

East Bay Charter Township

1

Resolution- Metro Board

Motion by: _____ second by: _____

To

Approve

Table

Deny

Resolution granting the Metro Board Authority to:
purchase, lease or sell real and/or personal property

roll call vote:

Yeas:

Nays:

Abstain:

Absent:

Motion

Passed

Failed



GRAND TRAVERSE METRO FIRE DEPARTMENT

From the Desk of CHIEF PAT PARKER

FIRE OFFICE 897 Parsons Road ~ Traverse City, MI 49686

Phone: (231) 947-3000 ext. 1235 Fax: (231) 947-8728 ~ Website: www.gtmetrofire.org Email: info@gtmetrofire.org

Omnis Cedo Domus - "everyone goes home"

MEMO

Date: March 19, 2008

To: Board and Partner Townships

Re: Sale of 105 foot aerial ladder truck

The Grand Traverse Metro Board asked me to write a memo to the partner townships addressing the issue of the sale of the aerial. This is for information sake and if anyone has questions, please direct them to the Chief.

On March 17, 2008 the Metro fire board approved the sale of the department's 2003 Pierce aerial to the Flint Hill Fire Department in South Carolina. This truck was the department's 105 foot aerial platform. The sale price is \$640,000.

The department purchased this truck in 2003 to replace the 1978 Mack ladder truck. At the same time, the Grand Traverse Band of Chippewa and Ottawa Indians had given a grant to the Traverse City Fire Department to purchase a like aerial apparatus. Unfortunately, both departments use these trucks very little as they are primarily used for defensive fires and they are too large to use on common every day fires. With the city's 105' aerial just a few miles away, the administration at Metro decided that a smaller truck or Quint as the industry calls it, would be used more. A Quint is a dual purpose fire truck as it operates as an engine and a ladder truck. This truck will be the first out truck at our new Station 1. In fact, this truck will be dispatched on every fire and every alarm at a three story or higher commercial structure in the Metro fire district. The current 1987 Pierce engine will be moved to a reserve status.

The only way to purchase this smaller truck would be to find a buyer for the aerial. With this sale, the department is working with numerous vendors to find a truck that is either a demo or a stock truck coming off the line. If no truck meets our specs, a brand new one will be ordered. Unfortunately a new truck will take nearly a year to build. The sale price and the purchase of the new truck will be a wash. TCFD and Grand Traverse Rural FD have offered the services of their ladders during this transition.

The department will also be purchasing a 2008 Chevrolet Suburban as a command vehicle. This truck will be assigned to Chief Flynn and his 2002 Suburban will be moved to Station 1 to be used to run the numerous medical calls this station handles. This will allow reduce the cost of running medical calls with the large rescue truck.

Thank You!

SMITH HAUGHEY RICE & ROEGGE

A Professional Corporation
ATTORNEYS AT LAW

202 E. State St., Ste. 100
Traverse City, MI 49684
Telephone (231) 929-4878
Fax (231) 929-4182

www.shrr.com

Charles B. Judson
231-486-4519
cjudson@shrr.com

Also licensed in Florida

Ann Arbor
Grand Rapids
Traverse City

April 3, 2008

Mr. Glen Lile, Supervisor
East Bay Township
1965 Three Mile Rd. N.
Traverse City, MI 49686

Mr. Lee Wilson, Supervisor
Garfield Township
3848 Veterans Dr.
Traverse City 49684

Mr. Wayne Kladder
Acme Township
6042 Acme Rd.
Williamsburg, MI 49690

RE: Resolution to Authorize Purchase and Sale from Grand Traverse Metro Budget
Our File No. 096809

Gentlemen:

Enclosed please find a revised resolution which incorporates comments and concerns exchanged over the past several days. Please note that this draft removes the reference to the Urban Cooperation Act, but maintains the broader authorization to buy and sell real and personal property when approved by the Metro Board. The 1980 agreement clearly contemplates this action, but as the current sale and purchase of equipment illustrates, there are issues with ambiguity in the original agreement which come to light when Metro deals with an outside agency or lender.

Sincerely,

SMITH HAUGHEY RICE & ROEGGE



Charles B. Judson

CBJ:ms

cc: Chief Pat Parker (w/enc)
Chris Bzdok (w/enc)
James Young (w/enc)
Kent Gerberding (w/enc)

**RESOLUTION APPROVING ACTIONS AND OPERATION
OF GRAND TRAVERSE METRO FIRE DEPARTMENT**

Resolution of a meeting of the Board of the Charter Township of East Bay, Grand Traverse County, Michigan, held in the Township on the _____ day of _____, 2008, at _____ o'clock ____m. Present: _____

The following preamble and resolution were offered by _____ and supported by _____:

WHEREAS, on or about October 15, 1980, an agreement for the formation of the Grand Traverse Metro Fire Department was negotiated and fully executed by authorized representatives of Acme Township, East Bay Township, and Garfield Township, all of which are in Grand Traverse County, Michigan; and

WHEREAS, Grand Traverse Metro Fire Department has efficiently operated since that date pursuant to the referenced agreement; and

WHEREAS, this Township desires to provide further clarification to the terms of its agreement which constituted the creation and operation of the Grand Traverse Metro Fire Department.

NOW, THEREFORE,

BE IT RESOLVED that this Township confirms the authority of the Grand Traverse Metro Fire Department Board as an administrative function of this Township pursuant to the terms and conditions incorporated in the October 15, 1980, agreement; and further authorizes the governing Board of Grand Traverse Metro Fire Department to authorize the acquisition, ownership, custody, operation, maintenance, and lease or sale of real or personal property through the referenced interlocal agreement so long as the acquisition, ownership, custody, operation, maintenance, lease or sale can be accomplished within the authorized budget of the Grand Traverse Metro Fire Department, which is approved by this Township on an annual basis;

BE IT FURTHER RESOLVED that the governing Board of the Grand Traverse Metro Fire Department shall provide written notice to this Township of any acquisition, lease, or sale of real or personal property within 30 days after said acquisition, lease, or sale.

Ayes: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

By: _____
Suzanne M. Courtade, Clerk for the
Charter Township of East Bay

Glen Lile

From: jyoung@upnorthlaw.com
Sent: Wednesday, March 26, 2008 6:29 PM
To: 'Glen Lile'; pwendling@upnorthlaw.com
Cc: 'Sue Courtade'; 'Tracey Bartlett'
Subject: RE: Resolution to Authorize Purchase and Sale from GT Metro Budget

Glen --

I reviewed Chuck Judson's letter, the proposed resolution, the 1980 Metro agreement and the Urban Cooperation Act. My comments are:

1. The portion of the resolution that authorizes the Fire Board to handle the acquisition and sale of real and personal property (such as the fire truck sale) is good.
2. The portion of the resolution that mentions the Urban Cooperation Act (UCA) is problematic and may not be valid. The UCA has specific requirements regarding provisions that a UCA agreement must contain. I have not done a detailed comparison between the UCA requirements and the provisions of the 1980 Metro agreement since that 1980 agreement is likely to be replaced. However, I can do the detailed comparison if you wish.
3. The UCA used to require that **ALL** UCA agreements had to be approved by the Governor. However, that requirement of Governor's approval no longer exists unless certain conditions are present (and none of them apply to us at present). I note that the UCA was amended in 1985- although I would have to research whether it was that 1985 amendment that eliminated the requirement of the Governor's approval of **ALL** UCA agreements. Of course, the current Metro agreement was signed in 1980. Accordingly, it is possible that in 1980 the UCA would have required that the Metro agreement be approved by the Governor and I assume that this approval was not obtained.

Based on the foregoing, it is my recommendation/additional comments that:

- A. the resolution be passed for the purposes of authorizing the fire board to efficiently handle the acquisition and sale of fire equipment. This really makes sense. It is inefficient for the townships to approve the acquisition of equipment that is within the Metro budget or to approve the disposal of unneeded equipment;
- B. the township recognize that I make no opinion regarding whether the UCA aspect of the resolution has any meaningful effect; and
- C. if a new Metro agreement is not adopted relatively soon, then we should look at what is needed to make the existing Metro agreement unquestionably comply with the requirements of the UCA.

Hopefully, a new, improved Metro agreement will be reached reasonably soon and any concerns regarding the 1980 Metro agreement will become moot.

James G. Young

Attorney at Law

mobile: 231 288-7700

3/31/2008

-----Original Message-----

From: Glen Lile [mailto:ebtsupervisor@chartermi.net]
Sent: Wednesday, March 26, 2008 1:56 PM
To: jyoung@upnorthlaw.com; pwendling@upnorthlaw.com
Cc: Sue Courtade; Tracey Bartlett
Subject: FW: Resolution to Authorize Purchase and Sale from GT Metro Budget

Jim,

Please look over and comment.

Thank You

Glen

-----Original Message-----

From: Sawyer, Marge [mailto:msawyer@shrr.com]
Sent: Wednesday, March 26, 2008 11:42 AM
To: Patrick J. Parker
Cc: lwilson@garfield-twp.com; Glen Lile ; wjktcm@gmail.com
Subject: Resolution to Authorize Purchase and Sale from GT Metro Budget

Gentlemen: Please see attached letter and enclosures from Chuck Judson.

We would appreciate if the Supervisors would let us know that you have received this e-mail so that we know we're using the correct e-mail addresses for you. Thank you.

Marge Sawyer for Charles B. Judson

Smith Haughey Rice & Roegge

(231) 929-4878, Ext. 522

***** Smith Haughey Rice & Roegge *****

Please note that this email message and any attachments may contain privileged or confidential information that is protected against use or disclosure under federal and state law. If you have

3/31/2008

received this in error, please advise by immediate reply. Any transmission to persons other than the intended recipient shall not constitute a waiver of any applicable privileges. Any unauthorized use, disclosure, copying or dissemination is strictly prohibited. To the extent that this written communication may address federal tax issues, federal regulations issued by the U.S. Treasury require that the recipient be informed that this written communication is not intended and cannot be used to (i) avoid any potential tax penalties that may be imposed under the U.S. Internal Revenue Code or (ii) promote, market, or recommend to another party any transaction or matter addressed in this communication.