

PUBLIC SAFETY COMMITTEE and INFRASTRUCTURE AND DEVELOPMENT COMMITTEE

3/21/2011

304 E. Grand River Avenue, Howell, MI

6:30 PM

REVISED:

- Time Change
- Removal of Building Services
Resolution to GG/HHS

AGENDA

- 1. CALL MEETING TO ORDER**
- 2. APPROVAL OF MINUTES**
Meeting minutes dated: February 28, 2011
- 3. APPROVAL OF AGENDA**
- 4. REPORTS**
- 5. CALL TO THE PUBLIC**
- 6. RESOLUTIONS FOR CONSIDERATION:**

07 Sheriff
RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT TO PURCHASE SIXTY (60) CONCEALABLE BALLISTIC VESTS; AUTHORIZE THE USE OF FUNDS REQUIRED FOR THE PURCHASE FROM THE 2011 FEDERAL EQUITABLE SHARING (DEA) SPECIAL REVENUE FUND/SHERIFF'S DEPARTMENT

08 Sheriff
RESOLUTION TO APPROVE A CAPITAL EXPENDITURE FOR THE PURCHASE OF EXTENDED MAINTENANCE AGREEMENT FOR DIGITAL IN-CAR VIDEO RECORDING EQUIPMENT - Sheriff's Department / Public Safety Committe

09 Drain Commissioner
RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A WINTER LAKE LEVEL FOR PORTAGE AND BASELINE LAKES

10. ADJOURNMENT

MEETING MINUTES

LIVINGSTON COUNTY

FEBRUARY 28, 2011 – 7:30 P.M.

ADMINISTRATION BUILDING – BOARD CHAMBERS

304 E. Grand River Avenue, Howell, MI 48843

PUBLIC SAFETY

DAVID DOMAS CAROL GRIFFITH JIM MANTEY RON VAN HOUTEN

COMM. STEVE WILLIAMS

SHERIFF BEZOTTE

DIANE GREGOR

OTHERS:

CYNTHIA MENDOZA

MARY ELLEN NYGREN

CURT GRIFFITH

DARREN SPEER

DAVID MORSE

KATHLEEN KLINE-HUDSON

DIANE MCCORMICK

1. **CALL TO ORDER:** Meeting called to order by: **COMM. MAGGIE JONES** at 7:33 p.m.

2. **APPROVAL OF MINUTES:** **MINUTES OF MEETING DATED JANUARY 24, 2011:**

MOTION TO APPROVE THE MINUTES, AS PRESENTED.

MOVED BY: GRIFFITH / SECONDED BY: MANTEY

ALL IN FAVOR - MOTION PASSED

3. **APPROVAL OF AGENDA:**

MOTION TO APPROVE THE AGENDA, AS PRESENTED.

MOVED BY: VAN HOUTEN / SECONDED BY: GRIFFITH

ALL IN FAVOR - MOTION PASSED

4. **REPORTS:** **Kathleen Kline-Hudson, Director of Planning Department:** Last month Chris Foltz updated the Committee on the Energy Efficiency and Conservation Block Grant and projects that would be taken on. Kathleen explained that a resolution was recently directed to Finance to ensure that the replacements meet the deadline of March 14th.

5. **CALL TO THE PUBLIC:** **None.**

6. SHERIFF: RESOLUTION AUTHORIZING EXCEPTION TO HIRING FREEZE TO REPLACE ONE (1) PART TIME OFFICE ASSISTANT

RECOMMEND MOTION TO THE: FINANCE
MOVED BY: VAN HOUTEN / SECONDED BY: GRIFFITH
ALL IN FAVOR - MOTION PASSED

Sheriff Bezotte requested a discussion regarding filling the six part-time positions. He stated that sometimes in these part time positions (20 hours) there is a high turn over and requested that they be able to fill these vacancies without having to come to committee since they are not requesting any new positions. Comm. Jones stated that she would bring this up in the next Personnel Meeting.

7. SHERIFF: RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT AND THE COUNTY OF LIVINGSTON TO RENEW THE CONTRACT WITH THE TOWNSHIP OF PUTNAM FOR LAW ENFORCEMENT SERVICES FROM AUGUST 1, 2010 THROUGH JUNE 30, 2013

RECOMMEND MOTION TO THE: FINANCE
MOVED BY: GRIFFITH / SECONDED BY: MANTEY
ALL IN FAVOR - MOTION PASSED

8. INFORMATION TECHNOLOGY: RESOLUTION AUTHORIZING THE PROSECUTOR'S OFFICE AND EAST COMPLEX DEPARTMENTS TO UPGRADE TO LASERFICHE AVANTE

RECOMMEND MOTION TO THE: FINANCE
MOVED BY: MANTEY / SECONDED BY: GRIFFITH
ALL IN FAVOR - MOTION PASSED

David Morse, Prosecutor, gave a detailed report of the advantages and cost savings that will occur by upgrading the Laserfiche Avante system. He also touched on ways the other departments will benefit from this upgrade. Mary Ellen Nygren and Diane McCormick discussed the advantages their departments will improve with the new Laserfische Avante system and ways in which the public will benefit and reduce staff duplication of the same tasks. Comm. Griffith agreed that it would help the public image for the Environmental Health, Building and Drain for realtors who have weekend sales but are unable to access documents from those departments. The system also shows benefits for FOIA requests and redacting in legal documents that is currently done by hand. David Morse feels that they will see a payback on their investment within two years. Other systems were reviewed and assessed by the departments along with Diane Gregor, Darren Speer and Cindy Mendoza and found that this would be the best for uniformity use in meeting department needs.

9. ADJOURNMENT:

MOTION TO ADJOURN AT 8:09 P.M.

MOVED BY: MANTEY

SECONDED BY: VAN HOUTEN

ALL IN FAVOR - MOTION PASSED

Respectfully Submitted

KELLI HAWORTH
RECORDING SECRETARY

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE: March 1, 2011

RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT TO PURCHASE SIXTY (60) CONCEALABLE BALLISTIC VESTS; AUTHORIZE THE USE OF FUNDS REQUIRED FOR THE PURCHASE FROM THE 2011 FEDERAL EQUITABLE SHARING (DEA) SPECIAL REVENUE FUND.

WHEREAS, The Sheriff's Department has determined a need to replace our concealable ballistic vests, that have expired warranties, for road patrol officers within the department; and

WHEREAS, The Sheriff Department has complied with the County purchasing policy and received three price quotations from reputable vendors; and

WHEREAS, C.M.P. Distributors, Inc. of Lansing, Michigan has supplied a price quote for the Point Blank Armor Vision concealable vests in the amount of \$607 each for a total of \$36,420; and

WHEREAS, The U.S. Department of Justice under the Bulletproof Vest Partnership Program has awarded our department grant money in the amount of \$14,145 to reimburse our agency up to fifty (50) percent of the cost of a new vest which would make our final total cost \$22,275 after receipts are submitted to the U.S. DOJ BVP; and

WHEREAS, The Sheriff's Department 2011 budget line 266.301.744.000 (Federal Equitable Sharing (DEA)) has sufficient funds to allow the purchase.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners do Hereby authorize the purchase of concealable ballistic vests from C.M.P. Distributors, Inc. of Lansing, Michigan in the amount of \$36,420.

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MOVED:

SECONDED:

CARRIED:



LIVINGSTON COUNTY SHERIFF DEPARTMENT

**150 S. Highlander Way
Howell, Michigan 48843-2323
517.540.7912**

RMarshall@co.livingston.mi.us

DATE: March 1, 2011

TO: Livingston County Board of Commissioners

FROM: Sgt. Robert Marshall

RE: Resolution authorizing the purchase of sixty (60) concealable ballistic vests for the Sheriff's Department Road Patrol Division from the Federal Equitable Sharing (DEA) special revenue fund.

The Sheriff's Department has determined a need to replace our concealable ballistic vests that have expired warranties. Ballistic vest manufacturers warranty their vests for only five (5) years and our last purchase for the department was in November, 2005.

The U.S. Department of Justice awards law enforcement agencies grant money under the Bulletproof Vest Partnership Program. Our agency has applied for and was awarded \$14,145 under the BVP. This grant money can be used to reimburse our agency up to fifty (50) percent of the cost of each new vest purchased. The vests that are purchased must comply with the requirements of the Office of Justice Programs' National Institute of Justice (NIJ). The vests we plan to purchase are made by Point Blank Body Armor. They are the "Vision" model in threat Level II and they are in compliance with the current NIJ 06 standard.

The cost of the sixty (60) vests required by our department is \$36,420. We can submit receipts and obtain reimbursement for \$14,145, which will make the final total cost \$22,275.

This purchase will be made using funding from the Federal Equitable Sharing (DEA) special revenue fund. The statute governing this special revenue fund authorizes the purchase of ballistic vests for use in this capacity. The FY 2011 Sheriff's Department budget has a sufficient balance for this purchase.

Therefore, I am requesting that the attached resolution be approved. Thank you for your consideration in this matter.



LIVINGSTON COUNTY QUOTATION TABULATION WORKSHEET

Central Purchasing

304 E. Grand River, Howell, MI 48843

Phone: (517) 552-5002

Fax: (517) 546-7266

Vendor Information: Name, Address, Phone, Fax & E-mail

Vendor A	Vendor B	Vendor C	
C. M. P. Distributors, Inc. 6539 Westland Way, Suite 21 & 22 Lansing, MI 48917 866.721.0970	Center Mass, Inc. 6845 Woonsocket St. Canton, MI 48187 734.416.0047	Nye Uniform Co. 1030 Scribner, NW Grand Rapids, MI 49504 800.748.0007	
Description of Item(s):	Vendor Price		
	A	B	C
Point Blank Vision NIJ 06 Certified Level II Concealable Ballistic Vest With "Thor Shield", Soft Trauma Plate, and Extra Vest Carrier	\$599	\$770	\$895
SHIPPING/FREIGHT:	\$8 Each	\$8 Each	\$8 Each
Vendor Selected	Quantity	Unit Cost	Total Cost
C. M. P. Distributors, Inc.	60	(Including Shipping) \$607	\$36,420
Terms	Delivery	F.O.B.	Purchase Order #
Net 30		<input type="checkbox"/> Shipping	

Reason(s) order was placed with successful vendor:

- Lowest Price
 Quality
 Best Delivery
 Service
 Sole Source
 Best Design
 Other _____

Comment _____

Authorized Signature: _____ Date: _____



C.M.P. Distributors, Inc.

6539 Westland Way, Suite 21 & 22
Lansing, MI 48917

Toll Free: 866-721-0970

Phone: 517-721-0970
Fax: 517-721-0974

Phone: 313-274-2673
Fax: 313-274-0037

QUOTE

Date: 2/28/2011

QUOTE # 3304

Expiration Date: 3/30/2011

TO Robert Marshall
LIVINGSTON COUNTY SHERIFFS DEPT
150 S HIGHLANDER WAY
HOWELL, MI 48843
(517) 540-7912

Salesperson	Delivery Date	Payment Terms
Catherine M. Parks		Net 30

Description	Qty	Unit Price	Line Total
Point Blank Vision, Level II with ThorShield, 2 Carriers and 5"x8" Soft Trauma Plate	1	\$599.00	\$599.00
* Shipping charges are additional. Please note that due to unstable fuel surcharges, all verbal and written freight estimates are subject to change.			
Subtotal:			\$599.00
Sales Tax:			\$0.00
Total:			\$599.00

Quotation prepared by: _____

This is a quotation on the goods named, subject to the conditions noted below:

1. Pricing is good for 30 days unless otherwise noted.
2. Please include the quote number on all correspondence to insure proper pricing when ordered/purchased.

if you have any questioned regarding this quote please contact
Maureca Wolf by e-mail, mwolf@cmpdist.com or Catherine Parks by e-mail, cmparks@cmpdist.com or call 517-974-4276

To accept this quotation, sign here and return: _____

Thank you for your business!



CENTER MASS INC.
6845 WOONSOCKET ST.
CANTON, MI 48187
PH: 734-416-0047
FAX: 734-416-0650

ESTIMATE

DATE ESTIMATE #
 1/6/2011 910

NAME / ADDRESS

Livingston County Sheriff's Dept.
 SGT R. Marshall
 150 S. Highlander Way
 Howell, MI 48843

REP	TERMS	EST DELIVERY	FOB		
FMoss	Net 15	4-6 weeks	Pompamo, FL		
ITEM	DESCRIPTION		QTY	COST	TOTAL
PB_Concealable	POINT BLANK CONCEALABLE ARMOR Carrier: VISION Ballistic Level: AII-1 LEVEL II (06NIJ) V50: 1626 fps WEIGHT: 0.77 psf THINNESS: 0.2 in - (1) carrier - (1) soft trauma plate - THOR SHIELD INCLUDED		1	700.00	700.00
PB_Concealable	POINT BLANK CONCEALABLE ARMOR Carrier: VISION Ballistic Level: AII-1 LEVEL II (06NIJ) V50: 1626 fps WEIGHT: 0.77 psf THINNESS: 0.2 in -(1) carrier -(*) soft trauma plate - THOR SHIELD INCLUDED		1	770.00	770.00
				SUBTOTAL	
THIS ESTIMATE IS VALID ONLY FOR 30 DAYS FROM THE DATE OF ISSUE.				SALES TAX (6.0%)	
				TOTAL	

Robert Marshall

From: gschultz@nyeuniform.com
Sent: Monday, January 03, 2011 15:15
To: Robert Marshall
Subject: Body armor vest quote.

Sgt. Marshall,

Enclosed is the quote for the Point Blank vest that Wendy Martin showed you.

Manufacturer: Point Blank
Model: Vision

Option 1.

Model Number: All
Threat Level: II
Trauma Plate: Soft
Price with one carrier: \$795.00 ea.
Price with two carriers: ~~\$895.00 ea.~~

Option 2.

Model Number: AIIIA
Threat Level: IIIA
Trauma Plate: Soft
Price with one carrier: \$825.00 ea.
Price with two carriers: \$925.00 ea.

Thank you,

Gary Schultz
Nye Uniform Co.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION TO APPROVE A CAPITAL EXPENDITURE FOR THE PURCHASE OF EXTENDED MAINTENANCE AGREEMENT FOR DIGITAL IN-CAR VIDEO RECORDING EQUIPMENT - Sheriff's Department / Public Safety Committee

WHEREAS, the Sheriff's Department has determined a need to continue the warranties on the thirty (30) digital in-car video recording systems, data storage server, attached PC, and wireless equipment that was purchased in three phases (board resolutions #2007-10-273; #2008-06-173; 2009-05-171); and

WHEREAS, L-3 Communications has created three separate invoices for each of the EMA's that correspond to the three phases of the equipment purchase. The server, attached PC, RAID Storage, wireless equipment and initial ten (10) cameras will cost \$7,925 for the EMA and cover the warranty period 4-25-2011 to 4-24-2012. The seven (7) cameras purchased in phase two of the project will cost \$2,100 for the EMA and cover the warranty period 5-27-2011 to 5-26-2012. In phase three of the project thirteen (13) cameras were purchased. It will cost \$4,875 for the EMA and cover the warranty on the equipment from 9-11-2011 to 9-10-2012; and

WHEREAS, the Sheriff's Department will be purchasing the one year Extended Maintenance Agreement (EMA) from L-3 Communications Mobile-Vision for all of the equipment for a sum not to exceed \$14,900; and

WHEREAS, the purchase of the EMA will be an annual expense to maintain the equipment for as long as L-3 Communications agrees to cover the equipment; and

WHEREAS, there are sufficient funds within Fund 266- Federal Equitable Sharing (DEA) special revenue fund balance for the purchase and

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the purchase of a one year Extended Maintenance Agreement from L-3 Communications for a sum not to exceed \$14,900 which will be paid for out of the Federal Equitable Sharing (DEA) special revenue fund.

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MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY SHERIFF DEPARTMENT

**150 S. Highlander Way
Howell, Michigan 48843-2323
517.540.7912**

RMarshall@co.livingston.mi.us

DATE: March 1, 2011

TO: Livingston County Board of Commissioners

FROM: Sgt. Robert Marshall

RE: Resolution authorizing the purchase of sixty (60) concealable ballistic vests for the Sheriff's Department Road Patrol Division from the Federal Equitable Sharing (DEA) special revenue fund.

The Sheriff's Department has determined a need to replace our concealable ballistic vests that have expired warranties. Ballistic vest manufacturers warranty their vests for only five (5) years and our last purchase for the department was in November, 2005.

The U.S. Department of Justice awards law enforcement agencies grant money under the Bulletproof Vest Partnership Program. Our agency has applied for and was awarded \$14,145 under the BVP. This grant money can be used to reimburse our agency up to fifty (50) percent of the cost of each new vest purchased. The vests that are purchased must comply with the requirements of the Office of Justice Programs' National Institute of Justice (NIJ). The vests we plan to purchase are made by Point Blank Body Armor. They are the "Vision" model in threat Level II and they are in compliance with the current NIJ 06 standard.

The cost of the sixty (60) vests required by our department is \$36,420. We can submit receipts and obtain reimbursement for \$14,145, which will make the final total cost \$22,275.

This purchase will be made using funding from the Federal Equitable Sharing (DEA) special revenue fund. The statute governing this special revenue fund authorizes the purchase of ballistic vests for use in this capacity. The FY 2011 Sheriff's Department budget has a sufficient balance for this purchase.

Therefore, I am requesting that the attached resolution be approved. Thank you for your consideration in this matter.



communications

Mobile-Vision, Inc.

90 FANNY RD.
BOONTON, NJ 07005
PH. 973-263-1090
FAX 973-257-3024

Remit Payment to:
L-3 Communications Mobile-Vision, Inc.
P.O. Box 5580
General Post Office
New York, NY 10087-5580

INVOICE

INVOICE NUMBER: 0168104-IN

INVOICE DATE: 2/23/2011

PAGE: 1

SOLD TO: Livingston County Sheriff
150 S. Highlander Way
Howell, MI 48843
Confirm To:

SHIP TO: Livingston County Sheriff
150 S. Highlander Way
Howell, MI 48843

F.O.B. BOONTON, NJ
SHIP VIA: UPS GROUND
SHIP DATE: 2/23/2011
DUE DATE: 3/25/2011
TERMS: Net 30 Days

CUST. I.D.: MILIVIN
P.O. NUMBER: SgtMarshall#257
P.O. DATE: 2/23/2011
OUR ORDER NO.: 0091777
SALES PERSON: XX

ITEM I.D./ DESC.	ORDERED	SHIPPED	UNIT	PRICE	NET	TX
(EMA) EXTENDED MAINTENANCE AGREEMENT FOR YOUR MOBILE-VISION BACKEND SOLUTION						
/EMA DEP2708 3 EMA DEP2708 YEAR 3 SN 45N1RF1 & DVD/BU SN 231TQF1 COVERAGE DATES: 4/25/11 - 4/24/12 Note: If above is approved, EMA YR4 will be pro-rated to expire on 2/24/13 because hardware coverage can no longer be offered after 2/24/13. A software only warranty will still be available to purchase.	1.00	1.00	EACH	4,175.00	4,175.00	TM
(EMA) EXTENDED MAINTENANCE AGREEMENT FOR YOUR MOBILE-VISION IN-CAR VIDEO SYSTEMS						
/EMA STD YR 3 Sales EMA Standard Yr 3 SN FB014891,91-1,92,93,94,95,96,97,98,99 & 900 COVERAGE DATES: 4/25/11 - 4/24/12	10.00	10.00	EACH	375.00	3,750.00	TM

PLEASE REMIT PAYMENT TO L-3 COM MOBILE VISION, INC
PO BOX 5580 NEW YORK NY 10087-5580

SUBTOTAL:	7,925.00
TAX:	0.00
TOTAL:	7,925.00

These commodities are controlled under the Export Administration Regulations (EAR) and may not be exported without proper authorization by the US Dept of Commerce.



communications

Mobile-Vision, Inc.

90 FANNY RD.
BOONTON, NJ 07005
PH. 973-263-1090
FAX 973-257-3024

Remit Payment to:
L-3 Communications Mobile-Vision, Inc.
P.O. Box 5580
General Post Office
New York, NY 10087-5580

INVOICE

INVOICE NUMBER: 0168105-IN

INVOICE DATE: 2/23/2011

PAGE: 1

SOLD TO: Livingston County Sheriff
150 S. Highlander Way
Howell, MI 48843
Confirm To:

SHIP TO: Livingston County Sheriff
150 S. Highlander Way
Howell, MI 48843

F.O.B. BOONTON, NJ
SHIP VIA: UPS GROUND
SHIP DATE: 2/23/2011
DUE DATE: 3/25/2011
TERMS: Net 30 Days

CUST. I.D.: MILIVIN
P.O. NUMBER: SgtMarshall#257
P.O. DATE: 2/23/2011
OUR ORDER NO.: 0091779
SALES PERSON: XX

ITEM I.D./ DESC.	ORDERED	SHIPPED	UNIT	PRICE	NET	TX
(EMA) FOR YOUR MOBILE-VISION IN-CAR VIDEO SYSTEMS						
/EMA STD YR 2 Sales EMA Standard Yr 2	7.00	7.00	EACH	300.00	2,100.00	TM
SN FB023090,91,92,93,94,95 & 96 COVERAGE DATES: 5/27/11 - 5/26/12						

PLEASE REMIT PAYMENT TO L-3 COM MOBILE VISION, INC
PO BOX 5580 NEW YORK NY 10087-5580

SUBTOTAL:	2,100.00
TAX:	0.00
TOTAL:	2,100.00

These commodities are controlled under the Export Administration Regulations (EAR) and may not be exported without proper authorization by the US Dept of Commerce.



communications

Mobile-Vision, Inc.

90 FANNY RD.
BOONTON, NJ 07005
PH. 973-263-1090
FAX 973-257-3024

Remit Payment to:
L-3 Communications Mobile-Vision, Inc.
P.O. Box 5580
General Post Office
New York, NY 10087-5580

INVOICE

INVOICE NUMBER: 0168106-IN

INVOICE DATE: 2/23/2011

PAGE: 1

SOLD TO: Livingston County Sheriff
150 S. Highlander Way
Howell, MI 48843
Confirm To:

SHIP TO: Livingston County Sheriff
150 S. Highlander Way
Howell, MI 48843

F.O.B. BOONTON, NJ
SHIP VIA: UPS GROUND
SHIP DATE: 2/23/2011
DUE DATE: 3/25/2011
TERMS: Net 30 Days

CUST. I.D.: MILVIN
P.O. NUMBER: SgtMarshal#257
P.O. DATE: 2/23/2011
OUR ORDER NO.: 0091780
SALES PERSON: XX

ITEM I.D./ DESC.	ORDERED	SHIPPED	UNIT	PRICE	NET	TX
(EMA) EXTENDED MAINTENANCE AGREEMENT FOR YOUR MOBILE-VISION IN-CAR VIDEO SYSTEMS						
/EMA STD YR 3 Sales EMA Standard Yr 3	13.00	13.00	EACH	375.00	4,875.00	TM
SN FB016866,67,68,69,70,71,72,73,74,75,76,77 & 78 COVERAGE DATES: 9/11/11 - 9/10/12						

PLEASE REMIT PAYMENT TO L-3 COM MOBILE VISION, INC
PO BOX 5580 NEW YORK NY 10087-5580

SUBTOTAL:	4,875.00
TAX:	0.00
TOTAL:	4,875.00

These commodities are controlled under the Export Administration Regulations (EAR) and may not be exported without proper authorization by the US Dept of Commerce.

RESOLUTION

NO.

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A WINTER LAKE LEVEL FOR PORTAGE AND BASELINE LAKES Drain Commissioner

WHEREAS, the Washtenaw County Water Resources Commissioner (hereinafter the "Delegated Authority") has been charged with responsibility for operation and maintenance of the Portage Baseline Lake Dam on behalf of Washtenaw and Livingston Counties; and

WHEREAS, the Delegated Authority has annually authorized a 12- to 15-inch drawdown from the court-appointed level of 851.54 feet above mean sea level at the dam site in early November; and

WHEREAS, the aforementioned drawdown is performed to protect the shoreline and properties around the lake from ice damage that would otherwise occur if the court-appointed level was maintained in the winter months; and

WHEREAS, though not court ordered, the aforementioned drawdown has been a historical practice of the Delegated Authority for several decades; and

WHEREAS, upon review of its internal records, the Delegated Authority has requested that this historical practice be formally documented by the establishment of a winter lake level approved by Washtenaw County Circuit Court; and

WHEREAS, Washtenaw County Circuit Court set the currently established lake level, and retains continuing jurisdiction over the Lake Level pursuant to MCL 324.30707 (5); and

WHEREAS, Corporate Counsel for WCWRC has reviewed this request, and is willing to petition the court for establishment of a winter lake level in accordance with MCL 324.30707 (5), if authorized by Livingston and Washtenaw Counties.

NOW THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes Corporate Counsel for WCWRC to petition the Washtenaw County Circuit Court for establishment of a winter lake level following historical practices in accordance with MCL 324.30707 (5).

BE IT FURTHER RESOLVED that the costs for said court proceedings are to be assessed to the residents of the Portage and Baseline Lake Level Special Assessment District in accordance with the historical apportionment between counties, and said costs

are authorized to be assessed in accordance with Board Resolution 2010-07-233,
as approved on July 19, 2010.

BE IT FURTHER RESOLVED that this resolution becomes effective upon passage of a
similar resolution by the Washtenaw County Board of Commissioners.

Moved:

Supported:

Carried:



LIVINGSTON COUNTY, MICHIGAN
LIVINGSTON COUNTY DRAIN COMMISSIONER

2300 E. Grand River, Suite 105, Howell, Michigan 48843
Phone 517-546-0040 Fax 517-545-9658
Web Site: co.livingston.mi.us/drain

TO: David Domas, Chair
Infrastructure & Development Committee

FROM: Brian Jonckheere
Drain Commissioner

DATE: March 16, 2011

SUBJECT: RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A WINTER LAKE LEVEL FOR
PORTAGE AND BASELINE LAKES

BOARD ACTION REQUESTED

Board authorization to establish a winter lake level for the Portage and Baseline Lake Dam.

BACKGROUND

The Portage Baseline Lake Dam, constructed to maintain lake levels in Portage, Little Portage, and Baseline Lakes, in Webster, Dexter, Hamburg and Putnam Townships, was built in the 1960's. It is located in Section 1 of Dexter Township just south of the County line between Livingston and Washtenaw Counties (see attached map). This structure is operated by the Washtenaw County Water Resources Commissioner (WCWRC), as the "Delegated Authority" pursuant to Part 307, Inland Lake Levels, of the Natural Resources and Environmental Protection Act, as amended. Properties in both Washtenaw and Livingston counties are assessed for the operation and maintenance of the lake level. A recent dam inspection noted some substantial maintenance items that were needed, as previously discussed in Board Resolution 2010-07-233.

DISCUSSION

In discussions regarding the maintenance project with the Portage, Base, and Whitewood Homeowners Association (PBWOA), the matter of there being no legally established winter lake level was brought to the attention of the WCWRC. Historically, the dam operator has lowered the lake level 12 to 15 inches every November in an effort to minimize shoreline ice damage. Upon review of records, the WCWRC confirmed that no winter level had been established, as is typically done for lowering of lakes during winter months. Having a court-established winter lake level provides the legal basis for continuing the established historical practice of lowering the winter lake level.

The Inland Lake Level section of the State Environmental Code, Section 307, grants the courts jurisdiction to establish a legal lake level. Once this lake level is established, the courts have continuing jurisdiction in this matter:

Sec. 30707 (5) The court shall determine the normal level to be established and maintained, shall have continuing jurisdiction, and may provide for departure from the normal level as necessary to accomplish the purposes of this part. The court shall confirm the special assessment district boundaries within 60 days following the lake level determination. The court may determine that the normal level shall vary seasonally.

The Washtenaw County Circuit Court issued the original order establishing the normal lake level of 851.54 feet above mean sea level, and therefore it has continuing jurisdiction in this matter to establish a winter lake level.

IMPACT ON COUNTY HUMAN RESOURCES

None

IMPACT ON BUDGET

None, as the legal costs for obtaining a court order are specially assessed to the Lake level special assessment district as already established by the Circuit Court. There are 860 parcels in the special assessment district in Livingston County, which contains just under fifty percent of the special assessment roll. There is no at-large assessment to the county or townships associated with this project.

IMPACT ON INDIRECT COSTS:

None

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:

The Michigan Department of Natural Resources and the Michigan Department of Environmental Quality, as agencies in charge of fish and wildlife habitat and environmental impacts, may be called by the court to testify in this matter.

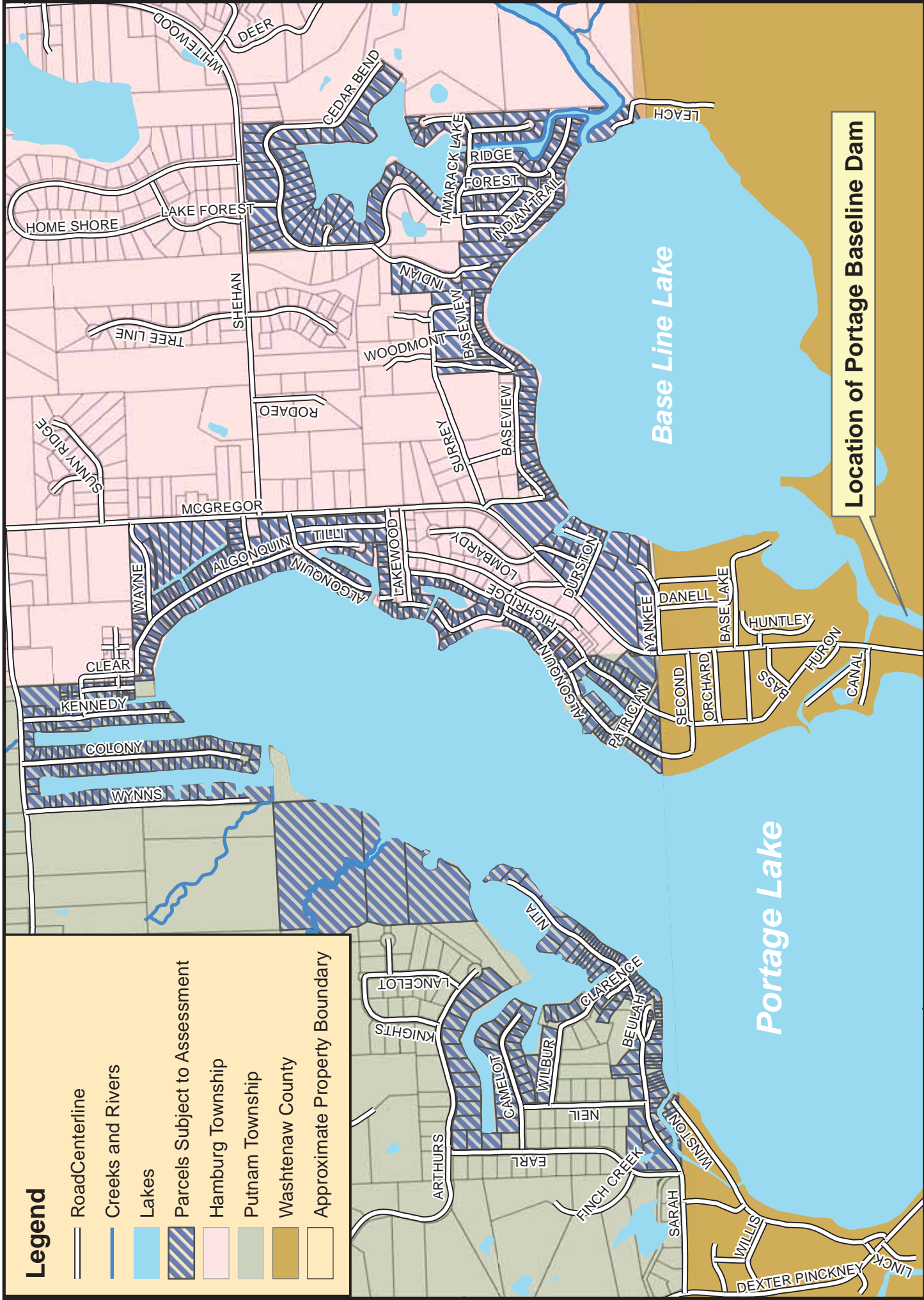
CONFORMITY TO COUNTY POLICIES:

Conforms to County Policies

ATTACHMENTS/APPENDICES:

Location Map

Resolution



Location of Portage Baseline Dam

Portage Baseline Lake Dam and Surrounding Area
 A Part of Livingston and Washtenaw Counties

Livingston County Drain Commissioner
 2300 E Grand River
 Howell, MI 48843
 Orthophoto Flown
 Printed



1 inch = 1,250 feet