the County Board of Commissioners. The Policy shall be adopted by the County Board of Commissioners. The Policy shall be reviewed on an annual basis by the Budget and Finance Committee of the Board. Modifications made at that time or when necessitated by State statutory revision must be approved by the County Board of Commissioners.

**STATE OF MICHIGAN
COUNTY OF OTSEGO
ORV ORDINANCE**

ORDINANCE No. 09-03

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

THE COUNTY OF OTSEGO ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Otsego County ORV Ordinance.

Section 2. Definitions. As used in this Ordinance.

“ATV” means a 3- or 4-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc or greater gasoline engine or an engine of comparable size using other fuels.

“County” means the County of Otsego.

“County Primary Road” and “County Local Road” mean those roads as described in section 5 of Act 51 of the Public Acts of 1951, as amended, being MCL 247.655.

“Driver’s License” means any driving privileges, license, temporary instruction permit, or temporary license issued under the laws of any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.

“Far Right of the Maintained Portion of the Road” means the shoulder of the road when the roadway is improved by pavement, tar and chips, concrete, or other similar materials and means the extreme right of the open portion of the right-of-way when the roadway is not improved by pavement, tar and chips, concrete, or other similar materials.

“Forest road” means a hard surfaced road, gravel or dirt road, or other route capable of travel through state owned land by a 2-wheel drive, 4-wheel conventional vehicle designed for highway use, except a state or federal road or a county primary or county local road.

“Forest trail” means a designated path or way capable of travel through state owned land only by a vehicle less than 50 inches in width.

“Operate” means to ride in or on and to be in actual physical control of the operation of an ORV.

“Operator” means a person who operates of an ORV.

“ORV” means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over sand, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a golf cart, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, or other means of transportation deriving motive power from a source other than muscle or wind. ORV, however, does NOT include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

“Road” means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel.

"Road Commission" means the Board of County Road Commissioners for the County of Otsego.

"Roadway" means that portion of a road improved, designed, or ordinarily used for vehicular travel. In the event a road includes two (2) or more separate roadways, the term “roadway,” as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

“Safety Certificate” means a certificate issued pursuant to Section 81129 of Act 451 of the Public Acts of 1994, as amended, being MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

To obtain a safety certificate, the operator must take an ORV safety education course and pass the certification exam. Information on courses and scheduling can be obtained by calling the Michigan Department of Natural Resources at 517-373-1230 or by visiting the Recreation Safety Classes section of the Michigan DNR website at <http://www.dnr.state.mi.us/recnsearch/>.

"Shoulder" means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

“State or Federal Road” means I-75, and M-32.

“Township” means an individual township within the County of Otsego.

“Township Board” means a board of trustees of any township within the County of Otsego.

“Visual Supervision” means the direct observation of the operator of an ORV with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Section 3. Prohibited Conduct.

- (a). No person shall operate an ORV on the roadway, shoulder, or any other portion of a state or federal road or a forest road or forest trail. No person shall operate an ORV on a county primary or a county local road within most of the Pigeon River Country State Forest (PRCSF) in Otsego County. Otsego County roads within the PRCSF that are closed to ORVs include: See attached Exhibit A.
- (b). Except as permitted under Section 4 of this Ordinance, no person shall operate an ORV on the roadway, shoulder, or any other portion of a county primary road or a county local road in Otsego County.

Section 4. Permitted ORV Operations.

- (a). A person may operate an ORV on the far right of the maintained portion of all county primary and county local roads, except the following: See attached Exhibit B.
- (b). When operating an ORV as authorized under this Ordinance, the operator shall comply with all of the following regulations:
 - (1). The operator shall be a person 16 years of age or older.
 - (2). The operator and each passenger shall wear a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the ORV is equipped with a roof that meets or exceeds the standards for a crash helmet and the operator and each passenger wears a properly adjusted and fasten seatbelt.
 - (3). If the operator is a person 16 years of age or older, but less than 18 years of age, then the operator shall have in his or her immediate possession a valid driver's license and a safety certificate or shall be under the direct visual supervision of a parent or guardian and shall have in his or her immediate possession a safety certificate.
 - (4). If the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels, then the operator shall have in his or her immediate possession a valid driver's license.
 - (5). The ORV shall not be operated at a speed greater than 25 miles per hour or at a speed greater than any posted ORV speed limit.

For roads within the Village of Vanderbilt, the speed limit is 25 miles per hour on the main roads, and 5 miles per hour on all other roads.
 - (6). The ORV shall be operated with the flow of traffic on the road.

- (7). The ORV shall be operated in a manner that does not interfere with traffic on the road.
- (8). All ORVs shall be operated in a single-file formation, except when overtaking and passing another ORV or when being overtaken and passed by another ORV.
- (9). The ORV shall be operated displaying a lighted headlight and lighted taillight at ALL times.
- (10). The ORV shall be equipped with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- (11). The ORV shall be equipped with an arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- (12). The ORV shall be operated in full compliance with all noise emission standards defined by law.
- (13). On County roads within subdivisions or residential areas, ORVs may be operated for ingress and egress only, unless restricted from these roads by Section 4(a). Sustained riding for recreation or practice by operators of any age is prohibited in these areas.

Section 5. Penalties.

- (a). A person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.
- (b). In addition to the fine specified in subsection (a) above, the court has the authority to order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage.

Section 6. Enforcement Officers.

Deputies of the Otsego County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 7. ORV Fund.

The County Treasurer shall deposit all fines and damages collected under Section 6 of this Ordinance into a fund to be designated as the "ORV Fund." The county board of commissioners shall appropriate revenue in the ORV Fund as follows:

- (a). Fifty percent (50%) to the Otsego County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs and for posting signs

indicating ORV speed limits and/or indicating whether roads are open or closed to the operation of ORVs.

- (b). Fifty percent (50%) to the Otsego County Sheriff's Office for ORV enforcement and training.

Section 8. Court Ordered Restitution.

A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

Section 9. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 10. Effective Date.

This Ordinance shall become effective fifty (50) days after its first publication.

COUNTY OF OTSEGO

By: _____
Kenneth R. Glasser, Chairman

By: _____
Susan I. DeFeyter, County Clerk

EXHIBIT A

Roads closed within the Pigeon River Country State Forest

Black River Trail
Blue Lakes Road
Bobcat Trail
Chaffee Trail
Chandler Dam Road
East Round Lake Road
Elkhorn Trail
Ford Lake Road
Gornick Trail
Grass Lake Road
Green's Trail
Hardwood Lake Road
Hare Road
Honeylocust Trail
Little McMasters Creek Trail
Lost Cabin Trail
Lost Lake Trail
Middle Trail
Old Vanderbilt Road, east of the Dudd Road intersection
Pickerel Lake Road
Range Line Road
Reynolds Road
Sawdust Pile Trail
East Sturgeon Valley Road, east of the Dudd Road intersection
Tin Bridge Road
Tin Shanty Road
Twin Lakes Road
West Round Lake Road

EXHIBIT B

Other Closed County Roads by Township

All road closings listed by township, only pertain to the portion of those roads lying within the listed township.

Bagley Township

Dickerson Road from North Otsego Lake Drive to M-32
Kassuba Road from Krys Road to M-32
Krys Road from McCoy Road to M-32
McCoy Road from Chester to Dickerson
Milbocker Road from Dickerson Road to South Townline
South Townline from Milbocker to M-32
North Otsego Lake Drive
West Otsego Lake Drive

Charlton Township

Chandler Dam Road
Gornick Trail
Greens Trail
Lost Cabin Trail
Sawdust Pile Trail
Tin Shanty Road

Chester Township

~~All roads within Chester Township are closed. The closed County roads include the portion of the following roads that lie within Chester Township¹:~~

Abbey Road
Bass Lake Landing Road
Bass Lake Trail
Beckett Road
Behnke Road
Big Lake Road
Birchdale Drive
Blueberry Lane
Bob Lake Trail
Brook Trout Lane
Cargas Road
Coolwater Avenue
Dreffs Road
East Opal Lake Road
Emerald Lake Trail
Finnegan Road
Gingell Road
Glenvale Drive
Grandview Drive

Havenwood Drive
Hollybrook Drive
Island View Drive
Lark Lane
McCoy Road
Meadow Road
Morning Side Trail
McGraw Trail
Northvale Road
Oley Lake Road
Pineridge Drive
Ranger Lake Road
Shadywoods Road
Shallow Shores Drive
Southview Drive
Turtle Lake Road, north of Old State Road
Valleybrook Drive
Waters Road
Wheeler Road
Wild Flower Trail

Corwith Township

Black River Trail
Blue Lakes Road
Bobcat Trail
Chaffee Trail
Chandler Dam Road
East Round Lake Road
Elkhorn Trail
Ford Lake Road
Gornick Trail
Grass Lake Road
Green's Trail
Hardwood Lake Road
Hare Road
Honeylocust Trail
Little McMasters Creek Trail
Lost Cabin Trail
Lost Lake Trail
Middle Trail
Old Vanderbilt Road, east of the Dudd Road intersection
Pickerel Lake Road
Range Line Road
Reynolds Road
Sawdust Pile Trail
East Sturgeon Valley Road, east of the Dudd Road intersection
Tin Bridge Road
Tin Shanty Road

Twin Lakes Road
West Round Lake Road

Dover Township
Gornick Trail

Elmira Township

All roads within Elmira Township are closed. The closed County roads include the portion of the following roads that lie within Elmira Township:

Alba Road
Allis Road
Bert Road
Brandywine Lane
Buell Road
Burdo Road
Camp Ten Road
Comstock Road
Crosswick Road
Deerwoods Drive
East Martin Lake Drive
Fairway Drive
Fleming Road
Flott Road
Franckowiak Road
Golfview Lane
Greenview Drive
Hallenius Road
Hallock Road
Huxtable Rod
Martindale Road
Mt. Jack Road
North Ridge Road
Old Coloney Road
Ordway Road
Parmater Road
Polus Road
Shaff Road
Skop Road
Stoneycroft Road
Theisen Road
Vega Road
Webster Road
West Martin Lake Road
Woodside Lane

Hayes Township
Alba Road

Charles Sanders Road
S. Townline Road

Livingston Township

Al Do Ro Va Drive
Altorf Strasse (Gaylord West Subdivision)
Ashley Lane (Gaylord West Subdivision)
Baden Strasse (Gaylord West Subdivision)
Brookview Lane
Clearview
Congdon Road east to Morgan Road
Cross Street
Fairview Road
Farmbrook Lane
Five Lake Road
Guenther Ridge Road
Highpointe Road
Hill Park
Holly (Gaylord West Subdivision)
Honeydew (Gaylord West Subdivision)
Labrador Lane (Gaylord West Subdivision)
Leafy (Gaylord West Subdivision)
Livingston Boulevard (Alpine Center/Gaylord High School)
Mapleleaf Road (North and South)
Meadowview Road
North Estates Drive
North Townline Road
Old 27 North
Parmater Road
Poquette Road (Sturgeon River Subdivision)
Pray Road
South Estates Drive
Suisse (Gaylord West Subdivision)
Sunshine Road
N. Townline Road
Valais Strasse (Gaylord West Subdivision)
Winterland (Gaylord West Subdivision)

Otsego Lake Township

~~All roads within Otsego Lake Township are closed. The closed County roads include the portion of the following roads that lie within Otsego Lake Township:~~

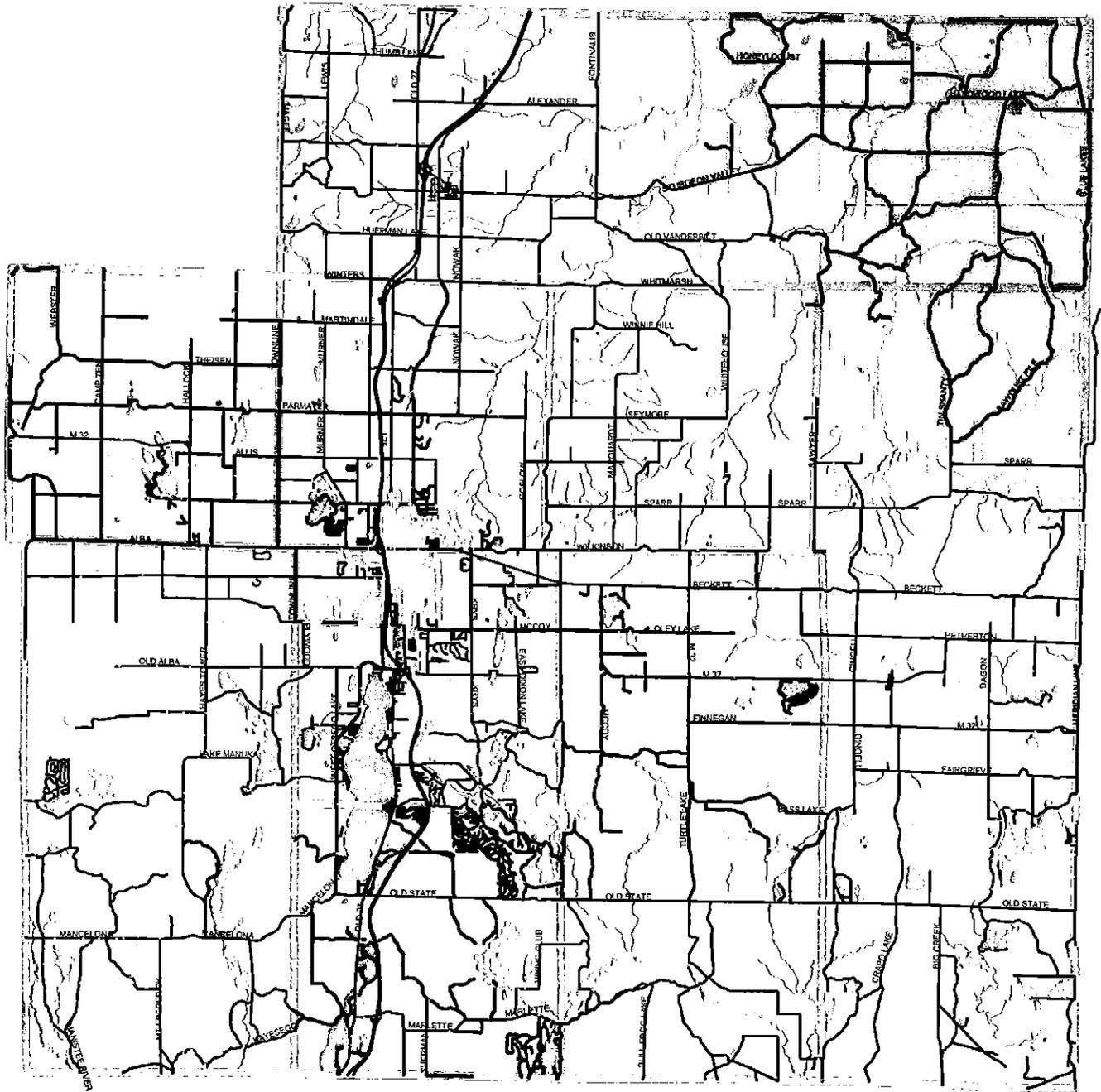
Alpena St
Amoco Rd
Anderson Dr
Apple Hill Cir
Arbutus Ct

Au Sable Trl
Autumn Trl
Avery Dr
Bagley St
Barn Owl Ct
Beaver St
Beech St
Bent Tree Dr
Blue Spruce Ct
Bluebird Ln
Bluejay Cir
Bob O Link Ct
Bob White Way
Bradford Dr
Cardinal Ct
Cartwright Trl
Cherry Log Ct
Cherry St
Chickadee Ct
Chipmunk Ln
Chub Lake Dr
Circle Dr
Colonial Ct
Compton Dr
Cottage Trl
Cottonwood Ave
Deer Park Ct
Dennis Ln
Dodge Lake Rd
Doepath Pl
Dogwood Ct
Dove Trl
Downhill Run
Eagles Nest Rd
East Heart Lake Dr
East Opal Lake Rd
Echo Dr
Edelweis Trl
Eifel Hills Rd
Enchanted Dr
Falcon Way
Fantasy Dr
Fascination Dr
Ferngrove Ct
Firestone Ct
First Court Ave
Foothills Trl
Forest Park Trl

Forester Dr
Gilbert St
Gilman Trl
Golden Elk Ct
Goodfellow Dr
Gray Hawk Ct
Grimm Ct
Hartwick Rd
Hatch Dr
Hayesego Trl
Heather Ct
Hemlock St
Henry Stephens St
Hidden Isle Dr
High Tower Trl
High Trees Ct
Hummingbird Ct
Hungry Hollow Ct
Huntingdon Dr
Ivy Trl
Karsten St
Kelley St
Kellogg Dr
Kenyon Trl
Kenyon Trl E
Kernel Ct
Kingfisher Ct
Kirtland Trl
Krause Rd
Lake Ridge Dr
Lake Shore Dr
Lakeview Ave
Lakewood Dr
Legend Dr
Leighton St
Linn St
Locksley Dr
Lombard Ave
Lynx Trl
Manning Dr
Marion Ct
Matterhorn Ct
Meadowlark Way
Memorial Dr
Mercury Trl
Merion Ct
Michaywe Dr
Mission Hills Ln

Mockingbird Ln
Mountain Pass
Nightingale Dr
North Heart Lake Dr
North Shore Dr
Northstar Rd
Nottingham Dr
Oakland Hills Dr
Olmstead St
Omaha Ct
Opal Lake Dr
Opal Lake Rd
Oriole Cir
Otter St
Partridge Pl
Passenheim Rd
Pearson St
Pebble Beach Dr
Pheasant Run
Pine St
Pointe Dr
Primrose Trl
Quail Hollow Rd
Quick St
Ranger Lake Rd
Raven Trl
Robin Ct
Salem Rd
Sanctuary Dr
Sandpiper Trl
Shaggy Bark Ct
Sherwood Dr
Snow Goose Cir
Snow Moon Ct
Snow Owl Ct
Snowberry Trl
Snowmass Ct
Softwood Trl
Southwest Opal Lake Rd
Spring Dr
St Andrews Dr
Staghorn Ct
Steep Hollow
Sugar Hill Cir
Summit Dr
Sun-rose Trl
Sunset Dr
Timber Valley Rd

Timberlane Trl
Timberly Ln
Trillium Trl S
Trillium Trl W
Verlinde St
Wagner Dr
Warbler Ct
Warner St
Washington Ave
Watt St
West Heart Lake Dr
West Opal Lake Rd
West Otsego Lake Dr
Whisper Dr
Whispering Pines Dr
White Mountain Ln
White St
Willow Ct
Wm Brooks Dr
Wolverine Trl
Wood Thrush Cir
Woodcock Ct
Woodpecker Trl



Otsego County ORV Routes

Scale: 1" = 3.5 Miles

	Pigeon River Forest		5 m.p.h. ORV Zone
	Roads Open to ORVs		Rivers
	Closed Roads		Lakes
	State Highway/ Interstate		

AMERICAN ACADEMY OF PEDIATRICS

Committee on Injury and Poison Prevention

All-Terrain Vehicle Injury Prevention: Two-, Three-, and Four-Wheeled Unlicensed Motor Vehicles

ABSTRACT. Since 1987, the American Academy of Pediatrics (AAP) has had a policy about the use of motorized cycles and all-terrain vehicles (ATVs) by children. The purpose of this policy statement is to update and strengthen previous policy. This statement describes the various kinds of motorized cycles and ATVs and outlines the epidemiologic characteristics of deaths and injuries related to their use by children in light of the 1987 consent decrees entered into by the US Consumer Product Safety Commission and the manufacturers of ATVs. Recommendations are made for public, patient, and parent education by pediatricians; equipment modifications; the use of safety equipment; and the development and improvement of safer off-road trails and responsive emergency medical systems. In addition, the AAP strengthens its recommendation for passage of legislation in all states prohibiting the use of 2- and 4-wheeled off-road vehicles by children younger than 16 years, as well as a ban on the sale of new and used 3-wheeled ATVs, with a recall of all used 3-wheeled ATVs.

ABBREVIATIONS. CPSC, US Consumer Product Safety Commission; ATV, all-terrain vehicle; AAP, American Academy of Pediatrics.

TWO-WHEELED VEHICLES

Miniature motorcycles intended for off-road use by children and adolescents have enjoyed wide popularity since the 1960s. However, manufacture of these vehicles is not regulated by federal motor vehicle safety standards. Neither the rider nor the vehicle is required to be licensed. Some of these cycles are small enough to be operated by children as young as 4 years, and many have been sold for use by school-aged children.¹

Minibikes, the smallest and most primitive of the 2-wheelers, are motorized bicycle-style frames that weigh <45 kg and are powered by engines operating at <4 horsepower. The more sophisticated and higher-powered *minicycles* are constructed with suspension systems and transmissions that resemble miniature motorcycles. *Trailbikes* or *trailcycles* are larger than minicycles and have power and design characteristics that make them suitable for rough terrain. They are generally only approved for off-road use. *Mopeds* are bicycles with small, unenclosed assist motors and top speeds of about 30 mph. They are intended for street use but, in many states, nei-

ther the mopeds nor their drivers must be licensed.² Two-wheeled vehicles generally have a short and relatively unstable wheelbase, small tires, slow acceleration, borderline brakes, and poor visibility in traffic (both of the cycle and by the cycle operator).^{2,3} *Motorcycles* are also 2-wheeled cycles, but require licenses in all states; these vehicles are not specifically discussed in this statement.

About 40 000 injuries related to 2-wheeled motorized off-road cycles were treated in emergency departments each year, 1994 through 1996.⁴ Of the injuries, 26% were sustained by children younger than 15 years. From 1990 through the first quarter of 1995, the US Consumer Product Safety Commission (CPSC) collected at least 50 reports of deaths related to minibike and trailcycle use. All but 1 of the victims were male, and 42% were 16 years of age or younger.⁵

Injury typically results from loss of control of the cycle after striking rocks, bumps, or holes, or from illegal on-road use. Mopeds are more often involved in collisions with other vehicles, presumably because they are legally used on-road, and frequently in urban areas.² Shoulder, knee, and leg injuries account for more than one third of emergency department visits for moped-related injuries. Head injuries account for about half of the deaths.⁵ Laryngotracheal trauma may result from driving across open fields into poorly visible wire fences. Thermal burns occur when engines are not enclosed, which is usual for mopeds.⁶ Deaths are more likely to be associated with racing or jumping.⁵

THREE- AND FOUR-WHEELED VEHICLES

All-terrain vehicles (ATVs) are motorized cycles, with 3 or 4 balloon-style tires, designed for off-road use on a variety of terrains. Although ATVs give the appearance of stability, the 3-wheeled design is especially unstable on hard surfaces. The ATV stability is further compromised by a high center of gravity, a poor or absent suspension system, and no rear-wheel differential. The danger is magnified because these vehicles can attain substantial speeds (30–50 mph).⁷

Most injuries associated with ATVs occur when the driver loses control, the vehicle rolls over, the driver or passenger is thrown off, or there is a collision with a fixed object.⁸ Studies in Alaska and Missouri have identified a number of risk factors for injury, including rider inexperience, intoxication with alcohol, excessive speed, and lack of helmet use.^{9,10} The recognition of the significant hazards associated with ATV use led to a federal investigation

The recommendations in this statement do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.
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and the acceptance of consent decrees by the ATV manufacturers in early 1988.¹¹ Under the decrees, the industry agreed to cease production and sale of new 3-wheeled ATVs (but not to recall old ones), to implement a rider-safety training program nationally, and to develop a voluntary standard to make ATVs safer. Warnings and age recommendations were included on the vehicle and in advertising. ATVs with engines >70 mL could be used only by children 12 years and older; "adult-sized" engines (those >90 mL) were not to be used by children or adolescents under 16 years.¹¹ Although the decrees did not prohibit the sale of the ATVs with engines <70 mL, which previously had been promoted for children younger than 12 years, none have been manufactured since 1986. After acceptance of the decrees, problems have occurred with some dealers not communicating the age restrictions to consumers, although pressure and enforcement by the CPSC have improved the situation. Nevertheless, children under 12 years still represent 15% of the deaths related to ATVs.¹²⁻¹⁴ It is probable that the most effective outcome of the 1988 consent decrees was the attendant publicity that led up to the decrees and the educational campaigns that occurred after them. The consent decrees expired in 1998. At that time, participating manufacturers agreed to an ATV Action Plan in which they agreed not to market or sell 3-wheeled ATVs, not market or sell adult-size ATVs to or for use by children younger than 16, promote training, and conduct safety education campaigns.¹⁵

The approximately 2.4 million ATVs still in use are associated with significant morbidity and mortality. Almost 2800 deaths have been attributed to ATVs (about 200 to 300 annually) since 1985.¹⁴ The risk of death, approximately .8 to 1.0 per 10 000 ATVs, has remained fairly steady since 1987. Annual emergency department visits for treatment of ATV-related injuries reached a peak of 108 000 in 1986 and declined after that to the present level of about 54 500.¹⁴ Children younger than 16 years account for 47% of the injuries in 1997 and >36% of the deaths since 1985.¹⁵ Head injuries account for most of the deaths, which usually are instantaneous.¹² Serious nonfatal injuries include head and spinal trauma, abdominal injuries, and multiple trauma.⁴ Abrasions, lacerations, and clavicle and extremity fractures are common and less serious.^{4,13} Some studies have suggested that children suffer more severe injuries. The severity of injury is the same for 3- and 4-wheeled ATVs.^{10,13,16} Currently, 4-wheeled vehicles account for 75% of the injuries, largely because of changes in the manufacture and sales of 3-wheeled ATVs after the 1988 consent decree, although many 3-wheeled ATVs remain in use. More injuries occur when ATVs are used for recreation than when they are used for nonrecreational purposes, for example, as farm vehicles.⁴

It is clear that deaths and injuries began to decline in 1986, possibly as an effect of the publicity before the consent decrees on the driving behavior of ATV users. A decline in sales, as well as diminished use by children, occurred after the decrees, but well before

the ban on 3-wheelers and design changes to make "safer" vehicles could have had a great effect.

RECOMMENDATIONS

The American Academy of Pediatrics (AAP) now updates its earlier recommendations^{10,17} to decrease death and injury related to the use of all 2-, 3-, and 4-wheeled ATVs:

1. Education, public and individual patient and parent, about the hazards of all ATVs should continue. (Besides benefiting the riders, it may increase public demand for greater regulation; eg, helmet laws and limitation on use by children.)
2. During anticipatory guidance, families should be asked, either by direct questioning or intake survey, about the kinds of recreational activities in which they engage. Just as those who have a swimming pool merit special counseling, so do families who engage in off-road vehicle use. The following points should be emphasized:
 - Off-road vehicles are particularly dangerous for children younger than 16 years who may have immature judgment and motor skills.¹⁰ Children who are not licensed to drive a car should not be allowed to operate off-road vehicles.
 - Injuries frequently occur to passengers, therefore riding double should not be permitted.
 - All riders should wear helmets, eye protection, and protective reflective clothing. Appropriate helmets are those designed for motorcycle (not bicycle) use, and should include safety visors/face shields for eye protection.
 - Parents should never permit the street use of off-road vehicles, and nighttime riding should not be allowed.
 - Flags, reflectors, and lights should be used to make vehicles more visible.
 - Drivers of recreational vehicles should not drive after drinking alcohol. Parents should set an example for their children in this regard.
 - Young drivers should be discouraged from on-road riding of any 2-wheeled motorized cycle, even when they are able to be licensed to do so, because they are inherently more dangerous than passenger cars.
3. Although the consent decrees required some equipment modifications to make ATVs safer, further changes have been suggested. They include the following:
 - Install seat belts on 4-wheeled ATVs and require that the vehicles also have a roll bar to prevent the driver from being crushed by the weight of the vehicle in the event of a rollover.
 - Headlights that automatically turn on when the engine is started should be routinely installed on all ATVs to improve visibility by other vehicles.
 - Speed governors (devices that limit maximum speed) should be installed on ATVs used by inexperienced operators.
 - Efforts should be made to design ATVs so that they cannot carry passengers.
 - Engine covers on small 2-wheeled vehicles, such as mopeds and minibikes, could reduce

burn injuries resulting from body contact with the engine and exhaust system. A sturdy leg guard could avoid injuries from sideswiping solid objects or being pinned to the ground.

All of these proposed modifications should be thoroughly evaluated before use and monitored after introduction.

4. Laws should be passed in all states requiring motorcycle-style helmets for off-road use as well as for on-road use. Motorcycle helmet laws have been proven to increase helmet use, and helmet use has been proven to reduce death and serious head injuries.^{16,18}
5. Many injuries are caused by various disruptions in the driving surface such as, bumps and holes. Developing and maintaining trails for the use of off-road vehicles may help reduce injury rates.
6. Prehospital care networks and emergency services should be improved in rural areas, which may minimize the effects of injuries and reduce deaths.¹¹
7. The AAP recommends a ban on the sale of all 3-wheeled ATVs, new and used, and a recall with a refund for present owners of the 3-wheeled models.
8. Laws should prohibit the use of ATVs, on- or off-road, by children and adolescents younger than 16 years. An automobile driver's license, and preferably some additional certification in ATV use, should be required to operate an ATV. The safe use of ATVs requires the same or greater skill, judgment, and experience as needed to operate an automobile.
9. ATVs should not be used after sunset or before sunrise, and carrying passengers should not be allowed. These provisions should be included in legislation.
10. Pediatricians should advocate for the passage of the AAP's model bill¹⁹ that:
 - prohibits the use of ATVs, on- or off-road, by children and adolescents younger than 16 years;
 - requires an automobile drivers' license, and preferably some additional certification in ATV use;
 - prohibits the use of ATVs on public streets and highways;
 - prohibits passengers from riding on ATVs;
 - prohibits operating an ATV under the influence of alcohol; and
 - prohibits the use of ATVs between sundown and sunrise.

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Position Statement

All-Terrain Vehicles

This Position Statement was developed as an educational tool based on the opinion of the authors. It is not a product of a systematic review. Readers are encouraged to consider the information presented and reach their own conclusions.

All-terrain vehicles (ATVs) are three- or four-wheeled motorized vehicles with large, soft tires and a relatively high center of gravity. Used primarily for off-the-road activities, ATVs have handlebars like a motorcycle and are designed for a single operator to straddle the body of the vehicle to move. Some can reach speeds of 50 mph and weigh up to 600 lbs.

Very few states require a license to operate an ATV, most of which are used for recreation. There are no mandatory national safety standards for their construction and only some states have issued regulations for their use. ATVs are often operated by children, some as young as age five.

ATVs have been involved in an alarming number of injuries and deaths, particularly among young people. Because of this, in 1998, the Consumer Product Safety Commission (CPSC) replaced its initial consent decree with ATV manufacturers with an updated ATV Action Plan agreement, which included not marketing or selling adult-sized ATVs for use by children younger than 16, not marketing or selling 3-wheel ATVs, and providing information and safety education.(1)

The American Academy of Orthopaedic Surgeons (AAOS) supports the Consumer Product Safety Commission consent agreement placing restrictions on the sale of four-wheeled ATVs to children. In addition, laws mandating licensing for operators should be passed and enforced.

The three-wheeled ATV is inherently unstable. When the operator executes a sharp turn at even moderate rates of speed, the high center of gravity of the vehicle, short wheel base and short turning radius, in many cases, can cause the vehicle to turn over. The rider may also be thrown from the vehicle or crushed beneath it as it rolls.

Many other risk factors, such as the use of alcohol and the lack of safety equipment, can contribute to accidents on ATVs. However, the basic design of the three- and four-wheeled models makes them hazardous to anyone who rides them.

Although perceived as recreational toys, ATVs can be extremely unsafe. During the past 13 years, more than 3,200 deaths related to ATV use have been recorded. More than one third of injuries were in children under the age of 15. (2) According to the US Consumer Product Safety Commission, more than 345,000 ATV-related injuries were treated in hospitals, doctors' offices and clinics in 2003, costing \$11.4 billion in medical, legal and work-loss expenses.(3)

The most common mechanisms of injury include striking the ground, hitting fixed objects such as trees, and rolling backwards. The majority of injuries are cranial or spinal. Although the relative incidence of these injuries is declining, the consequences remain severe.

Four-wheel ATVs have some of the same design features as the three-wheel models, including a high

center of gravity, short wheel-base, short turning radius and high-powered engine. They are difficult machines to operate, even if somewhat less likely to roll over than the three-wheeled versions. Moreover, as off-the-road vehicles, they are generally used on rough or uneven ground. Uneven surfaces can cause them to turn over, largely due to the high center of gravity. When used on hills, they are capable of flipping over from front to back, as the rear wheels can lift the front wheels off the ground when excessive power is applied. Studies have shown that almost 60 percent of accidents involving four-wheel ATVs result from tipping and overturning. Drivers can be thrown from these ATVs or can be crushed beneath them, just as with three-wheel models.

In light of statistics that show an inordinate number of injuries and deaths resulting from the use of ATVs, the AAOS considers ATVs to be a significant public risk. AAOS provides the following recommendations and safety tips for those choosing to ride ATVs:

- Operators should be licensed on the basis of demonstrated competence in handling the vehicle and knowledge of the safety hazards that are presented by driving an ATV. With few laws governing the use of these vehicles, at present, almost anyone of any age or level of skill or training can legally operate an ATV. Although ATVs with a 90 cc or greater engine size may not be sold to or for the use of children under the age of 16, once an ATV has been purchased and taken home, it is difficult to prevent small children from driving the ATV. No person should operate such a machine without some demonstration of training, knowledge and maturity.
- The minimum age of 16 for operating an ATV on or off the road should be enforced. Children under the age of 12 generally possess neither the body size and strength, nor the motor skills and coordination necessary for the safe handling of an ATV. Children under age 16 generally have not yet developed the perceptual abilities or the judgment required for the safe use of highly powered vehicles.
- Operators should be required to wear safety equipment. While sturdy clothing and leather gloves can help to prevent or mitigate cuts and abrasions associated with falls from the vehicle, the key piece of safety equipment is a safety helmet that meets standards set for helmets used by motorcycle riders. As with motorcycle riders, the helmet provides the best protection available against death or serious, disabling injury. In 80 percent of the deaths from accidents involving ATVs, the driver was not wearing a helmet.
- ATVs should be used only during daylight hours. Most ATVs are marketed and used as off the road, recreational vehicles. In the varied terrain in which they are most commonly used, good visibility is required. Riding after dark is especially dangerous because lights attached to a vehicle cannot provide enough properly directed illumination when the vehicle is bouncing or turning.
- Only one person at a time should ride an ATV. Adding a passenger to the ATV increases the propensity of the vehicle to tip or turn over. In almost a third of ATV accidents (31 percent), more than one person was riding the vehicle.
- Do not operate an ATV if you are under the influence of drugs or alcohol. According to the CPSC, approximately 30 percent of all fatal ATV accidents involved alcohol use. (4)

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Clark Bates, Commissioner
Otsego County
District I
P.O. Box 308
Gaylord, Mi. 49734

May 17, 2009

Ref: Proposed Off Road Vehicle Ordinance

Commissioner Bates:

In reference to the above proposed ORV Ordinance I am in agreement with the suggested designations of roads closed in the Pigeon River State Forest.

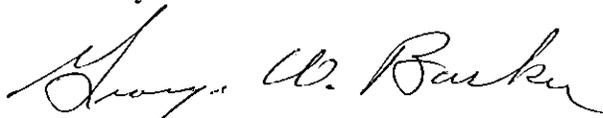
I feel the Forest must continue to remain as an area for silent sports with the least amount of vehicle traffic as possible, no ORV,s, ATV.s or Snowmobiles.

Permitting any of these vehicles in the Forest area is contrary to the MI.DNR and the Pigeon River Advisory Councils "Concept of Management" policies.

Your consideration to approve the above as is or any additional roads adjoining or connecting to the Forest would be greatly appreciated.

Thanking you in advance.

Sincerely,



George W. Barker
625 East Main St.
Gaylord, Mi.
989)732-9261

cc: Ken Glasser
County Commissioner

"ORV" usage on county roads

From: **Edward Lebowsky** (elebowsky@att.net)

Sent: Thu 5/21/09 10:05 AM

To: glasserkenneth@hotmail.com; ccao@cheboygancounty.net; jburt@otsegocountymi.gov

May 20,2009

To Whom It May Concern,

WHY I AM OPPOSED TO THE USE OF "ORV" on OTSEGO AND CHEBOYGAN COUNTY ROADS INCLUDING THOSE IN THE PIGEON RIVER COUNTRY STATE FOREST?

The county BOARD OF COMMISSIONERS in Cheboygan and Otsego counties are presently in the process of drafting an ordinance concerning the use of "ORV" on all or part of roads in the counties including roads in the PRCSF.

As a property owner in Otsego county / Corwith Township I am opposed to the use of "ORV" on county roads for the following reasons:

NOISE - For the past seven years "ORV" (2,3, and 4 wheel, including jacked up "Jeeps"), go by our cabin (day or night), with little respect to others.

SPEED - See #1 above.

GARBAGE - Take a ride any day or evening in the GREEN TIMBERS / PRCSF and observe the litter that is left by those who have come to HUNT, FISH, HIKE, or simply enjoy a view of NATURE. While we all believe in the "GOOD" in HUMAN NATURE, it simply is not a way of life for all.

COST OF ENFORCEMENT - Today more then ever, it is "UN-REAL" to expect any enforcement of rules if the county roads are open to "ORV".

County and state law enforcement is stretched and continue to be underfunded.

This is a county issue and "ORV" usage on county roads should be "DENIED" by "COUNTY ORDINANCE".

One last thought Take a ride out OLD VANDERBILT RD. (1 to 1 1/2 miles past the Pigeon River)

Look to your left, up the hill, with the power line

"ORV" use at its best. THIS CAN BE A COUNTY ROAD IN YOUR NECK OF THE WOODS.

Thank You,

EDWARD J. LEBOWSKY



**Gaylord Area
Chamber of Commerce**

101 West Main Street • PO Box 513 • Gaylord, Michigan 49734
(989) 732-6333 • Fax (989) 732-7990 • Information Center (989) 732-4000 • www.gaylordchamber.com

Resolution in favor of Adoption of Otsego County ORV Ordinance

Whereas, the Gaylord Area Chamber of Commerce is a 500 + member business organization charged with the mission of supporting and improving the local business climate.

Whereas, The Otsego County Board of Commissioner is considering the adoption of a County-wide uniform ORV ordinance through the recently adopted Michigan Public Acts 240 and 241.

Whereas, if approved, this ordinance would regulate the orderly and safe use of ORV's and allow greater law enforcement by local agencies.

Whereas, Otsego County has a great number of businesses who are positively affected by the ORV and recreation industry.

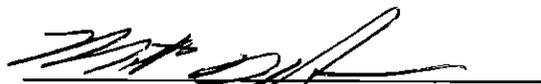
Whereas, There has been a large increase in the number of ORV sales and users and it is prudent and safe to regulate their use in Otsego County.

Whereas, We believe the adoption of this ordinance will have positive impact on our local business community and provide the opportunity for growth in the ORV and recreation sector.

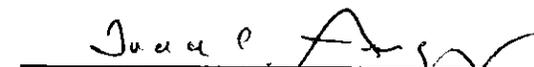
Therefore be it Resolved, the Gaylord Area Chamber of Commerce strongly supports the adoption of the Otsego County ORV ordinance.

Be it further Resolved, that we encourage the Townships of Elmira, Otsego Lake and Chester to allow ORV use in their respective townships subject to their statutory duties to limit access to certain roads and exercising good judgment in working with adjoining townships.

Adopted, this 18th day of May, 2009.



Matt Rooyakke, Chairman



Todd Gregory, Vice-Chairman



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E-mail: info@michiganconservation.org

May 26, 2009

To: Otsego County Commissioners

From: Robert E. Jacobson, President
Michigan Conservation Foundation

Subject: State ordinance for the operation of Off-Road Vehicles on the Shoulders or right-of-ways of county roads.

Dear Commissioners

Michigan Conservation Foundation (MCF), Board of Trustees have many concerns regarding the Legislation allowing ORV's and ATV's to travel on the shoulders or right-of-ways on county roads.

Safety is Number 1: School children walking the shoulders of roads are a serious issue. ORV's veering from the shoulder to miss an obstruction and into the path of a car or truck is a real happening.

At a meeting I attended in Houghton Lake (Roscommon County) two years ago the State Police Post Commander and County Sheriff had major concerns with safety issues and law enforcement.

Lets face it, the real force behind the ordinance are owners of lodging, food and fuel establishments and don't forget bars.

MCF sees major problems with the usage of off road vehicles on county roads in the Pigeon River Country State Forest (PRCSF) for a number of reasons. The 175 miles of county roads are narrow with little or no shoulders and trees adjacent to the sand roads. Riding ORV's in sand is problem enough without swerving into a motor vehicle or a tree when encountering a vehicle traveling 55 mph on a blind curve.

Setting a 25 mph speed limit is something that will not happen and enforcement is out of the question.

(A Law Suit against Townships and Counties is a sure thing today, with a serious injury or death.)

Allowing off-road vehicles in the PRCSF is a violation of all common sense, let alone the purpose that the Pigeon was established for in its creation. The Pigeon is designated as a SPECIAL State Forest for a multiple of conservation reasons as everyone here knows and will be repeated today by others.

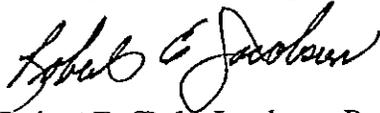
Once again, do we have Politicians making laws based on campaign money from commercial establishments, recreational activities, and future votes, with little or no regard for the safety and enforcement issues in the law?

In the end, is it always about money?

Manistee County Commissioners, on April 28, 2009, voted down the usage of ORV's and ATV's on County Road Shoulders for all the prior mentioned reasons. (See attachment)

The Michigan Conservation Foundation Board is of the opinion that the Otsego County Commission should follow the decision of the Manistee County Commission.

Thank you for allowing MCF to appear before you today.



Robert E. (Bob) Jacobson, President
Michigan Conservation Foundation

Cc: MCF Board of Trustees

RESTED AND READY

Red Wings to face the Ducks in conference semis



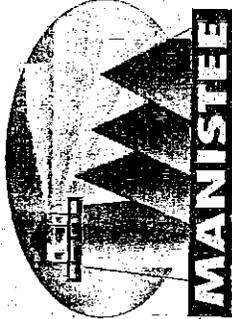
NO PLACE LIKE HOME

MHS tennis plays its first home match



SHUT OUT: Yankees serve up first shutout of seas

NEWS



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April 29, 2009

Manistee, Michigan

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County Commissioners opt not to adopt state ordinance

By KEN GRABOWSKI

ASSOCIATE EDITOR

MANISTEE — Manistee County will not be joining 26 other counties around Michigan in adopting the proposed state ordinance for the operation of Off Road Vehicles (ORVs) on roads in the county after the Manistee County Commissioners voted it down 5-2 on Tuesday evening.

An overflow crowd filled the Manistee County

Commissioners meeting room in the county courthouse and government center for the rare evening meeting of the commissioners and most were in attendance for the ORV issue.

The commissioners have been struggling over this issue for well over two years, but Tuesday's vote does not mean the end of the discussion in Manistee County. Under the provisions set down by the state, each individual township will get the opportunity to decide if they want it in their particular township after July 17.

Very limited discussion was allowed on the matter during the public comment portion of the meeting because the commissioners have held

two public hearings on the matter. The majority of those in attendance appeared to be in favor of adopting the ordinance, but those who were allowed to speak appeared evenly split on the issue.

Wellston area businessman Ray Schmidt said he owns a four-runner but is opposed to a countywide ordinance for several reasons. He said there are many people that don't understand a great deal about the ordinance, or what they can do under it.

"Most people think this would allow them to take their quad runner on to hunt deer or fish, but the state and federal government do not

allow you to drive them on their trail system," said Schmidt. "I have concerns about things like being able to ride 25 miles per hour, county signage, road repair and law enforcement."

Schmidt said he didn't see it to be the big economic surge that many people have been predicting and said he supports keeping the county as "a refuge for quiet sports."

Brethren resident Tom Hughes said he feels it could be a boost to the local economy in these tough times. He said Wexford County approved it on April 14 and felt Manistee should do the

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COMMISSION

CONTINUED FROM PAGE 1A

same.

"There are a lot of handicap veterans in the area on 100 percent disability, and it might make it a lot easier for them to get around with a quad," said Hughes.

Cleon Township resident Anne Kaminski said many townships have voted that they don't want an ORV ordinance. She cited damage to habitat and roadways could be a problem.

"Snowmobiles like to go up steep hills and through ditches and once vegetation is gone it doesn't come back," said Kaminski.

Bill Roberts of Dickson Township said the general population is aging, and ORVs are an opportunity for citizens to get around and enjoy the outdoors.

"I am getting up in years, and love the outdoors and the only way to enjoy it now is with an ORV," Roberts said. "The DNR has pulled me over twice for doing it, but haven't given me a ticket."

Commissioner Ed Haik said he totally supported when the county was attempting to adopt an ordinance for ORVs, but didn't support the wording in the state one.

"The state ordinance makes no sense," said Haik. "It says you can use hovercrafts on the roads, and it also says dirt bikes can be used. From my many years in law enforcement, dirt bikes have always been a problem in chasing them and many times it is kids riding them."

"I don't like them riding on the roads where they can only go 25 miles per hour while the rest of the traffic can go 55 miles per hour and they can ride right out on the road and not the edge."

Commissioner Ken Hilliard offered an opposing view to the issue.

"How are they any different from mo-peds or bicycles, as they can ride on the roads?"

"The state ordinance makes no sense. It says you can use hovercrafts on the roads, and it also says dirt bikes can be used. From my many years in law enforcement, dirt bikes have always been a problem in chasing them and many times it is kids riding them."

— ED HAIK
COUNTY COMMISSIONER

asked Hilliard.

Commission chair Allan O'Shea said he was concerned over who would be responsible for the cost of putting up signs to say where they were legal and not legal as townships could opt out of the ordinance. He also pointed out that the road commission would have the option of eliminating 33 percent of the roads in the county from being used.

"I have the same concerns as Mr. Haik in that it is not a good ordinance," said O'Shea.

Commissioners supporting the measure to adopt the ordinance were Ken Hilliard and Carl Rutske, while Ervin Kowalski, Ed Haik, Allan O'Shea, Glenn Lottie and Jim Krolczyk opposed it.

Ken Grabowski can be reached at: kgrabowski@pioneergroup.com

Dear Ms. Purgiel,

Thank you for the informative telephone call last night. As previously mentioned, I am against allowing ORVs to travel on the local roadways in Elmira Township. My position is based on the statistical data that identifies an unrecognized public health traffic safety problem that already exists on Michigan's unmarked and for the most part unregulated rural roads. In the 24 counties of Northern Michigan there is a 59% motor vehicle injury crash rate with contributing risk factors that include but are not limited to: driver distraction (i.e., cell phone use), alcohol, poor driver judgment/behavior, excessive speed, roadway hazards and a lack of Trauma Level I hospitals, thus compromising medical care to the severely injured. Allowing ORVs to drive on unmarked rural roadways adds yet another dimension to the current problem, since this type of recreational vehicle is viewed as a "toy" by the owner and with that perspective comes an attitude of thrill seeking and less personal responsibility.

I can appreciate the position of ORV advocates stating that permitting this type of recreational vehicle greater access to Northern Michigan could potentially increase tourism to the area. However, I do not believe based on the literature that this population of enthusiasts will provide economic sustainability over the long-term, but instead incur a greater financial burden to the individual counties. This trade off will be evident through the negative environmental impacts of noise, pollution, destruction of the natural vegetation, disruptions in wildlife, an increase incidence of motor vehicle injury crashes and compromising the quality of life of local residents. In essence, ORVs should be prohibited from traveling on unmarked rural county roadways in Elmira Township and remain on structurally sound and designated trails.

Below are a few websites of supporting documentation for your review:

<http://www.otsegoountymt.gov/uploads/ORV-Ordinance-Web.pdf>
http://www.michigan.gov/dnr/0,1607,7-153-10366_46403_4640+201580--,00.html
http://www.michigantrafficcrashfacts.org/doc/2007/veh_12.pdf
http://www.michigantrafficcrashfacts.org/doc/Upper_Peninsula/2007/up_veh_12.pdf

Please let me know if you will need any additional information. Again, I have a transportation related conference next week at the University of Michigan so I am uncertain if I will be able to attend the Elmira Township Meeting on Thursday, May 14, 2009. Please feel free to distribute this e-mail to the Board confirming my support against permitting ORV travel on unmarked county roadways.

Respectfully,

Karyn M. Warsaw, MS, MPH
 DrPH Student, Johns Hopkins Bloomberg School of Public Health
 Health Policy Management and Leadership

Clinical Research Scientist/Regulatory Compliance Auditor
 The Marrickar Group, LLC
 4947 Hallenius Road
 Gaylord, Michigan 49735
 (773) 330-4633 Office
 warsowreverence@yahoo.com

ORVs On County Roads

From: **SST-OPS-Ken Ide** (kide@h-htube.com)
Sent: Fri 3/20/09 9:03 AM
To: 'Ken Glasser' (glasserkenneth@hotmail.com)

Hi Ken,

I spoke with Judy Jarecki on Monday, and she filled me in on what is going on with this issue. I apologize for getting involved so late in the process, but I was not aware that it was taking place.

I understand that you are committed to closing the County roads in the Pigeon, and I certainly support that. I would also recommend closing the roads in the surrounding buffer areas, on the West & South sides of the PRC, as well.

Actually, I would support a more extensive closure than that, with only a few select roads in the County open to ORVs, but I do not have a specific recommendation on that, as I have not had an opportunity to think it through yet.

In any event, I wanted to let you know that not everyone in Corwith Township is in favor of unrestricted ORV access to County road shoulders. In my immediate area, the Websters (T32N- R2W, Sec 32), the Hartls (Sec. 28), and my parents, Jane & Martin Ide (Sec. 29) would all prefer that ORVs not be allowed on County roads in our area.

Thank you,

Ken

Kenneth G. Ide
Environmental Affairs Manager
H & H Tube - A Division of Sunspring America, Inc.
P. O. Box 455
Vanderbilt, MI 49795

Phone 989-983-2800, X 3025
Fax 989-983-2501
kide@h-htube.com

LAKE LOUISE PROPERTY OWNERS ASSOCIATION

Box 422 Johannesburg, 49751

Chester Township Trustees:

The roads of the LAKE LOUISE PROPERTY OWNERS ASSOCIATION are County roads and have been subject to all Otsego County rules. As the County considers the changes to the Off Road Vehicle (ORV) traffic codes, we hope that you will recommend that all Chester Township roads continue to serve all vehicular traffic in the safest manner possible.

While we know no one can control attitudes, reckless behavior and its consequences should never be encouraged.

Residential roads posted with 25 mile per hour speed limits should not be turned into ORV racetracks. The concern of the Directors of LLPOA is not with all ORV traffic but with the rider who is under the age of sixteen, is out of sight of a parent/guardian, and is not experienced enough to drive a motorized vehicle on County roads. Some Members had complained about the noise levels they have experienced when children are allowed to race on the association roads.

Ours is now a residential homeowners association that started as a resort vacation spot 35 years ago. Some Members still believe our roads are private, not County roads and they allow their children to race the roads on miniature ORVs. Short children are of course, small, driving these short ORVs

Our roads are hilly and curvy with no shoulders. Visibility is limited. If unlicensed drivers and children under age 16 are allowed to drive ORVs on the LLPOA roads, we fear it will lead to dire, avoidable consequences.

We ask that Birchdale, Coolwater, Grandview, Havenwood, Glenvale, Hollybrook, Valleybrook, and Pineridge be closed to ORVs operated by unlicensed drivers.

LLPOA Officers and Directors:

S. Kovacs
D. Smith
B. Madsen
M. Layman
P. Thrasher

March 10, 2009

Preserve the Prohibition on ORVs in Pigeon River Country

I have property and a cabin in Corwith Township bordering the Pigeon River Forest. I fish often, snowshoe and less often hike through the land P.S. Lovejoy established so individuals can experience as close as possible the natural wild beauty that this unparalleled tract of land can offer. Please preserve the prohibition of ORVs in Pigeon River Country (PRC).

Individuals who seek the quiet sports can find quiet here in the Pigeon River Country. There is no quiet in much of the UP. The hoards of ORVs north of Newberry rival the number of black flies on holiday weekends. West of I - 75 in the area of the West branch of the Sturgeon River If you find quiet for a spell, the country side displays the scars from knobby tire ATV and ORVs. Those vehicles likely buzzed down the roads full throttle, despite the best intentions of their drivers to leave only a foot print behind. What was left behind was indifference, and damage no man could do in a lifetime with only his two feet, a shovel and a penchant to deface the ground he traveled.

The Pigeon River Forest is too small and one of the few places left in the state to be forsaken for more open roads to ecologically negative ORVs. PRC should be free and safe from the folly and damage directly attributed to ORVs.

The Pigeon River Forest should be marketed as a surviving legacy to Lovejoy's vision and foresight of why we need "The Big Wild" and what it offers us compared to all the tracts of land in Michigan already criss-crossed with ORV trails. Appeal to the individuals who seek the quiet, the pristine, and reverence to the land. Do not jeopardize years of ecological stewardship to this land so it may suffer the consequences seen where ORVs are permitted to run. Banning ORVs will do more to preserve the Pigeon River Forest than not. Continuing the ban is not a take away from ORV enthusiasts. ORVs have ample opportunity elsewhere in this state. Opening roads to ORVs. will destroy the PRC appeal to many, who travel here, who spend money here, who recreate here. Why destroy this core attribute of the PRC as a motorized free refuge from civilization. Few places in the state much less the Midwest can boast having such a destination. ORVs can go many more places. Please don't take for granted this unique one of a kind testament to our world without the sight, sounds and dangers of ORVs. Campers without ORVs spend money and support local businesses. Will vacationers still chose to hike trails, or stay in campgrounds shared by ORVs? Is there an economic pro forma and cost analysis favoring the introduction of ORVs? To my mind the PRC is exceedingly more valuable and less costly to maintain without ORVs. If we can not have a data driven decision, more thought and research must be devoted to this issue before changing a status quo that has not caused harm to nature or man's profit margins.

Glenn Seagren

John M. Burt

From: Joe Matteini [jrmcochise@yahoo.com]
Sent: Friday, May 22, 2009 3:26 PM
To: John M. Burt
Subject: ORV's

Please reconsider opening roads to ORV'S.I stopped going to the Huron -National Forests because of all the land destruction and noise present.Even if you open just a few roads,they will take a mile if given an inch. Who is going to enforce laws when there are so many cutbacks? I have seen what they can do in the National Forests. Too much noise and disturbing of the natural settings.Sincerely Joseph Matteini.

**Board of Commissioners
Sign-In Sheet**

Tuesday, May 26, 2009

<u>Name</u>	<u>Address</u>
Duane Hoffman	1233 W Martin Lk Gaylord MI
Janet Hoffman	1233 W Martin Lk " "
Beth Dipzinski	1182 60510W Gaylord
WILLIAM SHELTON	13098 CAULKINS LAKE RD.
Barbara Luyar Dawick	5758 M ^c Coy Rd
William T Klawnski	2707 Wilkinson Rd Gaylord
ANDY NOESKE	140 BADGLEY RD VANDERBILT
Dee Smith	3386 Hazenwood Dr. Jo'burg
GARY Heidershot	10217 PLAYERS View 49735
BOB JACOBSON	89 MID-FOREST, PRUDENVILLE
SHEILA JACOBSON	" " "
Ken MacKellar	5523 Shaft Gaylord
KARRY KESSE	5325 SHAFF GAYLORD
Gwen Fleming	4264 Mandak Rd Edinburg
Red Dunham	831 Knollwood, Gaylord
KEN BORTON	7682 WHITE CLIFFS RD GAYLORD
Jeanne Bill Nowicki	Chester Sup.
Mary Jergensen	421 N. Otsego Gaylord
Stacy Wagon	9537 Old 27 S.
Chuck Klee	224 MARGUARDT
Joe & Juli Janda	8485 Old Vanderbilt Rd.
Randy & Betty Murphy	4330 Ranger Lake Rd

Board of Commissioners
Sign-In Sheet

Tuesday, May 26, 2009

<u>Name</u>	<u>Address</u>
Karyn M. Wasson	4947 Hallenius Rd
Ed LETSOWSKY	7872 OLD VANDERBILT RD
JEFF Dutcher	2572 South Otsego
Bob Huppert	7072 Shistato Trail, Gaylord
Russ Rowley	2572 S. Otsego Gaylord
Doug Kimmel	1493 Stonycroft, Gaylord
Mike Mang	156 S. Estate Dr, Gaylord
Leonard Skop	Elmira
John Watters	6269 Mt Vernon Hills Dr Vanderbilt Cornish
Eugene Horan	7273 E Sturgeon Valley Rd Vanderbilt
ADAM ZAMENSKI	2227 Hickorywood DR GAYLORD
David Fox	1557 Arrow Head Trail Gaylord
Bernie Kucharek	1993 Suisse Lane
Jon & Kim Shelley	2804 Townline Rd
SHARON TOBIT	3945 O. V. Hill Vanderbilt Cornish Twp.
Jim Jones	Po Box 794 Gaylord
CHRIS HASTY	1061 WINTERLAND DR GAYLORD
Jane Lange	2403 Murner Rd - Gaylord
KATHIE Loomis & Ralph Loomis	13430 Caulkins Ln Rd - JOBERG
Jim Atkins	Weekly Choice
Janet Chwapis	1189 Whitehouse Trail Dover Township

Board of Commissioners
Sign-In Sheet

Tuesday, May 26, 2009

<u>Name</u>	<u>Address</u>
Keith Huff Charlotte Rox	13726 Sparr Rd JOHANNESBURG MO 64501
Amanda LaBerge Otsago Lk township	7961 W. Otsago Lk Rd.
MIKE RIEBA	PO BOX 537 GAYLORD
Nora Corfis	TALL BIRCH GAYLORD
Mary Sanders	7200 Hayes Lane Rd