

Commissioner Minutes of March 8, 2011

The Gladwin County Board of Commissioners met in Regular Session March 8, 2011. The meeting was called to order at 9:00 a.m. by Chairman Reid. The Pledge of Allegiance was recited. Roll call found all Commissioners present.

Agenda – *no corrections or additions.*

The Regular Session minutes of February 8, 2011 and the Committee of the Whole Minutes of February 22, 2011 were then considered. *Motion by Commissioner Carl, supported by Commissioner Walters, to approve the minutes as presented. Ayes carried, motion passed.*

The **cash balances** for the General Fund and the Judicial Management Fund were then read. *General Fund - \$19,886.70 231 Fund – \$(5,272.44).* Commissioner Birgel commented that \$200,000 had been transferred to pay the Finance Bills and that only \$200,000 of appropriations remained.

The **monthly Finance report totaling \$186,086.68** was then considered for payment along with the **final payment listing of 2010 Finance bills totaling \$4,012.47.** *Motion by Commissioner Birgel, supported by Commissioner Walters, to approve the bills for payment as presented. Ayes carried, motion passed.*

Public Comments – *none at this time.*

Mike Hargrave, Airport Manager, came before the Board with an **update on the 2010 airport activities.** Mr. Hargrave answered questions from the Board and gave dates for the drag race to be held at the airport this summer. Mr. Hargrave stated that the fuel system is set to re-bid this week and that they had received their utility truck that was purchased with grant funds.

Justin Schneider, Zoning Administrator, came before the Board with a **request to rezone a parcel in Butman Township from D-1 to B1.** Discussion. *Motion by Commissioner Carl, supported by Commissioner Birgel, to allow for the Zoning ordinance revision as requested.* Roll call vote as follows: Walters – yes, Carl – yes, Rhode – yes, Reid – yes, Birgel – yes, Smith – yes, Whittington – yes. 7 yes, 0 no. Ayes carried, **resolution 2011-005 declared adopted.**

Mr. Schneider then asked the Board to consider a **six (6) month moratorium on the “issuance of permits for the sale or dispensation of medical marijuana within the County of Gladwin”** so that an ordinance can be written and in place so that it can be enforced. *Motion by Commissioner Carl, supported by Commissioner Smith, to put a 6 month moratorium on the issuance of permits as outlined above.* Roll call vote as follows: Carl – yes, Rhode – yes, Reid – yes, Birgel – yes, Smith – yes, Whittington – yes, Walters – yes. 7 yes, 0 no. **Resolution 2011-006 declared adopted.**

Bob Evans, Drain Commissioner, came before the Board to discuss the FEMA flood maps that have been created for the County's use. Discussion on the responsibility of the home owner to purchase flood insurance based on these maps. Mr. Evans commented that the County has 30 days to contest the data contained in the maps, not the flood zone area it contains. Discussion. *It was decided that there would be a meeting scheduled for the Townships to attend for discussion and presentation by the Drain Commissioner so that everyone can be informed.*

Lauren Essenmacher, CCT, came in front of the Board for a change to Fiscal Year 2011 State reimbursement for Section 5311 operating. Ms. Essenmacher explained the change will only be to increase what the State could reimburse up to (\$209,356.00). *Motion by Commissioner Walters, supported by Commissioner Smith, to allow the Chairman sign the contract adjustment as requested.* Roll call vote as follows: Rhode – yes, Reid – yes, Birgel – yes, Smith – yes, Whittington – yes, Walters – yes, Carl – yes. 7 yes, 0 no. **Resolution 2011-007 declared adopted. Ms. Essenmacher then asked the Board to consider the 3rd Party Contract amendment as submitted raising the maximum amount for approval from \$25,000 to \$100,000. *Motion by Commissioner Smith, supported by Commissioner Rhode, to allow the contract amendment as presented.* Ayes carried, **resolution 2011-008 declared adopted.****

Committee Reports by District

Commissioner Walters reported:

- On the County Affairs meeting where a number of topics were discussed.
 1. The **policy for the Nativity Scene** was discussed. Discussion. *Motion by Commissioner Walters, supported by Commissioner Smith, to adopt the policy as prepared by the attorney.* Roll call vote as follows: Birgel – yes, Smith – yes, Whittington – yes, Walters – yes, Carl – yes, Rhode – yes, Reid – yes. 7 yes, 0 no. Ayes carried, **motion passed.**
 2. The County Affairs committee also addressed that County Morgue issue and plans to draft a letter to the hospital to ask them to consider structuring a morgue with any remodels or expansions that are done to the hospital. Discussion.
 3. The FEMA Flood Plan was discussed.
 4. The Emergency Guidelines were discussed with John Nielson. Discussion. The Chairman will brief the Department Heads and Elected Officials on the changes at the next Department Head meeting.
 5. The **ORV digital mapping** has been completed and needs to be approved for print. *Motion by Commissioner Carl, supported by Commissioner Smith, to approve the ORV digital mapping as created.* Ayes carried, **motion passed.**

- On attending the Community Mental Health meeting on the 22nd, noting that it was a lengthily meeting with many areas being discussed.
- On a Fair Board meeting last night where they discussed policy changes. The fair will be held July 11-16th.

- On Veterans matters and the loss of Kristopher Gould, 25, of Saginaw, Michigan while fighting in Afghanistan. On the loss of Veteran Steven Schloff, Secord Township, Vietnam War. The County also recognizes the last U.S. Veteran of WWI, Frank Buckles, passed away on February 27, 2011 at the age of 110.

Commissioner Carl reported:

- That his Township meetings start tonight.
- That he will be attending the MAC conference at the end of the month with Commissioner Birgel, noting any Commissioners have questions that need to be addressed, please get the information to the Board Secretary so that he can address it at the conference.
- On the two letters of interest to the **Zoning Board of Appeals** and the need to appoint a member. Discussion. *Motion by Commissioner Carl, supported by Commissioner Birgel, to appoint Cheri Beck to the ZBA Board.* Ayes carried, **motion passed.**

Commissioner Rhode reported:

- On attending the MAC meeting in Grayling where many topics were discussed.
- On the CEDS project list being submitted for funding this week.
- On 211 calls for Gladwin County – 55 calls in February.

Commissioner Whittington reported:

- That he had no items to report at this meeting, but does have a concern in the payment methods for the Committee of the Whole meetings and additional compensation for Special Board meeting called after that. Discussion on potential cost savings and information shared with the whole board, not just a committee, for better understanding of facts.

Commissioner Smith reported:

- On attending the Legislative Breakfast with Senator John Moolenaar on February 11, 2011, noting it was an interesting meeting.
- That she participated with the Gladwin County Leadership program in their studies on communication on February 11th.
- On the Tobacco Township regular meeting on February 14th.
- That she attended the District Library Board meeting on the 15th.
- On attending the Personnel meeting for union negotiations February 18th.
- That she attended our Committee of the Whole meeting on the 22nd.
- On the Department Head and Elected Officials meeting on February 23rd.
- That she attended the retirement luncheon for retired Beaverton City Clerk, Beverly Miller on February 24th, noting that she wishes her well.
- On attending the MSU Financial Training in Frankenmuth with Josh Reid on the 28th, noting she was unable to attend the Beaverton City meeting because of this, but did send in her report for their consideration.
- That she attended Finance/Personnel meeting on March 4th.
- On attending Personnel negotiations on March 7th.

Commissioner Smith then commented to Sheriff Shea that one of his deputies was able to help her “jump start” her car after leaving a meeting last week, noting she greatly appreciated his help.

Commissioner Birgel reported:

On Finance Matters –

1. Because of the change in payment of bills to one time per month. **The water bills to the City of Gladwin need to be treated as a utility bill and be paid as a “daily bill” to avoid late fees.** *Motion by Commissioner Birgel, supported by Commissioner Carl, to allow the Clerk to pay the bill as it arrived.* Ayes carried, **motion passed.**
2. The County Clerk has made a request to **increase certified copy fees from \$10/\$5.00 to \$15/\$8.00** effective March 14th. *Motion by Commissioner Birgel, supported by Commissioner Smith, to allow the increase as proposed.* Ayes carried, **motion passed.**
3. **Rick Ghent**, Maintenance Supervisor, has requested to be paid from **35 hours of unused vacation** per his Unit #7 contract. Total cost of **\$791.35** to be paid from 101-265-702.000 upon approval. *Motion by Commissioner Birgel, supported by Commissioner Smith, to make the payment to Mr. Ghent per his union contract.* Ayes carried, **motion passed.**
4. **Kristina Dowling**, Prosecutor’s Office, has resigned and has submitted a request for payment of **unused vacation time**. Total cost of **\$1,311.55** will be paid from 101-229-707.000 upon approval. *Motion by Commissioner Birgel, supported by Commissioner Carl, to authorize payment to Ms. Dowling.* Ayes carried, **motion passed.**
5. The **2010 revenues were short \$363,000 to the expenses for the year.** Motion is needed to allow the Clerk to roll the 2010 year over and make the appropriate entries as needed. *Motion by Commissioner Birgel, supported by Commissioner Smith, to authorize the roll of the fiscal year and allow for entries where needed.* Ayes carried, **motion passed.**
6. Ray Hartwell, Undersheriff, has requested the purchase of **ammunition for the year in the amount of \$1,593.00.** Once approved the purchase will be paid from 285-000-804.000. *Motion by Commissioner Birgel, supported by Commissioner Carl, to approve the purchase as requested.* Ayes carried, **motion passed.**
7. The **ORV Maps** have been completed and need to be ordered. Total cost is **\$750.00 for 1000 maps** and can be paid from 101-101-759.000 (Commissioner’s Misc.) with sale revenue of the maps to be deposited into new revenue line #101-000-605.000. A motion is needed to allow the purchase over \$500.00 and create the new revenue line as listed. *Motion by Commissioner Birgel, supported by Commissioner Walters, to allow for purchase of 1000 maps and establish revenue line 101-000-605.000 as outlines.* Ayes carried, **motion passed.**
8. **Justin Schneider**, Construction Codes Official, is recommending a **change in his pay structure to adequately spread his pay between Zoning and Construction Codes.** The below is the new structure that was approved by the Finance Committee:

*** Pay up to 70 hours from 371 Budget. Any hours over the 70, and up to 80 hours, are to be charged to the 410 Zoning Budget. All gas charges to Justin will be shared 30% with the 410 Zoning budget.

Motion by Commissioner Birgel, supported by Commissioner Carl, to approve the distribution of wages and bills as requested and outlined above. Ayes carried, motion passed.

9. There were charges incurred by the 911 Center when the telephone line conversion occurred for the Courthouse. Charges in the amount of **\$1,175.20 to Radio North** are to be paid from 101-297-850.000 as a recommendation from the Finance Committee. *Motion by Commissioner Birgel, supported by Commissioner Smith, to pay the billing to Radio North from the line recommended by the Finance Committee. Ayes carried, motion passed.*
10. The Board reviewed the **annual maintenance agreement from Radio North in the amount of \$25,800.00** at the Committee of the Whole meeting of February 22nd. A motion is needed to allow the agreement to be signed and to pay the \$25,800.00 from 280 funds. *Motion by Commissioner Birgel, supported by Commissioner Carl, to enter into the maintenance agreement with Radio North as describes. Ayes carried, motion passed.*
11. The Jail has requested to purchase a **security view system for \$1,600.00** which includes the monitor, cabling, and computer. Costs to be paid from SECURUS funds if approved. *Motion by Commissioner Birgel, supported by Commissioner Smith, to purchase the security view system for \$1,600 as outlined. Ayes carried, motion passed.*
12. Darrell Schlese, Court Administrator, has asked the Board to **increase the allocation from the 215 Friend of the Court fund to the General Fund in the amount of \$4,500.00 to allow for the purchase of new recording equipment for the Friend of the Court from line item 101-900-970.141.** *Motion by Commissioner Birgel, supported by Commissioner Walters, to approve the purchase as requested and allow for the Treasurer to increase the appropriation as outlined. Ayes carried, motion passed.*

Commissioner Carl then made a motion to go into Executive Session for purposes of discussing the approval of contracts for Unit 6 and 7. Motion supported by Commissioner Walters. Roll call vote as follows: Smith – yes, Whittington – yes, Walters – yes, Carl – yes, Rhode – yes, Reid – yes, Birgel – yes. 7 yes, 0 no. Ayes carried, motion passed.

EXECUTIVE SESSION

Motion by Commissioner Walters, supported by Commissioner Carl, to come back into Regular Session. Ayes carried, motion passed.

Commissioner Smith then made a motion to approve the contracts of Unit 6 and Unit 7 and that the Chairman be allowed to sign the contracts upon presentation. Motion supported by Commissioner Birgel. Roll call vote as follows: Whittington – no, Walters

– yes, Carl – yes, Rhode – no, Reid – yes, Birgel – yes, Smith – yes. 5 yes, 2 no. Ayes carried, **motion passed.**

Commissioner Reid reported:

- On the need to approve the purchase of trash bags for the Maintenance department. Mr. Ghent obtained 3 quotes for which Petoskey Plastics was the least expensive at \$1,333.50. Discussion. Motion by Commissioner Rhode, supported by Commissioner Carl, to approve the purchase with Petoskey Plastics for \$1,333.50. Ayes carried, motion passed.

Correspondence from the Chairman –

- That he had authorized the release of Consumers Energy bills for audit. The energy audit has been complete and the County is waiting on a small reimbursement to have everything finalized.
- On the interest of Kelly Gower to be named as an interested person for the Nutrition Provider for Region VII. Motion by Commissioner Smith, supported by Commissioner Birgel, to allow the Chairman to submit a letter of recommendation to Region VII for the position. Ayes carried, motion passed.
- On correspondence received from Region VII Area on Aging.
- On the letter received from Joel Johnson regarding proposed FEMA amendments.
- That there had been an allergic reaction to the remodeling of the northwest corner of the building by one of the employees. The Maintenance Supervisor is working with the Insurance Adjuster to have an air quality / cleaning test performed.

Public Comments –

Sheriff Shea asked that the Board members review the “consolidation of efforts” practice the Governor is using for State revenue awards. The Sheriff stated that he has been working on a project list, noting that revenue sharing is good for the whole county. Discussion. Commissioner Carl commented that any departments that have a project list showing consolidation should give it to the Board’s secretary for him to take to the MAC Conference at the end of the month.

*Motion by Commissioner Carl, supported by Commissioner Walters, to receive and file various reports and correspondence. Ayes carried, **motion passed.***

*Motion by Commissioner Whittington, supported by Commissioner Carl, to adjourn. Ayes carried. **Meeting adjourned at 11:10 a.m. until the March 22, 2011 Committee of the Whole meeting beginning at 9:00 a.m.; unless otherwise directed.***


Laura Brandon-Maveal, Clerk


Josh Reid, Chairman

RESOLUTION 2011-005
GLADWIN COUNTY ZONING ORDINANCE REVISION

WHEREAS, Public Act 110 of 2006, being MCLA 125.3101 through 125.3702 as amended, enables a county board of commissioners to adopt a county zoning ordinance to regulate the use of land, and

WHEREAS, Gladwin County adopted a county zoning ordinance pursuant to Public Act 110 of 2006, and such zoning ordinance became effective on February 1, 2008, and

WHEREAS, the Gladwin County Planning Commission reviewed zoning districts boundaries established by the zoning ordinance and has initiated a revision to change specific boundaries to allow new business uses in certain areas, and

WHEREAS, required notices were published in the *Gladwin County Record*, first class mailings were completed, a public hearing was held by the Gladwin County Planning Commission, and the Planning Commission has presented a summary of the comments received at the public hearing along with its recommendation for revision to the Gladwin County Board of Commissioners,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Gladwin County Board of Commissioners approves the recommended revision to the Gladwin County Zoning Ordinance as follows:

Revise zoning district from Dwelling One, (D-1) District to Business 1, (B-1) District property in the following location: Butman Township, Section 9, 1930 Sugar River Road, Gladwin, MI. 48624. Part of the SW1/4 of the SW1/4 containing 8.69 acres. West property line is along the Easterly line of Highlander Realm, North property line is 150 feet North of the existing deck on the North side of the existing clubhouse building. East property line is 150 feet East of the Easterly wall of the existing clubhouse building, South property line is along the South Section line of Section 9, Butman Twp.

The foregoing resolution was offered by Commissioner Carl, supported by Commissioner Birgel. Upon roll call vote, the following voted "aye":
7 "nay": 0
absent: 0

The Chairperson declared the resolution adopted. Laura Brandon-Maveal
Clerk, Laura Brandon-Maveal

I, Laura Brandon, the duly elected and acting Clerk of Gladwin County, hereby certify that the foregoing resolution, 2011-005 was adopted by the Gladwin County Board of Commissioners at a regular meeting of said Board held on March 8, 2011, at which meeting a quorum was present, by roll call vote of said members as hereinbefore set forth; and that said resolution was ordered to take effect March 8, 2011.

Laura Brandon-Maveal
Clerk, Laura Brandon-Maveal

COUNTY OF GLADWIN
STATE OF MICHIGAN

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE SALE OR DISPENSATION OF MEDICAL MARIHUANA WITHIN THE COUNTY OF GLADWIN.

ORDINANCE NO. 2011-006

THE COUNTY OF GLADWIN ORDAINS:

1. That CHAPTER 9 - Administration and Enforcement of the Gladwin County Zoning Ordinance, in particular Chapter 9.2, be amended to add to subsection b a provision: b-1, to-wit: Moratorium on Issuance of Permits for the Sale or Dispensation of Medical Marihuana within the County of Gladwin.
2. Section 9.2, b-1 shall read: There is hereby imposed for a period of six (6) months from the effective date of this Ordinance a moratorium on the issuance of any and all Permits or Licenses for the Sale or Dispensation of Medical Marihuana within the portion of the County of Gladwin which is subject to this Ordinance.
3. The moratorium imposed by this Ordinance shall expire on the earlier of six (6) months from the effective date of this amendment to the Zoning Ordinance or the effective date of any amendment to the Zoning Ordinance which specifically addresses the subject of this Moratorium.
4. This Ordinance takes effect thirty (30) days after its publication in the Gladwin County Record, Gladwin, Michigan.



Chairman

Ordinance adopted on March 8, 2011 by the following vote:

Ayes: 7
Nays: 0
Abstain/Absent: 0


Laura Brandon-Maveal, Clerk

Gladwin City-County Transit



615 Weaver Court, P.O. Box 498, Gladwin, MI 48624
Phone: (989) 426-6751 Fax: (989) 426-5947

RESOLUTION OF INTENT

Resolution# 2011-007

The following resolution was offered by Walters

And supported by Smith

Be it resolved, that the County of Gladwin does hereby approve the proposed Contract submitted by the Michigan Department of Transportation.

Be it resolved that Josh Reid, Board Chairman and Lauren Essenmacher, Executive Director be authorized and directed to execute Contract No. 2007-0211 Project No. 112535, Auth No. Z15 for and on behalf of the County of Gladwin.

Resolution Declared Adopted.

CERTIFIED

Laura Brandon-Maveal

Laura Brandon-Maveal
County Clerk

March 8, 2011
Date

Date: January 20, 2011
Agreement No.: 2007-0211
Authorization No.: Z15
Project No.: 112535
Agenda: SAB

**PROJECT AUTHORIZATION
GLADWIN COUNTY BOARD OF COMMISSIONERS
FY 2011 SECTION 5311 OPERATING**

This information is required by the Michigan Department of Transportation (MDOT) in order to record agreement of utilization of funds provided by the Federal Transit Administration, United States Department of Transportation and MDOT. The funds provided shall be used by the AGENCY in accordance with the above referenced Master Agreement.

Authorization Effective Date: October 1, 2010
Authorization Expiration Date: September 30, 2011
Fiscal Year of Effective Contract Clauses: 2011

The Federal Grant associated with the PROJECT AUTHORIZATION is MI-18-X050.
Grant Year: 2010 Federal Item Number: WK0050 Project is not R&D.

The Catalog of Federal Domestic Assistance Number for the Federal Transit Administration Formula Grants for Other Than Urbanized Areas Program is 20.509.

Funding reflects the amount of funds currently available under the Federal Appropriation. If additional funds become available, a grant amendment and PROJECT AUTHORIZATION will be prepared.

Payments to the AGENCY under this PROJECT AUTHORIZATION will be based on 18.5% of the estimated eligible costs, which are \$209,356. The maximum amount to be paid will not exceed 18.5% of the AGENCY'S audited costs. If Section 5311 operating assistance funds are insufficient to reimburse at 18.5% of audited costs, a new reimbursement percentage will be calculated for all participating agencies.

In accordance with Section 7 of the Agreement, the dollar amount for third party contracts as identified in COMMISSION policy is \$25,000. All agencies who are not self-certified must submit third party contracts over \$25,000 to MDOT for approval. Please refer to Section 7 in the Master Agreement for competitive bidding requirements.

The AGENCY will be financially and legally responsible for the terms and conditions of the 5333(b) labor warranty as agreed to in your annual application.

The AGENCY agrees to prepare and furnish to MDOT quarterly operating assistance reports via the Public Transportation Management System (PTMS). Instructions on preparing the report are available in the "Local Public Transit Revenue and Expense Manual" (October 1, 2010 through September 30, 2011). The manual is available on the web at www.michigan.gov/mdotptd.

Funding source:

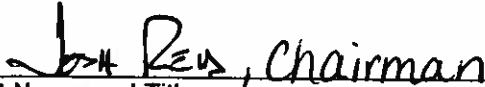
2011/7509 \$209,356 (F)

PRF No.: 2011-269

GLADWIN COUNTY BOARD OF COMMISSIONERS



Signature



Print Name and Title



Signature



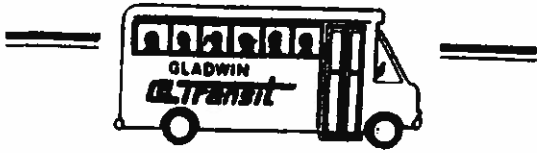
Print Name and Title

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title: Bureau Director

Bureau of Passenger Transportation

Gladwin City-County Transit



615 Weaver Court, P.O. Box 498, Gladwin, MI 48624
Phone: (989)426-6751 Fax: (989)426-5947

RESOLUTION OF INTENT

Resolution# 2011-008

The following resolution was offered by Smith

And supported by Rhode

Be it resolved, that the County of Gladwin does hereby approve the proposed Contract submitted by the Michigan Department of Transportation.

Be it resolved that Josh Reid, Board Chairman and Lauren Essenmacher, Executive Director be authorized and directed to execute MDOT Contract 2007-0211 Amendment #1 for and on behalf of the County of Gladwin.

Resolution Declared Adopted.

CERTIFIED

Laura Brandon-Maveal
Laura Brandon-Maveal
County Clerk

March 8, 2011
Date

**MICHIGAN DEPARTMENT OF TRANSPORTATION
GLADWIN COUNTY BOARD OF COMMISSIONERS
AMENDMENT**

THIS AMENDATORY AGREEMENT is made and entered into this date of March 8, 2011 by and between the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," and Gladwin County Board of Commissioners, hereinafter referred to as the "AGENCY," for the purpose of amending Master Agreement No. 2007-0211, effective October 1, 2006, hereinafter referred to as the "AGREEMENT."

WITNESSETH:

WHEREAS, the AGREEMENT sets forth the terms and conditions that govern project authorizations issued for program years FY 2007 through FY 2011; and

WHEREAS, the parties desire to amend the AGREEMENT to revise the third-party contracting procedures; the revised procedures will be retroactive to the effective date of the AGREEMENT;

NOW, THEREFORE, the parties agree that the AGREEMENT be and that the same is amended as follows:

1. In order to revise the third-party contracting procedures, retroactive to the effective date of the AGREEMENT, Section 7 of the AGREEMENT is amended to read as follows:

"7. THIRD-PARTY CONTRACT PROCEDURES

Unless the AGENCY has been certified in accordance with COMMISSION policy and is the direct recipient of FEDERAL funding for the procurement, the AGENCY will submit to the DEPARTMENT for approval all contracts, including amendments, between the AGENCY and a party other than the DEPARTMENT that relate to this Agreement that are estimated to be in excess of the dollar amount for third-party contracts identified in COMMISSION policy prior to said contracts being signed by the AGENCY. The AGENCY will not enter into multiple contracts of lesser amounts for the purpose of avoiding such approval process.

DEPARTMENT approval does not constitute an assumption of liability, a waiver, or an estoppel to enforce any of the requirements of this Agreement, nor will any such approvals by the DEPARTMENT be construed as a warranty of the third party's qualifications, professional standing, ability to perform the work being subcontracted, or financial integrity.

The AGENCY is responsible for the accuracy of the financial and non-financial data and reports submitted for reimbursement.

- a. **PROJECT-Related Procurement:** If the AGENCY is not certified in accordance with COMMISSION policy or receives FEDERAL funding through the DEPARTMENT for the procurement, the AGENCY will submit to the DEPARTMENT copies of the following procurement documents for review and approval by the DEPARTMENT for solicitations over the amount identified in COMMISSION policy.
 - i. **Prior to solicitation:**
 - (a) Invitations for Bids (IFBs) and Requests for Proposals (RFPs) when either of these methods of procurement is used.
 - (b) Amendments to the above, to be submitted by the AGENCY prior to distribution.
 - (c) Any specifications, plans, drawings, and quantity figures to be included in the IFBs or RFPs.
 - ii. **After solicitation:**
 - (a) Unsigned third-party contracts.
 - (b) Copies of selected bids or proposals. (The AGENCY will retain copies of all other bids and proposals received.)
 - (c) Lists that include the names of all bidders or proposers, the amount of each bid or the score for each proposal, responsible and responsive determinations, and identification of the selected bids or proposals.
- b. **Competitive Procurement:** If the AGENCY is not certified in accordance with COMMISSION policy or receives FEDERAL funding through the DEPARTMENT for the procurement, the AGENCY will comply with the following requirements:

- i. The AGENCY will follow the procedures outlined in the "MDOT Procurement Guidelines," dated February 1, 2011, or as revised for any procurement after February 1, 2011. All purchases must comply with federal, state, and local requirements, as applicable.
 - ii. The AGENCY will document how the price was determined to be fair and reasonable for purchases up to Three Thousand Dollars (\$3,000.00) or, as an alternative, will document compliance with the provisions of subsections iii or iv below.
 - iii. The AGENCY will document competitive quotations from an adequate number of qualified sources for purchases up to One Hundred Thousand Dollars (\$100,000.00), except for purchases up to Three Thousand Dollars (\$3,000.00), or, as an alternative, will document compliance with the provisions of subsection iv below.
 - iv. The AGENCY will solicit and advertise for competitive bids/proposals for purchases of One Hundred Thousand Dollars (\$100,000.00) or greater, except for contracts for architectural and engineering services. The AGENCY will ensure that there is an adequate number of qualified bidders/proposers. The AGENCY may award a contract to a responsible proposer other than the lowest in price provided that appropriate provision for such action is included in the RFP. Justification for such selection will be provided to the DEPARTMENT prior to the award of the contract.
 - v. The AGENCY will solicit and advertise for proposals from an adequate number of sources to permit reasonable competition for contracts for architectural and engineering services. The AGENCY will use competitive proposal procedures based on the Brooks Act, as defined in 40 USC Part 541, regardless of the dollar amount of the project."
2. All other provisions of the AGREEMENT, except as herein amended, remain in full force and effect as originally set forth.
 3. The AGENCY waives any and all claims it has or may have against the DEPARTMENT that arise out of the need to amend the AGREEMENT.

4. This Amendatory Agreement will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the AGENCY and the DEPARTMENT and upon adoption of a resolution approving said Amendatory Agreement and authorizing the signature(s) thereto of the respective representative(s) of the AGENCY, a certified copy of which resolution will be sent to the DEPARTMENT with this Amendatory Agreement, as applicable.

IN WITNESS WHEREOF, the parties have caused this Amendatory Contract to be awarded.

GLADWIN COUNTY BOARD OF COMMISSIONERS

By: Josh Kain
Title:

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: _____
Title: Department Director