



**Lake County Board of Commissioner's Meeting
Regular Meeting**

Wednesday, February 08, 2023 at 10:00 a.m.

1. Prayer and Pledge of Allegiance
2. Call to order: *Chairman Lodholtz*
3. Roll Call: *County Clerk or Designee*
4. Approval of Agenda
5. Approval of Minutes from January 25, 2023 Regular Board of Commissioner's Meeting
6. Public Comment:
Members of the Public may address the Board on any item. Comments are limited to a maximum of two (2) minutes per person
7. Committee and Agency Reports and Presentations:
 - I. Presentations:
 - 10:05 Marilyn Passmore-Charter Communications/Spectrum-Broadband Expansion
 - 10:15 Jodi Nichols LCEDA 2022 Highlights and 2023 Work Plan
 - Police Officers Association of Michigan, Deputies and Command Letter-Issues with PA's Office
 - II. Motions:
 - a. Motion Sheet: Semi Monthly Accounts Payables in the amount of \$183,051.56
 - b. Motion Sheet: 911 Expansion Construction Project
 - c. Motion Sheet: Refinishing Courthouse Outside Decorative Eyebrow
 - d. Motion Sheet: Installation of Bollards at Courthouse & Sheriff's Office
 - e. Motion Sheet: Creation of Funds 286 Accreditation Grant and 284 Opioid Settlement
 - f. Motion Sheet: 2023 Lake County ORV Ordinance Map
8. Correspondence:
 - a. Michigan Opioid Settlement Funds Toolkit
9. Old Business:
10. New Business:
11. Administrator's Report:
12. Public Comment:
Members of the Public may address the Board on any item. Comments are limited to a maximum of two (2) minutes per person
13. Miscellaneous: Commissioners Personal Privilege
14. Adjournment

All Agendas are subject to change
Commissioners Room
800 Tenth
Baldwin MI 49304

LAKE COUNTY BOARD OF COMMISSIONERS
 800 10th Street
 Baldwin, MI 49656
 Proposed Minutes
 Wednesday January 25, 2023

Prayer: Prayer with Commissioner Raymond

Pledge of Allegiance

Chairman called the Meeting to order at: 10:01

Present: Balulis, Sanders, Martin, Raymond Arquette, Welford and Lodholtz

Absent:

Commissioner Sanders moved that the agenda be approved; with a second from Commissioner Welford. All in favor motion carried.

Commissioner Balulis moved that the Minutes dated January 11, 2023, 2022 be approved with corrections; with a second from Commissioner Welford. All in favor-motion passed.

Public Comment:

Deputies and Comand Officers presented the Commissioners a letter from the Police Officers of Michigan, Doug Wortley, POAM Business Agent, concerning Lake County Prosecutor, Craig Cooper and his staff. This will be added to the agenda for the next Commissioners meeting and all members will be ask to be present.

Presentation:

Jen Records – Medical Examiner’s Office
 Karen Moore – Indigent Defense Consultant

Motions:

Commissioner Martin made a motion to approve of the semi-monthly detail analysis dated January 25, 2023 totaling \$182,478.83; with a second from Commissioner Sanders. Roll call vote: Balulis – yes, Welford- yes, Sanders -yes, Raymond – yes, Arquette – yes, Martin – yes and Lodholtz – yes. Motion carried.

101	GENERAL FUND	\$61,344.48
207	SHERIFF ROAD PATROL FUND	\$49,249.98
208	PARKS AND RECREATION	\$1,720.00
215	FRIEND OF THE COURT	\$634.07
216	COUNCIL ON AGING	\$34,145.16
220	HOLLISTER SENIOR CENTER	\$47.00
249	BUILDING INSPECTION DEPT	\$3,625.09
251	EMERGENCY 911 PROGRAM	\$26,895.62
258	DISASTER CONTINGENCY FUND	\$1,743.75
260	INDIGENT DEFENSE FUND	\$150.00
292	CHILD CARE-PROBATE	\$2,409.68

293	SOLDIER'S RELIEF FUND	\$200.00
569	DHS BUILDING	\$64.00
636	INFORMATION SERVICES	<u>\$250.00</u>
	TOTAL FOR ALL FUNDS	\$182,478.83

Commissioner Martin made a motion to approve of a budget amendment to increase the revenue 101-000.00-692.000 (Use of Fund Balance) by \$51,450.00 and increase the expenditure 101-101.00-802.000 (Contract Services) by \$51,450.00 for payout of the grants in FY 2023 to account for expenses originally budgeted in 2022, but not paid out; with a second from Commissioner Balulis. Roll call vote: Welford – yes, Sanders – yes, Raymond – yes, Arquette – yes, Martin – yes, Balulis – yes and Lodholtz – yes. Motion carried.

Commissioner Martin made a motion to approve the Lake County-Criminal Public Defender Agreement with Christine Frisbie, Public Defender starting January 1, 2023 and authorize the Board Chair to sign any and all necessary documents; with a second from Commissioner Arquette. Roll call vote: Raymond – yes, Arquette – yes, Martin – yes, Balulis – yes, Welford – yes, Sanders – yes and Lodholtz – yes. Motion carried.

Commissioner Martin made a motion to approve the Lake County-Criminal Public Defender Agreement with Smulders Law Office, Public Defender starting January 1, 2023 and authorize the Board Chair to sign any and all necessary documents; with a second from Commissioner Balulis. Roll call vote: Arquette – yes, Martin – yes, Balulis – yes, Welford – yes, Sanders – yes, Raymond – yes and Lodholtz – yes. Motion carried.

Commissioner Raymond made a motion to approve of Resolution #2023-01 Authorizing Repair and Maintenance Expenses in Excess of \$10,000 for 2023 on the Big Star Lake Level Structure; with a second from Commissioner Welford. Roll call vote: Balulis – yes, Welford – yes, Sanders – yes, Raymond – yes, Arquette – yes, Martin – yes and Lodholtz – yes. Motion carried.

Commissioner Raymond made a motion to approve of the EDA grant application for a County Economic Diversification Study in the amount of \$200,000 and the Administrator's Letter of Commitment for the county match of up to \$60,000; with a second from Commissioner Martin. Roll call vote: Welford – yes, Sanders – yes, Raymond – yes, Arquette – yes, Martin – yes, Balulis – yes and Lodholtz – yes. Motion carried.

Commissioner Raymond made a motion to approve the ratification of the letter of understanding between the P.O.A.M. Union for Corrections, the Sheriff, and the Board of Commissioners to create a new classification of Academy Cadet; with a second from Commissioner Welford. Roll call vote: Sanders – yes, Raymond – yes, Arquette – yes, Martin – yes, Balulis – yes, Welford – yes and Lodholtz – yes. Motion carried.

Commissioner Raymond made a motion to approve the revised Information Technology Coordinator job description and reclassification of the position from Grade 6 to Grade 7 on the MML wage scale; with a second from Commissioner Balulis. Roll call vote: Raymond – yes, Arquette – yes, Martin – yes, Balulis – yes, Welford – yes, Sanders – yes and Lodholtz – yes. Motion carried.

Commissioner Sanders made a motion to approve of the Board Chair's appointment of Eugene Hunt, representing the Democratic Party, to the County Board of Canvassers, with term ending 10/31/2025; with a second from Commissioner Martin. All in favor – motion carried.

Commissioner Sanders made a motion to accept Karl Wall's resignation from the Land Bank Authority Board, with term ending 6/30/2024; with a second from Commissioner Balulis. All in favor -motion carried.

Correspondence:

Material Management Planning information

New Business:

Appointment of Eugene Hunt to the Lake County Canvasser Board
Karl Walls resignation from the County Land Bank

Commissioner Reports:

Commissioner Raymond: Planning

Commissioner Arquette: Planning and milage discussion

Commissioner Martin: Health Department

Commissioner Balulis: Yates Township Dial a Ride

Commissioner Welford: attendance at his first meetings went well.

Commissioner Sanders: ORV meeting will be held February 3, 2023 at 2:00 in the Commissioners Room.

Unfinished Business:

Commissioner Martin made a motion to the summer payment early and pay off the RRP with grant funds when they come in; with a second from Commissioner Welford. Roll call vote: Martin - yes, Balulis - yes, Welford - yes, Sanders - yes, Raymond - yes, Arquette - yes, Martin - yes and Lodholtz - yes. Motion carried.

Administrators Report:

Opioid Grant and other topics

Public Comment:

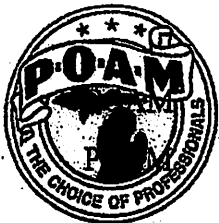
None

Miscellaneous:

None

Meeting adjourned at 12:010 pm

Patti Pacola-Lake County Clerk



POLICE OFFICERS ASSOCIATION OF MICHIGAN

27056 Joy Road • Redford, Michigan 48239-1949 • 313 937-9000 • FAX 313 937-9165

I am Doug Wortley, the servicing representative for both the Deputies and Command Officers of the Lake County Sheriff's Office. Several issues regarding the Lake County Prosecutors Office have been brought to my attention. The following is an outline and narrative of those issues as brought forth by the involved deputies:

The Deputies of the Lake County Sheriff's Office have had ongoing, serious issues with the Lake County Prosecuting Attorney's Office. These issues are a serious matter and directly impact the public safety of the Citizens of Lake County, Michigan. Deputies have attempted for several years to address these issues with the elected prosecutor, Craig Cooper. Those attempts have been mostly unsuccessful. Additionally, the Assistant Prosecuting Attorney has also failed to adequately perform the functions of their office.

The issues include the following:

- Unfamiliarity with the cases being prosecuted. At times, seemingly not even reading the police reports.
- Complete failure to communicate with police officers regarding the specifics of a criminal incident.
- Failure to meet with police and witnesses prior to court.
- Routine paperwork mistakes and disorganization.
- High turnover of employees in the prosecutor's office.
- Inadequate courtroom skills;
 - Loss of criminal trials with substantial evidence of guilt being available.
 - Failure to conduct adequate direct and cross examination of witnesses.
 - Failure to prepare for witness questioning.
 - Failure to know what a witness will be testifying to.
 - Failure to object to defense violations of court rules and misrepresentation of evidence.
 - Failure to adequately argue case law, court rules and law.
 - Poor public speaking skills in court.
 - Threats of sanctions on Prosecutor Cooper by Judges on the bench for court rule violations.
 - Disorganized paperwork for court presentations.
 - Disorganized and weak courtroom presentations.
- Failure to properly subpoena witnesses and police officers.
 - Subpoenas are often not timely and are "last minute."
 - Failure to subpoena witnesses and police officers at all.
 - Giving subpoenas to police officers who were not even involved in the case.
 - Giving subpoenas to witnesses who are not necessary for the successful prosecution of the case.

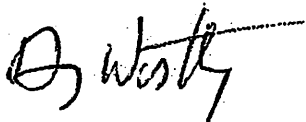
- Discovery. Failure to provide defense counsel with all records, documents, recordings, and evidence pertaining to criminal cases. Failure to provide case witness lists adequately and timely.
- Failure to charge defendants with the actual crimes they committed. Instead, charging them with the wrong criminal statute.
- Failure to charge defendants with ALL of the crimes they committed during an incident.
- Plea bargain agreements which tend to favor the defendant with light sentences.
- Plea bargain agreements made without discussion with the crime victim or the investigating officer.
- Repeated dismissal of charges by Assistant Prosecutor without good cause.
- Elected prosecutor Craig Cooper is routinely absent from the office. Common occurrence for him to come in to work only in the afternoon, if at all.
- Elected prosecutor Craig Cooper showing up late or at the last minute for court appearances.
- Many of the issues cited above also apply to the Assistant Prosecutor.

Therefore, on January 11, 2023 members of the Lake County Deputies Association of Michigan (Road Patrol-POAM) and the Lake County Command Officers Association (Road Patrol Command-COAM) held a meeting with the purpose to discuss ongoing and serious issues with the Lake County Prosecuting Attorney's Office. At the conclusion of the meeting, a "No Confidence" vote was passed unanimously by all members. That means, the Lake County Sheriff Deputies who are sworn to enforce the law in Lake County have no faith that the Prosecuting Attorney nor his Assistant Prosecutor can adequately fulfill the obligations of their office.

We present this NO CONFIDENCE vote hesitatingly and regretfully. This is not something that we wanted to do. Instead, we believe it needed to be done to help make the public fully aware of the condition of their elected prosecuting attorney's office. Additionally, this vote was not done as a personal attack on the prosecutor or his assistant prosecutor. Instead, it is done in an attempt to bring meaningful improvement to the Office of Prosecutor. Improvement and/or changes must be made in order to improve public safety in Lake County.

The Deputies who serve the Citizens of Lake County will continue to fulfill their Oaths of Office. The Deputies will also welcome improvements or positive changes in the prosecutor's office with open arms.

Sincerely,



Doug Wortley
POAM Business Agent

Request for consideration – Board of Commissioners – County of Lake



Agenda Item No: 7lla

Motion: 7lla

ORIGINATOR: Tobi Lake, Administrator	<input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED <input type="checkbox"/> PARTIALLY BUDGETED
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REQUESTING DEPARTMENT: Administration	REQUEST DATE:	REQUESTER SIGNATURE:
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SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL, IMPACT, POSSIBLE ALTERNATIVES):

101	GENERAL FUND	\$61,939.56
207	SHERIFF ROAD PATROL FUND	\$39,701.24
211	JAIL T.R.V. PROJECT	\$2,000.34
215	FRIEND OF THE COURT	\$1,337.45
249	BUILDING INSPECTION DEPT	\$3,894.93
251	EMERGENCY 911 PROGRAM	\$640.87
256	REG. OF DEEDS AUTOMATION	\$876.05
258	DISASTER CONTINGENCY FUND	\$4,062.50
260	INDIGENT DEFENSE FUND	\$17,076.33
269	LAW LIBRARY	\$763.24
272	CRIME VICTIMS REIMB	\$140.00
286	ACCREDITATION GRANT	\$16,126.89
292	CHILD CARE-PROBATE	\$1,999.11
505	AMBULANCE	\$31,934.41
569	DHS BUILDING	\$558.64
TOTAL FOR ALL FUNDS		\$ 183,051.56

SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES):

Motion to approve of the semi-monthly detail analysis dated February 08, 2023 totaling \$183,051.56

ADMINISTRATOR RECOMMENDATIONS:	ATTORNEY ANALYSIS:

AGENDA DATE: 02/08/2023	FINANCE MEETINGS APPROVAL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER	COMMISSION DATE 02/08/2023
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Request for consideration – Board of Commissioners – County of Lake



Agenda Item No: 711b

Motion: 711b

ORIGINATOR: Tobi Lake, Administrator	___ BUDGETED ___ NON-BUDGETED ___ PARTIALLY BUDGETED	
REQUESTING DEPARTMENT: Administration	REQUEST DATE:	REQUESTER SIGNATURE:
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL, IMPACT, POSSIBLE ALTERNATIVES):		
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES): Motion to approve the 911 expansion project; to approve of the quotes for construction, sprinklers, and HVAC work, as presented; and authorize the County Administrator to contract to have the necessary work completed in line with the project budget at an estimated cost of \$60,000. Money to come from 101-265-00-975-001.		
ADMINISTRATOR RECOMMENDATIONS:	ATTORNEY ANALYSIS:	
AGENDA DATE: 02/08/2023	FINANCE MEETINGS APPROVAL: ___ YES ___ NO ___ OTHER	COMMISSION DATE 02/08/2023

Request for consideration – Board of Commissioners – County of Lake



Agenda Item No: 7llc

Motion: 7llc

ORIGINATOR: Tobi Lake, Administrator	<input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED <input type="checkbox"/> PARTIALLY BUDGETED	
REQUESTING DEPARTMENT: Administration	REQUEST DATE:	REQUESTER SIGNATURE:
SUMMARY OF REQUEST Excess funds originally budgeted for the camera project will be used for this project.		
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES): Motion to approve the Refinishing of the Eyebrow at the old section of the Courthouse, at a cost not to exceed \$14,000, with money to come from 404-904-00-935-000.		
ADMINISTRATOR RECOMMENDATIONS:		ATTORNEY ANALYSIS:
AGENDA DATE: 02/08/2023	FINANCE MEETINGS APPROVAL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER	COMMISSION DATE 02/08/2023

Request for consideration – Board of Commissioners – County of Lake



Agenda Item No: 7lld

Motion: 7lld

ORIGINATOR: Tobi Lake, Administrator	<input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED <input type="checkbox"/> PARTIALLY BUDGETED	
REQUESTING DEPARTMENT: Administration	REQUEST DATE:	REQUESTER SIGNATURE:
SUMMARY OF REQUEST Excess funds originally budgeted for the camera project will be used for this project.		
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES): Motion to approve of installing 10 Bollards around the Courthouse building and at the Sheriff's Office entrance, at a cost not to exceed \$11,000, with money to come from 404-904-00-935-000.		
ADMINISTRATOR RECOMMENDATIONS:		ATTORNEY ANALYSIS:
AGENDA DATE: 02/08/2023	FINANCE MEETINGS APPROVAL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER	COMMISSION DATE 02/08/2023

Request for consideration – Board of Commissioners – County of Lake



Agenda Item No: 71le

Motion: 71le

ORIGINATOR: Tobi Lake, Administrator	<input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED <input type="checkbox"/> PARTIALLY BUDGETED	
REQUESTING DEPARTMENT: Administration	REQUEST DATE:	REQUESTER SIGNATURE:
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL, IMPACT, POSSIBLE ALTERNATIVES):		
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES): Motion to create the 284 Opioid Settlement Fund & the 286 Accreditation Grant Fund.		
ADMINISTRATOR RECOMMENDATIONS:	ATTORNEY ANALYSIS:	
AGENDA DATE: 02/08/2023	FINANCE MEETINGS APPROVAL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER	COMMISSION DATE 02/08/2023

Request for consideration – Board of Commissioners – County of Lake



**LAKE COUNTY
MICHIGAN**

Agenda Item No: 7llf

Motion: 7llf

ORIGINATOR: Tobi Lake, Administrator		___ BUDGETED ___ NON-BUDGETED ___ PARTIALLY BUDGETED	
REQUESTING DEPARTMENT: Administration	REQUEST DATE:	REQUESTER SIGNATURE:	
SUMMARY OF REQUEST			
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES): Motion to approve of the Lake County ORV Ordinance map changes for 2023 as presented from the ORV Ordinance Committee.			
ADMINISTRATOR RECOMMENDATIONS:		ATTORNEY ANALYSIS:	
AGENDA DATE: 2/8/2023		FINANCE MEETINGS APPROVAL: ___ YES ___ NO ___ OTHER	COMMISSION DATE 02/8/2023

Michigan Opioid Settlement Funds Toolkit

A Guide for Local Spending

January 2023

Michigan lost more than 3,000 individuals to overdose and had approximately 31,000 non-fatal emergency department visits due to overdose in 2021.¹ The impact of the opioid overdose crisis, and the broader overdose epidemic, extends beyond the statistics of overdoses into personal, social, economic, medical and community-based factors and outcomes. The Michigan Opioid Settlement Funds Toolkit: A Guide for Local Spending is a roadmap for local governments to assist with planning for, and utilization of, opioid settlement funds. The toolkit is intended to provide direction on process and linkage to existing resources provided by local and national entities and to assist with creation of targeted efforts from any starting place.

- **Purpose** - The toolkit begins with the purpose of the document, highlighting the intention to assist with planning for, and utilization of, opioid settlement funds.
- **Settlements overview** - The next section provides an overview of the opioid settlements, including information on the state and local agreement, estimated funds per county, future funds and tribal settlements.
- **Statistical overview and local data** - The toolkit describes the scope of the overdose crisis, providing state-level data and where to access local data.
- **Spending principles** – This section provides an overview of the spending principles laid out by Johns Hopkins Bloomberg School of Public Health and FXB Center for Health and Human Rights, as well as indicators for spending readiness from Johns Hopkins.
- **Steps for spending** – This section is the core component of the toolkit and provides a framework for where jurisdictions can begin their process and general steps to follow, including stakeholder engagement, gathering information, determining the process moving forward and monitoring and accountability.

¹ <https://www.michigan.gov/opioids/category-data>

Michigan Opioid Settlement Funds Toolkit

- **Strategies for spending** - In the strategies for spending section, information is outlined providing key strategies from the State of Michigan, Exhibit E of the current settlements and Johns Hopkins.

Recommended Steps for Spending

The recommended steps outlined aid with understanding of where to start when planning for and use of opioid settlement dollars. Steps take into account the various stages of jurisdictions across the state of Michigan

Stakeholder engagement

- Utilize existing community resources to ensure that those with expertise are represented when planning for spending (health departments, prevention coalitions, harm reduction providers, behavioral health provider agencies, recovery support providers, people with lived experience, etc.)
- Consider additional collaborators, such as surrounding counties and regional entities
- Ensure an equity lens, consider who is not at the table
- Ensure those with lived experience with substance use disorder and people who use drugs are engaged in the process

Gather information

- Review needs assessments, landscape analyses, gap inventories, reports, plans and other information from stakeholders
- Identify if additional information on community priorities needs to be gathered
- Determine the specific needs of your community, consider new and existing programming
- Utilize the [MAC Opioid Settlement Resource Center's Resource Library](#) to explore principles and tracking, evidence-based and promising practices, statewide tools, local government tools, legal resources, equity resources, other toolkits and reports and additional opportunities for funding

Determine process moving forward

- Identify where to start (multi-sector strategic planning, strategy selection, spending plan development, etc.)

Michigan Opioid Settlement Funds Toolkit

- Determine where capacity to support spending is present and sustainability of funding and strategies, including braiding activities and funding
- Choose strategies that are allowable and align with the needs of your community
- Sustainability planning should account for polysubstance use and the need to adapt strategies to address the changing drug use and overdose environment
- Ensure equity and lived experience with substance use disorder and people who use drugs are at the core of planning and design

Monitoring and accountability

- There are no comprehensive reporting requirements for the Distributors and J&J settlements; while such reporting is not legally required, it is essential to provide transparency and accountability for the spending process
- It is recommended that local governments create annual financial and impact reports; these reports may include the amount of funds spent, strategies and programs funded, impact of programs funded, process of strategy selection and dollar amount determinations and other relevant information
- Accountability and evaluation associated with the outcomes and effectiveness of funding and programming should also be considered

Local governments sit at the forefront of the crisis and have the greatest ability to impart change. MAC is able to provide technical assistance and support to local governments, at no charge, in strategic planning, policy analysis, strategy determination, spending plan development, monitoring and evaluation as well as linkage to resources. To request technical assistance through MAC, local governments can complete the [Opioid Settlement Subdivision Support Request Form](#).

For additional information visit MAC's [Opioid Settlement Resource Center](#) or contact Amy Dolinky, Technical Adviser Opioid Settlement Funds Planning and Capacity Building, at dolinky@micounties.org.

ORV Ordinance Committee

February 3, 2023

1. Motion made by Titus, Second by Welford

To recommend to the Board of Commissioners to open S. Rabbit Rd and S. Roby Lake Dr. from Birchwood Dr. on East to S. Branch Rd. on West.

Passed

2. Motion made by Lake, Second by Titus

To recommend to the Board of Commissioners to eliminate Branch Rd and Hamilton Rd. South of Ironwood Dr. from our map due to jurisdiction.

Passed

3. Motion made by Lake, Second by Titus

To recommend to the Board of Commissioners to eliminate Shepperd Rd from Centerline Rd to Fox Trail and Hill Top north of 8th from our map due to jurisdiction.

Passed

4. Motion made by Williams, Second by Martin

To recommend to the Board of Commissioners to eliminate Mac Rd from 3 mile to Centerline, Deer Ridge Rd. from Centerline to 8th, and Brooks Rd. from Centerline to 8th from our map due to jurisdiction.

Passed

5. Motion made by Titus, Second by Welford

To recommend to the Board of Commissioners to eliminate Gopher Trail and Eden Mt Rd East of the turnaround from our map due to jurisdiction.

Passed

6. Motion made by Titus, Second by Williams

To recommend to the Board of Commissioners to eliminate Hawk Rd. North of the curve, Mead from 10 Mile to 11 ½ Mile, the 9 Mile spurs both East and West of Hawkins Rd., and Mallard Trail from 11 ½ Rd. to 10 mile Rd, all from our map due to jurisdiction.

Passed

7. Motion made by Wilford, Second by Titus

To recommend to the Board of Commissioners to eliminate from our map the Olga Lake Public Access.

Passed

STATE OF MICHIGAN LAKE COUNTY
ORV ORDINANCE No. 24 – MASTER MAP
UPDATED 2/8/23

An ordinance authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Lake County, providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, which is incorporated by reference in its entirety.

THE COUNTY OF LAKE ORDAINS:

Section 1. Definitions. As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Lake.
- b) "Driver's license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under chapter III of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e) "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 land, 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, a ground effect air cushion vehicle, or other means of transportation deriving from a source other than muscle or wind. ORV 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 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 the performance of its common function, or a registered aircraft.
- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51. MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Lake.
- h) "Safety certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- i) "Direct supervision" means the direct visual observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.
- J) "Maintained Portion of the Road" means the portion of the road improved, designated, or ordinarily used for vehicular traffic and does not include within its meaning the shoulder or right-of-way.

Section 2. Designated Roads.

- a) An ORV may be operated only on the far right on the maintained portion of a road on the designated county roads listed in #3, Section 9, incorporated by reference, year-round (January 1 through December 31).
- b) An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway, including but not limited to M 37, US 10, or any other State or Federal highway in Lake County.

Section 3. Operation of ORV by child, Requirement: A parent or guardian of a child less than 16 years of age shall not permit or allow the child to violate any of the sections within this ordinance.

Section 4. Operating Conditions. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a designated road in the county:

- a) At a speed of no more than 25 miles per hour, or a lower posted ORV speed limit.
- b) By a person not less than 12 years of age.
- c) With the flow of traffic.
- d) In a manner which does not interfere with traffic on the road.
- e) Traveling single file, except when overtaking and passing another ORV.
- f) While displaying a lighted headlight and lighted taillight at all hours.
- g) Each operator and passenger must wear a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.
- h) Unless equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise; and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- i) While the ORV is equipped with a spark arrester type United States forest service approved muffler, in good working order and in constant operation.
- j) Pursuant to noise emission standards defined by law.
- k) The ORV shall be licensed by the Michigan Department of Natural Resources, and the ORV license/sticker shall be permanently attached and visibly displayed in the manner prescribed by the Michigan Department of Natural Resources in accordance with State law.

Section 5. License: Safety Certificate. A person less than 18 years of age shall not operate an ORV on a road in the County unless the person is in possession of a valid driver's license, or unless the person is under the direct supervision of a parent or guardian and has in his or her possession an ORV safety certificate or a comparable ORV Safety Certificate issued under the authority of another state or a province of Canada.

Section 6. Registered Motor Vehicle. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road in the County if the ORV is registered as a motor vehicle, and either is more than 65 inches wide or has three wheels.

Section 7. Evidence. In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road pursuant to state law was in a collision with an ORV required to be operated on the far right of the maintained portion of the road pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

Section 8. Penalties. Any person who violates this ordinance is guilty of a municipal civil infraction, and shall pay a civil fine of not less than \$175.00 and not more than \$500.00. In addition, a court may order the person to pay full restitution for any damage to the environment, a road, or public property damaged as a result of the violation.

Section 9. ORV Fund. The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Lake County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Lake 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, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the Lake County Sheriff for ORV enforcement and training.

Section 10. Master Map. The County shall maintain a master map of all roads under the jurisdiction of the Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to this Ordinance. The County shall make such master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to incur any expense associated with the making of such copies.

- a) The County shall update the Master Map, Section 15 once annually, between January 1 and February 28 of each year, to incorporate any changes to the designation of any road, parts or sections of upon which ORV travel is permitted or prohibited pursuant to this Ordinance.
- b) It shall be the responsibility of each Board, Commission or Council within Lake County to submit in writing no later than February 1 of each year, any changes to be incorporated into the Master Map, Section 15 for that year.

Section 11. Repealed Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 12. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the County, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Section 13. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 14. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

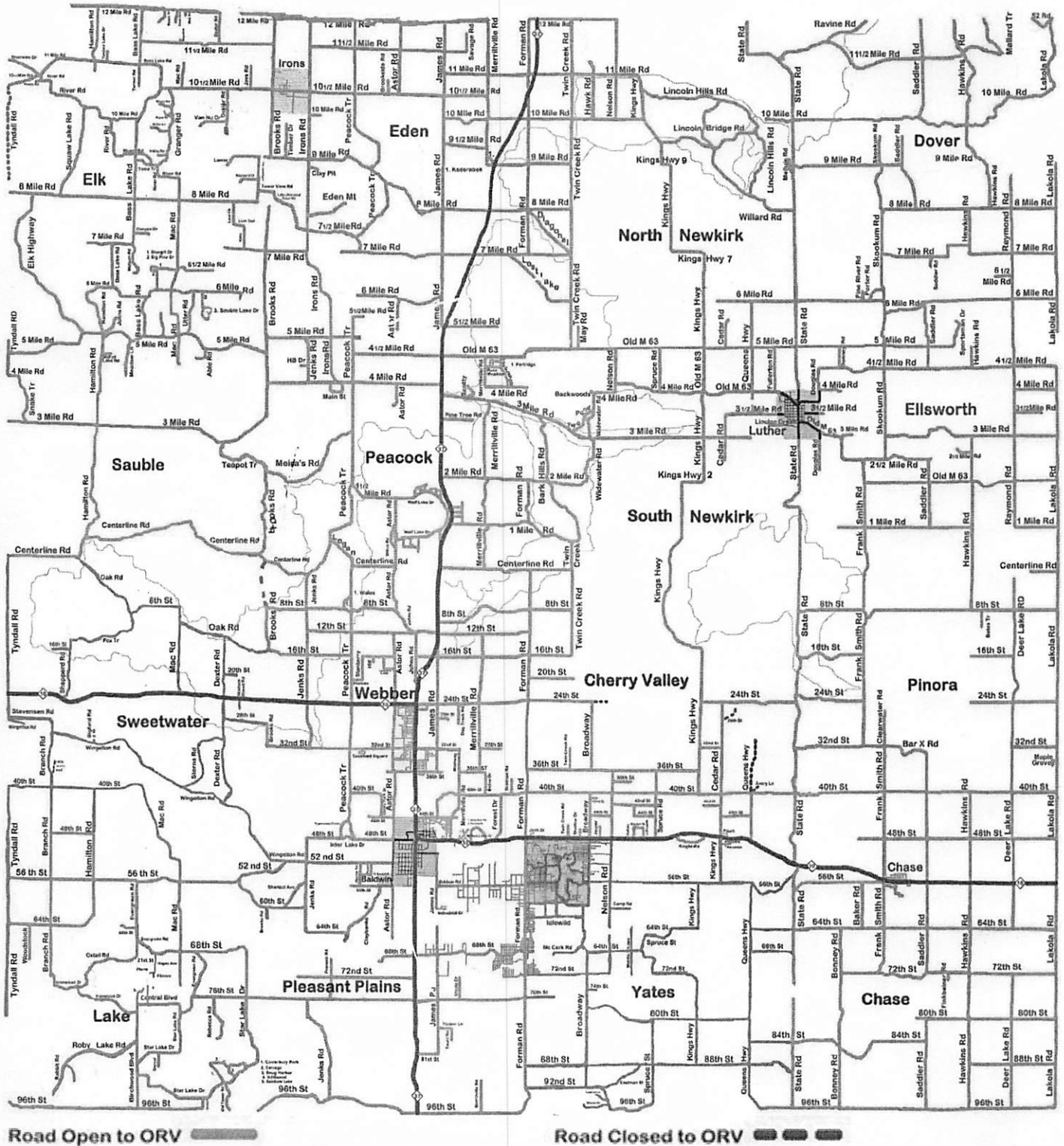
"The information contained in this section is valid as of the date of the initial adoption of this Ordinance. This information is subject to further amendment by the County Board of Commissioners, the County Road Commission and may otherwise be modified by local laws adopted by a township government."

Section 15, Master Map

Effective February 8, 2023

ALL TOWNSHIPS ARE OPEN

LAKE COUNTY 2023 ORV MAP



ORV Ordinance opens to ORV use designated County Roads ONLY (not included: US 10, M 37, Village streets, Federal Roads). For Roads under Federal jurisdiction users should refer to U.S. Forest issued maps.

"This map is valid as of the date of adoption of this Ordinance. ORV trails are approximate. Information is subject to further amendment by the County Board of Commissioners, the County Road Commission and may otherwise be modified by local laws adopted by a Township government"