



**AGENDA**  
**OTSEGO COUNTY BOARD OF ROAD COMMISSIONERS**  
**THURSDAY, SEPTEMBER 12, 2024, AT 9:00 A.M.**

**ITEM 1 – CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**ITEM 2 - ROLL CALL**

**ITEM 3 – AGENDA CHANGES/APPROVAL OF AGENDA**

**ITEM 4 – CONSENT CALENDAR**

- A. Minutes: The Board approves the Regular Meeting Minutes dated August 8, 2024.
- B. The Board approves Payroll #16 (\$93,511.98), and Payroll #17 (\$95,972.08).
- C. The Board approves accounts Payable: C/8-2 (\$110,426.98), and C/9-1 (\$721,989.20), and the Accounts Payable Check Register dated 8/01/2024 to 8/31/2024.

**ITEM 5 – GUEST SPEAKERS**

- A. Dana Wingo, Otsego County Board Liaison

**ITEM 6 – PUBLIC COMMENT (AGENDA ITEMS ONLY)**

**ITEM 7– OLD BUSINESS/UNFINISHED BUSINESS**

- A. Letter of understanding #2024-2

**ITEM 8 – NEW BUSINESS**

- A. Policy P24-5 Title VI Plan
- B. Ordinance Sign Policy Discussion
- C. Otsego Lake Drain

**ITEM 9 – STAFF REPORTS**

- A. Managing Director, Operations Manager, Finance Manager, Facilities/Equipment Supervisor, Road Maintenance Supervisor

**ITEM 10 – COMMUNICATIONS**

- A. Upcoming OCRC Board Meeting Dates: October 10, 2024, and November 14, 2024
- B. CRA Commissioners Seminar: September 22-23, 2024, Mike, Luke and Kathy will attend.
- C. CRA SAM Superintendents Seminar: October 2-4, 2024, Scott and Dave will attend.
- D. MERS Annual Conference: October 9-11, 2024, Kirk will attend.
- E. Michigan Winter Operations Conference: October 22-23, 2024, Scott and Dave will attend.

**ITEM 11 – PUBLIC COMMENT (GENERAL COMMENTS/ADDRESS THE BOARD)**

**ITEM 12 – COMMISSIONER COMMENT**

**ITEM 13 – ADJOURNMENT**



# Otsego County Road Commission Agenda Item Report

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**FROM:** Rebecca Hilmert, Finance Manager  
**MEETING DATE:** September 12, 2024  
**AGENDA ITEM:** 4. A, B, C  
**SUBJECT:** Consent Calendar

## DESCRIPTION

The purpose of the Consent Calendar is to expedite business by grouping non-controversial items together without discussion. Any member of the Commission, staff, or the public may ask that any item on the Consent Calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

If an item is not removed from the Consent Calendar, all items listed are approved by a single Commission action approving the Consent Calendar. The Finance Manager recommends the following items be approved:

- A. Minutes: The Board approves the Regular Meeting Minutes dated September 12, 2024.
- B. The Board approves Payroll: #16 (\$93,511.98), and Payroll #17 (\$95,972.08).
- C. The Board approves accounts Payable: C/8-2 (\$110,426.98), and C/9-1 (\$721,989.20) and the Accounts Payable Check Register dated 08/01/2024 to 08/31/2024.

## BUDGET ACTION REQUIRED

N/A

## LEGAL REVIEW

N/A

## **SAMPLE MOTION:**

Motion to **approve/deny** the September 12, 2024, consent calendar as presented.

DRAFT  
MINUTES for the  
REGULAR MEETINGS OF THE  
OTSEGO COUNTY ROAD COMMISSION  
HELD ON THURSDAY, AUGUST 8, 2024, AT 9:00 A.M.

**ITEM 1 – CALL TO ORDER/PLEDGE OF ALLEGIANCE**

- Meeting called to order by Chairman Huff, at 9:00 a.m. and Pledge of Allegiance.

**ITEM 2 - ROLL CALL**

- Upon roll call, the following Commissioners responded:  
Dipzinski, Present  
Wagar, Present  
Gordon, Present  
Heinz, Present  
Huff, Present

The following staff members were present: Kirk Harrier, Managing Director; Rebecca Hilmert, Finance Manager/Board Secretary; Scott Butkovich, Operations Manager; David Fox, Equipment/Facilities Supervisor; Steve Mench, Road Maintenance Supervisor

**ITEM 3 – AGENDA CHANGES/APPROVAL OF AGENDA**

- Motion by Gordon to approve the agenda as presented, seconded by Wagar. Five ayes, no nays. Motion carried.

**ITEM 4 – CONSENT CALENDAR**

- A. Minutes: The Board approves the Regular Meeting Minutes dated July 11, 2024.
- B. The Board approves Payroll: #14 (\$94,511.49), and Payroll #15 (\$94,615.20).
- C. The Board approves Accounts Payable: C/7-2 (\$251,924.27) and C/8-1 (\$422,901.38), and the Accounts Payable Check Register dated 7/01/2024 to 7/31/2024.
- Motion by Heinz to approve the August 8, 2024, Consent Calendar, seconded by Dipzinski. Five ayes, no nays. Motion carried.

**ITEM 5 – GUEST SPEAKERS**

- A. Dana Wingo, Otsego County Board of Commissioners, briefly spoke regarding the primary election and new board members.

**ITEM 6 – PUBLIC COMMENT**

**ITEM 7 – OLD BUSINESS/UNFINISHED BUSINESS**

**ITEM 8 – NEW BUSINESS**

- A. MERS Delegate Appointment
  - a. Motion by Dipzinski to approve Kirk Harrier as officer delegate and Tianne Jones as alternate officer delegate for the 2024 annual MERS business meeting, seconded by Gordon. Five ayes, no nays. Motion carried.
- B. CRASIF Board of Trustees Election
  - a. Motion by Dipzinski to vote for Lisa Kleeman, Jessee Campbell and Darrell Cass for the 2024 CRASIF Board of Trustees, seconded by Heinz. Five ayes, no nays. Motion carried.
- C. Letter of Understanding #2024-2
  - a. Motion by Dipzinski to table amendment until the American Federation of State, County and Municipal Employees Union, Local #1534.1 approves language modifications, seconded by Gordon. Five ayes, no nays. Motion carried.

**ITEM 9 – STAFF REPORTS**

- A. The Managing Director discussed an automation issue on Sparr Road. OCRC administration and engineer are meeting with the contractor on Monday, August 12 to discuss possible solutions.

- B. The Operations Manager updated the board on project statuses. Presented the board with traffic counts and a priority list for construction moving forward.
- C. The Finance Manager reviewed payables, receivables and billings, FY 2025 Michigan Transportation Bills.
- D. The Equipment/Facilities Supervisor updated the board on normal maintenance, looking for a boom truck for signs.
- E. The Road Maintenance Supervisor updated the board on normal maintenance, gravel projects.

**ITEM 10 – COMMUNICATIONS**

- A. Upcoming OCRC Board Meeting Dates: September 12, 2024; October 10, 2024

**ITEM 11– PUBLIC COMMENT**

**ITEM 12– COMMISSIONER COMMENT**

**ITEM 13 – ADJOURNMENT**

- **Motion by Dipzinski to adjourn meeting at 10:24 a.m., seconded by Gordon. Five ayes, no nays. Motion carried.**

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Troy Huff, Chairman

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Rebecca Hilmert, Board Secretary

**Payroll Gross for P/R of 8/8/2024**

PR #16

8/6/2024

7/20/2024 to 8/2/2024

Emp Nbr and Name	Regular Hours	Total Hours	Gross Amt
001S Vandertuig, Hayleigh	80.00	100.00	\$2,090.00
002S Harris, Jenna	72.00	76.00	\$1,482.00
003S Miller, Mya	80.00	100.00	\$2,090.00
004S Vasicek, Hannah	20.00	20.00	\$380.00
005S Schneider, Caleigh	80.00	90.00	\$1,805.00
006S Wright, Brady	60.00	60.00	\$1,140.00
097 Flory, Sean	80.00	87.00	\$1,719.50
277 Fox, David	80.00	80.00	\$2,860.00
280 Kwapis, Earl	80.00	80.00	\$1,995.20
283 Sewell, Dennis	80.00	80.00	\$1,995.21
284 Kwapis Jr., Stanley	80.00	80.00	\$1,995.20
287 Myers, Joseph	80.00	80.00	\$1,995.20
293 Samkowiak, Timothy	80.00	80.00	\$1,995.20
294 Mench, Steven	80.00	87.00	\$3,235.38
295 Boughner, Alan	80.00	80.00	\$1,995.20
299 Hinton, Justin	80.00	83.00	\$2,107.43
303 Coughlin Jr., Thomas	80.00	80.00	\$1,995.20
307 Stiles, William	80.00	80.00	\$1,995.20
308 Wcisel, David	80.00	80.00	\$1,995.20
311 Wiley, James	80.00	80.00	\$1,995.20
314 Kucharek, Joseph	80.00	81.00	\$2,242.16
316 Jones, Tianne	80.00	80.00	\$2,115.20
317 Mitchell Jr., Dennis	80.00	80.00	\$1,995.20
318 Huff, Troy	0.00	0.00	\$409.09
319 Prusakiewicz, Luke	80.00	80.00	\$1,995.20
321 Tracey, Benjamin	80.00	80.00	\$2,189.60
323 Falkenhagen, Robert	80.00	80.00	\$1,995.20
324 Dipzinski, Michael	0.00	0.00	\$363.64
326 Heinz, Kathy	0.00	0.00	\$363.64
327 Garlock, Cody	80.00	80.00	\$1,995.20
328 Harrier, Kirk	80.00	80.00	\$3,979.20
329 Gordon, Lukas	0.00	0.00	\$363.64
330 Wagar, Thomas	0.00	0.00	\$363.64
331 Boettner, Cary	80.00	80.00	\$2,109.60
335 Pettis, Charles	80.00	80.00	\$1,824.00
336 Hilmert, Rebecca	80.00	80.00	\$2,616.00
337 Johnson, Zachary	80.00	80.00	\$1,995.20
338 Coady, Patrick	80.00	80.00	\$1,995.20
342 Alexander, Alexis	80.00	80.00	\$1,995.20
343 Hendrick, Robert	80.00	80.00	\$2,109.60
344 Mayle, Michael	80.00	83.00	\$2,107.43
345 Butkovich, Scott	80.00	83.00	\$3,047.08
346 Ford, Logan	80.00	80.00	\$1,995.20
347 Joyce, Caleb	80.00	80.00	\$1,995.20
348 Huff, Justin	80.00	80.00	\$1,995.20
349 Mathers, Andrew	80.00	80.00	\$1,995.20
903 BANK, HORIZON	0.00	0.00	\$6,499.94
<b>Total of Employee checks:</b>	<b>3,192.00</b>	<b>3,270.00</b>	<b>\$93,511.98</b>

**Gross Pay by Fund:**

Total

Approved: September 12, 2024

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Troy Huff, Chairman

**Payroll Gross for P/R of 8/22/2024**

PR #17

8/20/2024

8/3/2024 to 8/16/2024

Emp Nbr and Name	Regular Hours	Total Hours	Gross Amt
001S Vandertuig, Hayleigh	80.00	100.00	\$2,090.00
002S Harris, Jenna	80.00	104.00	\$2,204.00
003S Miller, Mya	80.00	100.00	\$2,090.00
004S Vasicek, Hannah	80.00	100.00	\$2,090.00
005S Schneider, Caleigh	80.00	100.00	\$2,090.00
006S Wright, Brady	70.00	70.00	\$1,330.00
097 Flory, Sean	80.00	84.00	\$1,634.00
277 Fox, David	80.00	80.00	\$2,860.00
280 Kwapis, Earl	80.00	80.00	\$1,995.20
283 Sewell, Dennis	80.00	80.00	\$1,995.20
284 Kwapis Jr., Stanley	80.00	80.00	\$1,995.20
287 Myers, Joseph	80.00	80.00	\$1,995.20
293 Samkowiak, Timothy	80.00	80.00	\$1,995.20
294 Mench, Steven	80.00	83.00	\$3,020.88
295 Boughner, Alan	80.00	80.00	\$1,995.20
299 Hinton, Justin	80.00	80.00	\$1,995.20
303 Coughlin Jr., Thomas	80.00	80.00	\$1,995.20
307 Stiles, William	80.00	80.00	\$1,995.20
308 Wcisel, David	80.00	80.00	\$1,995.20
311 Wiley, James	80.00	80.00	\$1,995.20
314 Kucharek, Joseph	80.00	80.00	\$2,189.61
316 Jones, Tianne	80.00	80.00	\$2,115.20
317 Mitchell Jr., Dennis	80.00	80.00	\$1,995.20
318 Huff, Troy	0.00	0.00	\$526.09
319 Prusakiewicz, Luke	80.00	80.00	\$1,995.20
321 Tracey, Benjamin	80.00	80.00	\$2,189.60
323 Falkenhagen, Robert	80.00	80.00	\$1,995.20
324 Dipzinski, Michael	0.00	0.00	\$363.64
326 Heinz, Kathy	0.00	0.00	\$363.64
327 Garlock, Cody	80.00	80.00	\$1,995.20
328 Harrier, Kirk	80.00	80.00	\$3,979.20
329 Gordon, Lukas	0.00	0.00	\$363.64
330 Wagar, Thomas	0.00	0.00	\$363.64
331 Boettner, Cary	80.00	80.00	\$2,109.60
335 Pettis, Charles	80.00	80.00	\$1,824.00
336 Hilmert, Rebecca	80.00	80.00	\$2,616.00
337 Johnson, Zachary	80.00	80.00	\$1,995.20
338 Coady, Patrick	80.00	80.00	\$1,995.20
342 Alexander, Alexis	80.00	80.00	\$1,995.20
343 Hendrick, Robert	80.00	80.00	\$2,109.60
344 Mayle, Michael	80.00	80.00	\$1,995.20
345 Butkovich, Scott	80.00	80.00	\$2,884.80
346 Ford, Logan	80.00	80.00	\$1,995.20
347 Joyce, Caleb	80.00	80.00	\$1,995.20
348 Huff, Justin	80.00	80.00	\$1,995.20
349 Mathers, Andrew	80.00	80.00	\$1,995.20
903 BANK, HORIZON	0.00	0.00	\$6,675.34
<b>Total of Employee checks:</b>	<b>3,270.00</b>	<b>3,381.00</b>	<b>\$95,972.08</b>

**Gross Pay by Fund:**

	Total
201	95,972.08
<b>Total</b>	<b>95,972.08</b>

Approved: September 12, 2024

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Troy Huff, Chairman

8/27/2024

**Payables Prepay Report**

8-27-2024 Prepay

Invoice Nbr	Invoice Date	Description	Invoice Amount	Disc Taken	Amount To Pay
<b>Payment Type: EFTP</b>					
<b>Vendor: MERCHANT: Merchants Flec</b>					
1064740i4	7/30/2024	Truck Rental	1,722.50	0.00	1,722.50
1065657i3	7/30/2024	Truck Rental	2,093.50	0.00	2,093.50
1065726i3	7/30/2024	Truck Rental	2,093.50	0.00	2,093.50
1066017i3	7/30/2024	Truck Rental	1,722.50	0.00	1,722.50
1066018i3	7/30/2024	Truck Rental	1,722.50	0.00	1,722.50
<b>Vendor Totals:</b>			<b>9,354.50</b>	<b>0.00</b>	<b>9,354.50</b>
<b>EFTP Grand Totals:</b>			<b>9,354.50</b>	<b>0.00</b>	<b>9,354.50</b>
			<b>1 EFTP Vendors</b>		
<b>Payment Type: Checks</b>					
<b>Vendor: ALERUS: Alerus Financie</b>					
<b>Check Nbr: 620268</b>					
Batch 294	8/22/2024	Employer Portion 457	888.18	0.00	888.18
Batch 329	8/22/2024	Employer Portion HCSP	2,697.04	0.00	2,697.04
<b>Check Totals:</b>			<b>3,585.22</b>	<b>0.00</b>	<b>3,585.22</b>
<b>Vendor: ATTMOBIL: AT&amp;T Mobilil</b>					
<b>Check Nbr: 620269</b>					
287318351177	8/6/2024	Foreman Phones	169.53	0.00	169.53
287339252526	8/6/2024	MDOT iPad	72.48	0.00	72.48
<b>Check Totals:</b>			<b>242.01</b>	<b>0.00</b>	<b>242.01</b>
<b>Vendor: BCN: Blue Care Network of M</b>					
<b>Check Nbr: 620270</b>					
242220040186	8/9/2024	Health Insurance	49,082.58	0.00	49,082.58
<b>Check Totals:</b>			<b>49,082.58</b>	<b>0.00</b>	<b>49,082.58</b>
<b>Vendor: CHATERCO: Charter Communication</b>					
<b>Check Nbr: 620271</b>					
005403001080	8/1/2024	Internet/Telephone	379.94	0.00	379.94
<b>Check Totals:</b>			<b>379.94</b>	<b>0.00</b>	<b>379.94</b>
<b>Vendor: CITYOFGA: City of Gaylor</b>					
<b>Check Nbr: 620272</b>					
MCC0-000669-1	8/15/2024	Water/Sewer	51.38	0.00	51.38
<b>Check Totals:</b>			<b>51.38</b>	<b>0.00</b>	<b>51.38</b>
<b>Vendor: CONSUME: Consumers Energy</b>					
<b>Check Nbr: 620273</b>					
204479257507	8/19/2024	Electricity	2,016.97	0.00	2,016.97
<b>Check Totals:</b>			<b>2,016.97</b>	<b>0.00</b>	<b>2,016.97</b>
<b>Vendor: COUNTYRO: County Road Associatio</b>					
<b>Check Nbr: 620274</b>					
23241018	8/22/2024	Superintendents' Seminar	500.00	0.00	500.00
<b>Check Totals:</b>			<b>500.00</b>	<b>0.00</b>	<b>500.00</b>
<b>Vendor: CRASIF: CRASIF</b>					
<b>Check Nbr: 620275</b>					
CRA0009016	8/10/2024	2nd Quarter Premium	7,812.00	0.00	7,812.00
<b>Check Totals:</b>			<b>7,812.00</b>	<b>0.00</b>	<b>7,812.00</b>
<b>Vendor: DELTADEN: Delta Dent</b>					
<b>Check Nbr: 620276</b>					
RIS000591531	9/1/2024	Dental Insurance	3,716.46	0.00	3,716.46
<b>Check Totals:</b>			<b>3,716.46</b>	<b>0.00</b>	<b>3,716.46</b>
<b>Vendor: GFLENVIR: GFL Environmenta</b>					
<b>Check Nbr: 620277</b>					
0066693795	7/31/2024	Trash Removal	145.00	0.00	145.00
0066693825	7/31/2024	Trash Removal	208.35	0.00	208.35

<b>Check Totals:</b>			<b>353.35</b>	<b>0.00</b>	<b>353.35</b>
<b>Vendor: GREATLA: Great Lakes Energy</b>					
<b>Check Nbr: 620278</b>					
100269003	8/16/2024	TL@ Krys & McCoy	47.07	0.00	47.07
<b>Check Totals:</b>			<b>47.07</b>	<b>0.00</b>	<b>47.07</b>
<b>Vendor: HILMERTR: Rebecca Hilmer</b>					
<b>Check Nbr: 620279</b>					
08202024	8/27/2024	Mileage	61.17	0.00	61.17
<b>Check Totals:</b>			<b>61.17</b>	<b>0.00</b>	<b>61.17</b>
<b>Vendor: HUMAN: Humana Insurance Co</b>					
<b>Check Nbr: 620280</b>					
692915179	8/14/2024	Retiree Health Insurance	12,023.15	0.00	12,023.15
<b>Check Totals:</b>			<b>12,023.15</b>	<b>0.00</b>	<b>12,023.15</b>
<b>Vendor: MUTOMA: Mutual of Omaha</b>					
<b>Check Nbr: 620281</b>					
001751291957	8/19/2024	L/AD&D/STD/LTD/VL	3,373.44	0.00	3,373.44
<b>Check Totals:</b>			<b>3,373.44</b>	<b>0.00</b>	<b>3,373.44</b>
<b>Vendor: NATIONAL: National Highway Maintenance System</b>					
<b>Check Nbr: 620282</b>					
12902	8/7/2024	Crack Seal Material	5,125.00	0.00	5,125.00
<b>Check Totals:</b>			<b>5,125.00</b>	<b>0.00</b>	<b>5,125.00</b>
<b>Vendor: OCRC: Otsego County Road Commission</b>					
<b>Check Nbr: 620283</b>					
8/13/24-8/19/24	8/18/2024	HRA Reimbursement	97.90	0.00	97.90
8/20/24-8/26/24	8/25/2024	HRA Reimbursement	248.02	0.00	248.02
8/6/24-8/12/24	8/10/2024	HRA Reimbursement	301.83	0.00	301.83
<b>Check Totals:</b>			<b>647.75</b>	<b>0.00</b>	<b>647.75</b>
<b>Vendor: ROADWARR: Road Warrior Truck Driving School</b>					
<b>Check Nbr: 620284</b>					
1526	8/13/2024	CDL Training Program	5,995.00	0.00	5,995.00
1527	8/13/2024	CDL Training Program	5,995.00	0.00	5,995.00
<b>Check Totals:</b>			<b>11,990.00</b>	<b>0.00</b>	<b>11,990.00</b>
<b>Vendor: TIANNEJ: Tianne Jones</b>					
<b>Check Nbr: 620285</b>					
07-24-2024	8/13/2024	Mileage: F&HR Assoc. Meeting	64.99	0.00	64.99
<b>Check Totals:</b>			<b>64.99</b>	<b>0.00</b>	<b>64.99</b>
<b>Check Grand Totals:</b>	<b>18 Checks</b>		<b>101,072.48</b>	<b>0.00</b>	<b>101,072.48</b>
<b>Grand Totals:</b>	<b>19 EFTP Vendors/Checks</b>		<b>110,426.98</b>	<b>0.00</b>	<b>110,426.98</b>

Approved September 12, 2024

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Troy Huff, Chairman



**Payables Prepay Report**

**9-12-2024 Board Pay**

Show Distributions? (Y/N): N - Do Not Show Distributions

Invoice Nbr	Invoice Date	Description	Invoice Amount	Disc Taken	Amount To Pay
<b>Payment Type: EFTP</b>					
<b>Vendor: MERCHANT: Merchants Fleet</b>					
1064740i5	8/29/2024	Rental Pickup	1,722.50	0.00	1,722.50
1065657i4	8/29/2024	Rental Pickup	2,093.50	0.00	2,093.50
1065726i4	8/29/2024	Rental Pickup	2,093.50	0.00	2,093.50
1066017i4	8/29/2024	Rental Pickup	1,722.50	0.00	1,722.50
1066018i4	8/29/2024	Rental Pickup	1,722.50	0.00	1,722.50
<b>Vendor Totals:</b>			<b>9,354.50</b>	<b>0.00</b>	<b>9,354.50</b>
<b>Vendor: MERS: MERS of Michigan</b>					
00158867-7	8/31/2024	Retirement	70,286.69	0.00	70,286.69
<b>Vendor Totals:</b>			<b>70,286.69</b>	<b>0.00</b>	<b>70,286.69</b>
<b>EFTP Grand Totals:</b>			<b>79,641.19</b>	<b>0.00</b>	<b>79,641.19</b>
			<b>2 EFTP Vendors</b>		
<b>Payment Type: Checks</b>					
<b>Vendor: AIRGAS: AIRGAS USA, LLC</b>					
<b>Check Nbr: 620286</b>					
5509584809	7/31/2024	Cylinder Rental	14.18	0.00	14.18
<b>Check Totals:</b>			<b>14.18</b>	<b>0.00</b>	<b>14.18</b>
<b>Vendor: AISCON: AIS Construction/Interstate Billing Service</b>					
<b>Check Nbr: 620287</b>					
114395	9/3/2024	Starter	298.59	0.00	298.59
<b>Check Totals:</b>			<b>298.59</b>	<b>0.00</b>	<b>298.59</b>
<b>Vendor: ALERUS: Alerus Financial</b>					
<b>Check Nbr: 620288</b>					
Batch 296	9/5/2024	Employer Match 457	890.88	0.00	890.88
Batch 331	9/4/2024	Employer Contribution HCSP	2,697.34	0.00	2,697.34
<b>Check Totals:</b>			<b>3,588.22</b>	<b>0.00</b>	<b>3,588.22</b>
<b>Vendor: ALMA: Alma Tire Service, Inc.</b>					
<b>Check Nbr: 620289</b>					
517016850	8/14/2024	Tires	301.66	0.00	301.66
517016977	8/27/2024	Tire Repairs	136.00	0.00	136.00
<b>Check Totals:</b>			<b>437.66</b>	<b>0.00</b>	<b>437.66</b>
<b>Vendor: ALTACONS: Alta Construction Equipment</b>					
<b>Check Nbr: 620290</b>					
SP2/137665	8/15/2024	Antenna	326.41	0.00	326.41
SP2/137804	8/16/2024	Work Lamp	109.26	0.00	109.26
SR2/198187	8/19/2024	Equipment Rental	5,770.00	0.00	5,770.00
<b>Check Totals:</b>			<b>6,205.67</b>	<b>0.00</b>	<b>6,205.67</b>
<b>Vendor: APPLIEDI: Applied Industrial Technologies</b>					
<b>Check Nbr: 620291</b>					
7030382436	8/28/2024	Bearings	215.45	0.00	215.45
<b>Check Totals:</b>			<b>215.45</b>	<b>0.00</b>	<b>215.45</b>
<b>Vendor: AUTOZONE: AutoZone, Inc.</b>					
<b>Check Nbr: 620292</b>					
2278319720	8/5/2024	Oil Dry	59.90	0.00	59.90
<b>Check Totals:</b>			<b>59.90</b>	<b>0.00</b>	<b>59.90</b>

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Invoice Nbr	Invoice Date	Description	Invoice Amount	Disc Taken	Amount To Pay
<b>Vendor: BAUMHYDR: Baum Hydraulics Corporation</b>					
<b>Check Nbr: 620293</b>					
2328345	8/26/2024	Hose	1,889.80	0.00	1,889.80
<b>Check Totals:</b>			<b>1,889.80</b>	<b>0.00</b>	<b>1,889.80</b>
<b>Vendor: BLAIRSPR: Blair Spray Foam Insulation</b>					
<b>Check Nbr: 620294</b>					
0322	8/26/2024	Apr - Sept Trailer Rental	17,400.00	0.00	17,400.00
<b>Check Totals:</b>			<b>17,400.00</b>	<b>0.00</b>	<b>17,400.00</b>
<b>Vendor: CADILLAC: Cadillac Culvert Inc.</b>					
<b>Check Nbr: 620295</b>					
24816	8/27/2024	Culverts	1,296.60	0.00	1,296.60
<b>Check Totals:</b>			<b>1,296.60</b>	<b>0.00</b>	<b>1,296.60</b>
<b>Vendor: CHATERCO: Charter Communications</b>					
<b>Check Nbr: 620296</b>					
0054030010901:	9/1/2024	Telephone/Internet	379.94	0.00	379.94
<b>Check Totals:</b>			<b>379.94</b>	<b>0.00</b>	<b>379.94</b>
<b>Vendor: CINTAS: Cintas Corporation #729</b>					
<b>Check Nbr: 620297</b>					
4201773394	8/13/2024	Uniforms/Floor Mats	114.22	0.00	114.22
4202481072	8/20/2024	Uniforms/Floor Mats	114.22	0.00	114.22
4203202661	8/27/2024	Uniforms/Floor Mats	137.73	0.00	137.73
4203895308	9/3/2024	Uniforms/Floor Mats	114.22	0.00	114.22
<b>Check Totals:</b>			<b>480.39</b>	<b>0.00</b>	<b>480.39</b>
<b>Vendor: CONSUME: Consumers Energy</b>					
<b>Check Nbr: 620298</b>					
201275675076	8/31/2024	TL @ Dickerson/McCoy	50.82	0.00	50.82
<b>Check Totals:</b>			<b>50.82</b>	<b>0.00</b>	<b>50.82</b>
<b>Vendor: DORNBOS: Dornbos Sign, Inc.</b>					
<b>Check Nbr: 620299</b>					
77663	8/20/2024	Street Signs	96.04	0.00	96.04
<b>Check Totals:</b>			<b>96.04</b>	<b>0.00</b>	<b>96.04</b>
<b>Vendor: DTEENERG: DTE Energy</b>					
<b>Check Nbr: 620300</b>					
910020846960	8/26/2024	Natural Gas	87.41	0.00	87.41
<b>Check Totals:</b>			<b>87.41</b>	<b>0.00</b>	<b>87.41</b>
<b>Vendor: ELECTRIC: Electrical Terminal Service, Inc.</b>					
<b>Check Nbr: 620301</b>					
1741619-00	8/27/2024	Worklamps	786.42	0.00	786.42
1741620-00	8/20/2024	Electrical Wire	156.15	0.00	156.15
<b>Check Totals:</b>			<b>942.57</b>	<b>0.00</b>	<b>942.57</b>
<b>Vendor: ELMIRAHE: ELMIRA OCCUPATIONAL HEALTH &amp; MEDICINE</b>					
<b>Check Nbr: 620302</b>					
002261000-00	8/12/2024	DOT Physical	100.00	0.00	100.00
<b>Check Totals:</b>			<b>100.00</b>	<b>0.00</b>	<b>100.00</b>

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Invoice Nbr	Invoice Date	Description	Invoice Amount	Disc Taken	Amount To Pay
<b>Vendor: FEDERALF: Federal Fluid Power, Inc.</b>					
<b>Check Nbr: 620303</b>					
122043	8/14/2024	Hyd. Fittings	16.50	0.00	16.50
123078	9/4/2024	Hyd Hose	39.24	0.00	39.24
123080	9/4/2024	Hyd Fittings	147.64	0.00	147.64
<b>Check Totals:</b>			<b>203.38</b>	<b>0.00</b>	<b>203.38</b>
<b>Vendor: FIRSTB: First National Bank of Omaha</b>					
<b>Check Nbr: 620304</b>					
1408	8/27/2024	D. Fox	988.58	0.00	988.58
5602	8/27/2024	K. Harrier	9.74	0.00	9.74
8324	8/27/2024	R. Hilmert	1,766.69	0.00	1,766.69
9809	8/27/2024	S. Mench	145.00	0.00	145.00
<b>Check Totals:</b>			<b>2,910.01</b>	<b>0.00</b>	<b>2,910.01</b>
<b>Vendor: GFLENVIR: GFL Environmental</b>					
<b>Check Nbr: 620305</b>					
0067027006	8/31/2024	Trash Removal	145.00	0.00	145.00
0067027036	8/31/2024	Trash Removal	208.35	0.00	208.35
<b>Check Totals:</b>			<b>353.35</b>	<b>0.00</b>	<b>353.35</b>
<b>Vendor: GILLROY: Gill-Roys Hardware</b>					
<b>Check Nbr: 620306</b>					
2050313	9/4/2024	Key Tags	109.99	0.00	109.99
<b>Check Totals:</b>			<b>109.99</b>	<b>0.00</b>	<b>109.99</b>
<b>Vendor: GINOPSAL: Ginop Sales, Inc.</b>					
<b>Check Nbr: 620307</b>					
WP22067	8/22/2024	Oil/Filters	102.49	0.00	102.49
<b>Check Totals:</b>			<b>102.49</b>	<b>0.00</b>	<b>102.49</b>
<b>Vendor: HURONENG: Huron Engineering and Surveying, Inc.</b>					
<b>Check Nbr: 620308</b>					
6531	8/14/2024	Sparr Rd-Marquardt to Dover LAP	20,761.25	0.00	20,761.25
6553	8/16/2024	As Requested Engineering	882.00	0.00	882.00
6554	8/16/2024	Old State Road	2,662.00	0.00	2,662.00
6555	8/16/2024	Sparr Rd - Sawyer to Wolf	12,114.00	0.00	12,114.00
6556	8/16/2024	Sparr Rd - Wolf to Tin Shanty	13,425.50	0.00	13,425.50
<b>Check Totals:</b>			<b>49,844.75</b>	<b>0.00</b>	<b>49,844.75</b>
<b>Vendor: HUTSON: Hutson, Inc.</b>					
<b>Check Nbr: 620309</b>					
10577452	8/23/2024	Dash Housing/Park Brake	492.30	0.00	492.30
<b>Check Totals:</b>			<b>492.30</b>	<b>0.00</b>	<b>492.30</b>
<b>Vendor: J&amp;HFAMIL: Exit 76 Corporation</b>					
<b>Check Nbr: 620310</b>					
CP-011529	8/31/2024	Fuel	28,055.08	0.00	28,055.08
<b>Check Totals:</b>			<b>28,055.08</b>	<b>0.00</b>	<b>28,055.08</b>
<b>Vendor: JOHNSONO: Johnson Oil Company</b>					
<b>Check Nbr: 620311</b>					
CP011322	8/31/2024	Fuel for Rentals	340.02	0.00	340.02
<b>Check Totals:</b>			<b>340.02</b>	<b>0.00</b>	<b>340.02</b>

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Invoice Nbr	Invoice Date	Description	Invoice Amount	Disc Taken	Amount To Pay
<b>Vendor: KMINTERN: KM International</b>					
<b>Check Nbr: 620312</b>					
30715	8/7/2024	Patch Trailer Burner Assembly	1,393.02	0.00	1,393.02
30791	8/15/2024	Patch Trailer Control & Igniter	656.76	0.00	656.76
<b>Check Totals:</b>			<b>2,049.78</b>	<b>0.00</b>	<b>2,049.78</b>
<b>Vendor: LAWSONPR: Lawson Products, Inc.</b>					
<b>Check Nbr: 620313</b>					
9311744385	8/6/2024	Hydraulic Fittings	230.46	0.00	230.46
<b>Check Totals:</b>			<b>230.46</b>	<b>0.00</b>	<b>230.46</b>
<b>Vendor: LEWISTON: Lewiston Sand &amp; Gravel</b>					
<b>Check Nbr: 620314</b>					
35495	8/30/2024	23A Gravel	44,467.50	0.00	44,467.50
<b>Check Totals:</b>			<b>44,467.50</b>	<b>0.00</b>	<b>44,467.50</b>
<b>Vendor: MARCOR: Marcor Technologies, LLC</b>					
<b>Check Nbr: 620315</b>					
60742	8/20/2024	Hosted Storage/Cloud	38.54	0.00	38.54
60751	8/20/2024	Microsoft 365 Apps	108.00	0.00	108.00
<b>Check Totals:</b>			<b>146.54</b>	<b>0.00</b>	<b>146.54</b>
<b>Vendor: MEEKHO: Meekhof Tire Sales &amp; Service</b>					
<b>Check Nbr: 620316</b>					
24-0306641-095	9/5/2024	Tire Work	100.00	0.00	100.00
<b>Check Totals:</b>			<b>100.00</b>	<b>0.00</b>	<b>100.00</b>
<b>Vendor: MICAT: Michigan CAT</b>					
<b>Check Nbr: 620317</b>					
PD16419686	8/19/2024	Mirrors/Filters	542.06	0.00	542.06
PD16424950	8/20/2024	Backup Switch	80.16	0.00	80.16
PD16475337	9/4/2024	A/C Switch	125.59	0.00	125.59
<b>Check Totals:</b>			<b>747.81</b>	<b>0.00</b>	<b>747.81</b>
<b>Vendor: MIDSTATE: Mid-States Bolt &amp; Screw Co.</b>					
<b>Check Nbr: 620318</b>					
32722192	8/23/2024	Concrete Saw Blades	363.00	0.00	363.00
32729307	9/6/2024	Plow Bolts	17.18	0.00	17.18
<b>Check Totals:</b>			<b>380.18</b>	<b>0.00</b>	<b>380.18</b>
<b>Vendor: MIKENWOR: Michigan Kenworth, LLC</b>					
<b>Check Nbr: 620321</b>					
022P183483	8/13/2024	A/C Parts	673.19	0.00	673.19
022P183484	8/14/2024	A/C Parts	34.12	0.00	34.12
022P183714	8/21/2024	DEF Line	465.74	0.00	465.74
022P183749	8/21/2024	Egr Valve	1,270.90	0.00	1,270.90
022P183754	8/26/2024	Hood Cables	153.22	0.00	153.22
022P183761	8/22/2024	DEF Line	419.92	0.00	419.92
022P183899	8/28/2024	Hood Cable	153.22	0.00	153.22
022P183901	8/27/2024	Hood Cables	157.50	0.00	157.50
022P183975	8/28/2024	Motor Mounts	161.98	0.00	161.98
022P183976	9/3/2024	Motor Mount	39.42	0.00	39.42
022P183978	8/28/2024	Hood Cable Return	-153.22	0.00	-153.22

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022P183980	8/28/2024	Hood Cable Return	-153.22	0.00	-153.22
022P183981	8/28/2024	Egr Valve Return	-145.00	0.00	-145.00
022P184192	9/5/2024	Batteries	299.16	0.00	299.16
<b>Check Totals:</b>			<b>3,376.93</b>	<b>0.00</b>	<b>3,376.93</b>
<b>Vendor: NATIONAL: National Highway Maintenance System Ltd</b>					
<b>Check Nbr: 620322</b>					
12912	8/12/2024	Crack Seal Material	9,625.00	0.00	9,625.00
12915	8/19/2024	Crack Seal Material	5,035.00	0.00	5,035.00
<b>Check Totals:</b>			<b>14,660.00</b>	<b>0.00</b>	<b>14,660.00</b>
<b>Vendor: NORPRO: NORTHERN PROCESSING, LLC</b>					
<b>Check Nbr: 620323</b>					
12050	7/16/2024	Road Gravel	300.00	0.00	300.00
<b>Check Totals:</b>			<b>300.00</b>	<b>0.00</b>	<b>300.00</b>
<b>Vendor: NORTHERN: Northern Energy, Inc.</b>					
<b>Check Nbr: 620324</b>					
99386	8/21/2024	Anti-Freeze & Washer Solvent	173.22	0.00	173.22
<b>Check Totals:</b>			<b>173.22</b>	<b>0.00</b>	<b>173.22</b>
<b>Vendor: OCRC: Otsego County Road Commission</b>					
<b>Check Nbr: 620325</b>					
9/3/24-9/9/24	9/8/2024	HRA Reimbursement	606.89	0.00	606.89
<b>Check Totals:</b>			<b>606.89</b>	<b>0.00</b>	<b>606.89</b>
<b>Vendor: PAYDOL: PAYNE &amp; DOLAN, INC.</b>					
<b>Check Nbr: 620326</b>					
10-00016750	8/17/2024	Hot Patch	243.57	0.00	243.57
408080-002	8/15/2024	Sparr Road Culverts	196,728.63	0.00	196,728.63
<b>Check Totals:</b>			<b>196,972.20</b>	<b>0.00</b>	<b>196,972.20</b>
<b>Vendor: POQLEA: Poquette Leasing Company, Inc.</b>					
<b>Check Nbr: 620327</b>					
36367	8/31/2024	Tittabawassee Trail	172,243.76	0.00	172,243.76
<b>Check Totals:</b>			<b>172,243.76</b>	<b>0.00</b>	<b>172,243.76</b>
<b>Vendor: PURCYL: PURITY CYLINDER GASES, INC.</b>					
<b>Check Nbr: 620328</b>					
0002024646	8/19/2024	Welding Supplies	215.00	0.00	215.00
<b>Check Totals:</b>			<b>215.00</b>	<b>0.00</b>	<b>215.00</b>
<b>Vendor: RIERIL: RIETH-RILEY CONSTRUCTION CO., INC.</b>					
<b>Check Nbr: 620331</b>					
5308540	7/29/2024	Hot Patch	585.81	0.00	585.81
5308573	7/30/2024	Hot Patch	290.55	0.00	290.55
5308590	7/31/2024	Hot Patch	240.81	0.00	240.81
5308762	8/12/2024	Hot Patch	531.05	0.00	531.05
5308771	8/13/2024	Hot Patch	310.70	0.00	310.70
5308801	8/14/2024	Hot Patch	339.30	0.00	339.30
5308825	8/15/2024	Hot Patch	801.78	0.00	801.78
5308862	8/19/2024	Hot Patch	201.50	0.00	201.50
5308940	8/22/2024	Hot Patch	321.10	0.00	321.10
5308982	8/27/2024	Hot Patch	688.62	0.00	688.62

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5309013	8/28/2024	Hot Patch	697.59	0.00	697.59
5309017	8/28/2024	23A Gravel	3,192.08	0.00	3,192.08
5309040	8/29/2024	Hot Patch	425.73	0.00	425.73
5309056	8/29/2024	23A	1,405.05	0.00	1,405.05
5309097	9/3/2024	23A	1,231.58	0.00	1,231.58
5309098	9/4/2024	23A	619.20	0.00	619.20
792520	8/12/2024	Old 27 Culvert Replacement	6,870.00	0.00	6,870.00
<b>Check Totals:</b>			<b>18,752.45</b>	<b>0.00</b>	<b>18,752.45</b>
<b>Vendor: SCIBRA: SCIENTIFIC BRAKE &amp; EQUIP.</b>					
<b>Check Nbr: 620332</b>					
0202129011	8/13/2024	Patch Trailer Brakes	496.00	0.00	496.00
0202129459	8/22/2024	Strobe Switch	15.10	0.00	15.10
0202129489	8/27/2024	Bin Stock	27.50	0.00	27.50
0202129668	8/27/2024	Lights	54.10	0.00	54.10
0202129684	9/3/2024	Driver Inspection Book	603.75	0.00	603.75
0202129704	8/27/2024	Bin Stock	27.50	0.00	27.50
<b>Check Totals:</b>			<b>1,223.95</b>	<b>0.00</b>	<b>1,223.95</b>
<b>Vendor: SHINECLE: Shine Cleaning Service Inc.</b>					
<b>Check Nbr: 620333</b>					
893	9/1/2024	Rest Area Cleaning	11,479.14	0.00	11,479.14
<b>Check Totals:</b>			<b>11,479.14</b>	<b>0.00</b>	<b>11,479.14</b>
<b>Vendor: SNETHKAM: Snethkamp</b>					
<b>Check Nbr: 620334</b>					
5349561	8/19/2024	T-Case Oil	55.93	0.00	55.93
6389156/1	9/3/2024	Replace Ignition Coil	389.38	0.00	389.38
<b>Check Totals:</b>			<b>445.31</b>	<b>0.00</b>	<b>445.31</b>
<b>Vendor: STAPLES: Staples</b>					
<b>Check Nbr: 620335</b>					
7001690950	8/7/2024	Office Supplies	5.54	0.00	5.54
7001701605	8/8/2024	Office Supplies	33.99	0.00	33.99
<b>Check Totals:</b>			<b>39.53</b>	<b>0.00</b>	<b>39.53</b>
<b>Vendor: STOOPS: Stoops Freightliner Western Star</b>					
<b>Check Nbr: 620337</b>					
X316012762:01	8/6/2024	Gauge - Hourmeter	99.74	0.00	99.74
X316013236:01	8/21/2024	Clutch Linkage	194.17	0.00	194.17
X316013506:01	8/21/2024	A/C Hose	155.60	0.00	155.60
X316013515:01	8/20/2024	Valve	49.60	0.00	49.60
X316013522:01	8/20/2024	Dust Filter Kit	60.88	0.00	60.88
X316013572:01	8/19/2024	Hose/Air Spring	124.16	0.00	124.16
X316013580:01	8/21/2024	A/C Hose & Switch	273.76	0.00	273.76
X316013878:01	9/5/2024	DPF Emission Parts/Batteries	1,362.50	0.00	1,362.50
X316014069:01	9/6/2024	Battery Core	-101.25	0.00	-101.25
<b>Check Totals:</b>			<b>2,219.16</b>	<b>0.00</b>	<b>2,219.16</b>
<b>Vendor: TRUTRA: TRUCK &amp; TRAILER SPECIALTIES</b>					
<b>Check Nbr: 620339</b>					
BSO024227	6/28/2024	Replacement Valve	3,581.36	0.00	3,581.36

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BSO024449	8/8/2024	Blades	42,708.00	0.00	42,708.00
BSO024588	8/14/2024	Replacement Mainhot Cylinder & Hoist	3,840.54	0.00	3,840.54
BSO024704	8/28/2024	Dump Box Cyl. Mount	690.04	0.00	690.04
BSO024733	8/13/2024	Wing Pins	280.23	0.00	280.23
BSO024734	9/3/2024	Sander & Wing Parts	960.74	0.00	960.74
BSO024797	9/3/2024	Joystick Parts	96.23	0.00	96.23
BSO024802	8/27/2024	Joystick Parts	27.30	0.00	27.30
BSO024852	9/5/2024	Sander & Wing Parts	339.96	0.00	339.96
<b>Check Totals:</b>			<b>52,524.40</b>	<b>0.00</b>	<b>52,524.40</b>
<b>Vendor: USBANK: US Bank Equipment Finance</b>					
<b>Check Nbr: 620340</b>					
537039620	8/30/2024	Copy Machine	324.03	0.00	324.03
<b>Check Totals:</b>			<b>324.03</b>	<b>0.00</b>	<b>324.03</b>
<b>Vendor: VALTRU: VALLEY TRUCK PARTS, INC.</b>					
<b>Check Nbr: 620341</b>					
1-1844379	7/8/2024	Bell Housing Credit	-200.00	0.00	-200.00
3-1226177	8/6/2024	Trans. Shifter Shaft	450.16	0.00	450.16
3-1226232	8/13/2024	Drive Line Parts	280.23	0.00	280.23
3-1226275	8/19/2024	Clutch	1,573.36	0.00	1,573.36
<b>Check Totals:</b>			<b>2,103.75</b>	<b>0.00</b>	<b>2,103.75</b>
<b>Vendor: WILAUT: WILBER AUTOMOTIVE</b>					
<b>Check Nbr: 620342</b>					
335686	8/12/2024	Starter/Core Deposit	145.93	0.00	145.93
336580	8/21/2024	Filters & Seals	57.85	0.00	57.85
337243	8/28/2024	Batteries	259.02	0.00	259.02
337264	8/28/2024	Battery Core Deposit	-54.00	0.00	-54.00
<b>Check Totals:</b>			<b>408.80</b>	<b>0.00</b>	<b>408.80</b>
<b>Vendor: ZAREQU: ZAREMBA EQUIPMENT, INC.</b>					
<b>Check Nbr: 620343</b>					
188580S	8/13/2024	Speed Sensors	202.61	0.00	202.61
<b>Check Totals:</b>			<b>202.61</b>	<b>0.00</b>	<b>202.61</b>
<b>Check Grand Totals:</b>		<b>52 Checks</b>	<b>642,348.01</b>	<b>0.00</b>	<b>642,348.01</b>
<b>Grand Totals:</b>		<b>54 EFTP Vendors/Checks</b>	<b>721,989.20</b>	<b>0.00</b>	<b>721,989.20</b>

## Accounts Payable Check Register

Low And High Check Date: 08/01/2024 - 08/31/2024  
 Show Vendor Codes? (Y/N): N - Do Not Show Vendor Codes  
 Show Discount And Pay Amounts? (Y/N): N - Do Not Show Discount And Pay Amounts  
 Show Payment Totals By Fund? (Y/N): Y - Show Payment Totals By Fund

Check Nbr	Check Date	Vendor Name	Net Amount
<b>Electronic Funds Transfer Payments</b>			
EFTP	08/27/2024	Merchants Fleet	1,722.50
EFTP	08/27/2024	Merchants Fleet	2,093.50
EFTP	08/27/2024	Merchants Fleet	2,093.50
EFTP	08/27/2024	Merchants Fleet	1,722.50
EFTP	08/27/2024	Merchants Fleet	1,722.50
EFTP	08/08/2024	MERS of Michigan	70,292.92
<b>Electronic Funds Transfer Payments Totals:</b>		<b>6 Payments Listed</b>	<b>79,647.42</b>
<b>Regular Checks Payments</b>			
620207	08/08/2024	Advance Electric	145.15
620208	08/08/2024	AIRGAS USA, LLC	14.18
620209	08/08/2024	Alerus Financial	3,596.08
620210	08/08/2024	Alma Tire Service, Inc.	270.00
620211	08/08/2024	Alta Equipment Company	5,770.00
620212	08/08/2024	BBC Distributing	266.17
620213	08/08/2024	Builders First Source	106.74
620214	08/08/2024	CC Unlimited Mobile Maintenance	1,873.51
620215	08/08/2024	Chuck's Electric of Gaylord, INC.	1,738.00
620216	08/08/2024	Cintas Corporation #729	468.60
620217	08/08/2024	Consumers Energy	2,136.11
620218	08/08/2024	Contech Engineered Solutions, LLC	58,469.00
620219	08/08/2024	D&J BOWEN DUST CONTROL LLC	1,480.25
620220	08/08/2024	DTE Energy	79.78
620221	08/08/2024	ELMIRA OCCUPATIONAL HEALTH & MEDICINE	320.00
620222	08/08/2024	Federal Fluid Power, Inc.	241.60
620223	08/08/2024	First National Bank of Omaha	2,392.98
620224	08/08/2024	Flint New Holland, Inc.	896.26
620225	08/08/2024	Give Em A Brake Safety	675.00
620226	08/08/2024	Graham Electric Co.	100.00
620227	08/08/2024	Huron Engineering and Surveying, Inc.	29,276.00
620228	08/08/2024	Hutson, Inc.	1,103.99
620229	08/08/2024	Exit 76 Corporation	28,273.91
620230	08/08/2024	JJ Keller & Associates, Inc.	308.02
620231	08/08/2024	Johnson Oil Company	250.59
620232	08/08/2024	KM International	332.70
620233	08/08/2024	Lake State Railway Company	3,057.37
620234	08/08/2024	Lawson Products, Inc.	198.66
620235	08/08/2024	Lewiston Sand & Gravel	19,197.07
620236	08/08/2024	Marcor Technologies, LLC	146.42
620237	08/08/2024	Matco Tools	1,189.80
620238	08/08/2024	Meekhof Tire Sales & Service	1,600.48
620239	08/08/2024	Michigan CAT	819.34
620240	08/08/2024	Mid-States Bolt & Screw Co.	74.55
620241 *	08/08/2024	Michigan Kenworth, LLC	1,881.42



Check Nbr	Check Date	Vendor Name	Net Amount
620242 *	08/08/2024	Michigan Kenworth, LLC	359.07
		* Totals For Multi Part Check Nbr: 620242:	2,240.49
620243	08/08/2024	MORBARK, LLC	461.02
620244	08/08/2024	Northern Energy, Inc.	468.04
620245	08/08/2024	Otsego County Road Commission	1,073.86
620246	08/08/2024	O'Reilly Auto Parts	96.74
620247	08/08/2024	PAYNE & DOLAN, INC.	1,014.00
620248	08/08/2024	PK CONTRACTING	440.00
620249	08/08/2024	Pro Comm Inc.	179.00
620250	08/08/2024	PROTECTION ONE/ADT	325.03
620251	08/08/2024	QUALITY PLUMBING AND MECHANICAL INC.	5,154.20
620252 *	08/08/2024	RIETH-RILEY CONSTRUCTION CO., INC.	8,190.91
620253 *	08/08/2024	RIETH-RILEY CONSTRUCTION CO., INC.	35,648.70
620254 *	08/08/2024	RIETH-RILEY CONSTRUCTION CO., INC.	93,491.27
620255 *	08/08/2024	RIETH-RILEY CONSTRUCTION CO., INC.	3,244.54
		* Totals For Multi Part Check Nbr: 620255:	140,575.42
620256 *	08/08/2024	SCIENTIFIC BRAKE & EQUIP.	8,099.19
620257 *	08/08/2024	SCIENTIFIC BRAKE & EQUIP.	371.85
		* Totals For Multi Part Check Nbr: 620257:	8,471.04
620258	08/08/2024	Shine Cleaning Service Inc.	11,479.14
620259	08/08/2024	Snethkamp	1,272.59
620260	08/08/2024	Steven Mench	150.00
620261	08/08/2024	Stoops Freightliner Western Star	749.17
620262	08/08/2024	TED FESTERLING LLC	8,378.28
620263	08/08/2024	US Bank Equipment Finance	409.88
620264	08/08/2024	Weller Truck Parts	11.31
620265 *	08/08/2024	WILBER AUTOMOTIVE	1,473.45
620266 *	08/08/2024	WILBER AUTOMOTIVE	(198.92)
		* Totals For Multi Part Check Nbr: 620266:	1,274.53
620267	08/08/2024	ZAREMBA EQUIPMENT, INC.	1,516.41
620268	08/27/2024	Alerus Financial	3,585.22
620269	08/27/2024	AT&T Mobility	242.01
620270	08/27/2024	Blue Care Network of MI	49,082.58
620271	08/27/2024	Charter Communications	379.94
620272	08/27/2024	City of Gaylord	51.38
620273	08/27/2024	Consumers Energy	2,016.97
620274	08/27/2024	County Road Association	500.00
620275	08/27/2024	CRASIF	7,812.00
620276	08/27/2024	Delta Dental	3,716.46
620277	08/27/2024	GFL Environmental	353.35
620278	08/27/2024	Great Lakes Energy	47.07
620279	08/27/2024	Rebecca Hilmert	61.17
620280	08/27/2024	Humana Insurance Co.	12,023.15
620281	08/27/2024	Mutual of Omaha	3,373.44
620282	08/27/2024	National Highway Maintenance System Ltd	5,125.00
620283	08/27/2024	Otsego County Road Commission	647.75

Check Nbr	Check Date	Vendor Name	Net Amount
620284	08/27/2024	Road Warrior Truck Driving School	11,990.00
620285	08/27/2024	Tianne Jones	64.99
<b>Regular Checks Payments Totals:</b>		<b>79 Payments Listed</b>	<b>453,680.94</b>
<b>All Payments Grand Totals:</b>		<b>85 Payments Listed</b>	<b>533,328.36</b>

## Payment Totals By Fund:

Fund	Net Amount
201	533,328.36
<b>Grand Totals</b>	<b>533,328.36</b>



# Otsego County Road Commission Agenda Item Report

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**FROM:** Kirk Harrier, Managing Director  
**MEETING DATE:** September 12, 2024  
**AGENDA ITEM:** 7. A  
**SUBJECT:** Letter of Understanding #2024-2

## **DESCRIPTION**

The Otsego County Road Commission (“Employer”) and the American Federation of State, County and Municipal Employees Union, Local #1534.1 (“Union”) are signors to a Collective Bargaining Agreement (“Agreement”) which expires on December 31, 2026. Under the powers granted in that agreement, amendments are allowed if agreed upon by both parties, Employer and Union.

The Union administration requested a change to Article 9, Section 9.6(c) regarding assignment bidding for the Highway Maintenance Night Patrol 2<sup>nd</sup> and 3<sup>rd</sup> shift assignment. Specifically, each assignment shall be for one half (1/2) the calendar period for which the assignment is scheduled. Employees may only be awarded one (1) assignment, unless no one else is eligible for either of the shifts. The language in the current agreement allowed for an employee to bid and be assigned either the 2<sup>nd</sup> or 3<sup>rd</sup> shift for the duration of calendar period. This amendment reverts to the process in place under the 2019-2023 contract.

The Road Commission Board previously reviewed this at the August regular meeting and suggested minor language amendments. This change was submitted back to the Union for review. The Union held a meeting on Thursday, August 29<sup>th</sup> and voted on the proposed Letter of Understanding #2024-2. It was approved by the Union membership 14 yes and 5 no. As required by the Agreement, this proposed Letter of Understanding is being presented to the Road Commission Board for consideration.

## **BUDGET ACTION REQUIRED**

N/A

## **LEGAL REVIEW**

N/A

## **SAMPLE MOTIONS**

Motion to **approve/deny** Letter of Understanding #2024-2 between the Otsego County Road Commission and the American Federation of State, County and Municipal Employees Union, Local #1534.1 as presented.

Letter of Agreement #2024-2  
The Otsego County Road Commission  
-And-  
AFSCME Council 25, Local 1534

The Otsego County Road Commission (“Employer”) and the American Federation of State, County and Municipal Employees Union, Local #1534.1 (“Union”) are signors to a Collective Bargaining Agreement (“Agreement”) which expires on December 31, 2026 and under the powers granted in that agreement do hereby enter into this Letter of Agreement:

The Employer and the Union agree that Article 9, Section 9.6(c) of the Agreement is amended as follows:

**Section 9.6 Assignment Bidding.**

- (c) Highway Maintenance Night Patrol 2<sup>nd</sup> and 3<sup>rd</sup> shift assignments shall be bid annually and shall be for one half (1/2) the calendar period for which the assignment is scheduled. Both 2<sup>nd</sup> and 3<sup>rd</sup> shift assignments shall be posted simultaneously. Employer shall choose the employees with the greatest bargaining unit seniority in the Road Maintenance Technician classification. If no employees bid, the Employer may re-bid or assign the least senior employees to fill such assignments. Employees may only be awarded one (1) assignment per shift, unless no one else is eligible for either of the shifts.

Otsego County Road Commission

AFSCME Local 1534

\_\_\_\_\_  
By: Troy Huff  
OCRC Board Chairman  
Dated: August \_\_\_\_, 2024

\_\_\_\_\_  
By: Jeff Aspy  
Staff Representative  
Dated: August \_\_\_\_, 2024

\_\_\_\_\_  
By: Kirk Harrier  
Managing Director  
Dated: August \_\_\_\_, 2024

\_\_\_\_\_  
By: Tom Coughlin  
Chapter Chair  
Dated: August \_\_\_\_, 2024



# Otsego County Road Commission Agenda Item Report

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**FROM:** Rebecca Hilmert, Finance Manager/Board Secretary  
**MEETING DATE:** September 12, 2024  
**AGENDA ITEM:** 8. A  
**SUBJECT:** Title VI Policy Update

## **DESCRIPTION**

The OCRC is required to agree that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964. The OCRC's Title VI Non-Discrimination Policy asserts OCRC's commitment to ensuring that the fundamental principles of equal opportunity are upheld in compliance with the Title VI regulations in association with the Michigan Department of Transportation Title VI Department. The OCRC Board adopted the Title VI Non-Discrimination Policy originally in 2004 and it has been updated periodically as required with the last update approved in February of 2024. This proposed update simply corrects some of the outdated contact info in the Policy.

## **BUDGET ACTION REQUIRED**

N/A

## **LEGAL REVIEW**

N/A

## **SAMPLE MOTIONS**

Motion to **approve/deny** the Otsego County Road Commission's Title VI Non- Discrimination Policy update as presented.

# **OTSEGO COUNTY ROAD COMMISSION**

## **TITLE VI NON-DISCRIMINATION PLAN**

**Originally Adopted: September 3, 2004**

**Revised: January 22, 2015**

**Re-Adopted: April 24, 2015\***

**Revised: September 15, 2016**

**Revised: September 17, 2020**

**Revised: September 12, 2024**

**P.O. 537**

**Gaylord, MI 49734**

**Phone: 989-732-5202**

**Fax: 989-732-6775**

**Title VI Coordinator:**

**Kirk Harrier, Managing Director**

**Email: [harrierk@ocrc-mi.org](mailto:harrierk@ocrc-mi.org)**

**\*No recording in minutes of adoption of Title VI policy dated January 22, 2015**

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## INTRODUCTION

The Otsego County Road Commission (OCRC) serves all people utilizing the county road system with a safe, efficient, environmentally sound, comprehensive, and cost-effective transportation system. The OCRC serves all people of the county of Otsego, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the State of Michigan. The OCRC recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the OCRC must provide access to individuals with limited ability to speak, write, or understand the English language. The OCRC must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the OCRC’s Title VI Program are:



1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the OCRC's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the OCRC's programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within, the OCRC;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in an OCRC service, program or activity.

As the sub-recipient of federal transportation funds, the OCRC must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The OCRC shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The OCRC, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the OCRC will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

### **Discrimination under Title VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The OCRC’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The OCRC has developed this Title VI Plan to assure that services, programs, and activities of the Road Commission are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

**OTSEGO COUNTY ROAD COMMISSION  
NON-DISCRIMINATION POLICY STATEMENT**

The Otsego County Road Commission reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the Otsego County Road Commission and its sub-recipients of federal funds will not:

1. Deny any individual with any service, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual’s receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The OCRC will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the

program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The Otsego County Road Commission designates Kirk Harrier, Managing Director, as the Title VI Coordinator. The Managing Director will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the Otsego County Road Commission complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the Otsego County Road Commission and Title VI may be directed to the Managing Director, P.O. Box 537, Gaylord, MI 49734; Phone: 989-732-5202; Fax: 989-732-6775; e-mail: [harriek@ocrc-mi.org](mailto:harriek@ocrc-mi.org).

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Troy Huff  
Chairman of the Board

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Kirk Harrier  
Managing Director/Title VI Coordinator

**OTSEGO COUNTY ROAD COMMISSION  
TITLE VI ASSURANCES**

The Otsego County Road Commission (hereinafter referred to as the “Recipient”) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
  
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”
  
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
  
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
  
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Otsego County Road Commission

Dated: September 12, 2024

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Troy Huff  
Chairman of the Board

## **AUTHORITIES**

### **Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);**

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances

**EO12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

**EO13166:** Improving Access to Services for Persons with Limited English Proficiency.

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of OCRC programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the OCRC.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines. <http://aspe.hhs.gov/poverty/>

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed OCRC program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or



- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed OCRC program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, education institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## ADMINISTRATION – GENERAL

The Otsego County Road Commission designates Kirk Harrier, Managing Director, as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Mr. Harrier shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the OCRC. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in, and beneficiaries of OCRC programs; e.g., impacted citizens and affected communities will be gathered and maintained by the OCRC. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities accomplishments and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The OCRC does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5<sup>th</sup>.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The OCRC will disseminate Title VI Program information to the OCRC employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the Title VI Non-discrimination Plan on the homepage of the OCRC’s website within 90 days of approval, when such a website is created and maintained.

Remedial Action: The OCRC, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

## LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>ii</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The OCRC receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>iii</sup>

The Guidance implies that the OCRC is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of

transportation—not just the particular highway program or project—are covered by the DOT guidance.

### **Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing and LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

### **Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the OCRC and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub recipients to take steps to ensure meaningful access their programs and activities to LEP persons. More information for recipients and sub recipients can be found at <http://www.lep.gov>.

### **The Four-Factor Analysis**

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level

and extent of language assistance measures required to sufficiently ensure meaningful access to the OCRC services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

**Factor 1: The Proportion, Numbers and Distribution of LEP Persons**

The Census Bureau has a range of four classifications of how well people speak English. The classifications are ‘very well,’ ‘well,’ ‘not well,’ and ‘not at all.’ For our planning purposes, we are considering people that speak English ‘less than very well’ as Limited English Proficient persons.

As seen in Table #1, the Census 2011 Data for the OCRC shows a small number of the population that speak English less than ‘very well.’

**TABLE #1**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	22,914	22,914
English only	22,464	98.0%
Language other than English	450	2.0%
Speak English less than "very well"	114	0.5%
Spanish	127	0.6%
Speak English less than "very well"	8	0.0%
Other Indo-European languages	262	1.1%
Speak English less than "very well"	87	0.4%
Asian and Pacific Islander languages	41	0.2%
Speak English less than "very well"	19	0.1%
Other languages	20	0.1%
Speak English less than "very well"	0	0.0%

**Factor 2: Frequency of Contact with LEP Individuals**

The OCRC has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, regular Board meetings are held the second and forth Thursday’s of each month which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is low.

**Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The Road Commission’s main function is to maintain the road network throughout Otsego County. This network is incredibly sound and new roadways will not be added, thus requiring acquisition

of land is not an issue. Our services are straight forward and garnered by the weather and wear and tear on the roads by motorists and out of the way of face to face contact. Occasionally, the road surface of a roadway is changed, trees are cut or ditches are dug to improve the conditions for the motoring public and public hearings are held.

It is believed that denial or delay of access to services or information provided by the OCRC could have serious implications on a LEP individual, especially services such as health, emergency transportation, water, sewer, fire protection, policy protection and other emergency services. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the county is small, we will ensure accessibility to all of our programs, services, and activities.

#### **Factor 4: The Resources Available to the OCRC and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*“Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.”*

The OCRC serves very few LEP persons and has very limited resources. However, it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order and to ensure access and reasonable accommodations for LEP persons who may be unknown at this time.

#### **Safe Harbor Stipulation**

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the OCRC’s budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for OCRC to proceed with oral interpretation options for compliance with LEP regulations.

### **Providing Notice to LEP Persons**

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient’s services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the OCRC.

### **Options and Proposed Actions**

#### **Options:**

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>iv</sup>

The OCRC is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>v</sup>

Due to limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

### **What the OCRC will do. What actions will the OCRC take?**



- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the OCRC will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The OCRC will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the OCRC’s complaint form will be made available online and upon request.
- In the event that a OCRC employee encounters a LEP individual, they will follow the procedure listed below:

#### OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken by the LEP individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

#### ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken by the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

#### IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact an translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

#### OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken by the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

#### **The Otsego County Road Commission's Staff Training**

The OCRC's staff will be provided training or made aware of the requirements for providing meaningful access to services for LEP persons.

#### **ENVIRONMENTAL JUSTICE (EJ)**

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by the OCRC in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, follow mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The OCRC will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the OCRC will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project's impact is unavoidable,
- The benefits of the project far out-weigh the overall impacts, and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the OCRC will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the OCRC will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minority and/or low income population groups:

**STEP ONE:** Determine if a minority of low income population is present within the project area. If a conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

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**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **FILING A TITLE VI COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the OCRC programs, activities, and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by the OCRC for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

### **IV. Filing a Complaint**

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of OCRC programs, activities, and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the OCRC or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the OCRC must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

## **V. Investigation**

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the OCRC, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the OCRC, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against a Otsego County Road Commission sub-recipient should be investigated by the road commission following the internal complaint process.

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of Thomas Deans for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

The laws enforced by this road commission prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

Otsego County Road Commission  
Kirk Harrier, Managing Director  
P.O. Box 537  
Gaylord, MI 49734  
Phone: 989-732-5202  
Fax: 989-732-6775  
Email: harrierk@ocrc-mi.org

**Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

**Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

**APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies and/or
  - b. Cancellation, termination or suspension of the contract, in whole or in part.



6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)\*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

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\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

### APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

OTSEGO COUNTY ROAD COMMISSION  
TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the Otsego County Road Commission based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form, please contact Kirk Harrier by phone at 989-732-5202 or via e-mail at [harrierk@ocrc-mi.org](mailto:harrierk@ocrc-mi.org).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

Name of agency and department or program that discriminated:

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Date(s) of alleged discrimination:

Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

\_\_\_ Race

\_\_\_ Income

\_\_\_ Color

\_\_\_ National Origin

\_\_\_ Age

\_\_\_ Sex

\_\_\_ Disability

\_\_\_ Religion

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return completed form to:** Kirk Harrier, Managing Director, P.O. Box 537, Gaylord, MI 49734; Phone: 989-732-5202; Fax: 989-732-6775; E-mail: [harrierk@ocrc-mi.org](mailto:harrierk@ocrc-mi.org).

**Note:** *The Otsego County Road Commission prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the road commission. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

**APPENDIX – E**  
**DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS**

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
  - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the Managing Director.

**APPENDIX – F**  
**PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR**  
**CURRENT PLAN YEAR**

1. The Otsego County Road Commission’s Title VI Plan will be communicated to each Department Head who will review the plan with departmental employees. All Otsego County Road Commission employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. Appendix A will be included in all Road Commission contracts as outlined in the Title VI Plan.
3. The Otsego County Road Commission’s Title VI Plan will be published on the main page of the OCRC’s website within 90 days of approval, when such a website is created and maintained.
4. The language in Number 2 of the OCRC’s Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure for responding to individuals with Limited English Proficiency will be implemented.
6. A review of the OCRC facilities will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings; how meeting dates and times communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects; number of minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** How many requests for language assistance were requested or required and the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** Number of requests for services; amount of time from request to when service was delivered; number of requests denied.
  - g. **Right of Way/Eminent Domain:** Numbers of such actions and diversity of individual(s) affected.
  - h. **Program Participants:** Racial data of program participants where possible.

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<sup>i</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>ii</sup> Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2055 (Volume 70, Number 239)

<sup>iii</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

<sup>iv</sup> <http://www.dotcr.ost.dot.gov/asp/lep/asp>

<sup>v</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.





# Otsego County Road Commission Agenda Item Report

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**FROM:** Kirk Harrier, Managing Director  
**MEETING DATE:** September 12, 2024  
**AGENDA ITEM:** 8. B  
**SUBJECT:** Ordinance Sign Policy Discussion

**DESCRIPTION**

The purpose of this agenda item is to discuss how the OCRC handles request from other governmental agencies that request the installation of ordinance signs placed within the road right-of-way and if the Board would like staff to develop a formal written policy.

**BUDGET ACTION REQUIRED**

N/A

**LEGAL REVIEW**

N/A

**SAMPLE MOTIONS**

N/A



# Otsego County Road Commission Agenda Item Report

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**FROM:** Kirk Harrier, Managing Director  
**MEETING DATE:** September 12, 2024  
**AGENDA ITEM:** 8. C  
**SUBJECT:** Otsego Lake Level Control Device Operation, Maintenance and Funding

**DESCRIPTION**

Due to recent liability issues involving other road commissions functioning as the county drain commissioner and operating dams or other water control structures, the Michigan County Road Commission Self Insurance Pool (MCRCSIP) was contacted, and they engaged their law firm to review the Otsego Lake level control device operation, maintenance and funding for the OCRC. The memo was not ready at the time the OCRC Board agenda/packet was printed but will be supplied to the Board at the meeting and made available to the public.

**BUDGET ACTION REQUIRED**

N/A

**LEGAL REVIEW**

N/A

**SAMPLE MOTIONS**

N/A

**Otsego County Road Commission**  
**MTF COMPARISON (Includes Snow Funds, Reimbursed Engineering Fees)**  
**For Calendar Year Ending 12/31/2024**

Month	2024	2023	2022	2021	2020	2019	2018	2017	2016	2024 + ( - )	% Change
January	\$618,718.01	\$622,850.41	\$593,353.49	\$574,401.56	\$574,774.41	\$538,379.39	\$490,104.69	\$390,160.67	\$321,869.31	-\$4,132.40	-0.70%
February	\$659,154.39	\$632,255.99	\$632,457.35	\$570,732.78	\$617,395.30	\$510,402.80	\$493,989.46	\$455,570.44	\$384,810.44	\$26,898.40	4.25%
March	\$593,247.27	\$593,772.93	\$575,363.14	\$539,585.23	\$475,901.84	\$526,923.30	\$471,139.06	\$411,992.14	\$325,540.83	-\$525.66	-0.09%
April	\$590,636.20	\$562,332.71	\$560,418.55	\$575,876.65	\$393,985.28	\$450,756.80	\$429,606.59	\$406,411.01	\$312,258.71	\$28,303.49	5.05%
May	\$586,077.27	\$619,941.51	\$510,827.52	\$512,183.97	\$342,370.15	\$508,546.35	\$472,952.47	\$427,827.98	\$304,005.07	-\$33,864.24	-6.63%
June	\$613,333.27	\$618,893.80	\$568,665.93	\$568,305.39	\$484,874.11	\$485,931.51	\$444,296.57	\$435,976.07	\$333,449.21	-\$5,560.53	-0.98%
July	\$527,063.94	\$547,335.20	\$487,410.63	\$481,649.26	\$478,387.21	\$439,213.70	\$410,646.53	\$384,860.23	\$248,094.07	-\$20,271.26	-4.16%
August		\$579,431.44	\$561,092.90	\$593,695.30	\$579,216.00	\$482,547.69	\$447,571.55	\$427,215.93	\$326,316.22		0.00%
September		\$556,303.94	\$601,029.67	\$604,028.14	\$525,737.94	\$511,558.85	\$420,077.12	\$444,246.34	\$313,741.07		0.00%
October		\$972,976.58	\$880,770.30	\$815,008.13	\$822,087.88	\$792,490.98	\$794,622.88	\$632,043.72	\$490,458.83		0.00%
November		\$569,651.09	\$521,034.79	\$524,074.66	\$460,489.59	\$449,835.16	\$414,508.44	\$375,345.55	\$329,867.86		0.00%
December		\$783,401.92	\$750,365.33	\$680,865.37	\$524,167.55	\$538,568.32	\$332,726.17	\$398,345.79	\$328,757.47		0.00%

<b>Totals</b>	<b>\$4,188,230.35</b>	<b>\$7,659,147.52</b>	<b>\$7,242,789.60</b>	<b>\$7,040,406.44</b>	<b>\$6,279,387.26</b>	<b>\$6,235,154.85</b>	<b>\$5,622,241.53</b>	<b>\$5,189,995.87</b>	<b>\$4,019,169.09</b>	<b>-\$9,152.20</b>	<b>-3.25%</b>
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Engineering Funds received in June/paid in August (\$10,000)

Snow Funds received in October/paid in December

(2016 Snowfunds \$238,533.88)  
(2017 Snowfunds \$241,593.93)  
(2018 Snowfunds \$315,151.81)  
(2019 Snowfunds \$347,614.46)  
(2020 Snowfunds \$368,691.80)  
(2021 Snowfunds \$387,431.27)  
(2022 Snowfunds \$418,096.13)  
(2023 Snowfunds \$438,396.03)