



**PROPOSED AGENDA
REGULAR MEETING OF THE PORTLAND CITY COUNCIL**

7:00 p.m. Monday, May 6, 2013
City Council Chambers
City Hall, 259 Kent St., Portland Michigan

<u>Estimated Time</u>		<u>Action Requested</u>
7:00 PM	I. <u>Call to Order</u>	
7:01 PM	II. <u>Pledge of Allegiance</u>	
7:02 PM	III. <u>Acceptance of Agenda</u>	
7:03 PM	IV. <u>City Manager Report</u>	Motion
7:15 PM	V. <u>Presentations</u>	
7:20 PM	A. DDA/Main Street Director Reagan – Downtown Report B. City Manager Dempsey – Community Attitudes Survey	
	VI. <u>Public Hearing(s) - None</u>	
	VII. <u>Old Business</u>	
	VIII. <u>New Business</u>	
7:30 PM	A. Proposed Resolution 13-34 to Adopt the City of Portland’s Annual Budget for Fiscal Year 2013-2014	Motion
7:32 PM	B. Proposed Resolution 13-35 Approving a Uniform Rental Agreement Renewal with Cintas	Motion
7:34 PM	IX. <u>Consent Agenda</u>–	Motion
	A. Minutes & Synopsis from the Regular City Council Meeting held on April 15, 2013 and the City Council Budget Workshop held on April 17, 2013	
	B. Payment of Invoices in the Amount of \$88,901.82 and Payroll in the Amount of \$88,232.14 for a Total of \$177,133.96	
	C. Purchase Order to Kendall Electric in the amount of \$7,349.25 for conduit	
	X. <u>Communications</u>–	
	A. Minutes of the DDA Meeting held on March 21, 2013	
	B. Police Department General Order No. 4 – Police Vehicle Operations	
	C. Police Department General Order No. 5 – Use of In-Car Computers	
	D. Police Department General Order No. 7 – Citizen Complaint Process	
	E. Police Department General Order No. 8 – Domestic Violence Policy	

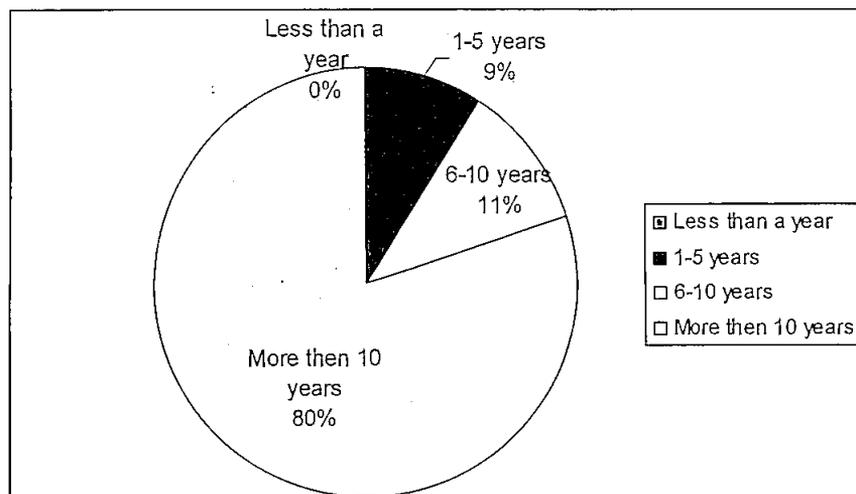
Estimated Time		Action Requested
	<p>F. Police Department General Order No. 14 – Juvenile Handling and Detention</p> <p>G. Police Department General Order No. 15 – Field Contacts and “Terry” Stops</p> <p>H. Police Department General Order No. 16 – Incidents Involving Subjects Incapacitated by Intoxication</p> <p>I. Water Department Report – April 2013</p> <p>J. Utility Billing Report – March 2013</p> <p>K. WOW! – National Geographic HD</p> <p>L. Aquinas College Thank You</p> <p>M. Portland Area Fire Authority Minutes for March 11, 2013</p> <p>N. Portland Area Fire Authority Minutes for April 10, 2013</p> <p>O. Ionia County Board of Commissioners Agenda for April 23, 2013</p>	
7:35 PM	<p>X. <u>Public Comment</u> (5 minute time limit per speaker)</p>	
7:40 PM	<p>XI. <u>Other Business</u></p>	
7:45 PM	<p>XII. <u>Council Comments</u></p> <p>XIII. <u>Adjournment</u></p>	Motion



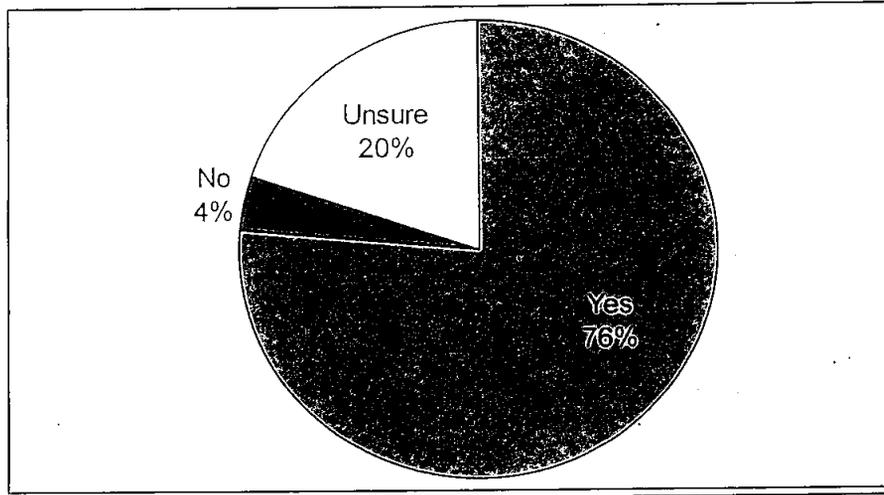
CITY OF PORTLAND

COMMUNITY ATTITUDES SURVEY 2010-2011

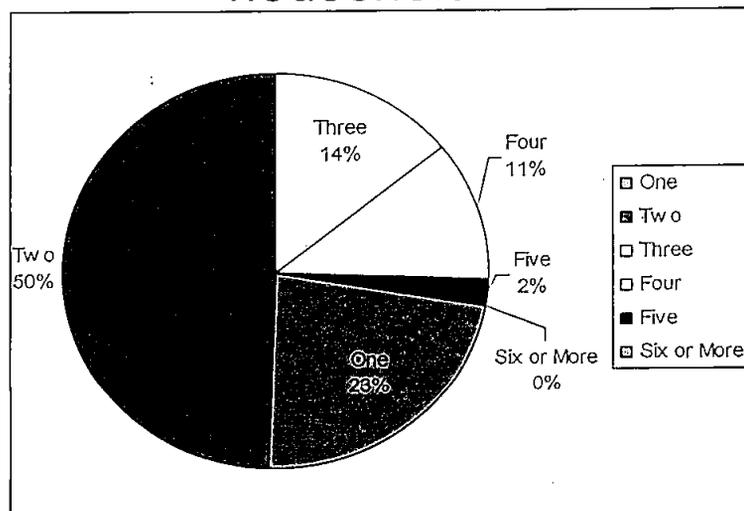
I have lived in Portland for:



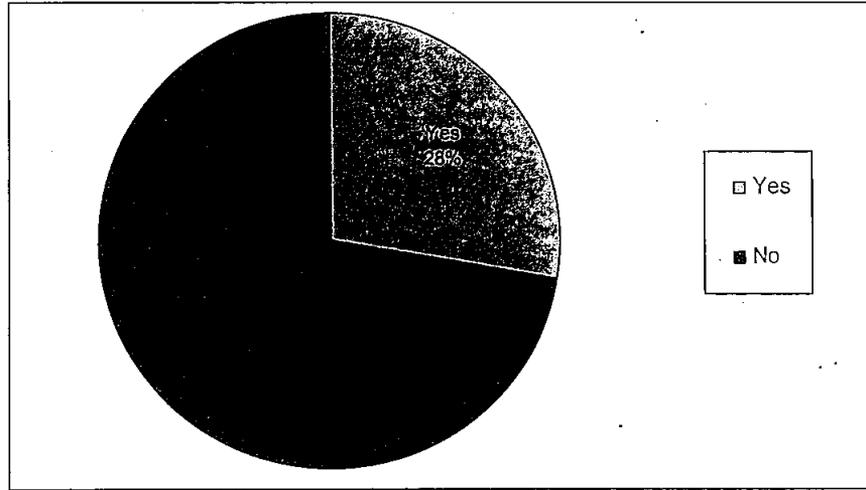
Will you be living in Portland 3 years from now?



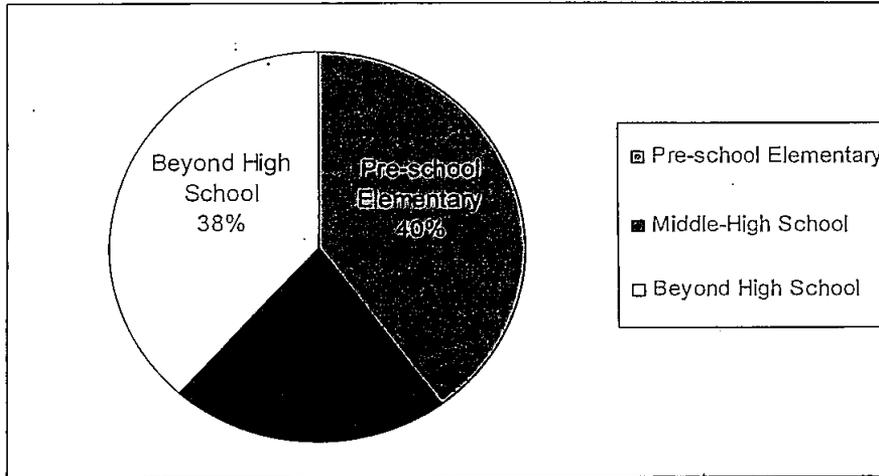
How many members are in your household?



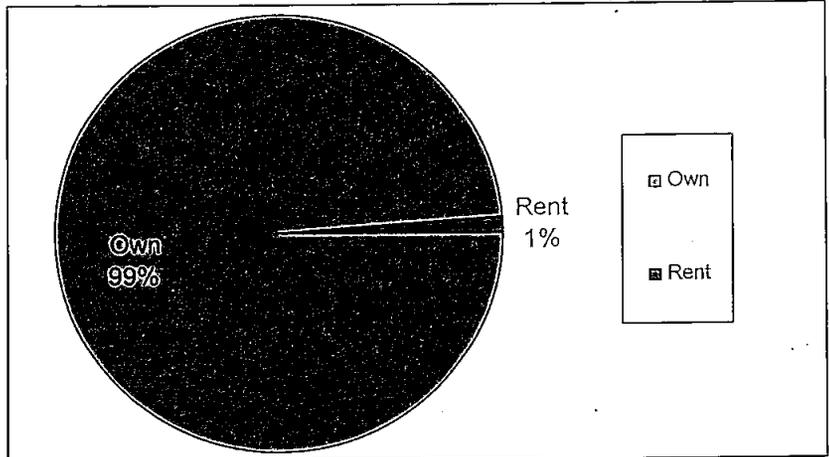
Do you have children at home?



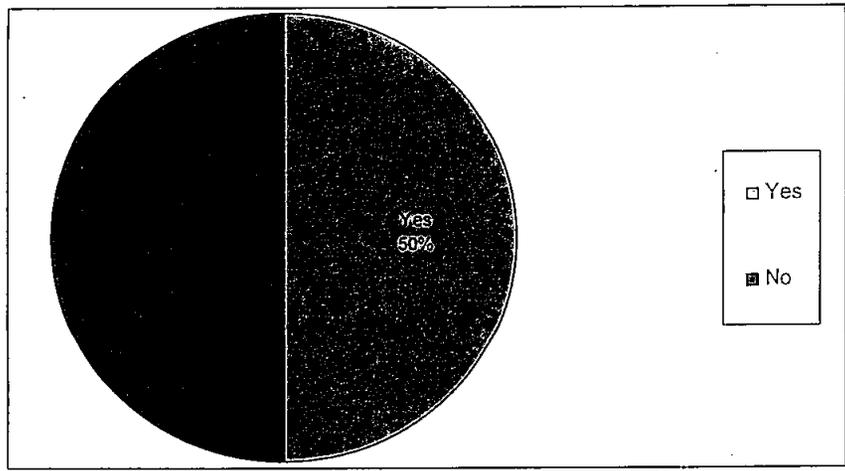
If yes, please indicate all the appropriate age groups:



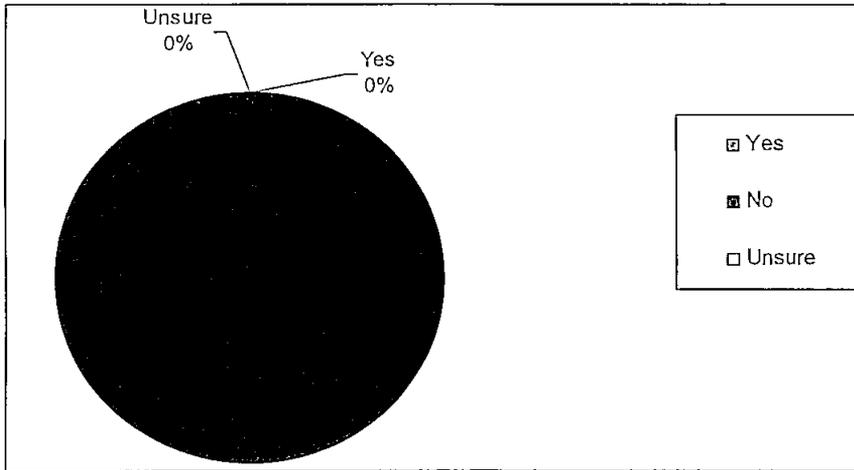
Do you own or rent your place of residence?



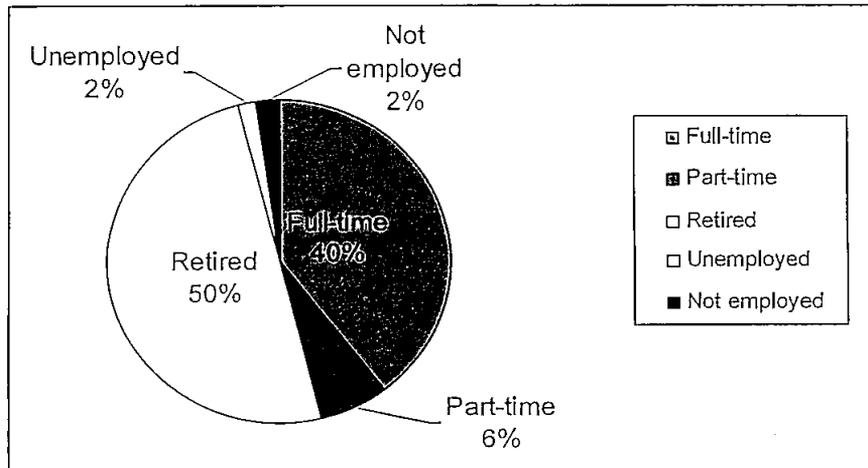
If you rent, do you have a written lease?



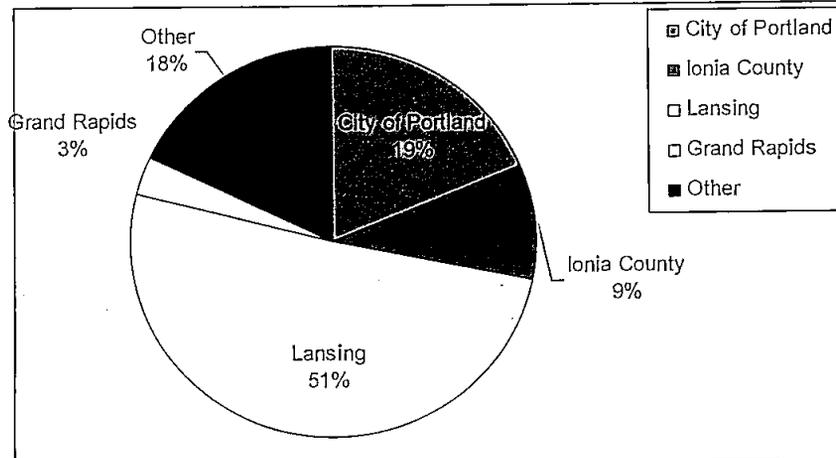
If you rent, does your landlord live in Portland?



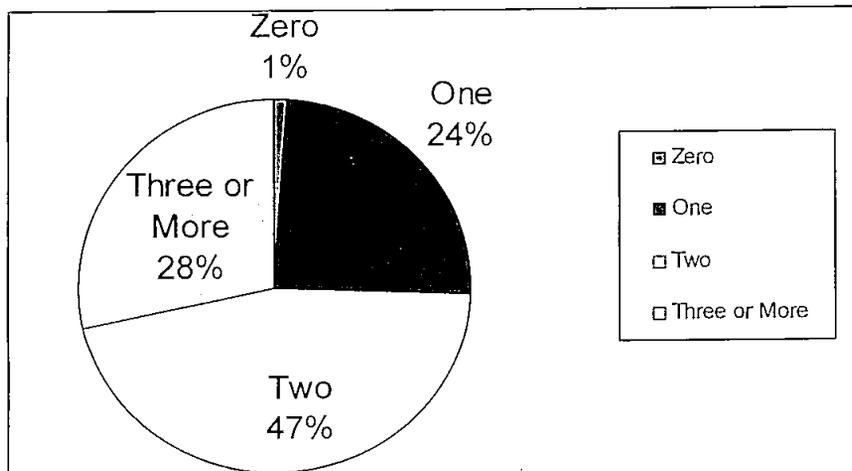
Which of the following best describes your employment status:



If you are employed, do you work in:



How many passenger vehicles are licensed within your household?



Rate Condition of City's Infrastructure

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
CITY BUILDINGS	45%	37%	15%	1%	1%	2%
CITY PARKS	33%	42%	22%	1%	0%	2%
CITY STREETS	10%	40%	42%	5%	2%	1%
CITY WATER SYSTEM	20%	38%	27%	6%	4%	5%

Rate of Condition of City Infrastructure

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
CITY SEWER SYSTEM	25%	34%	32%	2%	1%	6%
CITY ELECTRIC SYSTEM	30%	41%	25%	2%	0%	2%
CITY SIDEWALKS	10%	39%	39%	8%	2%	2%
CITY ALLEYS	3%	16%	35%	14%	6%	26%

Use of City Facilities and Services in the Past 12 months

	Never	1 or 2	3 to 12	13 to 26	27 or more
Visited City Hall?	5%	31%	51%	11%	2%
Visited City Parks?	10%	20%	42%	15%	13%
Used the River Trail?	13%	9%	25%	14%	39%
Participated in recreational activities sponsored by the City?	59%	26%	12%	2%	1%
Participated in recreational activities sponsored by the School?	67%	16%	11%	3%	3%
Participated in recreational activities sponsored by the Homeowners?	81%	14%	3%	1%	1%

Use of City Facilities and Services in the Past 12 months

	Never	1 or 2	3 to 12	13 to 26	27 or more
Attended a meeting of Local elected officials?	75%	18%	5%	1%	1%
Attended other public meetings? (Board, Commissions)	80%	12%	5%	2%	1%
Recycled used paper, cans and bottles at home?	22%	6%%	25%	15%	32%
Volunteered your time to a group or activity in Portland?	56%	16%	14%	8%	6%
Visited the City's Website?	48%	22%	27%	2%	1%
Watched the City's Bulletin Board on TV?	60%	20%	16%	2%	2%

Use of City Facilities and Services in the Past 12 months

	Never	1 or 2	3 to 12	13 to 26	27 or more
Watched City Council on TV?	61%	18%	17%	3%	1%
Watched Planning Commission on TV?	81%	12%	5%	1%	1%
Watched DDA on TV?	89%	6%	4%	0%	1%
Attended a Main Street event downtown?	30%	40%	29%	1%	0%
Attended the Farmers Market at the Red Mill?	17%	22%	44%	12%	5%

Perception of City Services

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOWAVG.	POOR	NO OPINION
Police Services	31%	36%	23%	2%	2%	6%
Traffic Enforcement	20%	37%	28%	3%	3%	9%
Fire Services, Emergency Response	40%	31%	12%	0%	1%	16%
Ambulance Services, Emergency Response	42%	27%	10%	1%	1%	20%
Garbage Collection	52%	33%	8%	1%	1%	5%

Perception of City Services

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
Leaf Pick Up	55%	28%	8%	3%	0%	6%
Brush Pick Up	38%	32%	14%	5%	0%	11%
Recycling Drop Off Station	20%	25%	21%	5%	5%	24%
Street Repair	10%	43%	28%	9%	6%	4%
Snow Removal	30%	36%	23%	3%	2%	6%

Perception of City Services

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
Street Sweeping	22%	34%	27%	7%	2%	8%
Water System Maintenance	27%	29%	24%	3%	1%	16%
Sewer System Maintenance	21%	23%	25%	1%	0%	30%
Electric System Maintenance	23%	27%	23%	1%	0%	26%
Recreation Programs	24%	33%	21%	3%	1%	18%

Perception of City Services

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
Park Maintenance	28%	38%	22%	2%	0%	10%
Park Appearance	30%	37%	22%	2%	0%	9%
Code Enforcement	9%	22%	21%	6%	6%	38%
Building Department	10%	19%	20%	3%	2%	46%
Assessing Department	6%	15%	27%	6%	5%	41%

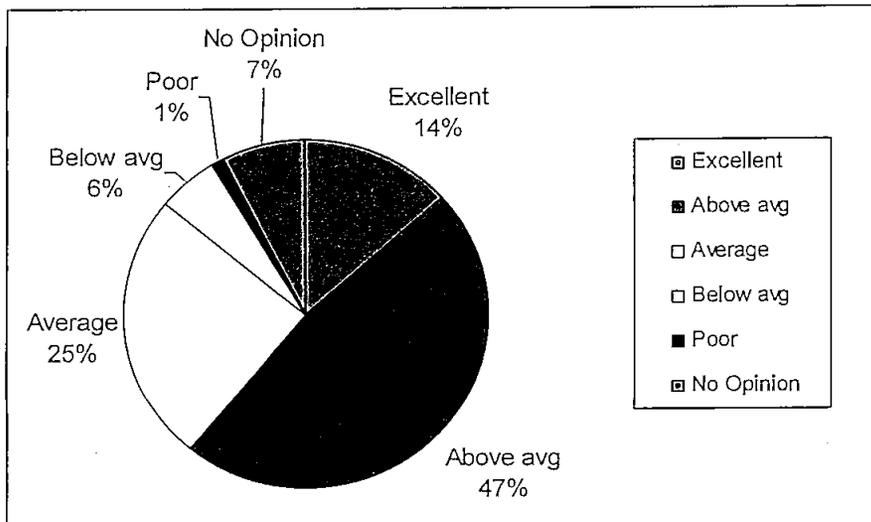
Perception of City Services

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
Sidewalk Maintenance	9%	26%	35%	15%	3%	11%
Alley Maintenance	5%	14%	28%	7%	3%	43%
Treasurer's Office/Finance Department	14%	22%	23%	5%	1%	35%
City Clerk's Office	20%	24%	23%	6%	0%	27%
City Manager's Office	18%	19%	22%	7%	2%	32%
City's Website	10%	18%	24%	5%	3%	40%

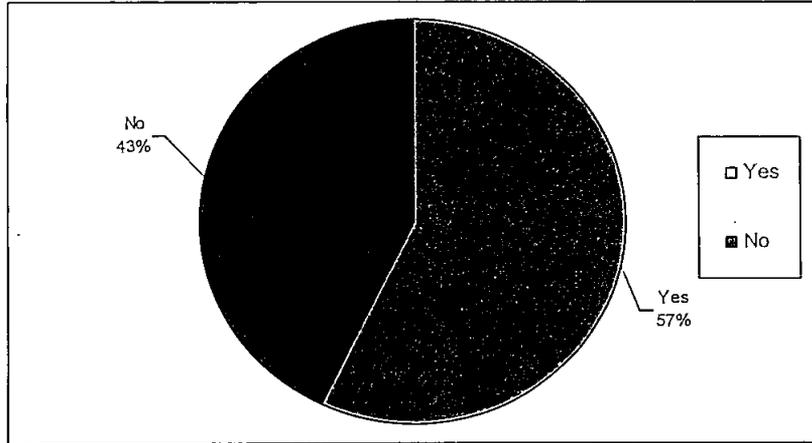
Perception of City Services

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
City's Cable TV Bulletin Board	5%	14%	22%	5%	3%	51%
City's Newsletter	19%	39%	22%	5%	1%	14%
City Council	10%	21%	28%	10%	3%	28%
City Planning Commission	10%	17%	26%	8%	3%	36%
City Downtown Development Authority	13%	27%	22%	5%	5%	28%
City Main Street Program	14%	30%	24%	3%	3%	26%

Overall Rating of the City



Had personal or phone contact concerning municipal services with City Employees in the last 12 months



Based on most recent contact, rate City employees

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
Knowledge	30%	32%	22%	3%	1%	12%
Responsiveness	33%	27%	23%	5%	2%	10%
Courtesy	37%	30%	17%	5%	1%	10%
Overall Impression	30%	33%	20%	5%	2%	10%

Based on most recent contact, rate
City employees

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
Service with a Smile	30%	28%	21%	5%	4%	12%
Respect	34%	30%	20%	4%	2%	10%
Pleasantness	35%	28%	21%	5%	2%	9%
Showed Concern for Issue(s)	31%	27%	21%	6%	4%	11%

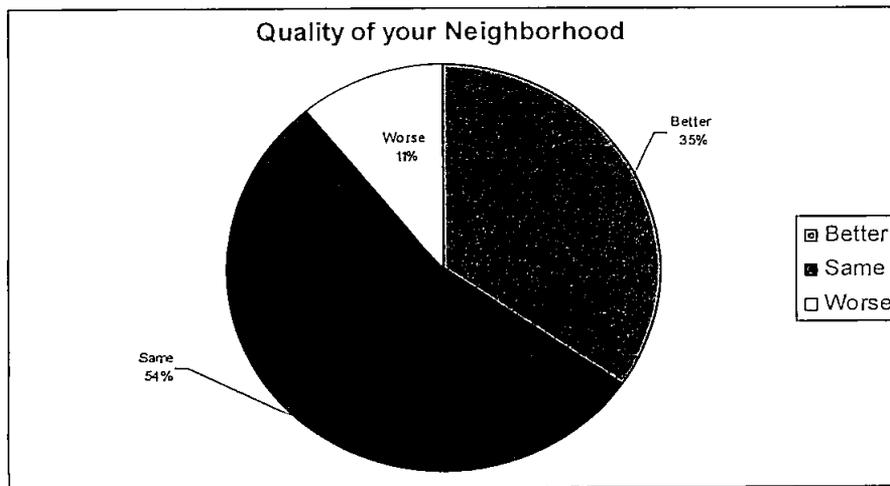
Perceptions of the Community

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
Quality of Portland as a Place to Live	36%	51%	9%	2%	2%	0%
Quality of Portland's Downtown	13%	44%	31%	8%	3%	1%
Quality of Neighborhood Parks	22%	50%	19%	4%	0%	5%
Availability of Neighborhood Parks	30%	44%	19%	2%	0%	5%

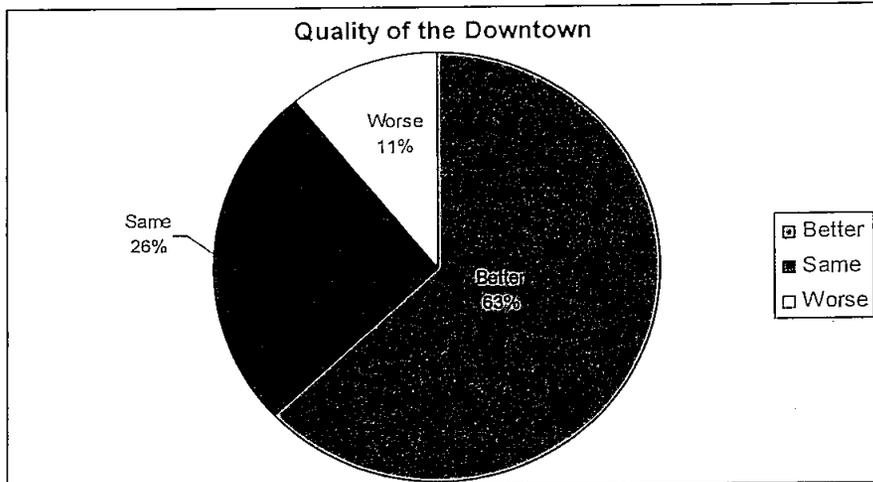
Perceptions of the Community

	EXCELLENT	ABOVE AVG.	AVERAGE	BELOW AVG.	POOR	NO OPINION
Parking Availability in Retail Shopping Areas	13%	36%	34%	9%	7%	1%
Provision of Sidewalks in your Neighborhood	28%	35%	22%	5%	3%	7%
Provision of Sidewalks in the City generally	20%	38%	32%	8%	1%	1%
Traffic Flow on Residential Streets	19%	39%	30%	5%	5%	2%

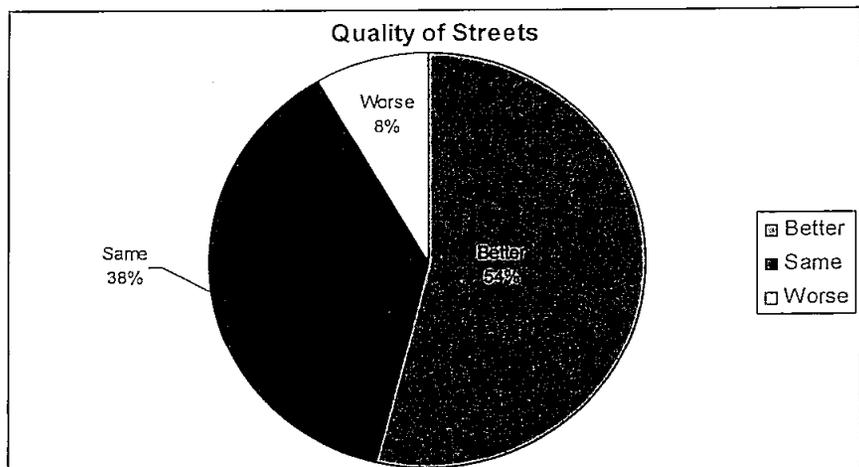
In the past 5 years, are things better, the same or worse?



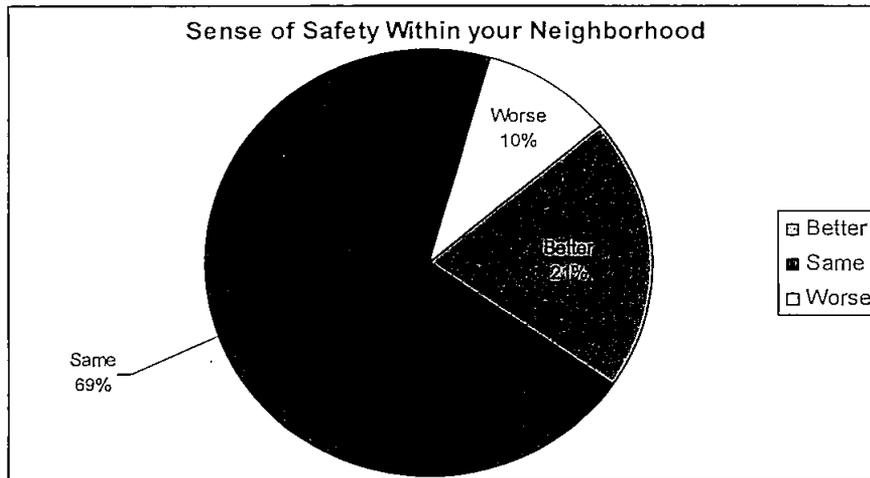
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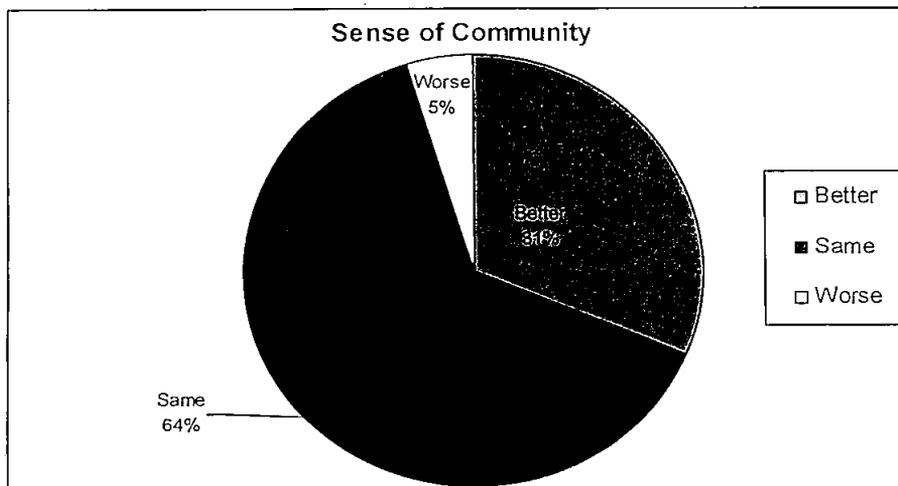
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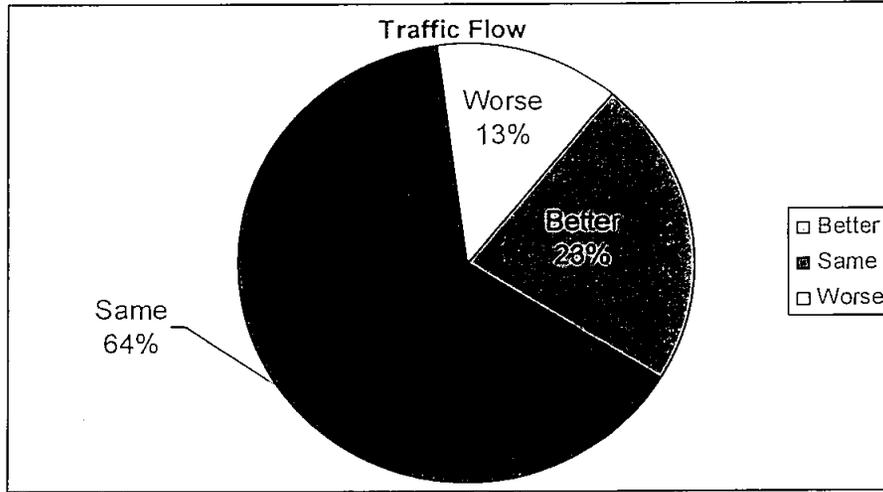
In the past 5 years, are things better, the same or worse?



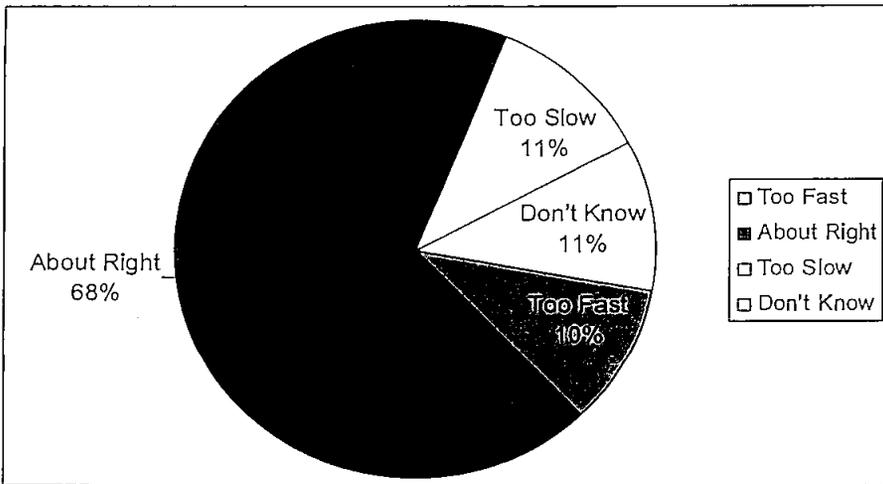
In the past 5 years, are things better, the same or worse?



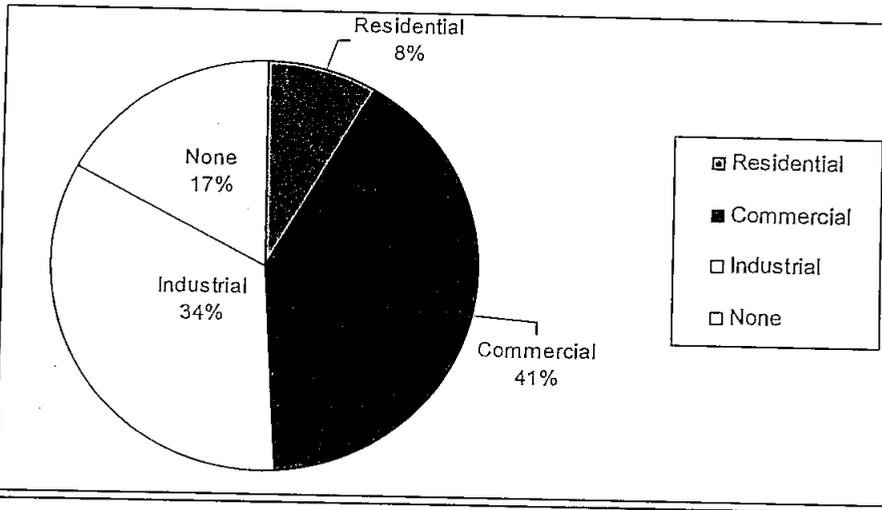
In the past 5 years, are things better, the same or worse?



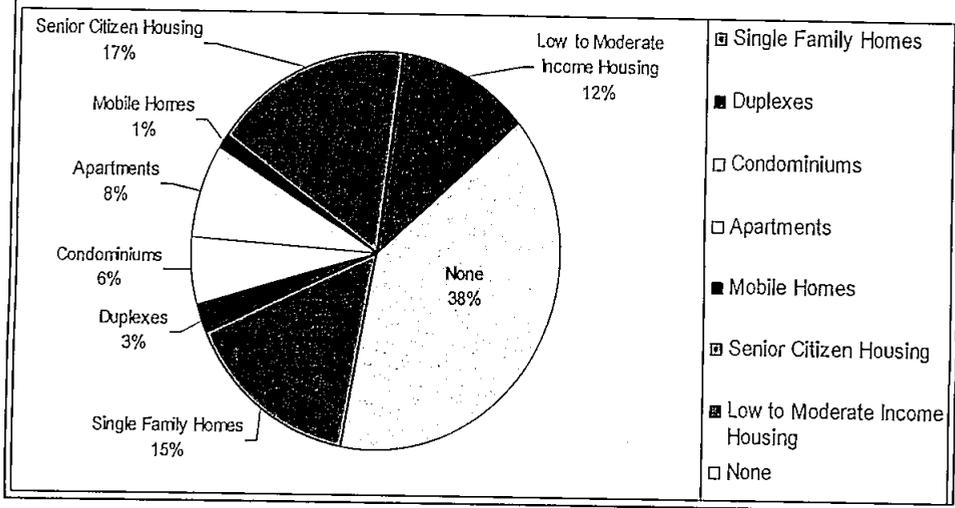
Do you feel the City of Portland has been growing:



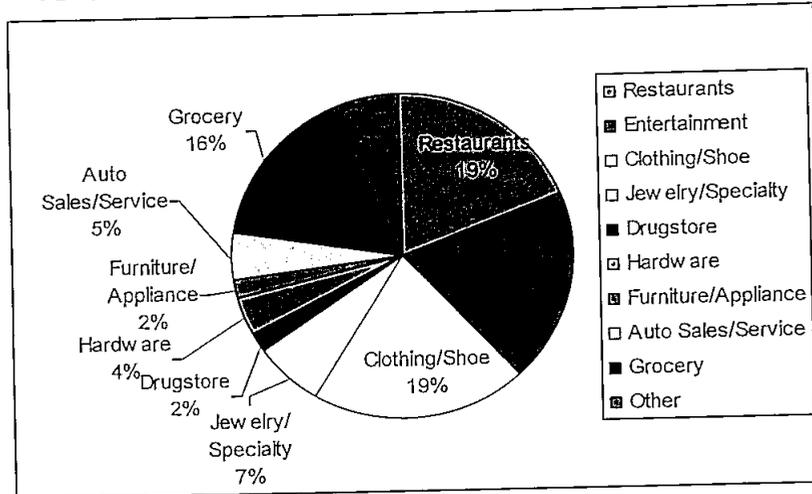
What type of growth is needed?



What type of additional housing is needed?



What additional commercial facilities are needed in the City?



105 - INCOME TAX FUND	\$ 635,425.25
202 - MAJOR STREET FUND	\$ 313,376.00
203 - LOCAL STREET FUND	\$ 527,430.00
208 - RECREATION FUND	\$ 117,845.00
210 - AMBULANCE FUND	\$ 467,867.36
248 - DOWNTOWN DEVELOPMENT AUTHORITY FUND	\$ 324,659.08
520 - REFUSE COLLECTION FUND	\$ 90,600.00
582 - ELECTRIC DEPARTMENT FUND	\$ 4,064,801.50
590 - WASTEWATER DISPOSAL FUND	\$ 875,879.00
591 - WATER DEPARTMENT FUND	\$ 816,538.30
661 - EQUIPMENT FUND	\$ 454,311.68
GRAND TOTAL EXPENDITURES ALL FUNDS	\$10,644,612.87

BE IT FURTHER RESOLVED, that the contributions "TO and FROM" for the fiscal year commencing July 1, 2013 and ending June 30, 2014 are hereby appropriated by the City Council as follows:

From General Fund	
To Recreation Fund	\$ 20,000.00
From Major Street Fund	
To Local Street Fund	\$ 56,000.00
From Electric Fund	
To General Fund	\$ 49,792.00
From Wastewater Fund	
To General Fund	\$ 31,764.00
From Water Fund	
To General Fund	\$ 31,764.00
GRAND TOTAL TRANSFERS ALL FUNDS	\$ 189,320.00

BE IT FURTHER RESOLVED, that the revenues for the fiscal year commencing July 1, 2013 and ending June 30, 2014 are estimated as follows:

101 - GENERAL FUND REVENUE	
Taxes	\$1,038,315.00
Licenses & Permits	\$ 30,575.00
Grants / Revenue Sharing	\$ 393,491.00
Charges for Services	\$ 334,257.00

Fines & Forfeits	\$ 20,700.00
Other	\$ 141,045.00

SUBTOTAL OF REVENUES FOR GENERAL FUND \$1,958,383.00

105 - INCOME TAX FUND	\$ 668,759.00
150- PERPETUAL CARE	\$ 2,500.00
202 - MAJOR STREET FUND	\$ 232,300.00
203 - LOCAL STREET FUND	\$ 533,484.00
208 - RECREATION FUND	\$ 123,450.00
210 - AMBULANCE FUND	\$ 472,556.00
248 - DOWNTOWN DEVELOPMENT AUTHORITY FUND	\$ 335,599.00
520 - REFUSE COLLECTION FUND	\$ 97,100.00
582 - ELECTRIC DEPARTMENT FUND	\$ 3,507,622.00
590 - WASTEWATER DISPOSAL FUND	\$ 876,500.00
591 - WATER DEPARTMENT FUND	\$ 625,070.00
661- EQUIPMENT FUND	\$ 280,460.00

GRAND TOTAL REVENUES ALL FUNDS **\$ 9,713,783.00**

BE IT FURTHER RESOLVED, that funds be appropriated from fund balances to balance the budget as follows:

202 - MAJOR STREET FUND	\$ 81,076.00
582 - ELECTRIC DEPARTMENT FUND	\$ 557,179.50
591 - WATER DEPARTMENT FUND	\$ 191,468.30
661 - EQUIPMENT FUND	\$ 173,851.68
TOTAL	\$ 1,003,575.48

BE IT FURTHER RESOLVED, that 12.6574 mills be levied on the taxable assessed valuation as equalized for general operating requirements of the City of Portland and 1.000 mills be levied on the taxable assessed valuation as equalized for local streets and the Mayor and Clerk are authorized to sign the 2013 Tax Rate Request (form L-4029) to request a total levy of 13.6574 mills.

BE IT FURTHER RESOLVED, the water and sewer utility rates have been reviewed and determined to be sufficient to support the appropriations set forth above.

BE IT FURTHER RESOLVED, that the City Manager is authorized to make budgetary transfers within the line items of appropriation centers established through this budget and that all transfers between appropriations listed in this resolution may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

BE IT FURTHER RESOLVED, that the funds appropriated shall be drawn from the treasury of the City for the purpose pursuant to the authority granted by the Portland City Charter.

BE IT FINALLY RESOLVED that all resolutions and parts of resolution are, to the extent of any conflict with this resolution, rescinded.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED.

Dated: May 6, 2013

Monique I. Miller, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Portland, County of Ionia, State of Michigan, at a regular meeting held on May 6, 2013 and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976.

Monique I. Miller, City Clerk

PORTLAND CITY COUNCIL
Ionia County, Michigan

Council Member _____, supported by Council Member _____, made a motion to adopt the following resolution:

RESOLUTION NO. 13-35

**A RESOLUTION APPROVING A UNIFORM RENTAL AGREEMENT RENEWAL
WITH CINTAS**

WHEREAS, the City contracts with Cintas for uniform rental, some cleaning supplies, and floor mats; and

WHEREAS, the uniform rental contract with Cintas expires on May 31, 2013; and

WHEREAS, the City solicited proposals from uniform rental companies in the area and received two responses, one from Cintas and the other from Gallagher, a spread sheet comparing prices and estimated savings along with copies of the proposals are attached as Exhibit A; and

WHEREAS, the Cintas bid includes new uniforms and jackets at no charge but is \$9.20 per month higher than the bid from Gallagher. Based upon the quality of service and uniforms provided, the City Manager recommends that the Council approve staying with Cintas and entering a new 36 month agreement at the new reduced rates saving \$5,907.12 per year over the existing Contract rate.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council approves, authorizes and directs the City Manager to sign a renewal agreement with Cintas based upon their proposal, a copy of which is included as part of the attached as Exhibit A.
2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED.

Dated: May 6, 2013

Monique I. Miller, City Clerk

Product	Inventory	Unit Price	Cintas		Gallagher Price
			New Weekly Total	Current Weekly Total	
Comfort Shirt	11	0.25	2.75	\$	3.63
Comfort Pant	11	0.26	2.86	\$	4.07
	Total		5.61	\$	7.70
# of People	5		28.05	\$	38.50

Weekly Savings Monthly Savings
Cintas: \$ 10.45 \$ 41.80
Gallagher: \$ 11.00 \$ 44.00

Cotton Shirt	11	0.27	2.97	\$	4.40
Cotton Pant	11	0.29	3.19	\$	4.62
	Total		6.16	\$	9.02
# of people	8		49.28	\$	72.16

Weekly Savings Monthly Savings
Cintas: \$ 22.88 \$ 91.52
Gallagher: \$ 34.66 \$ 138.64

	Cintas		# of Units	EDW Current	Monthly Current	Cintas Monthly	Gallagher Monthly	Cintas Monthly Savings	Gallagher Monthly Savings
	Current	New							
Large Wet Mop	\$ 2.78	\$ 1.50	3	\$ 8.34	\$ 16.68	\$ 9.00	\$ 15.00	\$ 7.68	\$ 1.68
48" Dust Mop	\$ 2.78	\$ 1.50	2	\$ 5.56	\$ 11.12	\$ 6.00	\$ 7.60	\$ 5.12	\$ 3.52
Wooden Mop Handle	\$ 0.45	\$ 0.10	3	\$ 1.35	\$ 2.70	\$ 0.60	\$ 1.50	\$ 2.10	\$ 1.20
Antibacterial Spray Soap	\$ 1.91	\$ 1.50	7	\$ 13.37	\$ 26.74	\$ 21.00	\$ -	\$ 5.74	\$ 26.74
Heavy Duty Hand Scrub	\$ 8.75	\$ 6.00	3	\$ 26.25	\$ 52.50	\$ 36.00	\$ 22.50	\$ 16.50	\$ 30.00
3x5 Carpet Floor Mat	\$ 6.92	\$ 4.00	8	\$ 55.36	\$ 110.72	\$ 64.00	\$ 54.08	\$ 46.72	\$ 56.64
4x6 Carpet Floor Mat	\$ 8.30	\$ 5.00	18	\$ 149.40	\$ 298.80	\$ 180.00	\$ 194.40	\$ 118.80	\$ 104.40
3x10 Carpet Floor Mat	\$ 9.23	\$ 6.00	18	\$ 166.14	\$ 332.28	\$ 216.00	\$ 243.00	\$ 116.28	\$ 89.28
Service Charge	\$ 10.00	\$ 5.00	4	\$ 40.00	\$ 80.00	\$ 40.00	\$ 74.64	\$ 40.00	\$ 5.36
							Total: \$	358.94	\$ 318.82

Total Monthly Savings with Cintas: \$ 492.26
Total Monthly Savings with Gallagher: \$ 501.46



*36 Month Contract

CITY OF PORTLAND

451 Morse Rd.
Portland, MI 48875
Attn: Mindy Tolan

4/18/2013

Uniform & Facility Services Rental Proposal

Garments					
PRODUCTS	Item #	Inventory	Service Frequency	Current Unit Pricing	Proposed Unit Pricing
Cintas Comfort Shirt	935	1	Weekly	\$ 0.33	\$ 0.25
Cintas Comfort Pant	945	1	Weekly	\$ 0.37	\$ 0.26
Cintas Cotton Shirt	330	1	Weekly	\$ 0.40	\$ 0.27
Cintas Cotton Pant	340	1	Weekly	\$ 0.42	\$ 0.29
Permalined Sport Jacket	677	1	Weekly	\$ -	\$ -
Facility Services					
Large Wet Mop	2660	1	Every Other Week	\$ 2.78	\$ 1.50
48" Dust Mop	2604	1	Every Other Week	\$ 2.78	\$ 1.50
Wooden Mop Handle	6924	1	Every Other Week	\$ 0.45	\$ 0.10
Antibacterial Spray Soap	9153	1	Every Other Week	\$ 1.91	\$ 1.50
Heavy Duty Hand Scrub	9314	1	Every Other Week	\$ 8.75	\$ 6.00
3' x 5' Carpet Floor Mat	843XX	1	Every Other Week	\$ 6.92	\$ 4.00
4' x 6' Carpet Floor Mat	844XX	1	Every Other Week	\$ 8.30	\$ 5.00
3' x 10' Carpet Floor Mat	840XX	1	Every Other Week	\$ 9.23	\$ 6.00
Service Charge	X106	1	Every Other Week	\$ 10.00	\$ 5.00

ADDITIONAL POINTS OF CONSIDERATION:

1. 36 Month Agreement
2. Jackets provided at no charge
3. Items may be added or subtracted at customers convenience
4. No price increase for term of agreement

Mindy Tolan

From: Raby, Nathan <RabyN@cintas.com>
Sent: Friday, May 03, 2013 10:58 AM
To: Mindy Tolan
Subject: RE: City of Portland

Yes....

Nathan Raby

Service Manager
Cintas Corp. Location 725
3524 S. Canal Rd.
Lansing, MI 48917
p. 517-322-7700
f. 517-322-2070
rabyN@cintas.com

Click here for a demo of our "New Carpet and Tile Cleaning Service"

<http://www.cintas.com/tileandcarpet>

Click here to learn more about Carhartt

<http://www.cintas.com/carhartt/>

From: Mindy Tolan [cityincometax@portland-michigan.org]
Sent: Friday, May 03, 2013 10:46 AM
To: Raby, Nathan
Subject: RE: City of Portland

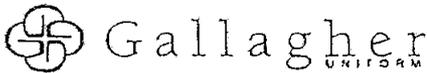
Hi Nathan,

We have an additional question for you before we can decide which company we will be going with. Will we be able to be provided with new uniforms at the start of our new contract on June 1, 2013?

Thank you in advance for your time.

Mindy Tolan
City of Portland
Phone: 517.647.2941
Fax: 517.647.2938

From: Raby, Nathan [<mailto:RabyN@cintas.com>]
Sent: Thursday, April 18, 2013 1:13 PM
To: Mindy Tolan
Subject: RE: City of Portland



City of Portland
Rental Uniform Program Overview

Product Code	Item Description	Inventory	Changes	Unit Price	Weekly \$	Total/Week	Current Provider
PT20NV	Pant Blend Navy Men's RNT @	11	5	\$ 0.60	\$ 3.00	\$ 4.10	
SP14/24NV	Shirt Blend LS Navy Men's RNT @	11	5	\$ 0.50	\$ 2.50	\$ 3.59	
	# People	5			\$ 5.50	\$ 27.50	\$ 38.45
	Garment Maintenance Program - Blends	110		\$ 0.03	\$ 3.30	\$ -	
	Garment Maintenance Program - Cottons/Other			\$ 0.05	\$ -	\$ -	
	Value Pack - Name & Co. Emblem, Embroidery, Prep	110		\$ 0.07	\$ 7.70	\$ -	
	Out sizes per change	1bd		\$ 0.12	\$ -	\$ -	
	Total Weekly Charge Uniforms				\$ 27.50	\$ 38.45	

Product Code	Item Description	Inventory	Changes	Unit Price	Weekly \$	Total/Week	Current
	3x5 mat EOW	4	2	\$ 3.38	\$ 6.76	\$ 13.84	
	4x6 mat EOW		0	\$ 5.40	\$ -	\$ -	
	3x10 mat EOW	8	4	\$ 6.75	\$ 27.00	\$ 36.92	
	Open		0	\$ -	\$ -	\$ -	
	Total EOW Charge Image Mats and Towels				\$ 33.76	\$ 50.76	
	Total EOW Charges Unis, Mats, Towels				\$ 61.26	\$ 89.21	
	Service Charge				\$ 10.45	\$ 10.00	
	State Sales Tax (8% MI, 7% IN)						
	EOW Grand Total				\$ 71.71	\$ 99.21	

RENTAL GARMENT SERVICE - Electrical							
Product Code	Item Description	Inventory	Changes	Unit Price	Weekly \$	Total/Week	Current
PC20NV	Work Pant Cotton Navy	11	5	\$ 0.80	\$ 4.00	\$ 4.62	
SC30NV	Work Shirt LS Cotton Navy	11	5	\$ 0.70	\$ 3.50	\$ 4.39	
	# People	4			\$ 7.50	\$ 30.00	\$ 36.04
	Garment Maintenance Program - Blends	0		\$ 0.03	\$ -	\$ -	
	Garment Maintenance Program - Cottons/Other	88		\$ 0.05	\$ 4.40	\$ -	
	Value Pack - Name & Co. Emblem, Embroidery, Prep	88		\$ 0.07	\$ 6.16	\$ -	
	Out sizes per change	1bd		\$ 0.12	\$ -	\$ -	
	Total Weekly Charge Uniforms				\$ 30.00	\$ 36.04	

IMAGE MATS, TOWELS AND OTHER RENTAL SERVICE							
Product Code	Item Description	Inventory	Changes	Unit Price	Weekly \$	Total/Week	Current
	3x10 mat EOW	6	3	\$ 6.75	\$ 20.25	\$ 27.69	
	Grit Soap (E8W)		2	\$ 3.75	\$ 7.50	\$ 17.50	
	Spray Soap Dispenser		0	\$ -	\$ -	\$ 3.82	
	Total EOW Charge Image Mats and Towels				\$ 27.75	\$ 49.01	
	Total EOW Charges Unis, Mats, Towels				\$ 57.75	\$ 85.05	
	Service Charge				\$ 10.31	\$ -	
	State Sales Tax (6% MI, 7% IN)						
	EOW Grand Total				\$ 68.06	\$ 85.05	

Product Code	Item Description	Inventory	Changes	Unit Price	Weekly \$	Total/Week	Current
PT20NV	Pant Blend Navy Men's RNT @	11	5	\$ 0.60	\$ 3.00	\$ 4.10	
SP14/24NV	Shirt Blend LS Navy Men's RNT @	11	5	\$ 0.50	\$ 2.50	\$ 3.59	
	# People	4			\$ 5.50	\$ 22.00	\$ 30.76
	Garment Maintenance Program - Blends	88		\$ 0.03	\$ 2.64	\$ -	
	Garment Maintenance Program - Cottons/Other			\$ 0.05	\$ -	\$ -	
	Value Pack - Name & Co. Emblem, Embroidery, Prep	88		\$ 0.07	\$ 6.16	\$ -	
	Out sizes per change	1bd		\$ 0.12	\$ -	\$ -	
	Total Weekly Charge Uniforms				\$ 22.00	\$ 30.76	

Product Code	Item Description	Inventory	Changes	Unit Price	Weekly \$	Total/Week	Current
	Grit Soap (E8W)	3	3	\$ 3.75	\$ 11.25	\$ 26.25	
	Spray Soap Dispenser		7	\$ -	\$ -	\$ 13.37	
	Total Weekly Charge Image Mats and Towels				\$ 11.25	\$ 39.62	
	Total Weekly Charges Unis, Mats, Towels				\$ 33.25	\$ 70.38	
	Service Charge				\$ 9.33	\$ -	
	State Sales Tax (6% MI, 7% IN)						
	Weekly Grand Total				\$ 42.58	\$ 70.38	

City of Portland

Portland, Michigan

Minutes of the City Council Meeting

Held on Monday, April 15, 2013

In Council Chambers at City Hall

Present: Mayor Barnes, Mayor Pro-Tem VanSlambrouck, Council Members Calley, Fabiano and Krause; City Manager Dempsey; City Clerk Miller; Police Chief Bauer

Guests: Main Street Board Member and Chair of the Promotions and Marketing Committee Nicole Sunstrum; Tom Thelen of the Review & Observer

The meeting was called to order at 7:00 P.M. by Mayor Barnes with the Pledge of Allegiance led by Nicole Sunstrum.

Motion by VanSlambrouck, supported by Fabiano, to approve the Proposed Agenda as presented.

Yeas: VanSlambrouck, Fabiano, Calley, Krause, Barnes

Nays: None

Adopted

Under the City Manager Report, City Manager Dempsey presented information on the action items for consideration on the Agenda.

City Manager Dempsey also reported there was a water main break on Looking Glass Ave. Rocks were discovered near the lines that were used as fill at the time of their placement. Over time with vibration the rocks wore through the line. The line was repaired and reburied with sand.

There have also been sewer backups on Crescent Dr. and Grape St. recently. The one on Grape St. was in the homeowner's lines; the one on Crescent Dr. was in the City's sewer lines. The sewer lines in these areas have been cleaned. A sewer backup report will be filed with City's insurance company for the backup on Crescent Dr.

City Manager Dempsey stated there has been a very positive response to the relocation of the recycling receptacles outside of the DPW gates. Use of the recycling facilities has increased significantly. Another receptacle has been ordered to accommodate all of the materials being recycled.

Council Member Fabiano asked if City Manager Dempsey would present results of the survey conducted with the winter property tax bills.

City Manager Dempsey stated he intended to present those results at the May 6th City Council Meeting.

Council Member Fabiano also inquired about the status of Union negotiations with the AFSCME Union.

City Manager Dempsey stated negotiations are currently in a holding pattern as the group considers changing Unions.

Under Presentations, Nicole Sunstrum, Main Street Board Member and Chair of the Promotions and Marketing Committee, gave a report on Downtown activities. The 7th Annual Portland Pay Day promotion will begin June 1st and run through August 29th. During the past four years over \$247,000 has been kept in the Portland community. The grand prize drawing will be held on August 29th at the Thursdays on the Grand event.

The 2013 Block Party will be held on Saturday, May 18th and will feature a BBQ Contest as well as food, music and fun for the entire family.

Under New Business, the Council considered Resolution 13-31 to approve a Boardwalk Café Permit Agreement with Cheeky Monkeys LLC to place tables and chairs on the boardwalk in front of their establishment at 176 Kent St.

Council Member Krause expressed her appreciation to the businesses that are an active part of Portland's Downtown.

Motion by Krause, supported by Calley, to approve Resolution 13-31 approving, authorizing, and directing the Mayor and Clerk to sign a Boardwalk Café Permit Agreement.

Yeas: Krause, Calley, Fabiano, Barnes

Nays: None

Abstention: VanSlambrouck

Adopted

The Council considered Resolution 13-32 to set a Public Hearing on the proposed Budget for Fiscal Year 2013-2014 for Monday, May 6th, 2013 at 7:00 P.M.

Motion by Fabiano, supported by Krause, to approve Resolution 13-32 setting a Public Hearing on the Budget proposed for Fiscal Year 2013-2014.

Yeas: Fabiano, Krause, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 13-33 to schedule a Special Meeting of the City Council for a Budget Workshop on Wednesday, April 17th at 7:00 P.M.

Motion by VanSlambrouck, supported by Calley, to approve Resolution 13-33 to schedule a Special Meeting of the City Council for a Budget Workshop.

Yeas: VanSlambrouck, Calley, Fabiano, Krause, Barnes

Nays: None

Adopted

Motion by Krause, supported by VanSlambrouck, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council held on April 1, 2013, payment of invoices in the amount of \$51,569.13 and payroll in the amount of \$93,879.15 for a total of \$145,448.28; there were no purchase orders over \$5,000.

Yeas: Krause, VanSlambrouck, Calley, Fabiano, Barnes

Nays: None

Adopted

Under Council Comments, Mayor Pro-Tem VanSlambrouck extended his thoughts and prayers for those affected by the bombing at the Boston Marathon earlier in the day. He further stated a Portland resident was participating in the Marathon. It seems that this person crossed the finish line 4 minutes prior to the blast; their current status has not been verified. He hopes all is well.

Council Member Krause extended her sympathies and concern as well. She also stated that the 14th Annual Hugh Howard Challenge will be held Saturday, April 27th. This is a historical reenactment; paddle event with over 200 paddlers participating. For more information go to www.verlenkrugermemorial.org.

City Manager Dempsey stated the Spring Clean Up will be held Saturday, April 27th from 7:00 A.M. – 3:00 P.M. at the DPW yard. The Rivertrail Clean Up will also be held Saturday, April 27th beginning at the Railroad Bridge at 9:00 A.M. The Hazardous Waste Clean Up will be held Saturday, May 4th in the Fire Department parking lot.

Council Member Fabiano asked about the MML Conference.

Mayor Barnes commented that the legislators and representatives in attendance heard much “feedback” from the MML members in attending the conference. He also stated the personal property tax issue was discussed; it is very complicated. There is a moratorium in place for 1 ½ years after which time it will go to a vote.

Motion by Fabiano, supported by VanSlambrouck, to adjourn the regular meeting.

Yeas: Fabiano, VanSlambrouck, Calley, Krause, Barnes

Nays: None

Adopted

Meeting adjourned at 7:22 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk

City of Portland
Synopsis of the Minutes of the April 15, 2013 City Council Meeting

The City Council meeting was called to order by Mayor Barnes at 7:00 P.M.

Present – Mayor Barnes, Mayor Pro-Tem VanSlambrouck, Council Members Calley, Fabiano and Krause; City Manager Dempsey; City Clerk Miller; Police Chief Bauer

Presentation – Nicole Sunstrum, Main Street Board Member and Chair of the Promotions and Marketing Committee, gave a report on Downtown activities.

Approval of Resolution 13-31 approving, authorizing, and directing the Mayor and Clerk to sign a Boardwalk Café Permit Agreement.

Four in favor. One Abstention. Approved.

Approval of Resolution 13-32 setting a Public Hearing on the Budget proposed for Fiscal Year 2013-2014 for May 6, 2013 at 7:00 P.M.

All in favor. Approved.

Approval of Resolution 13-33 to schedule a Special Meeting of the City Council for a Budget Workshop for April 17, 2013 at 7:00 P.M.

All in favor. Approved.

Approval of the Consent Agenda - Motion by Krause, supported by VanSlambrouck, to approve the Consent Agenda.

All in favor. Approved.

Adjournment – Motion by Fabiano, supported by VanSlambrouck, to adjourn the regular meeting at 7:22 P.M.

All in favor. Adopted.

A copy of the approved Minutes is available upon request at City Hall, 259 Kent Street.

Monique I. Miller, City Clerk

City of Portland

Portland, Michigan

Minutes of the City Council Budget Workshop

Held on Monday, April 17, 2013

In Conference Room at City Hall

Present: Mayor Barnes, Mayor Pro-Tem VanSlambrouck; City Manager Dempsey; City Clerk Miller

Absent: Council Members Fabiano, Krause, and Calley

The meeting was called to order at 7:29 P.M.

City Manager Dempsey presented the proposed Budget for Fiscal Year 2013-2014.

There was discussion in regard to the proposed budget.

Meeting adjourned at 9:22 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk

VENDOR NAME	VENDOR	DESCRIPTION	AMOUNT
GRANGER CONTAINER SERVICE	00175	REFUSE SERVICE - REFUSE	6,750.83
AT&T	00686	TELEPHONE SVC - WASTE WTR	174.06
AT&T	00686	TELEPHONE SVC - WASTE WTR	51.69
AT&T	00686	TELEPHONE SVC - VARIOUS DEPTS	2,939.18
BSN SPORTS	00911	STEEL DRAG MAT - PARKS	119.00
CONSUMERS ENERGY	00095	GAS SERVICE - VARIOUS DEPTS	2,626.51
ELECTION SYSTEMS & SOFTWARE	01480	EQUIPMENT MAINT - ELECTIONS	158.53
FAMILY FARM & HOME	01972	SUPPLIES - CEMETERY, PARKS	118.33
FAMILY FARM & HOME	01972	LANDSCAPE TIMBER TREATED - PARKS	25.47
GRAINGER, INC.	00172	CLEANER -WASTE WATER	25.20
GRAINGER, INC.	00172	ELECTRIC MOTOR GREASE- WASTE WATER	37.37
INDEPENDENT BANK	00197	BOND & REDEMPTION FUND - ELECTRIC	5,000.00
IONIA COUNTY TREASURER	00209	COUNTY PATROL COVERAGE- POLICE	1,172.50
IONIA COUNTY TREASURER	00209	SHARE COST SPEED TRAILER BATTERY-POLICE	91.99
JOHN DEERE FINANCIAL	01818	PARTS, SERVICE - PARKS, MOTOR POOL	130.93
KEUSCH SUPER SERVICE	00228	TRAILER TIRE - MOTOR POOL	101.00
KEUSCH SUPER SERVICE	00228	SCRAP TIRES - MOTOR POOL	95.00
LITE'S PLUS	00243	TRAFFIC LIGHT REPAIRS - COMM PROMO	23.88
MICHIGAN AMATEUR SOFTBALL ASSO	00248	SOFTBALLS - RECREATION	204.00
MC SPORTS	02183	GYMNASTICS EQUIPMENT - RECREATION	157.50
MENARDS	00260	SUPPLIES - PARKS, CEMETERY	94.83
MICHIGAN COMPANY, INC.	00273	TOILET TISSUE/TOWELS - CEMETERY	710.49
MIDWEST GAS INSTRUMENT SVC	00307	GAS MONITOR REPAIRS - ELECTRIC	286.78
NATL RECREATION & PARKS ASSN	00330	MEMBERSHIP - PARKS	150.00
NORTH CENTRAL LABORATORIES	00959	LAB SUPPLIES FOR TESTING - WASTE WTR	247.64
PATRICE ISSAC	MISC	REIMBUREMENT - GENERAL	30.00
PURITY CYLINDER GASES, INC.	00380	OXYGEN - AMBULANCE	59.70
RESCO	00392	PRIMARY JUNCTION CAB. - ELECTRIC	3,600.90
RESCO	00392	CROSS ARMS - ELECTRIC	818.75

VENDOR NAME	VENDOR	DESCRIPTION	AMOUNT
RESCO	00392	PARKING BUSHING - ELECTRIC	480.20
RURAL GAS & APPLIANCE	00398	PROPANE - PARKS	611.86
SCHAFFER PETROLEUM, INC.	00405	DIESEL FUEL - MOTOR POOL	499.69
SPRINT	00859	CELL PHONE - POLICE	120.45
TELNET WORLDWIDE INC.	02066	PHONE SVC - CITY HALL	503.20
USA BLUEBOOK	01850	SAMPLE TUBING - WASTE WATER	209.62
UTILITY CONSULTING GROUP, LLC	00465	CALCULATE PCA FACTOR - ELECTRIC	225.00
UTILITY CONSULTING GROUP, LLC	00465	CALCULATE PCA FACTOR- ELECTRIC	225.00
VERIZON WIRELESS	00470	TELEPHONE SVC-ELEC, WW, WTR, M POOL	128.58
WOW! INTERNET-CABLE PHONE	02132	CABLE SERVICE - ELEC, WW, MTR POOL	103.91
HEATHER REED	MISC	REFUND FOR GIRLS ON THE GO - RECREATION	40.00
KATHY'S CLEANING	01684	CLEANING SERVICES - CITY HALL	745.00
MUNICIPAL SUPPLY CO.	00324	CURB BOX, BRASS BUSHING - WATER	239.43
MUNICIPAL SUPPLY CO.	00324	PATCH CLAMPS - WATER	88.40
MUNICIPAL SUPPLY CO.	00324	SEAL CLAMPS - WATER	271.20
STAPLES BUSINESS ADVANTAGE	00426	SUPPLIES - VARIOUS DEPTS	300.21
MUNICIPAL SUPPLY CO.	00324	SAFETY SUPPLIES - ELECTRIC	300.00
RESCO	00392	ELBOWS - ELECTRIC	486.78
RIVERSIDE INTEGRATED SYSTEMS	01441	ANNUAL MONITORING FEE- ELECTRIC	300.00
NYE UNIFORM CO.	00338	UNIFORMS - POLICE	317.38
TREES 'N' SCAPES, INC.	00982	ARBOR DAY TREES - PARKS	180.00
MENARDS	00260	SUPPLIES - CEMETERY, PARKS	47.04
BOB SCHAAR	01956	UMPIRES - REC	69.00
JEREMY BABBIT	02184	UMPIRES - REC	69.00
GREG GARN	02185	UMPIRES - REC	138.00
ALYSSA PUNG	02160	SCOREKEEPERS - REC	19.50
ALLISON RUSSELL	01954	SCOREKEEPERS - REC	19.50
ZACH GUSTAFSON	02161	SCOREKEEPERS - REC	19.50
LAUREN RUSSELL	02134	SCOREKEEPERS - REC	19.50

VENDOR NAME	VENDOR	DESCRIPTION	AMOUNT
MARCUS WOURMAN	02063	BASKETBALL UNIVERSITY - RECREATION	520.00
SOURCE ONE DIGITAL	02187	SPONSOR BANNER - RECREATION	164.05
FAMILY FARM & HOME	01972	CLAMP STAINLESS - ELECTRIC	27.86
MICHIGAN MUNICIPAL ELECTRIC AS	00283	MMEA REGISTRATION-ELECTRIC	150.00
ELHORN ENGINEERING	00139	EL-CHLOR CARBOY- WATER	323.50
STATE OF MICHIGAN	00428	BACTI SAMPLES - WATER	480.00
CREATIVE PRODUCT SOURCING INC	02165	DARE SUPPLIES - POLICE	519.88
HOLLY WIEBER	02144	GYMNASTICS INSTRUCTOR - RECREATION	288.00
AMY WIEBER	02142	GYMNASTICS INSTRUCTOR - RECREATION	36.00
AMBER WIEBER	02143	GYMNASTICS INSTRUCTOR - RECREATION	24.00
AMANDA SIMON	02188	GYMNASTICS INSTRUCTOR - RECREATION	264.00
HEATHER GOODENOUGH	01186	GYMNASTICS INSTRUCTOR - RECREATION	1,781.00
REBECCA KRIEGER	02186	DANCE TEAM INSTRUCTOR - RECREATION	381.00
CITY OF PORTLAND-PETTY CASH	00701	POSTAGE, MILEAGE REIMB- GEN, INCOME TAX	48.08
HYDRO DESIGNS, INC.	01308	INSPECTION & REPORTING SERVICES - WATER	465.00
BS&A SOFTWARE	00029	FIXED ASSETS SYSTEM - GENERAL	390.00
R.E. RISK & ASSOC.	01315	SERVICE FEE - INCOME TAX	68.20
BUSINESS CARD	02075	SUPPLIES - ECON DEV, RECREATION	156.29
WESTPHALIA MILLING CO.	00480	HYVAR - CEMETERY	262.80
BASIC	01983	HRA FIRST YR FEE- GENERAL	450.00
PNC EQUIPMENT FINANCE	01950	PAYMENT FOR AMBULANCE- MOTOR POOL	25,743.28
PAMA	01370	CITY'S PORTION - COMM PROMO	1,180.00
LEXISNEXIS OCC. HEALTH SOLUTIONS	01915	CLINIC COLLECTION - MOTOR POOL	17.35
BS&A SOFTWARE	00029	ASSESSING SYSTEM ANNUAL SVC- ASSESSING	790.00
FLEIS & VANDENBRINK	00153	HYDRODAM 2012 IMPROVEMENTS- ELECTRIC	155.00
WINTERS GORMAN PLLC	02072	MAY LEGAL SERVICES - POLICE	750.00
GLEUS	MISC	REGISTRATION FEES- ELECTRIC	510.00
STATE OF MICHIGAN	00428	SALES TAX - ELECTRIC	10,509.18
ORANGE TOWNSHIP	01167	REIMB FOR AMBULANCE RUNS - AMBULANCE	1,261.49

Date: 3/13

CITY OF PORTLAND INVOICE REGISTER

Page: 1

VENDOR NAME	VENDOR	DESCRIPTION	AMOUNT
VILLAGE OF WESTPHALIA	00482	REIMB FOR AMB RUNS- AMBULANCE	3,072.12
SEBEWA TOWNSHIP	01125	REIMB FOR AMB RUNS - AMBULANCE	1,472.71
WESTPHALIA TOWNSHIP	00481	REIMB FOR AMB RUNS -AMBULANCE	956.25
VILLAGE OF PEWAMO	00350	REIMB FOR AMB RUNS - AMBULANCE	1,150.36
LYONS TOWNSHIP	00247	REIMB FOR AMB RUNS - AMBULANCE	1,515.41
HANNA HENGESBACH	02189	GYMNASTICS INSTRUCTOR- RECREATION	240.00
Total:			\$88,901.82

**BI-WEEKLY
WAGE REPORT
April 29, 2013**

DEPARTMENT	GROSS EARNINGS CURRENT PAY	GROSS EARNINGS YEAR-TO-DATE	SOCIAL SECURITY & FRINGE BENEFITS CURRENT PAY	SOCIAL SECURITY & FRINGE BENEFITS YEAR-TO-DATE	GRAND TOTAL YEAR-TO-DATE
GENERAL ADMIN.	8,251.85	189,614.36	626.76	101,784.13	291,398.49
ASSESSOR	1,120.80	25,507.95	86.10	7,200.55	32,708.50
CEMETERY	3,712.57	58,483.97	284.02	19,310.29	77,794.26
POLICE	13,773.15	280,487.46	1,146.63	101,670.07	382,157.53
FIRE	-	3,046.00	-	233.02	3,279.02
CODE ENFORCEMENT	-	29,623.79	-	9,480.41	39,104.20
PARKS	1,891.05	45,788.38	144.64	12,157.59	57,945.97
INCOME TAX	1,324.19	30,712.11	100.08	21,931.86	52,643.97
MAJOR STREETS	1,694.60	66,892.20	128.32	48,178.84	115,071.04
LOCAL STREETS	1,212.97	44,068.86	91.86	32,181.17	76,250.03
RECREATION	1,925.91	44,393.51	146.35	20,449.01	64,842.52
AMBULANCE	13,846.33	207,454.02	1,144.56	67,245.50	274,699.52
DDA	1,901.85	35,042.09	145.48	10,469.82	45,511.91
ELECTRIC	14,048.92	339,771.98	1,072.68	187,882.70	527,654.68
WASTEWATER	8,113.13	174,581.70	621.57	98,300.08	272,881.78
WATER	7,185.71	116,524.71	551.44	56,908.64	173,433.35
MOTOR POOL	1,802.08	50,800.20	136.54	38,417.66	89,217.86
TOTALS:	81,805.11	1,742,793.29	6,427.03	833,801.34	2,576,594.63

BI-WEEKLY CASH BALANCE ANALYSIS
5/6/2013

FUND	BEGINNING BALANCE	RECEIPTS	EXPENSES	JOURNAL ENTRY RECEIPTS	JOURNAL ENTRY EXPENSES	CASH BALANCE	TIME CERTIFICATES	ENDING BALANCE		
GENERAL	333,761.74	62,161.61	41,162.36	26,570.00	5,140.00	376,190.99	235,000.00	611,190.99		
INCOME TAX	2,631.68		1,675.77	10,000.00	2,460.00	8,495.91	10,000.00	18,495.91		
MAJOR STREETS	207,585.62	16,672.97	1,959.11		5,401.00	216,898.48	-	216,898.48		
LOCAL STREETS	38,317.50	5,615.81	5,038.81		3,823.00	35,071.50	-	35,071.50		
RECREATION	10,220.02	6,334.30	6,747.00		1,060.00	8,747.32	-	8,747.32		
AMBULANCE	156,927.68	11,917.77	24,671.55		6,446.00	137,727.90	-	137,727.90		
REFUSE COLLECTION	24,966.51	4,488.54	5,052.42			24,402.63	-	24,402.63		
ELECTRIC	246,748.44	133,940.28	90,530.64		6,458.00	283,700.08	595,000.00	878,700.08		
WASTEWATER	53,713.78	27,183.41	15,268.02		7,650.00	57,979.17	-	57,979.17		
WATER	560,573.74	26,956.11	9,473.54		7,292.00	570,764.31	420,000.00	990,764.31		
MOTOR POOL	58,210.65		29,587.71	22,077.00	2,917.00	47,782.94	-	47,782.94		
DDA	11,877.49			44,516.92		56,394.41	-	56,394.41		
TOTALS:	1,705,534.85	295,270.80	231,166.93	103,163.92	48,647.00	1,824,155.64	1,260,000.00	3,084,155.64		
								ELECTRIC-RESTRICTED CASH	335,000.00	335,000.00
								CUSTOMER DEPOSIT CD	170,000.00	170,000.00
								PERPETUAL CARE CD	130,000.00	130,000.00
								INCOME TAX SAVINGS	150,018.16	150,018.16
								ELECTRIC-PRIN & INT ESCROW	320,421.61	320,421.61
								WASTEWATER -DEBT ESCROW	127,813.81	127,813.81
								WASTEWATER-REPAIR ESCROW	39,010.18	39,010.18
								DDA-PRIN/INT ESCROW	100,000.00	100,000.00
									2,632,263.76	4,456,419.40

* CASH IN TIME CERTIFICATES

**INVEST IN TIME CERTIFICATES

City of Portland
Board of Light & Power
723 E. Gd. River Ave.
Portland, Mi. 48875

May 1, 2013

To: City Council
City Manager

Re: Light & Power Board Recommendation

Last night at the Light & Power Board meeting, the Light & Power Board passed the following recommendation to the City Council.

Bids were requested from the following vendors for conduit:

1-Kendall Electric-----\$1.45 per ft. for 4 in. conduit
\$.875 per ft. for 2 1/2 in conduit

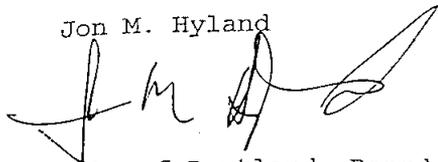
2-Municipal Supply-----\$1.54 per ft. for 4 in conduit
\$.92 per ft. for 2 1/2 in conduit

3-Medler Electric-no bid on either item.

The Light & Power Board recommends to purchase the conduit from Kendall electric for and amount of \$7349.25

Respectfully,

Jon M. Hyland



City of Portland, Board of Light & Power

rec5113

PURCHASE ORDER

CITY OF PORTLAND

259 KENT STREET • PORTLAND, MICHIGAN 48875 • (517) 647-7531

TO Kendall Elec.

SHIP TO Electric
582-539-775

DATE	DELIVERY DATE	SHIP VIA	F.O.B.	TERMS	PURCHASE ORDER NO.	
5-1-13						
QUANTITY	DESCRIPTION				PRICE	AMOUNT
1140ft	4 in conduit				1.45	\$1653.00
6510ft	2 1/2 in conduit				.875	\$5696.25
	Total					\$7349.25

[Handwritten Signature]

NOT FOR RESALE FOR RESALE TAX NUMBER _____ AUTHORIZED SIGNATURE _____

ORIGINAL

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



Quotation

KENDALL ELECTRIC INC
33 LANAC ST
LANSING MI 48917-9517
517-322-2411 Fax 517-322-0743

QUOTE DATE	ORDER NUMBER
04/29/13	S101572743
PAGE NO.	
1 OF 1	

visit our web site at www.kendallelectric.com

QUOTE TO:

PORTLAND (CITY OF)
 259 KENT ST
 PORTLAND, MI 48875-1495

SHIP TO:

PORTLAND (CITY OF)
 259 KENT ST
 PORTLAND, MI 48875-1495

CUSTOMER NUMBER	CUSTOMER PO NUMBER	QUOTE EXPIRATION DATE	OFFICE SALESPERSON	
7817	PVC QUOTE	05/29/13	JOANNE CEBELAK, 1729	
WRITER	ORDERED BY	TERMS CODE	REMARKS	SHIP VIA
DAVID LANCKT	MIKE HYLAND	Net Due 30 Days	No	ELAN33
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT. AMOUNT	
1140ft	4" PVC SCH 40 20' LENGTH CONDUIT	145.000/c	1653.00	
6510ft	2-1/2" PVC SCH 40 (20FT PC) CONDUIT	87.500/c	5696.25	
QUANTITIES ADJUSTED TO FULL LIFTS ***** FIRM FOR ORDER BY 5/7/2013 ***** FACTORY STOCK FOR 7-10 DAY LEAD TIME TAXES NOT INCLUDED				
		Subtotal	7349.25	
		S&H CHGS	0.00	
		Amount Due	7349.25	

Prices are firm until 05/29/2013, subject to change without notice after 05/29/2013. Wire and conduit pricing is valid for 04/29/2013 only. Opened, special ordered or non-stock material may not be returnable for cre
 Applicable taxes extra. Subject to credit terms. For detailed Terms Terms and Conditions, please visit
www.kendallelectric.com/tandc.asp

Thank You - We appreciate Your Business

QUOTE



Municipal Supply Co.

STREET & WATER SUPPLIES

Showroom/Warehouse
Industrial Drive, Bld #1
Portland, MI 48875

PH 517 647-6597
FAX 517 647-2007

Mailing Address
P.O. Box 470
Portland, MI 48875

Quote #:

QTE09497

Date:

4/26/2013

Bill To: CITY OF PORTLAND
259 KENT ST
PORTLAND MI 48875-1495

Ship To: CITY OF PORTLAND
ELECTRIC DEPARTMENT
WATER STREET
PORTLAND MI 48875

Job Site:

P.O. Number	Acct #	Salesperson	Shipping Via	Terms	Req. Ship Date
	POR101	B.W.	COURIER	Net 30	0/0/0000
Quantity	Item Number	Description	UOM	Unit Price	Ext. Price
1,000	201150	4" Sch 40 PVC Conduit BE (20' Length)	Pr/Ft	1.54	\$1,540.00
6,000	201135	2½" Sch 40 PVC Conduit (20' Length)	Pr/Ft	0.92	\$5,520.00
Subtotal					\$7,060.00
Shipping/Handling					\$0.00
Miscellaneous					\$0.00
Tax					\$0.00
Total					\$7,060.00

Pricing Good thru 5/2/13

Minutes of the Downtown Development Authority Regular Meeting

City of Portland

Held on March 21, 2013

In Council Chambers at City Hall

Members Present: Barnes, Dumas, Briggs, Blastic, Dempsey, Sunstrum, Urie, VanSlambrouck, Smith

Absent: Antaya, Clement

Staff: DDA/Main Street Director Reagan, City Clerk Miller

The meeting was called to order at 3:34 P.M. by Chair Dumas.

Motion by Barnes, supported by Dumas, to excuse the absence of Antaya and Clement.
All in favor. Adopted.

Motion by Dempsey, supported by VanSlambrouck, to approve the Revised Agenda.
All in favor. Adopted.

Motion by Smith, supported by Sunstrum, to approve the Minutes of the February 21, 2013 Regular Meeting as presented.
All in favor. Adopted.

Motion by Barnes, supported by Smith, to approve the Treasurer's Report as presented.
All in favor. Adopted.

Under New Business, Director Reagan presented and gave an analysis of the Fiscal Year 2013/2014 DDA Budget.

The Board discussed the proposed Budget.

Motion by Dumas, supported by Briggs, to approve the Fiscal Year 2013/2014 DDA Budget as presented.
All in favor. Adopted.

Under the Director's Report, Director Reagan reported the National Main Street Conference will be held in New Orleans, Louisiana April 14th – 16th. Three board members will attend with the conference with him.

The 5th Annual Local First Sustainability Conference will be held Wednesday, March 27th at Aquinas College in Grand Rapids. Bernie Pelc will be attending the conference.

Under Committee Updates, Director Reagan reported the Design Committee received two bids for the fencing project in Scout Park. B&D Masonry was the low bidder at \$3,500. The desired completion date is May 1st. The Committee is also working with the Electric Department to replace some of the broken light pole bases in the Downtown. The bases have been ordered. The project is expected to be complete by the end of April or early May.

The Design Committee has chosen two buildings to receive the final 2 design services of the 15 provided by the Michigan Main Street Center (MMSC) to each Main Street Community. These free services are to be used within 3 years. Perennial Financial at 112 Kent St. and The Chocolate Moose at 116 E. Bridge St. will receive these services valued at \$3,000 - \$5,000. Kelly Larson, from the MMSC and the State Historic Preservation Office, will be working with the two building owners to go over budgets, materials, and ideas for the buildings in an effort to develop schematic drawings.

The Design Committee has also opened up its grant round for the 2013 Sign Incentive Grant. This grant is 50/50 matching grant for creative signage in the Main Street District. Applications have been sent to downtown businesses and are due by April 9th.

The Promotions & Marketing Committee will host the 2013 Block Party on Saturday, May 18th in Downtown Portland. Events will include a petting zoo, live music, a party pavilion, inflatables for the kids, and a BBQ competition offering a first prize of \$500, second prize of \$200, and a third prize of \$100. The competition is open to 12 teams and requires a \$60 entry fee.

Portland Pay Day will be held June 1st through August 23rd. Over the past four years, this promotion has kept over \$247,000 in the Portland community.

The Economic Revitalization Committee is planning to host a Local First initiative which will include a Meet & Greet to explain more about the program and what it is trying to accomplish. The date is to be determined.

The Organization and Finance Committee continues its publication efforts with the “On the Street” Newsletter with a new look thanks to Charilse Abel.

Under Member Comments, City Manager Dempsey noted that the Mayor and City Manager from Wayland would be visiting Portland on Thursday, March 28th. This transpired after they had a discussion with Director Reagan about the Portland DDA and Main Street Program. Director Reagan will visit their DDA in the near future.

Member Briggs commented that the Portland Historical Society will host a Downtown Guided Historic Tour on Saturday, March 23rd at 10:30 A.M. The tour will end at Cheeky Monkeys for refreshments. The Portland Historical Society will meet on March 26th to talk about archiving historical photos.

Member Briggs also noted the Portland Garden Club’s annual Geranium Sale is coming up. The flowers are sold for \$1.75 each with delivery before Mother’s Day. This year is the 25th Anniversary of the Garden Club. They are trying to host several different activities on community education and getting individuals more involved in gardening.

Motion by Barnes, supported by VanSlambrouck, to adjourn the meeting at 3:57 P.M.
All in favor. Adopted

Respectfully submitted,

Kory Blastic, Secretary

**Portland Police Department
Police Vehicle Operations
General Order No. 4**

I. SCOPE

This order shall apply in every case to all sworn Portland Police Department personnel.

II. PURPOSE

To establish the procedure for the operation, maintenance and inspection of department vehicles.

III. APPLICATION

This order constitutes Department policy, and is not intended to enlarge the employer's or employees' civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense with respect to the third party claims insofar as the employer's or employee's legal duty as imposed by law.

Noncompliance with this policy constitutes a violation of an employee's duty only, except in cases as any non-compliance is also a violation of the laws of the State of Michigan. Therefore, violations of this policy shall only form the basis of disciplinary action within the Department.

In the event that a violation of the duties imposed by this policy also constitutes a breach of the duties imposed by law, nothing herein shall be construed to relieve one from that legal duty or from any action from a breach of that legal duty.

IV. DEFINITIONS

- A. "Emergency" as a method of motor vehicle operation means an immediate response, usually utilizing emergency warning lights and a siren.
- B. "Non-emergency" as a method of motor vehicle operation means routine driving. Non-emergency operation is that which is generally used while on routine patrol, or when responding to calls for service of a non-emergency nature.
- C. "*Department Vehicle*" means a vehicle owned or leased by the department and used for department operations.
 - 1. Emergency Response Vehicle - An authorized emergency vehicle equipped with both audible and visual emergency warning devices as

required by the Motor Vehicle Code for the purpose of being exempted from certain traffic regulations during emergencies.

2. Police Vehicle means a vehicle used for police operations. Sometimes referred to as a "patrol vehicle" or "patrol unit", there are several types:
 - a. Marked: An authorized emergency vehicle of a law enforcement agency that is equipped with both audible and visual emergency warning devices as required by the Motor Vehicle Code for being exempted from certain traffic regulations during emergencies or pursuits.
 - (1). Audible Signal—A bell, siren, air horn or exhaust whistle "...capable of emitting sound audible under normal conditions from a distance of not less than 500 feet..." (MCLA 257.603 and 257.706)
 - (2). Visual Signal—At least one flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle. (MCLA 257.603, 257.632 and 257.653.)
3. Unmarked: Any vehicle that does not meet the definition of a marked vehicle.
4. Special Use: Any vehicle of the department that is not pursuit rated.

V. STATUTORY REFERENCE

A. Michigan Vehicle Code MCLA 257.603 - provides in pertinent part:

"The provisions of this chapter ... apply to the drivers of all vehicles owned or operated by the City of Portland or the state, subject to the specific exceptions as are set forth ... with reference to authorized emergency vehicles."

"The driver of an authorized emergency vehicle when responding to an emergency call or when pursuing or apprehending a person who has violated or is violating the law.... may exercise the privileges set forth in this section, subject to the conditions of this section."

1. The driver of an authorized emergency vehicle may:
 - Park or stand irrespective of the provisions of this act.
 - Proceed through a red or stop signal or stop sign but only after slowing down as may be necessary to allow for safe operation.

- Exceed the prima facie speed limit so long as life or property are not endangered.
 - Disregard regulations governing direction of movement or turning in a specified direction.
2. The driver of an authorized emergency vehicle may not exercise the privileges set forth in this section when returning from an emergency call.
- B. Michigan Vehicle Code MCLA 257.632 – Exemptions provided: in pertinent part:
1. Vehicles, when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation, are exempt from speed limitations set forth in this chapter.
 2. This exemption shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary or when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not, however, protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others. (Emphasis added)
 3. A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run in which silence is required.

VI. OPERATION

A. Non-emergency (routine) Driving

1. Officers are governed by traffic laws and the rules of the road. Officers will operate department vehicles in a safe, courteous manner and in compliance with the Michigan Motor Vehicle Code and all applicable local ordinances, including requirements governing running, standing and parking of motor vehicles.
2. While operating department vehicles, officers should remain mindful of their responsibility to behave in an appropriate manner and inspire safe driving habits by example.

B. Emergency Driving

1. The primary consideration to be evaluated in any driving situation is that of safe arrival at your destination.
 - a. In an emergency response situation, officers will be evaluated on the reasonableness of their actions, in light of:
 1. The purpose of the emergency response.
 2. The tactics employed during the emergency response.
2. The conduct of an emergency response should be based on consideration of many of the same factors to be considered during a pursuit. Among these factors are:
 - reason for emergency response and # of units responding,
 - vehicular and pedestrian traffic,
 - road and weather conditions,
 - time of day (or night),
 - locale of travel (i.e.: school zone, park, residential, downtown),
 - speeds involved,
 - vehicle limitations (i.e. special use, high profile, limited lighting),
 - driver capabilities.
3. The Michigan Vehicle Code (MCLA 257.603(5)) allows for emergency response without the use of an audible signal (siren), "...if the police vehicle is engaged in an emergency run where silence is required." (NOTE: MCLA 257.706d requires that a siren be used when necessary to warn other motorists or pedestrians).
4. Officers shall use emergency lights when responding to an emergency unless the nature of the mission requires that an officer travel without giving warning to suspected law violators.

- C. Officers, prisoners and passengers shall properly wear and use safety restraints (*including the need to comply with the vehicle code's child safety seat requirements for children and infants*) at all times the vehicle is in operation. Evolving tactical or emergency situations may necessitate a temporary exception to this requirement. However, as soon as conditions stabilize and it is safe and practical to do so, safety restraints shall be properly used as required by law.

- D. Personal protective equipment that is required for the vehicle an employee is assigned to operate will be worn. Department policy defining uniforms and equipment to be worn for designated assignments shall dictate how an employee is outfitted with related safety equipment.
- E. Before leaving a roadway, operators must consider the type of vehicle they are operating and the appropriate terrain for operation of that type of vehicle under the response circumstances.
- F. Only marked patrol vehicles may routinely be used for traffic enforcement.
- G. No employee may operate a department vehicle without the approval of a supervisor from this department. Employees may not operate a vehicle for which they do not have the required training or license designation.
- H. If a wrecker is needed for a department vehicle, Keusch's Super Service, Inc. shall be contacted for the needed service. A memo, signed by the employee, will be forwarded to the Chief or his designee, explaining the circumstances and other pertinent information relating to the need for the wrecker service.
- I. Unless authorized by a supervisor or by department policy, passengers, other than department employees and prisoners, will not be transported in a department vehicle.
- J. Unless otherwise authorized by the Chief or his designee, vehicles assigned to the department will be parked at the Police Station and locked when not in use.

VII. USE OF PUSH BUMPERS

- A. Only vehicles equipped with push bumpers may be used to move a disabled vehicle from a hazardous position to the nearest position of safety.
- B. There must be a driver steering the pushed vehicle during the operation.
- C. Before pushing the vehicle officers must first instruct the driver of the proper techniques to use.
- D. Vehicles may not be pushed in an attempt to start the engine. Vehicles with flat tires or missing tires/wheels may not be pushed.
- E. Only automobiles and two-axle vans/pickup trucks may be pushed, provided:
 - 1. Steering and brake systems of the vehicle to be pushed are operational;
 - 2. Vehicles are of such a weight so as not to damage the transmission/drive train of the patrol vehicle;

3. Vehicles may only be pushed on flat surfaces when only the bumpers and the push bumper meet upon vehicle contact.
- F. Contact should be maintained between the vehicles while in motion. If contact is broken, no attempt to reengage should be made until the pushed vehicle comes to a complete stop.
- G. During this operation, the drivers of the pushed vehicle and the pushing patrol vehicle shall obey all traffic control devices.

VIII. VEHICLE INSPECTION

- A. The employee assigned to operate a vehicle shall ensure the vehicle is properly fueled and trash is removed at the end of their shift. Damaged or missing equipment shall be reported to the employee's supervisor before the end of shift.
- B. Prior to the use employees shall inspect their assigned vehicle for contraband, weapons and to ensure it is prepared for use, is undamaged and that all the installed equipment is operational.
- C. Damage found on vehicles will be reported on the employee's activity log. Any fresh damage shall be reported to the employee's supervisor as soon as is practical.
- D. A vehicle is not to be used if it is not in proper working order or has safety equipment that is not operational. An Equipment Repair Form is to be completed and forwarded to the employee's supervisor. A memo shall be completed indicating the vehicle is inoperable.
- E. The operator of a vehicle is responsible to decontaminate a vehicle that has been soiled with body fluids or waste. Equipment and supplies for decontamination are available in the men's locker room. Supervisors should be notified if the contamination is of a substantial nature and equipment that is more substantial is needed.
- F. Employee's may not modify or cause to be modified any departmental vehicle without the written permission of the Chief.
- G. Only the Chief may authorize, contract or expend funds for the repair or maintenance of a vehicle.

IX. CRASHES INVOLVING DEPARTMENT VEHICLES

- A. The operator of a department vehicle involved in a traffic crash will comply with all provisions of the Motor Vehicle Code regarding rendering aid, stopping to identify and reporting the incident.

- 7
- B. If a department vehicle is involved in a traffic crash or is damaged the operator is responsible to report the incident to the shift supervisor as soon as it is practical.
 - C. Generally, the vehicle should not be moved nor the operator leave prior to a report being taken. Officers may exercise discretion in moving the vehicle when they determine that the safety risk of leaving the vehicle outweighs the value of preserving evidence.
 - D. Any crash that requires a state report (injury or damage over \$1,000), the accident must be investigated by an outside agency.

Other crashes (minor damage or on private property) may be investigated by a Portland Officer who was not involved in the crash. Under no circumstances is the Officer who was involved in a crash to investigate the accident.

- E. In all accidents, a City Accident/Incident report form shall be completed and forwarded to the City Manager as soon as practical for review by the City Safety Committee.

X. OFFICERS ASSIGNED TO OTHER AGENCIES

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

XI. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action.

**Portland Police Department
Use of In-Car Computers
General Order No. 5**

I. SCOPE

This order shall apply in every case to all sworn Portland Police Department personnel.

II. PURPOSE

The purpose of this Order is to establish procedures for use of the in-car computers.

III. POLICY

It shall be the Policy of this Department that in-car computers shall be operated at all times in the prescribed manner and consistent with the procedure contained herein.

IV. APPLICATION

This order constitutes Department policy, and is not intended to enlarge the employer's or employees' civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense with respect to the third party claims insofar as the employer's or employee's legal duty as imposed by law.

Noncompliance with this policy constitutes a violation of an employee's duty only, except in cases as any non-compliance is also a violation of the laws of the State of Michigan. Therefore, violations of this policy shall only form the basis of disciplinary action within the Department.

In the event that a violation of the duties imposed by this policy also constitutes a breach of the duties imposed by law, nothing herein shall be construed to relieve one from that legal duty or from any action from a breach of that legal duty.

V. SIGN ON/OFF

Upon starting his/her shift, the officer shall "sign on" the computer, using the correct procedure and the confidential password. At the end of the officer's shift, the officer shall "sign off" the computer, using the prescribed instructions.

VI. USE OF COMPUTER

A. Officers shall not use the computer while moving (driving).

- B. When stopping a suspect vehicle, the location of the stop will be called in to Ionia County Central Dispatch, and when stopped, the plate can then be run on the in-car computer to determine wants/warrants, etc. This procedure is essential to ensure officer safety.

VII. WARRANT ARRESTS

- A. If, when checking plates or subjects on the in-car computer, the officer receives a "hit", the subject or plate information should immediately be radioed to Ionia County Central Dispatch, so that the plate or subject can be checked on the Central Dispatch LEIN computer. All verifications on warrants, suspended licenses, and stolen vehicles or plates will come thru Central Dispatch, with the printed copy used to ascertain that the warrant entry or stolen vehicle entry is valid. No arrests shall be made until the "HITS" are checked and validated by Central Dispatch. Confirmation of warrants with the entering jurisdiction shall be the responsibility of Central Dispatch and shall be completed in every case.
- B. When returning a check on a subject on the in-car computer, officers shall use the subject's name, race, sex, and date of birth, to do the query. Running a subject by his/her operator's license code will only give the officer a past driving record, which may contain suspension notations which are no longer valid, or have been taken care of previously by the subject. A full name check on a subject will give the officer a current license status. In any instance the information received is unclear or confusing, the Officer shall request Central Dispatch re-send the inquiry and seek any clarification necessary.

VIII. CMIS INFORMATION

- A. Officers should be aware that Corrections Information (CMIS) will automatically return over the in-car computer on each subject checked thru LEIN. This CMIS information may include: special conditions of parole, current location of Parole Officer for the subject, assault risk, property risk, and past crimes. This CMIS record is "Informational Only", and cannot be used to arrest or detain the subject. Parole violators can be arrested only if a warrant exists for their arrest on LEIN, or if CMIS information leads an Officer to believe the subject is wanted for a parole violation, and a call to the subject's Parole Officer confirms the wanted status.
- B. Appropriate Incident Reports shall be completed in such cases as persons are found in violation of listed conditions of probation or parole.

IX. IN-CAR COMPUTER CAR-TO-CAR MESSAGES

- A. Officers shall not send frivolous or inappropriate messages for any reason.
- B. Officers shall utilize car to car messages or car to Central Dispatch messages for official department business only.

X. SYSTEM SECURITY

- A. Data received from LEIN, as well as data received from other intrastate or interstate computer systems, either interfaced directly or indirectly to LEIN, shall be restricted to the legitimate criminal justice use of the following:
 - 1. Courts
 - 2. Criminal justice agencies
 - 3. Prosecutors
 - 4. Correctional institutions
 - 5. Pre-Trial service agencies
- B. The Department's right to access LEIN data is restricted to what can reasonably be construed to be related to their criminal justice responsibilities. Private business, private police, detectives, and private citizens have no right to access information on the LEIN system.

XI. UTILIZATION OF INFORMATION

THE MISUSE OF LEIN INFORMATION CONSTITUTES A CRIME.

No member of the department shall use for any purpose other than the official performance of his/her lawful duties, any information received, developed, or acquired by use of the in-car computer or by any other means associated with his/her employment by the Portland Police Department.

XII. NON COMPLIANCE

Failure to comply with the provisions of this Order shall result in disciplinary action.

**Portland Police Department
Citizen Complaint Process
General Order No. 7**

I. SCOPE

This order shall apply in every case to all sworn Portland Police Department personnel.

II. PURPOSE

To ensure the quality of services provided, promote a high level of public confidence, and to enhance and maintain the professional integrity of the department and its members.

III. POLICY

It is the policy of this department to accept, document, review, and investigate all instances of alleged misconduct, to include complaints regarding the directives or procedures of the department, and to fairly determine whether the allegations are valid or invalid and to take appropriate action.

IV. APPLICATION

This order constitutes Department policy, and is not intended to enlarge the employer's or employees' civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense with respect to the third party claims insofar as the employer's or employee's legal duty as imposed by law.

Noncompliance with this policy constitutes a violation of an employee's duty only, except in cases as any non-compliance is also a violation of the laws of the State of Michigan. Therefore, violations of this policy shall only form the basis of disciplinary action within the Department.

In the event that a violation of the duties imposed by this policy also constitutes a breach of the duties imposed by law, nothing herein shall be construed to relieve one from that legal duty or from any action from a breach of that legal duty.

V. COMPLAINTS

- A. Complaints pertaining to departmental policies or procedures, or that allege employee misconduct, shall be documented and investigated by the department. All complaints shall be accepted in a courteous, understanding, and professional manner.

1. Complaints may be made in person, over the telephone, electronically or in writing.
 2. Anonymous complaints, or complaints from citizens who wish the names to be held in confidence, shall be accepted for investigation. Citizens offering anonymous complaints should be advised that our ability to investigate the complaint may be limited by their anonymity.
- B. Any supervisor of the department shall accept Citizen Complaints.
1. The supervisor shall document the complaint in a memorandum to the Chief or designee.
 2. The supervisor will provide the citizen with the department's citizen complaint form, explain the method for completing the form and respond to any questions of the citizen.
 3. In cases where a citizen indicates a disability, inability to communicate, or a lack of writing or language skills necessary to complete the citizen complaint form, it shall be the supervisor's responsibility to facilitate the receipt and documentation of the complaint.
 4. Following the completion of the form, the supervisor will review the contents for completeness and will ask the citizen about any part of the complaint that is unclear or is incomplete. The supervisor will explain the steps of the internal investigation process.
 5. Should the citizen refuse to submit the complaint on the citizen complaint form and/or sign it, or if the citizen wishes to remain anonymous, the supervisor shall note such refusal or anonymity on the form and submit it to the Chief or his designee.
 6. The supervisor may attempt to resolve a complaint with an explanation of departmental policies and procedures. Any attempts to resolve complaints shall be noted on the complaint form. A supervisor who successfully resolves such a complaint shall document the complaint and forward a copy to the Chief or a designee.
 7. All completed citizen complaint forms will be given a sequential internal investigation control number, preceded by the year, (i.e., 2010-0001). The Chief or designee will record the complaint and make a duplicate copy. All citizen complaint records will be maintained in a separate confidential file.
- C. Upon receipt of a citizen complaint, the Chief or a designee shall contact the complainant and advise them the matter is under investigation. The Chief or a designee shall advise the complainant of the departmental procedures for processing and investigating citizen complaints.

- D. Upon completion of the investigation the Chief or his designee will make a determination of fact and disposition. The complainant is to be notified of the final disposition of the case.

VI. EMPLOYEE RESPONSIBILITIES

- A. Each member of this agency is responsible for accepting a citizen's request to make a complaint. The employee will provide department citizen complaint forms to the citizen. When possible, employees will refer complainants to the on-duty supervisor.
- B. In instances when a supervisor is not readily available, the employee receiving notice of a desire to make a complaint will obtain contact information from the complainant. At a minimum, name, address, telephone number(s) and e-mail address should be obtained.
- C. All complaints shall be accepted in a courteous, understanding, and professional manner.
- D. After receiving the information, it will be forwarded to a supervisor, if available. If a supervisor is not available, it will be forwarded, without delay, to the Chief or a designee.

VII. OUTSIDE AGENCY INFORMATION/COMPLAINTS

Complaints forwarded to this department from the Prosecuting Attorney, Federal Bureau of Investigation, State or Federal Attorney General's Office, etc., will be summarized on the complaint form. The receiving supervisor will prepare a cover memo including the outside agency contact person and immediately forward the complaint form and the memo to the Chief or his designee.

VIII. GENERAL CONSIDERATIONS

- A. An employee receiving a complaint, from any source, of a serious nature or an emergency circumstance should immediately notify the Chief or a designee.
- B. In a serious or emergency circumstance, supervisors are authorized to immediately relieve an employee from active duty status pending further investigation. This initial suspension from duty will be with pay pending review by the Chief.
- C. No employee will harass, verbally abuse, or otherwise threaten anyone who files a complaint against an employee of this department.
- D. Annually, the Chief shall complete a documented analysis of the previous year's citizen's complaints and identify any personnel training or policy considerations that should be made.



Portland Police Department

Robert Bauer, *Chief of Police*

(Date)

(Complainant Name)

(Address)

(City, State, Zip)

Dear (Name of Complainant),

The Portland Police Department hereby acknowledges receipt of the complaint you filed against one of its members or regarding one of its operational procedures.

Your complaint was brought to my attention, and I will assign an investigator to gather the facts. It is the policy of this department to thoroughly and impartially investigate all complaints filed by citizens or outside agencies. It is for this reason that it may become necessary for the investigator to contact you personally, to clarify issues or to obtain additional relevant information.

Once the investigator's report has been filed, I will carefully review it, and a final disposition will be made. At that time I will notify you of the disposition of your complaint. This usually occurs within a period of 30 days from the date the complaint was received. Depending on the seriousness of the charges, however, the investigation might require more time than that.

Until then, you may rest assured that this department will not condone, tolerate, sanction, or ignore inappropriate or unacceptable conduct.

Sincerely,

(Your Name and Title)



Portland Police Department

Robert Bauer, *Chief of Police*

CITIZEN / OUTSIDE AGENCY COMPLAINT FORM

This department adheres to the policy of investigating all allegations of misconduct or complaints regarding the policies or procedures of the department. The goal of the department is to ensure that objectivity, fairness and justice is assured by intensive impartial investigation and review.

Unless the complaint and allegation is of such magnitude that it requires additional time for review, all complaints will be resolved as soon as practicable. During the course of an investigation, the Chief or his designee shall notify you concerning the status of the complaint. The Chief or his designee will notify you of the findings of the investigation conducted by the department.

Your Name: _____

Your Address: _____

Daytime Phone: (____) _____ Evening Phone: (____) _____

Date of Incident: ____/____/____ Time of Incident: _____ AM or PM?

Location of the Incident: _____

Reason for the Complaint: _____

It is unlawful for any person to report or cause to be reported, to any police agency, any information concerning the commission of an offense or other incident that would require police action when the person knows that no offense occurred or the person knows the information provided is false.

Your Signature: _____

Today's Date: ____/____/____ Time Now: _____ AM or PM?

**Portland Police Department
Domestic Violence Policy
General Order No. 8**

I. SCOPE

This order shall apply in every case to all sworn Portland Police Department personnel.

II. PURPOSE

The purpose of this order is the establishment of a Department Policy for the handling of domestic violence responses. This policy is directed at providing a uniform response to assailants in domestic violence cases which ultimately allows this department to provide a greater degree of protection to the victims of such violence.

The foundation of this model policy is the provision that police should arrest the domestic violence assailant whenever arrest is authorized.

III. APPLICATION

This order constitutes Department policy, and is not intended to enlarge the employer's or employees' civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense with respect to the third party claims insofar as the employer's or employee's legal duty as imposed by law.

Noncompliance with this policy constitutes a violation of an employee's duty only, except in cases as any non-compliance is also a violation of the laws of the State of Michigan. Therefore, violations of this policy shall only form the basis of disciplinary action within the Department.

In the event that a violation of the duties imposed by this policy also constitutes a breach of the duties imposed by law, nothing herein shall be construed to relieve one from that legal duty or from any action from a breach of that legal duty.

STATE OF MICHIGAN

THE LAW ENFORCEMENT RESPONSE

TO

DOMESTIC VIOLENCE



July 2009

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STATE OF MICHIGAN MODEL POLICY
THE LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

I. PURPOSE AND GOALS

Purpose

Domestic violence is criminal behavior. This policy defines the agency's commitment to and the officer's responsibility in responding to domestic violence. The establishment of this policy is intended to help eliminate indecision in the minds of agency personnel and to create confidence in officers when exercising judgment in the performance of their duties.

Goals

The goals of this agency's domestic violence response policy are to:

1. Protect victims and their children;
2. Hold assailants accountable;
3. Reduce domestic homicides;
4. Reduce domestic assault;
5. Establish arrest as the preferred response to domestic violence;
6. Reduce policy call-backs;
7. Reduce injuries to officers; and
8. Reduce liability risks for the department.

II. RESPONSE AND INVESTIGATION

Dispatch Policy

The officer or dispatcher who receives the initial domestic violence call can provide the responding officers with vital information that could save the lives of the officers and persons at the scene.

1. A domestic violence call shall be given the same priority as any other life threatening call. Two officers should be dispatched whenever possible. One officer responses should be avoided.
2. The call shall not be cancelled at the request of the caller or any other party. Responding officers shall continue to the scene to verify that assistance is not needed.

Officer Response

Responding officers shall approach the scene as a criminal investigation. Officers should use appropriate precautionary procedures when approaching and entering the scene.

1. Upon arrival officers shall establish contact with all parties involved, separating the parties while remaining in sight of each other. Officers shall identify and secure weapons and objects that can be used as weapons.
2. Officers should attempt to create a calm, safe environment in which to conduct the criminal investigation.

3. Officers should determine the need for medical attention, if not already dispatched.
4. Officers should attempt to provide for the safety and care of children when necessary (i.e., by other family members, contact with FIA, etc.)

On-Scene Investigation

1. Officers should always conduct a thorough criminal investigation. This investigation shall include interviewing all witnesses and collecting evidence of all possible crimes committed.
2. Officer should interview the victim, suspect, and other witnesses, including children, separately and as fully as circumstances allow. Officers should be aware that the presence of the assailant may intimidate the victim, children, and other witnesses.
3. In order to respond effectively to the present incident, the officer will need to know historical information. The officer should avoid displaying an attitude of disinterest or blame. The officer should ask the victims questions using supportive interview techniques.
4. Officers should identify and collect all possible evidence, including:

Documentation of excited utterances made by those present;
Statements from the parties and other witnesses;
Documentation of injuries – both visible and complained of;
Description of the victim's general appearance;
Description of the scene;
Photographs of any injuries and the scene;
Photographs of victim and children at the scene whenever possible;
Weapons and objects used as weapons.

5. Officers should request the recording of the original call be held and tagged as evidence.
6. Officers should assess the lethality of the situation by considering the indicators of a life threatening attack such as the assailant has:

Threatened to kill;
Threatened to take the victim hostage;
Threatened the children;
Threatened to use or has used a weapon;
Killed or mutilated a pet;
Knowledge that the victim is leaving or filing for divorce;
Access to weapons;
A history of weapon use;
A history of domestic violence;
A history of assaultive behavior;
Engaged in stalking behavior;
Access to the victim and/or victim's family;
Threatened suicide; or
An alcohol or drug addiction.

When an arrest is made, documentation of lethality factors can provide critical information later when bond is set by a magistrate or as the basis for holding the assailant longer based on a determination that it is unsafe to release the assailant (MCL 780.581).

If the assailant has access to firearms, officers should request the court to require, as a condition of the assailant's release, the removal of all firearms from the home in accordance with agency policy. (See section IV of this policy.)

- a. If the assailant has threatened suicide consider taking the assailant for a psychiatric evaluation, where appropriate.
 - b. If the assailant has engaged in stalking behavior the victim should be advised to seek a Personal Protection Order (PPO).
 - c. Officers should document all conduct that constitutes stalking behavior.
 - d. Officers should seek a warrant for stalking if the assailant has engaged in two or more acts of unconsensual contact.
 - e. If the assailant has threatened the children, a report to children's protective services may be required.
 - f. If indicators of lethality are identified officers should determine if new probable cause for an arrest has been established based upon the lethality assessment.
 - g. Officers should document the presence of weapons and ask for removal of the weapons from the home as a condition of bond.
7. Officers should determine what crimes they have probable cause to believe were committed and who committed them.
 8. Officers should determine if they have probable cause to believe that there is or has been a violation of a personal protection order (PPO) or "Foreign Protection Order", which includes an injunction or other order issued by a court of another state, Indian tribe, or United States territory (MCL 600.2950).
 9. Officers should determine if they have probable cause to believe there is or has been a violation of a condition of release (conditional bond), probation or parole. A person who violates a "Foreign Protection Order" that has a conditional release order or a probation order issued by a court in a criminal proceeding is guilty of a misdemeanor. (See MCL 600.2950m)
 10. Complaints of Child Abuse By A Parent or Guardian

When investigating complaints of child abuse officers should refer to the Michigan Penal Code, section 750.136b for guidance. It states in part: "This section does not prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child including the use of reasonable force."

Crimes committed against children:

Officers should determine whether the abuser has committed any crimes against children (such as child abuse or assault/battery). Officers should document thoroughly the information in the incident report and request criminal charges against the abuser for these crimes against children. The documentation and criminal charges regarding crimes against children assist courts to enter appropriate orders for the safety of the children and non-offending parent. Children are best protected when the abuser is held accountable for abuse against the children and the non-offending parent.

Children witnessing domestic violence:

Officers should not automatically contact child protective services when children are present at a domestic violence incident.

There are unintended and harmful consequences resulting from automatic referrals to CPS for children witnessing domestic violence, which include:

- deterring children and victims from contacting law enforcement for protection;
- shifting blame for the abuse to the non-offending parent; and
- undermining the goals of providing safety and stability for children and victims, and accountability for the abuser.

11. Complaints of Elder Abuse

When investigating complaints of elder abuse, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest shall be made and all domestic violence response procedures should be followed. If the victim is a “vulnerable adult” a report to the Family Independence Agency may be required. For legal guidance officers should be directed to MCL 400.11.

III. PROBABLE CAUSE

REASONABLE CAUSE is defined in Michigan law as synonymous with probable cause. The probable cause standard applied to domestic violence crimes is no different than the standard applied to all other crimes. Probable cause means any facts and circumstances that would cause a fair-minded person of average intelligence to believe that the suspect has committed or is committing a crime.

There is no requirement that there be corroborating physical evidence or visible injury to establish probable cause. This means that the word of the victim alone, if believed, is sufficient ground for establishing reasonable cause.

1. Officers should not base a decision not to arrest solely on the absence of visible indications of injury. (MCL 776.22) (See also Attorney General Opinion number 6822, issued November 23, 1994.)
2. When determining whether probable cause exists to believe that a crime has been committed an officer should consider factors such as:

Statements made by the victim, assailant, children or other witnesses;
Information relayed by the dispatcher;
Physical evidence that a crime occurred;
Aggressive behavior by the assailant;
Information gathered by investigating wounds to determine

- a. Offensive wounds;
- b. Defensive wounds;

Damaged or broken property in the house;
Brandishing a weapon;
Existence of a Personal Protection Order (PPO); and
Existence of a Foreign Protection Order.

3. When determining whether probable cause exists to believe that a crime has been committed an officer should not consider any of the following factors:

The lack of a personal protection order (PPO);
The lack of a Foreign Protection Order;
The fact that no arrests were made previously;
The victim’s unwillingness to prosecute (MCL 776.22(3)(b)(iii));

The officer's belief that there will be no prosecution;
Verbal assurances by either party that the violence will stop;
The possibility of reprisals against the victim;
The race, ethnicity, sexual preference, social class and/or occupation of the victim or the assailant;
Threats by the assailant to sue the police; or
Negative consequences to the assailant's status in the community.

4. Officers should not arrest an individual if the officer has probable cause to believe the individual was acting in lawful self-defense or in the lawful defense of another person (MCL 776.22(3)(b)(ii)).

When there is a claim of self-defense the officer should determine if there is probable cause to believe that the party was acting in lawful self-defense or in lawful defense of another.

5. A determination by the responding officer that each party has committed assaults against the other and neither was acting in self-defense must not automatically lead to dual arrests.

IV. ARREST

1. Officers responding to the scene of domestic violence should arrest the assailant in all of the following circumstances:

When a warrant exists:

A felony, misdemeanor, or ordinance violation is committed in the officer's presence (MCL 764.15 (1)(a)); or

Probable cause exists to believe:

- A felony has been committed;
- A misdemeanor assault, assault and battery, aggravated assault, or a violation of a substantially corresponding local ordinance occurred or is occurring, and the assailant is the spouse or former spouse of the victim, has had a child in common with the victim, is a person who resides or has resided in the same household as the victim, or is a person who has or has had a dating relationship with the victim (MCL 764.15a);
- The person is violating or has violated a personal protection order (PPO) or a valid foreign protection order (MCL 764.15b(1));
- The person is violating or has violated a condition of release (MCL 764.15e); the person has violated 1 or more conditions of a probation or parole order imposed by a court of this state, another state, Indian tribe, or United States territory (MCL 764.15(a)(g)); or
- The officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, that gives the officer reasonable cause to believe a misdemeanor punishable by more than 92 days or a felony has been committed and reasonable cause that the assailant committed it (MCL 764.15 (1)(f)).

- a. Warrantless arrest for a violation of a personal protection order (PPO) or valid foreign protection order:

MCL 764.15b (1) Grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe:

- i. A domestic relationship PPO, non-domestic stalking PPO, or valid foreign protection order exists;
 - ii. If the personal protection order was issued under MCL 600.2950 or MCL 600.2950a, the PPO states on its face that violation subjects the violator to immediate arrest and criminal contempt punishable by not more than 93 days and/or a fine of not more than \$500;
 - iii. The individual is violating or has violated the PPO by engaging in or having engaged in conduct restrained or enjoined by the PPO (MCL 764.15b (1));
 - iv. For enforcement procedures for a foreign protection order see Section VI.
 - b. Warrantless arrest for violation of a Michigan condition of release (conditional bond):

MCL 764.15e(1) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual is violating or has violated a condition of release imposed under MCL 765.6b.
 - c. Warrantless arrest for violation of a condition of probation or parole:

MCL 764.15(1)(g) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual has violated 1 or more conditions of a conditional release order or probation order imposed by a court of this state, Indian tribe, or United States territory.
2. The decision to arrest resides with the officer and should not be based upon whether or not the victim will consent to participate in any subsequent prosecution (MCL 776.22).

Recommended Procedures

- a. Whenever possible, officers should avoid surprising the victim or making a physical arrest of the assailant in the victim's presence.
 - b. Officers should emphasize to the victim and the assailant that the criminal action is being initiated by the officers, not the victim.
- 3. Officers making an arrest for a felony, misdemeanor, or a local ordinance substantially corresponding to assault or assault and battery shall act as the complainant and shall swear to the complaint and warrant on information and belief as necessary.
- 4. When an arrest is made for violation of a personal protection order or foreign protection order officers should investigate and also arrest for any violation of any criminal law.

Arrest for violation of a Personal Protection Order or foreign protection order should not affect the decision to arrest for any crime.
- 5. When an arrest is made for violation of a condition of release (conditional bond), or a condition of probation or parole, officers should also conduct a thorough criminal investigation and arrest for any violation of any criminal law.

Arrest for violation of a provision of conditional release or a violation of a condition of probation or parole should not affect the decision to arrest for any crime.
- 6. If the suspect has left the scene, all reasonable attempts to locate and arrest the suspect shall be made. A description shall be disseminated to other officers and locations known to be frequented by the suspect should be checked.

7. Effective October 1, 2002 an officer of a county, city, village, township, or university of this state may exercise the authority and powers of a peace officer outside the geographical boundaries of the officer's jurisdiction if:

- a. The officer is enforcing the laws of this state in conjunction with the Michigan state police; or
- b. The officer is enforcing the laws of the state in conjunction with a peace officer of any other county, city, village, township, or university in which the officer may be; or
- c. The officer has witnessed a person violate a law or ordinance within the geographical boundaries of the officer's county, city, village, township or university and immediately pursues the person outside the boundaries of the officer's jurisdiction.

The officer may stop and detain the person outside the geographical boundaries of the officer's jurisdiction for the purpose of enforcing that law or ordinance violated immediately before detainment. See MCL 764.2a.

8. If the suspect cannot be located within a reasonable period of time, generally no longer than the end of the officer's tour of duty, a warrant for any crime committed shall be obtained based on information and belief.
9. If probable cause exists to believe that a misdemeanor assault, assault and battery, or aggravated assault has been committed but the relationship between the assailant and victim is not spouse, former spouse, resident or former resident of the same household, has had a child in common or has had a dating relationship the officer should still make a warrantless arrest. (See MCL 750.81).
10. If probable cause exists to believe that a misdemeanor other than assault, assault and battery, or aggravated assault took place and the offense is punishable by more than 92 days in jail the officers should make a warrantless arrest pursuant to MCL 764.15(1)f).
11. It is recommended that agencies consider establishing a policy of seizing and holding all firearms when responding to a domestic violence scene.

V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT

A personal protection order is a court order requiring enforcement. Violation of a personal protection order by the individual restrained or enjoined is contempt of court. It is the officer's responsibility to enforce all personal protection orders.

1. Officers responding to a call should arrest an individual enjoined by a Personal Protection Order (PPO) in the following circumstances:
 - a. A personal protection order has been issued under either MCL 600.2950 (domestic relationship PPO) or MCL 600.2950a (non-domestic stalking PPO);
 - b. The personal protection order states on its face that a violation of the terms subjects the individual to immediate arrest and either of the following; and
 - i. If the individual restrained or enjoined is 17 years of age or older, to criminal contempt of court, and if found guilty of criminal contempt, to imprisonment for not more than 93 days and to a fine of not more than \$500.00.
 - ii. If the individual restrained or enjoined is less than 17 years of age, to the dispositional alternatives listed in section 18 of chapter XIII A of the probate code. MCL 712a.18.

2. An individual is in violation of a domestic relationship PPO if that individual commits one or more of the following acts which the PPO specifically restrains or enjoins the individuals from:
 - a. Assaulting, attacking, beating, molesting, or wounding a named individual.
 - b. Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
 - c. Entering into a premise.
 - d. Threatening to kill or physically injure a named individual.
 - e. Purchasing or possessing a firearm.
 - f. Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
 - g. Interfering with the petitioner at petitioner's place of employment or education or engaging in conduct that impairs petitioner's employment or educational relationship or environment (this could include stalking conduct as prohibited by MCL 750.411h and MCL 750.411i).
 - h. Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent about the address or telephone number of petitioner and petitioner's minor child or about petitioner's employment address.
 - i. Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes reasonable apprehension of violence (this could include stalking conduct as prohibited by MCL 750.411h and 750.411i).
3. An individual is in violation of a non-domestic stalking PPO if that individual commits one or more of the following acts which the PPO specifically restrains the individual from:
 - a. Stalking conduct as prohibited by MCL 750.411h or MCL 750.411i; or
 - b. Purchasing or possessing a firearm.
4. Officers responding to a call where the individual enjoined or restrained by a Personal Protection Order has been served shall:
 - a. Verify, via the LEIN or completed proof of service, that the individual restrained or enjoined has been served;
 - b. Conduct a thorough criminal investigation to establish probable cause that a violation of the PPO or a criminal statute has occurred; and
 - c. Arrest the individual for the crimes and violations for which probable cause was established, as provided for by this policy.
5. A PPO takes precedence over any existing custody or parenting time order (MCL 3.706(c)(3)). Officers should enforce the PPO and let the courts resolve conflicts with other orders.
6. Officers responding to a call where the individual enjoined or restrained by a Personal Protection Order has not been served shall pursuant to MCL 600.2950(22) or MCL 600.2950a(19):
 - a. Serve the individual restrained or enjoined with a true copy of the order;
or
 - b. Advise the individual restrained or enjoined of the existence of the Personal Protection Order, the specific conduct enjoined, the penalties of violating this order, and where the individual restrained or enjoined may obtain a copy of the order;
or

- c. Enforce the personal protection order;

The individual must be given an opportunity to comply after service or notice at the scene before the law enforcement officer makes a custodial arrest for violation of this order.

However, the failure to immediately comply shall be grounds for an immediate custodial arrest (MCL 600-2950 and MCL 600.2950a);

- d. Enter, or cause the immediate entry into the LEIN, confirmation that the individual restrained or enjoined has received actual notice of the personal protection order (The original entering agency should immediately modify the LEIN entry to reflect a yes entry on scan line 69; and
- e. File a proof of serve or proof of oral notification with the clerk of the court that issued the PPO (MCL 600.2950(22) or MCL 600.2950a(9)).

Officers and court clerks shall give verbal notice at any time. Verbal notice must include:
1. The existence of the PPO; 2. The specific conduct restrained or enjoined; 3. The penalties for violating the PPO; 4. The location where the individual restrained or enjoined may obtain a copy of the order.

The officer can always serve the person restrained a true copy of the PPO and the LEIN entry can be changed after service at any time, under any circumstances.

An arrest for a violation of a personal protection order (PPO) does not preclude an arrest for the violation of any criminal law.

- 7. If the suspect has left the scene, a reasonable attempt to locate and arrest the suspect shall be made. A description shall be disseminated to other officers and locations known to be frequented by the suspect should be checked. The officer must tell the petitioner that he/she has the legal "right to go to court and file a motion for an order to show cause and a hearing if the abuser is violating or has violated a PPO and has not been arrested". For a complete list of information that must be provided to victims when law enforcement investigates a domestic violence incident see MCL 764.15c.
- 8. A person arrested for violation of a personal protection order shall not be released on bond. The arrested person shall be brought before a circuit court where the violation occurred within 24 hours after the arrest.

The circuit court of each county has jurisdiction to conduct all contempt hearings for violations of any PPO.

- 9. Immediately upon arrest for criminal contempt under MCL 600.2950 or MCL 600.2950a, the arresting agency shall take the person's fingerprints and forward the fingerprints to the Michigan State Police within 72 hours after the arrest (MCL 28.243).

A person who refuses to allow or resists the taking of his or her fingerprints is guilty of a misdemeanor punishable by up to 90 days in jail and/or a fine of not more than \$500.00 (MCL 28.243a).

- 10. Officers shall enforce personal protection orders issued by the court of another state or tribal court consistent with this policy and as if they had been issued by a circuit court of this state. For specific procedures on enforcing foreign protection orders see Section VI.

11. Officers must document their response and investigation. Effective October 1, 2002, an officer shall use the standard domestic violence incident report form. A completed copy of the domestic violence report must be filed with the prosecuting attorney within 48 hours after the incident is reported to the police.(MCL 764.15C).

VI. ENFORCEMENT OF FOREIGN PROTECTION ORDERS

A foreign protection order is an injunction or other order issued by a court of another state, Indian tribe, or United State's territory for the purpose of preventing a person's violent or threatening acts (MCL 600.2950h). It is the officer's responsibility to enforce all valid foreign protection orders.

1. A valid foreign protection order shall be accorded full faith and credit in Michigan courts and is subject to the same enforcement procedures and penalties as if it were issued by a Michigan court (600.2950j).
2. A child custody or support provision found within a valid foreign protection order shall be accorded full faith and credit in Michigan courts and is subject to the same enforcement procedures and penalties as any provision within a Michigan personal protection order (MCL 2950j).
3. Officers responding to a call should arrest an individual enjoined by a foreign protection order in the following circumstances:

If the officer has probable cause to believe:

- a. A valid foreign protection order exists;
 - b. The individual named in the foreign protection order is violating or has violated the order (MCL 764.15b).
4. Officers can determine that a foreign protection order is valid by the following methods:

- a. Facial validity (MCL 600.29501(3))

A law enforcement officer may rely upon a copy of any protection order that appears to be a foreign protection order and that is provided to the officer from any source if the order appears to contain all of the following:

- b. The fact that a foreign protection order that an officer has been shown cannot be verified on LEIN or the NCIC National Protection Order File is not grounds for an officer to refuse to enforce the foreign protection order unless it is apparent to the officer that the foreign protection order is invalid (MCL 600.29501(4)).
- c. Where a copy of the foreign protection order is not available the officer should attempt to verify the existence of the order and the following information through LEIN, the NCIC Protection Order File, administrative messaging, contacting the court that issued the foreign protection order, contacting the law enforcement agency in the issuing jurisdiction, contacting the issuing jurisdiction's protection order registry, or any other method the officer believes to be reliable (MCL 600.29501(5)).
 - i. The names of the parties;
 - ii. The date of the foreign protection order;
 - iii. Terms and conditions against respondent;
 - iv. The name of the issuing court;
 - v. No obvious information that the foreign protection order is invalid.

5. If the officer is able to verify the existence of the foreign protection order and the individual enjoined or restrained by the foreign protection order has been served with or received notice of the order the officer should arrest the individual for the crimes or violations for which probable cause was established (MCL 600.29501(6)).
6. If there is no evidence that the individual has been served with or has received notice of the foreign protection order, the officer shall (MCL 600.29501(9)):
 - a. Serve the individual with a copy of the foreign protection order; or
 - b. Advise the individual about the existence of the foreign protection order, the name of the issuing court, the specific conduct enjoined, the penalties for violating the order in Michigan, and, if the officer is aware of the penalties in the issuing jurisdiction, the penalties for violating the order in the issuing jurisdiction; and
 - c. Enforce the foreign protection order;

The individual must be given an opportunity to comply with the foreign protection order after service or notice at the scene before the law enforcement officer makes a custodial arrest for violation of the order.

However, the failure to comply immediately with the foreign protection order is grounds for immediate custodial arrest (MCL 600.29501(9)).

- d. Provide the petitioner with proof of service or proof of oral notice;
 - e. Provide the issuing court with a proof of service or proof of oral notice, if the address of the issuing court is apparent on the face of the foreign protection order or otherwise is readily available to the officer;
 - f. If the foreign protection order is entered into LEIN or the NCIC Protection Order File, the officer shall provide LEIN or NCIC with proof of oral notice.
7. A person arrested for violation of a foreign protection order shall not be released on bond. The arrested person shall be brought before a circuit court where the violation occurred within 24 hours after the arrest (MCL 764.15b).
 8. Immediately upon arrest for criminal contempt under MCL 600.29501, the arresting agency shall take the person's fingerprints and forward the prints to the Michigan State Police within 72 hours after the arrest (MCL 28.243).

A person who refuses to allow or resists the taking of his or her fingerprints is guilty of a misdemeanor punishable by up to 90 days in jail and/or a fine of not more than \$500.00 (MCL 28.243a).
 9. If a person seeking enforcement of a foreign protection order does not have a copy of the foreign protection order, and the officer cannot verify the order, the officer shall maintain the peace and take action with regard to any violation of criminal law. (MCL 600.29501(7)).
 10. Officers must document their response and investigation. Effective October 1, 2002, an officer shall use the standard domestic violence incident report form.

A completed copy of the Domestic Violence Incident Report must be filed with the prosecuting attorney within 48 hours after the incident is reported to the police. (MCL 764.15c).

11. Law enforcement officers acting in good faith are immune from civil and criminal liability in any action arising from the enforcement of a foreign protection order (MCL 600.29501(10)).
12. A person who violates a foreign protection order that is a conditional release order or a probation order issued by a court in a criminal proceeding is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of \$500.00 or both (MCL 600.2950m).
 - a. If officers have probable cause of a violation they should arrest the individual without a warrant (MCL 764.15g).
 - b. Officers should immediately upon the arrest of the individual take the person's fingerprints and forward them to the Michigan State Police within 72 hours after the arrest (MCL 28.243).
 - c. Officers should complete a standardized Domestic Violence Incident Report and provide required victim information (MCL 764.15c and MCL 780.753).

VII. ENFORCEMENT OF A PERSONAL PROTECTION ORDER ISSUED AGAINST A JUVENILE WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT

Persons between the ages of 10 and 17 may also have a Personal Protection Order issued against them. Enforcement proceedings against a minor for violation of a personal protection order or valid foreign protection order are not considered criminal proceedings according to the Probate Code of 1939 (MCL 712A.1). Contempt proceedings for the enforcement of minor personal protection orders where the respondent is under 18 years of age are governed by MCR 5.982-5.989.

If the minor is under the age of 17 at the time of the violation the minor is subject to the dispositional alternatives founds in the probate code at MCL 712A.18. If the minor is 17 or older at the time of the violation the minor is subject to the adult penalty for criminal contempt of up to 93 days in jail and/or a \$500.00 fine (MCL 600.2950(23) and MCL 600.2950a(20)).

If the minor is 17 or older and found guilty of criminal contempt of court, the court may order the minor to reimburse the state or local unit of government for enforcement expenses, including wages and expenses for law enforcement and prosecutors (MCL 769.1f).

1. Any request for court action against a minor for enforcement of a personal protection order must be in writing by means of a supplemental petition. The supplemental petition must contain a specific description of the facts constituting the violation. A law enforcement officer may submit a supplemental petition to the court (MCL 5.982(C)).
2. Upon filing of the supplemental petition the court may issue an order authorizing a peace officer or other person designated by the court to apprehend the minor (MCR 5.983(A)).
3. The court order to apprehend the minor may include authorization to:
 - a. Enter specified premises for purposes of bringing the minor to court, and
 - b. Detain the minor if it appears there is substantial likelihood of retaliation or continued violation.
4. Pursuant to MCL 712A.14 any local police officer, sheriff, deputy sheriff, state police officer, county agent, or probation officer of any court of record may, *without the order of the court*, immediately take into custody any minor for whom there is reasonable cause to believe is violating or has violated
 - a. A personal protection order
 - b. A valid foreign protection order.

5. If the minor is taken into custody, with or without a court order, the officer shall immediately attempt to notify the parent(s), guardian or custodian, a child under the age of 17 shall not be held in any detention facility unless the child is completely isolated so as to prevent any verbal, visual or physical contact with any adult prisoner (MCL 712A.14 and MCR 5.984).
6. Unless the child requires immediate detention, the officer shall accept the written promise of the parent(s), guardian, or custodian, to bring the child to the court at a fixed time. The child shall then be released to the custody of the parent(s), guardian, or custodian (MCL 712A.14 and MCR 5.984). Immediate detention may be required where there is substantial likelihood of retaliation or violation by the minor.
7. If the child is not immediately released to the parent(s), guardian, or custodian, the child or his or her parent(s), guardian, or custodian, if they can be located, shall immediately be brought before the court for a preliminary hearing on the status of the child, and an order signed by a judge of probate or referee authorizing the filing of a complaint shall be entered or the child shall be released to his or her parent(s), guardian, or custodian (MCL 712A.14).
8. If a minor is apprehended for violation of a personal protection order or a foreign protection order in a jurisdiction other than where the order was issued, the apprehending jurisdiction may notify the issuing jurisdiction that it may request the minor be returned to the issuing jurisdiction for enforcement proceedings (MCR 5.984(E)).
9. Immediately upon apprehension for violation of a personal protection order, the apprehending agency shall take the minor's fingerprints and forward the fingerprints to the Michigan State Police within 72 hours of the arrest (MCL 28.243).
10. When an apprehension is made for violation of a personal protection order or foreign protection order against a minor, officers should investigate and pursue a petition for any new violation of any criminal law.

VIII. ENFORCEMENT OF A CONDITIONAL RELEASE ORDER (CONDITIONAL BOND)

1. Officers responding to a scene of domestic violence should arrest the person without a warrant when the officers have probable cause to believe that a person is violating or has violated a conditional release order (conditional bond) imposed under MCL 765.6b.
2. When an officer makes an arrest for violation of a conditional release order, the officer shall prepare a "Complaint of Violation of Conditional Release" as required by MCL 764.15e containing:
 - a. The officer's name and badge number
 - b. A statement of verification of the order;
 - c. A statement of conditions of release, and
3. If the arrest occurred within the jurisdiction of the court that imposed the conditions of release, the officer shall:
 - a. Immediately provide the original and one copy of the complaint to the court;
 - b. Immediately provide one copy of the complaint to:
 - i. The assailant; and
 - ii. The prosecuting attorney for the case in which the conditional release was granted;

- c. Retain one copy of the complaint; and
 - d. Bring the assailant before that court within one business day following the arrest (MCL 764.15e(2)(b)(i)-(ii)).
4. If the arrest occurred outside the jurisdiction of the court that imposed the conditions of release, the officer shall:
 - a. Immediately provide the original and one copy of the complaint to the district or municipal court where the violation occurred;
 - b. Immediately provide one copy of the complaint to the violator;
 - c. Retain one copy of the complaint; and
 - d. Bring the violator before the district or municipal court within one business day following the assailant's arrest. The court shall determine conditions of release and promptly transfer the case to the court that released the violator subject to conditions (MCL 764.15e(2)(c)(i)-(ii)).
5. Officers should document the violation and state any reasons why it is not safe to release the violator on interim bond before the violator is brought before the court.
6. The arresting agency or officer in charge of the jail shall make a determination whether it is safe to release the violator before the assailant is brought before the court.
7. If the violator is to be held for more than twenty-four hours without being brought before the court, the officer in charge of the jail shall note in the jail records the reason it was not safe to release the violator on interim bond.
8. If it is determined that it is safe, the assailant may be released on interim bond of not more than \$500.00 requiring the assailant to appear at the opening of court the next business day.
9. A person who violates a foreign protection order that is a conditional release order or a probation order issued by a court in a criminal proceeding is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of \$500.00 or both (MCL 6002950). Therefore, following a warrantless arrest, a warrant request should be submitted to the prosecutor.

IX. NOTICE OF VICTIM'S RIGHTS

After conducting a thorough criminal investigation at a domestic violence scene, officers shall provide the victim with a written notice of rights that include all of the following (MCL 764.15c):

The name and telephone number of the responding police agency.
 The name and badge number of the responding officer.

The following statement:

You may obtain a copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided.

The domestic violence shelter program and other resources in your area are Rave at 1-800-720-7233 or 1-616-527-3351, and Crime Victim Services at 1-616-527-8226.

Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources.

Your legal rights include the right to go to court and file a petition requesting a personal protection order to protect you or other members of your household from domestic abuse which could include the following:

- a. An order restraining or enjoining the abuser from entering onto premises.
- b. An order restraining or enjoining the abuser from assaulting, attacking, beating, molesting, or wounding you.
- c. An order restraining or enjoining the abuser from threatening to kill or physically injure you or another person.
- d. An order restraining or enjoining the abuser from removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- e. An order restraining or enjoining the abuser from engaging in stalking behavior.
- f. An order restraining or enjoining the abuser from purchasing or possessing a firearm.
- g. An order restraining or enjoining the abuser from interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
- h. An order restraining or enjoining the abuser from interfering with you at your place of employment or education or engaging in conduct that impairs your employment relationship or your employment or education environment.
- i. An order restraining or enjoining the abuser from having access to information in records concerning any minor child you have with the abuser, that would inform the abuser about your address, telephone number, or your employment address.

An order restraining or enjoining the abuser from engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes reasonable apprehension of violence.

Your legal rights also include the right to go to court and file a motion for an order to show cause and a hearing if the abuser is violating or has violated a personal protection order and has not been arrested.

X. POLICY IF NO ARREST CAN BE MADE

1. Officers should not leave any domestic violence scene until the scene has been calmed and the immediate safety of all parties has been provided for.
2. Officers must provide or arrange for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter or remaining at the scene of an alleged incident of domestic violence for a reasonable time until, in the judgment of the officer, the likelihood of further imminent violence has been eliminated (MCL 776.22(3)(g)).
3. Officers should assess the lethality of the situation by considering indicators of a life threatening attack such as the assailant has:

Threatened to kill;
Threatened to take the victim hostage;
Threatened the children;
Threatened to use or has used a weapon;
Killed or mutilated a pet;

Knowledge that the victim is leaving or filing for divorce;
Access to weapons;
A history of weapons use;
A history of domestic violence;
A history of assaultive behavior;
Engaged in stalking behavior;
Access to the victim and/or the victim's family;
Threatened suicide; or
An alcohol or drug addiction.

4. Temporary separation can be suggested in these situations. Officers should encourage one party to leave, providing protection while essential property is collected in preparation for leaving, and providing assistance with transportation whenever possible. Officers shall provide the victim with a Rights Notice as required by MCL 764.15c.
5. Officers shall prepare a written Domestic Violence Report whenever they investigate a domestic violence incident. Effective October 1, 2002, an officer shall use the standard Domestic Violence Incident Report Form (MCL 764.15c(2)).
6. The responding law enforcement agency shall retain the completed Domestic Violence Report in its files. The law enforcement agency shall also file a copy of the completed Domestic Violence Report with the prosecuting attorney within 48 hours (MCL 764.15c(3)).

XI. REPORT WRITING

1. Officers shall prepare a written Domestic Violence Report after investigating or intervening in a domestic violence incident. Effective October 1, 2002, officers shall use a standardized reporting form (MCL 794.15c). See appendix for a copy of this form. Domestic violence incident means an incident reported to law enforcement involving allegations of a crime or violation of a personal protection order or foreign protection order regardless whether an arrest was made.
2. The report shall contain, but is not limited to containing, all of the following (MCL 764.15c):

The address, date and time of the incident.

The victim's name, address, home and work telephone numbers, race, sex, and date of birth.

The assailant's name, address, home and work telephone numbers, race, sex, date of birth and information describing the assailant and whether an injunction or restraining order covering the assailant exists.

The name, address, home and work telephone numbers, race, sex, date of birth of any witness, including a child of the victim or assailant, and the relationship of the witness to the assailant or victim.

The name of the person who called the law enforcement agency, and their relationship to the victim or assailant.

Whether alcohol or controlled substance use was involved in the incident, and by whom.

A brief narrative about the call and the crime scene, describing:

- a. The incident and what led to it;
- b. Whether and how many times the assailant physically assaulted the victim;
- c. Any weapon or object used;
- d. All injuries sustained by the victim and an explanation of how the injuries were sustained;
- e. If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic and the name and telephone number of the attending physician; and
- f. Any property damage reported by the victim or evident at the scene.

A description of any previous domestic violence incidents between the victim and the assailant, including information from other states, the dates and locations.

The date and time of the report, and the name, badge number, and signature of the officer completing the report.

3. Officers should document the factors of lethality identified during the investigation.
4. The responding law enforcement agency shall retain the completed Domestic Violence Report in its files. The law enforcement agency shall also file a copy of the completed Domestic Violence Report with the prosecuting attorney within 48 hours (MCL 764.15c).
5. If factors related to domestic violence are alleged, reasons for the probable cause determination which was made shall be stated whether or not a crime has been committed or an arrest has been made.
6. Whether probable cause exists but no arrest was made, a written incident report documenting the reasons no arrest was made shall be prepared.
7. If the victim leaves the scene, the confidentiality of the victim's location shall be maintained.

XII. BONDING POLICY

1. A person arrested without a warrant under the authority of MCL 764.15a or a substantially corresponding local ordinance for a misdemeanor assault, assault and battery, or aggravated assault shall not be released on an interim bond or on recognizance.
2. A person arrested with a warrant for assault, assault and battery, aggravated assault or a substantially corresponding local ordinance where the victim is a spouse, former spouse, a person who resides or has resided in the same household, a person who has or has had a dating relationship, or a person with a child in common shall not be released on an interim bond or recognizance.
3. A person arrested for violating a Personal Protection Order (PPO) or Foreign Protection Order under the authority of MCL 764.15b shall not be released on interim bond or personal recognizance. The suspect shall be brought before the court in accordance with this policy.

4. The arresting officer should completely document the incident to ensure that all necessary information is available to the prosecutor and court to ensure appropriate conditions of release are set.

XIII. VICTIM ASSISTANCE

Information to be given to the victim

Within 24 hours after the initial contact between the victim of a reported crime and the investigating law enforcement agency, the agency shall give to the victim the following information in writing (MCL 780.753);

- a. The availability of emergency and medical services, if applicable.
- b. The availability of victim's compensation benefits and the address of the Crime Victims Compensation Board.
- c. The address and telephone number of the prosecutor whom the victim should contact for victim's right information.
- d. The following statements:

"If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call the Portland Police Department at 1-517-647-2934 and inform them."

"If you are not notified of an arrest in your case, you may call this law enforcement agency at 1-517-647-2934 for the status of the case."

Victim Assistance When an Arrest Is Made

1. Officers must provide or arrange for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter or remaining at the scene of an alleged incident of domestic violence for a reasonable time until, in the reasonable judgment of the police officer, the likelihood of further imminent violence has been eliminated (MCL 776.22(3)(g)).
2. Officers should not leave any domestic violence scene until the scene has been calmed and the immediate safety of all parties has been provided for.
3. Officers shall provide all victims of domestic violence with Notice of Rights information as required (MCL 764.15c). This information must be provided whether or not an arrest was made. (See Notice of Victim's Rights in Section IX of this policy.)
4. Officers should explain the Notice of Rights information to the victim. Contact should be made with an advocate at the local domestic violence service program whenever possible.

Victim Assistance If No Immediate Arrest Could Be Made

1. If the assailant is gone when officers arrive, they should discuss a safety plan with the victim for when the assailant returns. Officers should encourage the victim to call the police if the assailant returns.

2. Officers should facilitate the victim's immediate contact with a domestic violence service program whenever possible.
3. Officers shall provide all victims of domestic violence with Notice of Rights information as required. This information must be provided when an arrest has not been made. (MCL 764.15c)
4. Officers should explain the Notice of Rights information to the victim.
5. If the assailant is still present and an arrest cannot be made, officers should assess the lethality of the situation by considering all indicators of a life-threatening situation. (See Section X, part 3)
6. Officers should encourage separation when indicators of lethality are identified and provide or arrange for transportation to assist one party in leaving whenever possible.

XIV. SUPERVISION

Supervisory Review

1. All responses to a domestic violence shall be reviewed for compliance with this policy.
2. When a dual arrest is made, the probable cause for each arrest shall be reviewed by the supervisor to ensure that the intent of the law and this policy was followed.

Note: Dual arrests are discouraged. MCL 776.22(3)(b)(ii) provides that officers, when determining whether to make an arrest of 1 or more individuals, should consider the intent of the law to protect victims of domestic violence, the degree of injury inflicted on the individuals involved, the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household, and any history of domestic violence between the individuals. The officer should not arrest an individual if the officer has reasonable cause to believe the individual was acting in lawful self-defense or in lawful defense of another individual.

Supervisory Enforcement

1. Supervisors shall provide feedback to officers to reinforce the intent of this policy.
2. A supervisor finding violations of the policy shall discipline for noncompliance with the policy (MCL 776.22(3)(k)).

Agency Personnel Requirements

1. It is the policy of this Department to require officers who are enjoined by a Personal Protection Order to advise the agency administrator or a designee of the existence of such an order and the prohibitions contained in the order.
2. Agencies should develop a policy addressing what action should be taken regarding officers who are prohibited by a Personal Protection Order from possessing a firearm.
3. Agencies should conduct an investigation to determine what action should be taken regarding officers who are subject to a Personal Protection Order that does not contain a specific prohibition on the possession of a firearm.

4. MCL 28.422b requires the Department of State Police to send written notice to a person who is the subject of the PPO that they are prohibited from purchasing a pistol or obtaining a license to carry a pistol concealed. This notice shall not be sent until the department has received notice that the person who is subject to the PPO has been served with or has received notice of the PPO.
5. 18 U.S.C. Sec 922g. makes it unlawful for any person convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess or receive firearms or ammunition.
6. Law enforcement agencies must prohibit the transfer of weapons and ammunition to individuals affected by 18 U.S.C. Sec 922g. as defined in Sec. 658.
7. Federal law also provides that persons who are subject to court orders restraining them from abusing an intimate partner may not purchase or possess firearms or ammunition. 18 U.S.C. 922(g)(8).

XV. TRAINING

Initial Training

1. All affected agency personnel including officers and supervisors, shall be trained to follow this policy. The training must be sufficient to ensure an understanding of the provisions of this policy (MCL 776.22).
2. All affected agency personnel including officers and supervisors, shall be given a copy of this policy and shall be responsible for knowing, understanding, and complying with the provisions of the policy.

Ongoing Training

Ongoing training, supervision and accountability are essential for minimizing the risk of liability.

- A. POLICY REVIEW TRAINING SHALL BE SUFFICIENT TO CREATE AN UNDERSTANDING AND RETENTION OF THE REQUIREMENTS OF THIS POLICY, PERSONNEL SHALL BE ABLE TO PROPERLY ARTICULATE THIS POLICY ON THE WITNESS STAND IN COURT.
- B. A REVIEW OF TRAINING SHOULD INCLUDE ALL AFFECTED AGENCY PERSONNEL, INCLUDING OFFICERS, DISPATCHERS AND SUPERVISORS. MCL 776.22.

XVI. EVALUATION AND DATA COLLECTION

Evaluation

1. The evaluation goal of this policy is to ensure 100% compliance with the provisions of this policy.
2. The policy shall be monitored and reviewed annually to determine compliance and the need for modification. The Chief of Police or his/her designee shall have responsibility for conducting this review.
3. Training needs should be identified as a result of data evaluation and policy review.

Data Collection

1. Data should be collected to enable measurement and evaluation of this policy's effectiveness in meeting its goals.
2. A separate incident number shall be assigned to each domestic violence response dispatched.
3. Effective October 1, 2002, Police Chiefs and Sheriffs shall report to the Michigan State Police, in a manner prescribed by the department, the number of domestic violence incidents reported (MCL 28.257).

XVII. MANDATED WRITTEN DOMESTIC VIOLENCE RESPONSE POLICY

1. Each police agency in this state shall, by January 1, 1995, develop, adopt, and implement written policies for police officers responding to domestic violence calls.
2. The policies shall reflect that domestic violence is criminal conduct.
3. Police agencies shall consult with the prosecuting attorney and with an area shelter for victims of domestic violence in the development, implementation, including training, and evaluation of policies.
4. The policies must include, but are not limited to, procedures for:
 - a. Conducting a criminal investigation;
 - b. Making a criminal arrest;
 - c. Denial of interim bond;
 - d. Verifying a Personal Protection Order (PPO);
 - e. Making an arrest for violation of a personal protection order (PPO) or foreign protection order;
 - f. Providing or arranging for emergency assistance to victims;
 - g. Informing the victim of community services and legal options;
 - h. Preparing a written report;
 - i. Training of peace officers, dispatchers, and supervisors;
 - j. Discipline for noncompliance with the policy; and
 - k. Annual evaluations of the policy.
5. The local policies developed, adopted and implemented pursuant to this section shall be in writing and shall be available to the public upon request (MCL 776.22).

APPENDIX

August 2002

IMPLEMENTING THE STANDARD DOMESTIC RELATIONSHIP INCIDENT REPORT FORM IN YOUR COMMUNITY

Effective October 1, 2002, the enclosed *State of Michigan Standard Domestic Relationship Incident Report Form*, developed by MSP, or a "substantially similar form," must be used by all law enforcement officers to report a domestic violence incident. See 2001 PA 207, amending MCL 764.15c.

Circumstances under which the Standard Report Form Must be Used: "Domestic Violence Incident"
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The standard domestic relationship incident report form, or a substantially similar form, must be used by an officer *after investigating or intervening in a domestic violence incident*. MCL 764.15c(2). "Domestic violence incident" means an incident reported to a law enforcement agency involving

- *Allegations of a violation of a domestic relationship PPO; or*
- *Allegations of a violation of a foreign protection order; or*
- *Allegations of any crime committed by an individual against a person with whom the individual has a domestic relationship: i.e., spouse, former spouse, person with whom he/she has or has had a dating relationship, person who resides or has resided in same household.* MCL 764.15c(5).

The law enforcement agency shall retain the completed domestic relationship incident report in its files. The law enforcement agency also shall file a copy of the completed domestic relationship incident report with the prosecuting attorney within 48 hours after the domestic violence incident is reported to the law enforcement agency. MCL 765.15c(3)

Local Implementation: Duplication of Reports is Not Required

Local implementation of the requirement to use the standard domestic relationship incident report form, or a substantially similar form, will vary depending upon the reporting practices of the local law enforcement agency. Officers are not expected, for example, to list witnesses on two different forms, or write narratives for two different forms. The bottom line, however, is that *all of the information I the State of Michigan Standard Domestic Relationship Incident Report Form* must be captured by the responding law enforcement officer and provided to the prosecutor. This may be accomplished in a variety of ways.

- Some law enforcement agencies may use *the State of Michigan Standard Domestic Relationship Incident Report Form* as a replacement for the incident report form used by officers responding to domestic violence incidents.
- Some law enforcement agencies, to accommodate computer formatting, may use the agency's usual incident report form as the "cover sheet" for domestic violence incidents, and attach the *State of Michigan Standard Domestic Relationship Incident Report Form* as a supplement.
- Some law enforcement agencies may work with the local prosecutor to devise a domestic relationship incident report form supplement to the agency's usual incident report form, as long as the domestic relationship incident report form supplement, together with the agency's usual incident report form, capture and provide to the prosecutor *all of the information in the State of Michigan Standard Domestic Relationship Incident Report Form*.

Prosecutor's Role in Local Implementation

Prosecutors are encouraged to take the lead in their counties to assist law enforcement agencies to comply with this important reporting requirement. Prosecutors are uniquely situated in their communities to provide the leadership and direction necessary for consistent implementation of this reporting requirement in each of Michigan's counties.

Purpose of the Standard Domestic Relationship Incident Report Form

Each year in Michigan scores of domestic violence victims are murdered by their abusers. Thousands more suffer physical violence, sexual violence, home invasion, property damage, stalking, or other criminal violations perpetrated by their abusers. Abusers escape accountability for the crimes and victims are not adequately protected when the prosecutor does not have the information and evidence necessary to effectively proceed with the prosecution.

The *State of Michigan Standard Domestic Relationship Incident Report Form* is designed to assist law enforcement officers to conduct thorough investigations and report information necessary for successful prosecution of domestic violence cases.

By providing prompts, checklists, diagrams, and other aids, the standard report form will promote improved, effective, and consistent criminal justice system response to domestic violence in Michigan in the following areas:

Arrest Decisions

Thorough investigations are necessary to avoid unlawful arrests of persons acting in lawful self-defense, or lawful defense of another individual, and to prevent inappropriate dual arrests. Michigan's domestic violence laws provide that an officer shall not arrest an individual if the officer has reasonable cause to believe the individual was acting in lawful self-defense or in lawful defense of another individual. MCL 776.23. Michigan's domestic violence laws further provide that when an officer has probable cause to believe individuals who share a domestic relationship have committed crimes against each other, the officer shall determine whether to arrest one of both individuals by considering the intent of the law to protect victims of domestic violence, the degree of injury inflicted, the extent of the individual's fear of injury to themselves or other members of the household, and any history of domestic violence between the individuals. MCL 776.23. The narrative checklist, victim/suspect injuries diagrams, evidence checklist, risk factor checklist, and prior domestic violence history checklist, will facilitate the officer's appropriate assessment of whether an individual has acted in lawful self-defense, or lawful defense of another, or whether the legal criteria for a dual arrest are satisfied.

Warrant Issuance

Prosecutors deny warrant requests when the information and evidence presented are not adequate to proceed with prosecution. Incident reports containing the information prompted by the narrative checklist, evidence checklist, medical information checklists, prior domestic violence checklist, victim/suspect injuries diagrams, and risk factor checklist will enable prosecutors to charge offenders without unnecessary delay.

Charging Decisions

Prosecutors charge repeat offenders as first offenders if prosecutors are unaware of prior convictions. The prior domestic violence history checklist will alert prosecutors to look for prior convictions that can be used as the basis for charging crimes that carry enhanced penalties for repeat offenders. The narrative checklist and evidence checklist will provide prosecutors with information that may support charges for crimes such as malicious destruction of property; stalking; obstruction of justice; preventing, obstructing, or delaying telephone communications (MCL 750.540); preventing, retaliating for, or interfering with crime report (MCL 750.483a); posting communications that promote violent or harassing conduct (MCL 750.411s), and other offenses commonly committed by perpetrators of domestic violence.

Evidence-Based Prosecution

As you are aware, victims of domestic violence crimes often are unwilling to participate in the prosecution of their abusers for safety and other reasons. Domestic violence crimes are successfully prosecuted in many jurisdictions in Michigan, even when the victim of the crime is unwilling to participate in the prosecution. When the case is carefully and thoroughly investigated, reported, prepared, and presented, juries in Michigan do convict, even when the victim recants or fails to appear. Michigan's higher courts have upheld these convictions. The Michigan Court of Appeals also has made it clear that the prosecutor has the authority to proceed with such prosecutions because the crimes are offenses against the state and the prosecution is for the public good. See *People v. Morrow*, 214 Mich App 158 (1995) and *People v. Williams*, 244 Mich App 249 (2001).

Use of the *State of Michigan Standard Domestic Relationship Incident Report Form* will provide prosecutors with information and evidence necessary for successful evidence-based prosecution, even when the victim is unwilling to participate in the prosecution. Such information and

evidence includes additional witnesses, admissible hearsay and foundations for admissibility, photographs, 911 disks, medical evidence, defendant's admissions, MRE 404(b) other acts evidence, and expert witness testimony.

The Prosecuting Attorneys Association of Michigan (PAAM) provides specialized training and assistance for prosecutors handling domestic violence cases. Instruction and demonstration are provided in voir dire, motion practice, examination of witnesses, use of expert witnesses, opening and closing arguments, and trial strategy for domestic violence cases. Prosecutors are encouraged to contact PAAM for information about these programs and assistance with evidence-based prosecution of domestic violence cases at telephone (517) 334-6060.

Implementation of New Laws

The *State of Michigan Standard Domestic Relationship Incident Report Form* prompts officers to report information necessary for full implementation of new domestic violence laws, including the following:

Out-of-state convictions can be used to enhance penalties for domestic assault/battery and domestic aggravated assault. 2001 PA 190, amending MCL 750.81, 81a.

Dating and former dating relationships are included in domestic relationships for purposes of enhanced penalties for repeat offenders, 2001 PA 190, amending MCL 750.81, 81a; prohibition against issuance of appearance tickets, 2001 PA 208, amending MCL 764.9c; deferral of adjudication of guilt, 2001 PA 208, amending MCL 769.4a; and denial of interim bond, 2001 PA 198, amending MCL 780.582a.

Violation in Michigan of a bond order with protective conditions or a probation order with protective conditions, issued by the criminal court of another state, Indian tribe, or U.S. territory, is a 93 days misdemeanor. 2001 PA 917, adding MCL 600.2950m; 2001 PA 212, amending MCL 764.15.

Civil protection orders issued by other states, Indian tribes, or U.S. territories, that are violated in Michigan, are to be enforced using Michigan PPO enforcement procedures and penalties. 2001 PA 206, adding MCL 600.2950h-k; 2001 PA 209, amending MCL 764.15b; 2001 PA 211, amending MCL 712A.1 et. Seq.; 2001 PA 202, amending MCL 600.2529.

Law enforcement agencies must report data to the Michigan State Police, and they in turn must collect data for reports of all crimes where the victim/offender relationship is a domestic relationship. 2001 PA 191, amending MCL 28.257.

Bond Decisions

Information contained in the risk factor checklist, prior domestic violence history checklist, narrative checklist, evidence checklist, and alcohol/controlled substance checklist will assist prosecutors to recommend, and courts to make, bond determinations that protect the safety of the public, including the victim.

Compliance with Victim Assistance Laws

The victim assistance checklist prompts officers to provide domestic violence victims with the information and referrals required under MCL 764.15c.

Compliance with Report Writing Laws

For several years, Michigan law has required law enforcement officers responding to domestic violence incidents to include in their incident reports specific information delineated in MCL 764.15c. Compliance with the report writing requirements is inconsistent throughout the state.

The *State of Michigan Standard Domestic Relationship Incident Report Form* contains prompts for all information required under MCL 764.15c and therefore will assist law enforcement officers to report information mandated by law.

Reduce Liability Exposure of Law Enforcement Agencies and Officers

Consistent and proper utilization of the standard domestic relationship incident report form demonstrates an agency's and an individual officer's compliance with investigation and reporting standards and policies, reducing exposure to liability, including agency and an individual administrator's liability for failure to institute, promulgate, publish, and enforce domestic violence policy.

Referrals to Federal Authorities

Information regarding court orders and prior domestic violence incidents from other states and tribal jurisdictions will alert prosecutors about potential federal prosecution for federal domestic violence crimes. Local prosecutors may consider referrals/consultation with federal authorities regarding federal offenses such as Interstate Domestic Violence, 18 U.S.C. Sec. 2261(a); Interstate Violation of a Protection Order, 18 U.S.C. Sec. 2262(a); Possession of Firearm After Misdemeanor Domestic Violence Conviction, 18 U.S.C. Sec. 922(g)(9); and Possession of Firearm While Subject to a Protection Order, 18 U.S.C. Sec. 922(g)(8).

Consistent compliance with the requirement to use the *State of Michigan Standard Domestic Relationship Incident Report Form*, or a substantially similar form, will assist you, and the criminal justice system throughout Michigan, to more effectively provide accountability for perpetrators of domestic violence, and safety and stability for the victims.

Stephen D Madden, Col.
Director
Michigan Department of State Police

James A. Fink
Chair
*Michigan Domestic Violence
Prevention and Treatment Board*

Raymond W. Beach, Jr.
Executive Director
*Michigan Commission on
Law Enforcement Standards*

Joseph K. Sheeran
President
*Prosecuting Attorneys
Association of Michigan*

**Portland Police Department
Juvenile Handling and Detention
General Order No. 14**

I. SCOPE

This order shall apply in every case to all sworn Portland Police Department personnel.

II. PURPOSE

To establish procedures for the handling, detention, custody and release of juveniles who come into contact with this department.

III. APPLICATION

This order constitutes Department policy, and is not intended to enlarge the employer's or employees' civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense with respect to the third party claims insofar as the employer's or employee's legal duty as imposed by law.

Noncompliance with this policy constitutes a violation of an employee's duty only, except in cases as any non-compliance is also a violation of the laws of the State of Michigan. Therefore, violations of this policy shall only form the basis of disciplinary action within the Department.

In the event that a violation of the duties imposed by this policy also constitutes a breach of the duties imposed by law, nothing herein shall be construed to relieve one from that legal duty or from any action from a breach of that legal duty.

IV. DEFINITIONS

A. "*Custodian*" A responsible adult given authority, by the parents or legal guardian, for the care or custody of a juvenile. In exigent circumstances, juveniles may be released into the custody of a responsible adult willing to accept responsibility for their care and custody until their parents or guardians can be located or contacted. Where possible, this adult should have a standing relationship with the family; for example, an adult sibling, a grandparent, an aunt or uncle, a close friend, neighbor or school authority or adult listed in the School District Emergency Contact Form.

B. "*Juvenile*" In accordance with Michigan law, a juvenile is any individual under the age of 17.

- C. *"Juvenile Delinquent"* Any juvenile who commits an offense that would be a criminal act if committed by an adult (felony or misdemeanor) is referred to as a delinquent. However, legally, a juvenile is not considered a delinquent unless adjudicated as such by a court.
- D. *"Juvenile Victims of Abuse and Neglect"* Juveniles that come into contact with law enforcement officials or the juvenile justice system because of actions or inactions taken against them by another adult or juvenile. They are involved in the system because of their need for protection and they are classified as non-offenders.
- E. *"Secure Detention"* when a juvenile is physically detained or confined in a locked room or other area designed for securely detaining persons in custody. This includes handcuffing a juvenile to a cuffing rail or any stationary object.
- F. *"Status Offense"* any violation of Michigan or local law, which is specifically applicable only to juveniles and would not be a crime if committed by an adult. Examples include but are not limited to:
- Curfew Violations
 - Runaways
 - Truants

V. LEGAL AUTHORITY

Authority for taking a juvenile offender into custody is provided by MCL 712A.14 (1). This law gives law enforcement officers authority to take into custody a juvenile who is found violating the law.

- A. Standards for arresting an adult without a warrant shall be used when taking a juvenile into custody without a court order.
- B. Officers shall take the appropriate safety precautions when taking a juvenile offender into custody.
- C. The law authorizes the arrest of a juvenile offender with or without a warrant while he/she is attending school. Officers are cautioned to exercise care when determining whether the ends of justice are best served by such an arrest or removal from school.

VI. STATUS OFFENDERS

- A. A juvenile **may not** be placed in secure detention if:
1. the juvenile has been taken into custody only for a status offense.
 2. the juvenile has been taken into protective custody as a victim of abuse or neglect.

- B. Officers are authorized to apprehend juvenile status offenders. However, they **shall not** be placed in secure detention/facilities.
1. The juvenile status offender, who is to be detained pending release or disposition, may be confined to a staff supervised room separate from areas restricted to holding and detention of adult offenders. A staff member in an unlocked room with a juvenile does not constitute secure detention.
 2. Secure detention includes the lock-up, any locked room, or being handcuffed to an immovable object.
- C. Status offenders **shall not** be placed in a juvenile detention facility unless the juvenile is under the jurisdiction of the Probate Court for a criminal offense, or the court finds that the juvenile willfully violated a court order.
- D. Laws prohibit secure detention of a status offender in an adult jail, police station or lock-up unless the juvenile is already under the jurisdiction of the court for an offense which, if committed by an adult, would be a felony.
1. Status offenders and juvenile victims of abuse or neglect that are brought into the department **shall** be placed in an area that is separate from any prisoner that may be in custody.
 2. Status offenders and juvenile victims of abuse or neglect **cannot** be placed in secure detention. The moment they are placed in a locked setting, there is a violation of the law.
 3. Juveniles taken into custody as status offenders who are under the court's jurisdiction for a misdemeanor offense may be placed in a secure detention if it is the least restrictive alternative available, but they may not be jailed.
 4. While being transported, juveniles may be restrained only to themselves. This procedure does not constitute "secure detention".

VII. JUVENILE VICTIMS OF ABUSE AND NEGLECT

- A. Officers who become aware of circumstances involving the abuse and neglect of juveniles have legal authority to take them into protective custody in order to safeguard their health, safety and welfare. Probate Court shall be notified so they may conduct a preliminary hearing.
- B. Department of Human Services form 3200 shall be completed:
1. whenever an officer discovers, investigates, or encounters cases of possible abuse or neglect,
 2. when a juvenile believed to be a victim of abuse or neglect is taken into protective custody,

3. with other required incident reports as soon practicable, and forwarded to DHS within 24 hours.
- C. Juveniles brought into custody in cases of abuse or neglect shall be treated with compassion and be made as comfortable as possible pending a disposition of their status.
- D. All directives detailed in this policy regarding the detention of juvenile status offenders are applicable to juveniles placed into protective custody. Wherever possible, special consideration and attention should be afforded juvenile victims of abuse or neglect.
- E. Employees are prohibited from releasing the identity of the person reporting child abuse or neglect, except to the Prosecuting Attorney and DHS.

VIII. SIGHT AND SOUND SEPARATION

- A. Federal and Michigan law requires juveniles be completely separated from adult prisoners by sight and sound. This procedure applies at all times and to all areas of the department. The juvenile offender shall be separated by sight and sound from adult offenders. This includes transportation, interrogation and processing.

IX. SECURED DETENTION

- A. A juvenile offender may only be placed in secure detention when:
 1. they have been apprehended for an offense that is so dangerous that it would endanger public safety.
 2. they may not be otherwise safely detained (exigent circumstance).
 3. an order from the Probate Court is received.
 4. they have committed violent crimes against persons.
- B. If a juvenile offender is placed in secure detention, the following guidelines shall be adhered to:
 1. The detention shall not exceed six (6) hours.
 - a. The six (6) hours begin the moment the juvenile is placed into a locked setting. This includes any locked room within the department or if the room or area is set aside for or used for detention purposes (any locked office, interrogation room or locked corridor), or when a juvenile is handcuffed to any stationary/immovable object.
 - b. Once the clock starts, it cannot be stopped, even if the juvenile is briefly removed from the locked setting (e.g. to use the restroom).

- c. If you take custody of a juvenile from another agency or private security officer and the juvenile has been locked, the clock began when the other agency locked them. The clock does not start over with the receiving agency.
 - d. The six (6) hour clock **does not** begin when any of the following occur:
 - i. When the juvenile is placed in a locked police car.
 - ii. When the juvenile is handcuffed only to themselves.
 - iii. When the juvenile is placed in an unlocked room at the department, such as the lobby or an unlocked meeting room.
2. Constant supervision is required, except in cases of exigent circumstance.
 3. Further, physical checks on the juvenile offender's well-being will be no more than 15 minutes apart.
 4. A report indicating the reasons for secured detention and that these guidelines were strictly adhered to shall be prepared by the arresting officer and promptly forwarded to the Chief or a designee.
 5. If a juvenile is ordered to be transported to a detention facility, the transport shall be done without delay, unless emergency medical attention is required.
- C. All guidelines and requirements of the Department of Juvenile Justice (DJJ) will be adhered to.
1. DOJJ posters placed near authorized detention areas in the department shall remain posted and unobstructed.
 2. Officers are responsible for familiarizing themselves and adhering to the DOJJ guidelines.

X. MEDICAL CONSIDERATIONS

- A. During contact with a juvenile, officers need to be alert to indications of drug or alcohol intoxication, injuries or other medical needs.
- B. If a juvenile is in need of medical attention, the officer is to arrange for medical care.
- C. In all circumstances, officers are to attempt to notify a parent or legal guardian and request they respond to the medical facility for authorization to treat the juvenile. If a parent or guardian can not be contacted the officers should contact the appropriate Juvenile Authority.

XI. NOTIFICATION AND RELEASE

- A. The arresting officer is required by law to attempt to immediately notify the parents, guardian, or custodian of any juvenile taken into custody (including a fugitive apprehension). The law specifies that it must be done as soon as possible.
- B. The parent, guardian, or custodian shall be summoned to the department for release of the juvenile whenever practical to do so.
- C. Civil infractions and traffic offenses are the only exceptions to a juvenile offender being released without notification of the parent, guardian or custodian.
- D. A juvenile offender shall be released to his/her parent, guardian, or custodian unless immediate detention is required.
- E. If there is no other means of transport available, the officer shall furnish transportation.
- F. The releasing officer shall acquire the written release and assurance of the parent, guardian, or custodian to bring the juvenile to court when required.
- G. If the officer is unable to immediately contact the parent, guardian, or custodian, efforts to contact them shall be documented in the original incident report, and notification made at the earliest possible time.
- H. When a person under 18 years of age, and unemancipated, is cited for alcohol offenses their parents or guardian must be notified. The person may be released to a responsible adult as required under MCL 436.1703 and MCL 257.624b(5).
- I. If a person is less than 17 years of age, and unemancipated, is incarcerated under MCL 436.1703 (minor purchasing, consuming, or possessing alcoholic liquor or having any bodily alcohol content), the minor's parents or legal guardian shall be notified immediately. MCL 436.1703(7),

XII. INTERVIEWING JUVENILE OFFENDERS

Interviewing the juvenile offender, or suspected offender, is the most important phase of an investigation of an offense involving a juvenile. Officers should explain to the juvenile and their representative the process of being involved with the Juvenile Justice System.

- A. Juveniles shall be accorded the same procedural rights as an adult during interviews and investigations.
- B. **Juveniles shall be interviewed only with the permission of a parent, guardian, custodian, or attorney.**

XIII. INTERVIEWING JUVENILE VICTIMS OF ABUSE, NEGLECT OR CSC

- A. Only officers trained in forensic interviewing may conduct interviews, beyond the initial complaint, of juveniles who are victims of Abuse, Neglect or Criminal Sexual Conduct.
- B. Officers authorized to conduct the interviews shall use the interview protocol established by the Prosecutor's Office for interviewing juveniles who are victims of Abuse, Neglect or Criminal Sexual Conduct.

XIV. CUSTODIAL INTERROGATIONS

- A. Custodial interrogations shall be limited to 60 minutes unless approved by a Commanding Officer.
- B. No more than two officers may conduct a juvenile custodial interrogation.

XV. COMMUNICATION BARRIERS

Officers should be alert to and address any Limited English Proficiency and/or hearing/vision impairments.

XVI. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action.

XVII. OFFICERS ASSIGNED TO OTHER AGENCIES

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

**Portland Police Department
Field Contacts and “Terry” Stops
General Order No. 15**

I. SCOPE

This order shall apply in every case to all sworn Portland Police Department personnel.

II. PURPOSE

To establish uniform field contact procedures consistent with the law and Constitutional rights of individuals, while maintaining a good relationship with the community.

III. POLICY

It is the policy of this Department to investigate suspicious persons and activities officers encounter while on patrol. It is also the intent of the Department to respect and protect the constitutional rights of all individuals, including persons suspected of criminal activity. The Department encourages its officers to initiate citizen contacts as a means of staying informed about activities and concerns of the persons in the community.

IV. APPLICATION

This order constitutes Department policy, and is not intended to enlarge the employer's or employees' civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense with respect to the third party claims insofar as the employer's or employee's legal duty as imposed by law.

Noncompliance with this policy constitutes a violation of an employee's duty only, except in cases as any non-compliance is also a violation of the laws of the State of Michigan. Therefore, violations of this policy shall only form the basis of disciplinary action within the Department.

In the event that a violation of the duties imposed by this policy also constitutes a breach of the duties imposed by law, nothing herein shall be construed to relieve one from that legal duty or from any action from a breach of that legal duty.

V. DEFINITIONS

- A. "*Contact*" is a face-to-face communication between an officer and a person under circumstances where the person is free to leave.
- B. "*Exigent Circumstances*" are those that demand immediate action. Exigent circumstances have generally justified entry into a dwelling or building, without a warrant, in the following circumstances:
1. When evidence would otherwise be destroyed.
 2. When there is the threat of injury to the officer or others.
 3. When a felon would otherwise escape.
 4. When there is a crime in progress.
 5. Emergency aid circumstances.
 6. Hot pursuit of a felon.
- C. "*Felony*" is defined at MCLA §750.7 as, "...an offense for which the offender, on conviction may be punished by death, or by imprisonment in a state prison."
- D. "*Frisk*" is a limited protective search for concealed weapons or dangerous instruments.
- E. "*Misdemeanor*" is defined at MCLA §750.8 as, "When any act or omission not a felony is punishable according to law, by a fine, penalty or forfeiture, and imprisonment, in the discretion of the court, such act or omission shall be deemed a misdemeanor." Misdemeanor is further defined in MCLA §750.9, as, "When the performance of any act is prohibited by this or any other statute, and no penalty for the violation of such statute is imposed, either in the same section containing such prohibition or in any other section or statute, the doing of such act shall be deemed a misdemeanor."
- F. "*Probable Cause*" is found when the facts and circumstances within an officer's knowledge are sufficient to warrant a reasonable person to believe that an offense had been or is being committed.
- G. "*Reasonable Officer*" - One who acts as other similarly-trained and experienced officers could be expected to act under similar circumstances. The "reasonableness" of an officer's actions will be reviewed based on the facts and circumstances known to him at the time of the action.
- H. "*Reasonable Suspicion*" A police officer has reasonable suspicion to detain a person briefly for purposes of investigation when the officer, in light of experience and training, is aware of articulable facts or circumstances which could lead a reasonably prudent person to believe that a crime has occurred,

criminal activity is going to occur, or someone is otherwise in need of police assistance.

- I. *"Reasonable Suspicion to Frisk"* - When an officer, in light of experience and training, is aware of articulable facts or circumstances, which could lead a reasonably-prudent person to believe that the person may be armed with a weapon.
- J. *"Stop"* is a temporary detention of a person for investigation which occurs when officers use their authority either to compel a person to halt, to remain in a certain place, or to perform some act. If a person reasonably believes that he is not free to leave the presence of the officer, a "stop" has occurred.

VI. PRE-ARREST ENCOUNTERS

A. Contacts

1. Officers are expected to initiate contacts with individuals in the community to gain knowledge of their patrol districts and the community.
2. A contact is different from a detention or arrest as it does not involve the "seizure" of a person within the meaning of the Fourth Amendment. An officer does not need "reasonable suspicion," "probable cause," or other specific display of criminal activity to initiate a contact.
3. An officer may initiate contact with the person in any place that the officer has a right to be.
4. Unless an officer concludes an arrest should be made, or that a stop is justifiable and appropriate, communications with a person should begin with a contact.
5. **As no legal cause is needed for an officer to initiate a "contact," persons contacted may not be halted, detained, or frisked against their will. They are not required to answer questions or to cooperate in any way if they do not wish to do so. If they refuse to cooperate, they must be permitted to go on their way, unless the officer develops reasonable suspicion to escalate the "contact" to a "stop" or has developed probable cause to arrest.**
 - A person may be kept under observation if circumstances make it appropriate.
 - Officers should take special care to act in a restrained and courteous manner while being vigilant for personal safety.
6. Officers should be alert to and address any Limited English Proficiency and/or Hearing/Vision impairments.

B. STOPS

1. When an officer reasonably suspects a person has committed, is committing, or is about to commit any crime, or has committed a traffic violation, the authority to stop that person exists.
 - a. The officer may exercise this authority in any place that the officer has the right to be. Both pedestrians and persons in vehicles may be stopped.
 - b. A stop is warranted if there is reasonable suspicion by the officer that some activity out of the ordinary is, or has, occurred; some indication to connect the person under suspicion with the unusual activity; and some suggestion that the activity is related to a crime.
2. Factors to consider.
 - a. Appearance:
 - Does the person generally fit the description of a person wanted for a known offense?
 - Do they appear to be suffering from a recent injury, or under the influence of alcohol, drugs, or other intoxicants?
 - Race, gender, nationality or religion alone are not causes for a stop.
 - b. Actions:
 - Is the person running away from an actual or possible crime scene?
 - Is he/she behaving in a manner indicating possible criminal conduct, and if so, in what way?
 - Were incriminating statements or conversations overheard?
 - Is he/she with companions who themselves are "reasonably suspicious"?
 - c. Demeanor:
 - Is the person responsive to questions during the contact?
 - Does the person exhibit Limited English Proficiency or Hearing/Vision Impairment?
 - Are his/her answers evasive, suspicious, or incriminating?
 - Was he/she excessively nervous during the contact?
 - d. Prior Knowledge: Does the person have a prior arrest or conviction record, or are known to have committed a serious offense? If so, is it for offenses similar to one that has just occurred, or which the officer suspects is about to occur?

- e. Area: Is the person near the location of a known offense soon after its commission? Is the person in an area known for a high incidence of a particular criminal activity? If so, is it the kind of activity the person is thought to have committed, to be committing, or about to commit?
- Officers are cautioned that mere presence in a "high crime area", is not in it self a reason for a stop.
 - If officers are targeting an area for stops, they should be able to articulate specific facts concerning the area (i.e., four commercial burglaries during the past week and within several blocks of the "stop".)
- f. Time of Day: Is it usual for people to be in the area at this particular time? Is it the time of day or night during which criminal activity of the kind suspected usually occurs?
- g. Prior Police Training and Experience: Does the person's conduct resemble the pattern or modus operandi used in particular criminal offenses? Does the investigating officer have experience in dealing with the particular kind of criminal activity being investigated?
- h. Police Purpose: Was the officer investigating a specific crime or specific type of criminal activity? How serious is the suspected criminal activity? Might innocent people be endangered if investigative action is not taken at once?
- i. Source of Information: If the basis of the officer's "reasonable suspicions" is, in whole or in part, information supplied by another person, what kind of person was involved? Were they a criminal informant, a witness, or a victim of a crime? How reliable does the person appear to be? Have they supplied information in the past that proved to be reliable? Are they known to the officer? Did the officer obtain the information directly from that person? How did the person obtain the information? Was any part of the information corroborated prior to making the stop?
- j. Non-Criminal Stops: Visual observations of a violation or electronic communications of violations observed by another officer.
- k. Community Care Taking Stops: An officer reasonably believes that a person needs assistance
- Do they appear to be suffering from a recent injury, mental or physical disability, or under the influence of alcohol, drugs, or other intoxicants? Considerations:
 - Nature and level of distress that the individual exhibits.
 - The location of the individual.

- o Whether the individual was alone and/or had access to assistance other than that which the officer offered.
 - o The extent to which the individual, if not assisted, presented a danger to him/herself or others.
- 3. Every officer who conducts a stop, as opposed to a contact, must be prepared to articulate specific factors that led the officer to believe that the stop was justifiable.
- 4. Proper justification for a stop does not permit unreasonable conduct during the stop. All police activity during a stop must be done in a reasonable manner, because each phase of the stop will be considered by the courts in determining whether the stop was reasonable and, therefore, lawful.
 - a. Duration: A person stopped pursuant to this procedure may only be detained at or near the scene of the stop for a reasonable length of time. Officers should detain a person only for the length of time necessary to obtain or verify the person's presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.
 - b. Officers must act with as much restraint and courtesy towards the person stopped as is possible under the circumstances. Non-uniformed officers making a stop shall identify themselves as law enforcement officers as soon as practical after making the stop. Prior to termination of the stop, the officer shall give the person stopped an explanation of the purpose of the stop.
 - c. Officers may direct questions to the detained person(s) for the purpose of obtaining their name, address, and an explanation of their presence and conduct. However, absent probable cause for an arrest, the detained person may not be compelled to answer these questions (even that of identity).
 - d. Refusal to answer questions does not by itself establish probable cause to arrest, but such refusal may be considered along with other facts as a factor to be considered in determining whether the investigation should be continued.
 - e. Officers shall use reasonable means necessary under the circumstances to affect the stop of a person. Reasonable means may be a verbal request, an order, or the use of physical force. If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for self-defense or to affect a full-custody arrest.
- 5. When necessary, a suspicious person report should be completed in cases where the reasonable suspicion for initiating the stop has not been alleviated.

- If an officer is satisfied with the account of the person's behavior, then only an entry on the Officer's Daily Log must be completed.
- Justification for the stop must be included in that documentation.

VII. FRISKS

A. Frisks of Persons

1. In stop and frisk situations, the stop must be based on reasonable suspicion of criminal activity. The officer must be able to articulate supporting facts that justify the stop. A stop does not automatically justify a frisk. The officer must articulate a belief that the suspect is armed in order to perform a frisk.
2. An officer may frisk any person who has been stopped when the officer reasonably suspects that the person is carrying a concealed weapon or dangerous instrument, and that the frisk is necessary to protect the officer or others. The frisk may be conducted immediately upon making the stop or at any time during the stop whenever a "reasonable suspicion to frisk" develops.
 - a. Any item that feels like a weapon, and turns out to be a weapon, can be seized as evidence.
 - b. A pat down search also pertains to the immediate area around a suspect, and an officer may search the nearby area as an extension of the frisk.
3. "Plain Feel Doctrine An object felt during an authorized pat-down search may be seized without a warrant if the item's incriminating character is immediately apparent:
 - a. An officer develops probable cause to believe an item felt is contraband before going beyond the legitimate scope of a pat-down search. Manipulation of the item is considered beyond the legitimate scope.
 - b. The officer feels an object which the officer does not believe to be a weapon or dangerous instrument, but believes is contraband, based upon:
 - Properties of the object determined by "plain feel" through the subject's clothing; such as size, shape, or consistency
 - The officer's experience and the totality of the current incident.

- c. Upon confirmation that the object or article is an illegal object, the officer may appropriately seize the object, and arrest and charge the suspect.
4. "Reasonable suspicion" for a valid frisk is more than a vague hunch and less than probable cause. If a reasonably-prudent officer, under the circumstances, would believe the officer's safety or that of other persons in the vicinity is in danger, because a particular person might be carrying a weapon or dangerous instrument, a frisk is justified.
5. An officer who conducts a frisk must be prepared to articulate specific factors, which led the officer to conclude "reasonable suspicion" existed before the frisk began. Factors to consider are:
 - a. Appearance: Do the clothes bulge in a manner suggesting the presence of any object capable of inflicting injury?
 - b. Actions: Did the person make furtive movement as if to hide a weapon when they were approached? Are they nervous during the course of the detention? Are their words or actions threatening?
 - c. Prior Knowledge: Does the officer know the person to have a record for weapons offenses or assaultive behavior? Does the officer know if the person has a reputation for carrying weapons?
 - d. Location: Is the area sufficiently isolated so that the officer is unlikely to receive immediate aid if attacked?
 - e. Time of Day: Is the confrontation taking place at night? Does this contribute to the likelihood that the officer will be attacked?
 - f. Police Purpose: Does the officer's suspicion of the suspect relate to a serious, violent, or armed offense? (Those same factors justifying the stop may also justify the frisk.)
 - g. Companions: Has the officer detained a number of people at the same time? Has a frisk of a companion, to the suspect, revealed a weapon? Does the officer have assistance immediately available to handle the number of persons stopped?
6. A frisk is a limited search for the purpose of protection only. A reasonable suspicion to "frisk" does not permit a full-scale search.
7. Conducting a Frisk
 - a. Secure separable possessions: Purses, shopping bags, or briefcases should be taken from the person. The object may then be inspected visually and by "pat down" of the exterior. If there is further cause to believe the object contains a weapon, then the officer may look inside.

- b. Prior to beginning the frisk, the officer should advise the person that they are going to conduct a frisk. The frisk should begin in those parts of the clothing most likely to contain a weapon or dangerous instrument.
 - c. Frisks are a limited "pat down" of the person's outer clothing, unless:
 - The outer clothing is too bulky to determine if a weapon is concealed underneath, and any items felt are of a suspicious size or shape, yet indiscernible. In this case the outer clothing may be opened.
 - The officer has an articulable, reasonable belief; based upon reliable information, or knowledge, or observations; that a weapon or dangerous instrument is concealed at a particular location on the person; such as a pocket, waistband, or sleeve. If so, the officer may reach directly into the suspect area.
 - d. The officer may also "frisk" or secure any areas within the detained person's immediate reach, if the officer reasonably suspects that such areas might contain a weapon or dangerous instrument.
8. When an officer conducting a frisk feels an object which the officer reasonably believes is a weapon or dangerous instrument, the officer may reach into the area and remove the object.
- a. Weapons or dangerous instruments: The officer must determine if the person's possession of the instrument is licensed or otherwise legal, or if it is unlawful. If the instrument is legally possessed, it should be secured away from the person's location for the duration of the detention. If the possession is unlawful, then the appropriate search and/or arrest procedures should be followed.
 - b. Contraband or seizable items: The officer may seize the item and consider it in determining if probable cause exists to arrest the person. (If the person is arrested, then a full custodial search is proper.)
 - c. An object which could reasonably contain a weapon or dangerous instrument: With reasonable suspicion, the officer may look inside the container and briefly examine its contents. If a weapon, dangerous instrument, contraband, or seizable items are discovered, the officer should proceed as described above. If none of the above is located, return the container to the person.
 - d. If a container could not reasonably contain a weapon or dangerous instrument, or the officer does not have a reasonable belief that it contains such an item, then the officer may not look inside it. The item should then be returned to the owner or treated as a separable item.

9. If removal of the suspected object simultaneously discloses a second object that itself is a seizable item, the officer may lawfully seize the second object. The second object should then be considered in determining whether probable cause exists to arrest the person. If so the officer should tell the person they are under arrest and proceed with a full custodial search incidental to the arrest.

B. Frisks of Occupants in a Vehicle

1. Considerations concerning frisks of persons also apply to the frisk of stopped vehicle occupants. The stop must be based on reasonable suspicion of criminal activity or observation of a traffic violation. The officer must be able to articulate supporting facts that justify the stop. A stop does not automatically justify a frisk. The officer must also articulate a belief that the suspect is armed in order to perform a frisk.
2. When officers can articulate that the frisk is necessary to protect the officer or others, the frisk may be conducted immediately upon making the stop or at any time during the stop whenever a "reasonable suspicion to frisk" develops.
 - a. Traffic violators may be ordered out of a vehicle.
 - b. Passengers may also be ordered out of a vehicle to protect the officer from unobserved movements that could be assaultive.
 - c. A frisk of passengers is permitted if, at the time of the pat down the officer reasonably concludes the passenger is armed and dangerous.

VIII. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action.

IX. OFFICERS ASSIGNED TO OTHER AGENCIES

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

**Portland Police Department
Incidents Involving Subjects
Incapacitated By Intoxication
General Order No. 16**

I. SCOPE

This order shall apply in every case to all sworn Portland Police Department personnel.

II. PURPOSE

To establish policy and procedure regarding the handling of incidents involving incapacitated subjects.

III. APPLICATION

This order constitutes Department policy, and is not intended to enlarge the employer's or employees' civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense with respect to the third party claims insofar as the employer's or employee's legal duty as imposed by law.

Noncompliance with this policy constitutes a violation of an employee's duty only, except in cases as any non-compliance is also a violation of the laws of the State of Michigan. Therefore, violations of this policy shall only form the basis of disciplinary action within the Department.

In the event that a violation of the duties imposed by this policy also constitutes a breach of the duties imposed by law, nothing herein shall be construed to relieve one from that legal duty or from any action from a breach of that legal duty.

IV. DEFINITIONS

- A. ***Detoxification Facility*** – Sparrow Hospital, Ionia
- B. ***Incapacitated*** means that an individual, as a result of the use of alcohol or drugs, is unconscious or has his or her mental or physical functioning so impaired that he or she either poses an immediate and substantial danger to his or her own health and safety or is endangering the health and safety of the public.
- C. ***Intoxicated*** is to excite or stupefy by alcohol or a drug to the point where physical and mental control is markedly diminished.
- D. ***Substance Abuse*** is a long-term, pathological use of alcohol or drugs, characterized by daily intoxication, inability to reduce consumption, and

impairment in social or occupational functioning; broadly, alcohol or drug addiction.

V. INCAPACITATION BY INTOXICATION IN A PUBLIC PLACE

- A. Officers are authorized to act on behalf of individuals found to be incapacitated by intoxication in order to protect them or the community from harm according to MCL 333.6501, Part 65 of the Michigan Public Health Code.
- B. Incapacitation may result from;
 - 1. Unconscious and unable to adequately care for themselves.
 - 2. Their mental or physical functions are being so impaired that they pose an immediate and substantial danger to their own health and safety.
 - 3. They are endangering the health and safety of the public.
- C. Protective Custody
 - 1. Officers will inform the subject that they are being held in protective custody and are not under arrest.
 - 2. Officers are authorized to use the force necessary to overcome the resistance offered by the subject to take them into custody.
 - 3. Before officers transport the subject, a pat down search to discover and seize weapons is required.
 - 4. If it is practical, subjects will be restrained as required by department policy.
 - 5. Subjects who need to be treated for any medical injury or illness shall be transported by EMS who may have a medical protocol for restraints.
 - 6. If a subject held in protective custody is admitted to an approved service program or emergency medical service, the individual's family, next of kin, or someone whom the individual designates shall be notified as promptly as possible.
- D. Intoxication Treatment for Subjects Under Arrest
 - 1. Subjects may be transported to an approved detoxification facility or emergency medical facility for emergency treatment for intoxication. The subject may be detained until they are no longer incapacitated or for not more than 72 hours.
 - 2. If the incident involves pending felony charges, officers should contact a commanding officer for guidance before declaring to the treatment facility that the subject is under arrest.

3. Treatment does not rule out criminal prosecution.
4. Officers will obtain the name of the person taking charge of the subject and notify them that the subject is under arrest and that the medical facility is obligated to release the subject to a law enforcement officer.

E. Intoxicated Subjects Voluntary Treatment

1. If a subject is intoxicated, but not being arrested, is not incapacitated, and agrees to be treated, an officer may arrange for admission in a detoxification facility.
2. The subject must have acceptable behavior that meets the criteria of the detoxification facility.
3. Officers are authorized to transport individuals to the detoxification facility when appropriate.
4. Prior to transport, Dispatch should be asked to contact the detoxification facility to ensure bed space is available.
5. The subject should be told that for officer safety reasons a pat down search of the subject and his packages for weapons is required prior to being allowed to enter the police vehicle.
6. Restraints are not allowed.

VI. REPORTING REQUIREMENTS

When ever an officer takes a person into protective custody for any reason a case report shall be completed as prescribed by department policy. The report will include copies of any court order or petition that has been initiated. Officers will notify their supervisor of the need for their appearance in court in support of the petition. No arrest report is needed for a protective custody incident. In all other circumstances officers will follow the prescribed reporting process for the incident.

VII. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action.

VIII. OFFICERS ASSIGNED TO OTHER AGENCIES

Officers assigned to or assisting other law enforcement agencies will be guided by this policy.

City Of Portland
Water Department
Monthly Water Report
April 2013

Monthly Water Production		Daily Water Production	
Well #4	9,794,000 Gallons	Well #4	326,467 Gallons
Well #5	70,700 Gallons	Well #5	2,357 Gallons
Well #6	999,000 Gallons	Well #6	33,300 Gallons
Well #7	17,000 Gallons	Well #7	567 Gallons
Daily Average Water Production For All Wells		362,691 Gallons	
Total Water Production For The Month		10,880,700 Gallons	
Total Water Production For The Previous Month		7,532,000 Gallons	
Total Production Increased By		3,348,700 Gallons	
Total Production For This Month From The Previous Year		9,917,400 Gallons	
Total Production Increased By		963,300 Gallons	

Kenneth L Gensterblum
Water Technician

CITY OF PORTLAND

REPORT DATE
PERIOD COVERED

April 1, 2013
March 1-31, 2013

HYDRO GENERATION	228,000		
DIESEL PRODUCTION	0		
Kwh Purchased	2,836,934	Amount Paid	\$ 193,396.91
Total Kwh Purchased	2,836,934	Total Dollars Paid	\$ 193,396.91

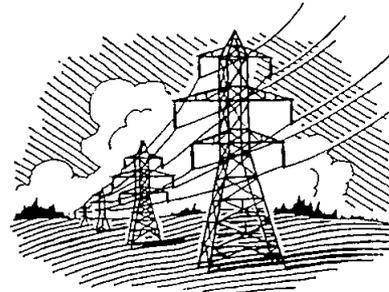
Kwh Billed	
Residential	1,262,661
Commercial	620,647
Large General	705,240
City St. Lites Metered	25,396
St. Lites Unmetered	
Rental Lights	
Demand	2,384

Total Kwh Billed 2,616,328

Arrears after billing	\$ 16,833.60
Penalties Added	\$ 1,641.26
Arrears end of month	\$ 43,351.60
Fuel Cost Billed	\$ 10,313.44
Amount Collected	\$ 316,005.14
Total Adjustments	\$1,672.21

Residential Customers		2,148
Commercial Customers		311
Large General		17
Total Customers	04/03/13	2,476

Dollars Billed	
PCA Billed	\$ 7,998.92
Residential	\$ 133,863.43
Residential EO Charge	\$ 2,236.88
Geothermal Discount	\$ (236.15)
Commercial	\$ 66,779.63
Commercial/LG EO Charge	\$ 2,522.56
Large General	\$ 49,615.45
Large EO Charge	\$ 18.40
City St. Lights Metered	\$ 2,138.02
St. Lights Unmetered	\$ 1,543.05
Rental Lights	\$ 259.55
Demand	\$ 14,013.54
Tax	\$ 10,473.15
Total Dollars Billed	\$ 291,226.43
Power Cost Adj.	.00309



CITY OF PORTLAND

April-13

WATER DEPARTMENT REPORT

MONTH	Apr-13	PERIOD COVERED	March 1-31, 2013
Customers Billed		Penalties Added	\$ 366.35
City	1,791	Dollars Collected	\$ 44,130.63
Rural	27	Arrears at end of Month	\$ 8,654.70
Total Customers	1,818	Adjustments	\$ 297.86
		Gallons Pumped	7,532,000
		Hydrant Flusing/Rental (unmetered)	0 (water leak)
Gallons Billed		Dollars Billed	
City	7,133,999		\$ 40,222.19
Rural	142,000		\$ 1,510.27
Total	<u>7,275,999</u>		<u>\$ 41,732.46</u>

SEWER DEPARTMENT REPORT

Customers Billed	1,751	Dollars Billed	\$ 59,682.29
		Sewer Credit	\$ -
		Total Sewer Billed	\$ 59,682.29

Penalties Added	\$ 567.66
Dollars Collected	\$ 63,548.53
Arrears at end of Month	\$ 12,743.39
Adjustments	\$ 233.11
Gallons Treated per Million	9.80





2512 Lansing Road
Charlotte, Michigan 48813

April 16, 2013

Tom Dempsey, City Manager
City of Portland
259 Kent St.
Portland, MI 48875

Dear Sir or Madam,

We are writing to inform you that on May 15, 2013 National Geographic HD will be moved from our HD Pak tier to our HD Basic tier. This means that customers who have Digital Basic services and HD service will now be able to enjoy this high definition programming at no extra cost. National Geographic HD will remain on channel 404.

Should you have any questions or concerns about this change, please feel free to contact me at 517-319-3150 or esesi@wideopenwest.com.

Regards,

Ed Sesi
VP/System Manager
esesi@wideopenwest.com
517.319.3150





May 1, 2013

Thomas Dempsey, City Manager
City of Portland
259 Kent Street
Portland, MI 48875

Dear Mr. Dempsey,

I'm writing to express my gratitude for supporting our Aquinas College sociology student, Ariana Salogar, as she shadowed you and interviewed other City of Portland leaders this semester as part of her Community Sociology course project.

Experiential learning opportunities like this supplement course content in an extremely valuable way. I sincerely appreciate your willingness to make time in your very busy schedule to support Ariana's education in this way.

Thank you!

Best regards,

A handwritten signature in black ink, which appears to read "Kathy S. Kremer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kathy S. Kremer
Chair and Associate Professor of Sociology
www.aquinas.edu/sociology



Portland Area Fire Authority
773 E Grand River Ave
Portland MI 48875
517-647-2935

Minutes of the Regular Board Meeting
Monday, March 11, 2013 – 7:00 PM - 773 E Grand River, Portland

Call to Order – The meeting called to order at 7:00 pm. The Pledge of Allegiance was observed.

Roll Call

Present: Jerry Tiemann, Steve Smith, Mark Ackerson, Steve Fabiano, Kathy Parsons, Dick Pohl
Guests: Patti Schafer, Chief John Baker, Asst. Chief Doug Logel Sr.

Public Comment: None

Agenda:

Mr. Pohl moved to approve the agenda as published. Mr. Smith supported. Motion carried.

Approval of Minutes:

Mr. Ackerson moved to approve the minutes of the previous meeting as published (with one edit for spelling). Mr. Tiemann supported. Motion carried.

Bills/Financial Report:

Mr. Ackerson explained the financial report, along with the transfer to savings, including recurring bills and petty cash report. Also included were checks picked up on Sunday for last minute bills. Quarterly bills for the municipalities were sent. The chair thanked the accountant for amending the reports as requested. Mr. Tiemann moved to approve the financial report, ratify recurring bills paid, and pay the bills as presented. Mr. Pohl supported. Motion carried.

Correspondence: Mr. Ackerson read a note from Doug Logel, Jr. thanking the board for the opportunity to interview for the Chief.

Chief's Report:

The new Fire Chief, John Baker, introduced himself and thanked the Board for the opportunity to serve, and complimented the Board on the process. Chief Baker reported runs, trainings and meetings, as well as his progress on department review. He has met with officers and found the meeting to be positive. Standard operating procedures are under review, as well as mutual aid agreements. Most urgent need is updated software to replace out of date tools. The basic package needed is more than adequate, and costs \$3190. \$2500 is currently budgeted for software. Chief Baker has found areas where necessary budget amendments are possible with no harm to services. The computer inherited is inadequate but he can push purchasing new hardware to the next budget year if needed. He will have a recommendation for the next meeting, including and excluding hardware purchase.

Chief Baker reported the previous chief's breakdown of his runs for consideration of payment. Chief's pay from November 30th, 2012 cut off will be paid in June's payroll payment, including these runs. The same process will be observed for Mr. Crist.

Assistant Chief Logel reported aviation training in the Pewamo-Westphalia area, which is in the distress flight path for Ionia airport. Ionia Hospital, as well as other departments, will participate in the training, as will Portland. The training is March 23rd. If the board wants to observe, let Chief Baker know and he will arrange it.

Committee Reports:

- Insurance: Ms. Parsons reported that the RFP's were sent, and she is already getting inquiries.
- Policy Committee: None

- Budget: None
- Personnel Committee: None

Old Business:

None.

New Business:

- Mr. Tiemann requested a date change for meetings in April, July, October and January due to quarterly Township associations meetings, for which he, Mr. Pohl, and others may attend. Wednesday April 10th meets everyone's schedules. Future meeting changes will be covered under next year's schedule of meetings.
- Mr. Tiemann spoke with City Manager Dempsey requesting breakdowns of month-by-month expenses actually spent.

Public comment: Ms. Schafer asked the Board how they plan to proceed to develop an auditor RFP. She recommended a timeline, and that the budget committee publish in May, and recommended that the auditor chosen is not already a township or city auditor.

Mr. Logel thanked Ms. Parsons for her writing and presenting proclamations at their retirement party for retirees Brown and Crist.

Ms. Schafer recommended that where recurring bills are available for payment online that the Chief print the bills, code them, and send them to her, and she will pay them online and include them in the report.

Adjournment:

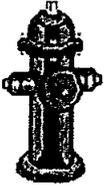
Mr. Smith to adjourn. Mr. Pohl supported. Motion carried. Meeting adjourned 8:05 pm.

Next meeting: Wednesday, April 10, 2013 – 7:00 pm

Respectfully submitted:



Kathy Parsons, Secretary



Portland Area Fire Authority
773 E Grand River Ave
Portland MI 48875
517-647-2935

[DRAFT 04/16/2013] Minutes of the Regular Board Meeting
Wednesday, April 10, 2013 – 7:00 PM – 773 E Grand River, Portland

Call to Order – The meeting called to order at 7:03 pm. The Pledge of Allegiance was observed.

Roll Call

Present: Jerry Tiemann, Steve Smith, Mark Ackerson, Steve Fabiano, Kathy Parsons, Dick Pohl
Guests: Patti Schafer, Asst. Chief Doug Logel Sr., Leon May, Steve Vanderske

Public Comment: None

Agenda:

Mr. Ackerson moved to approve the agenda as published. Mr. Smith supported. **Motion carried.**

Approval of Minutes:

Mr. Ackerson moved to approve the minutes of the previous meeting as published. Mr. Pohl supported.
Motion carried.

Bills/Financial Report:

Mr. Ackerson explained the financial report, including recurring bills and petty cash report. Mr. Ackerson said that the procedure for the Petty Cash cards would be reviewed and adjustments in policy recommended if needed. Mr. Tiemann moved to approve the financial report, ratify recurring bills paid, and pay the bills of \$6,270.39 (with removal of a payment of \$209.94 for reimbursement of expenses if it is determined to be a duplicate). Mr. Smith supported. **Motion carried.**

Correspondence: None

Chief's Report:

Assistant Chief Logel distributed Chief Baker's written report, and recapped that there were 6 total runs for last month, two in Portland Township, one in Danby on the freeway, and three mutual aid. Chief Baker has met with Ionia County Central Dispatch and attended a Danby Township meeting for introduction and discussion of possible extension of coverage into Danby Township. He also reported department participation in the Mock Airline crash in Westphalia and a training on response to accidents involving Electric Vehicles. Assistant Chief Logel explained Chief Baker's recommendation to replace two front tires on the Tanker, which are well over 10 years old and in need of replacement. Best available price is \$870.00. Assistant Chief Logel reported that there are tire replacements needed on other vehicles as well, though they are not as imminent. Consensus of the board was that if they need to be addressed it is just as well to do so now, as there is adequate money in the Capital Outlay fund at this point in the budget calendar. Chief Baker and Assistant Chief Logel will complete survey of those needs and report at the next meeting.

Assistant Chief Logel said that Chief Baker is reviewing all of the forms used by the department for internal use and external reporting in anticipation of the new software, and Chief Baker wanted to know if the Townships needed or wanted some items of the current format for their use in billing. Mr. Pohl reported he was satisfied, Mr. Tiemann reported he would like to keep the currently used information in the reports.

Committee Reports:

- Insurance: Ms. Parsons reported that three of the six agencies sent RFPs for coverage responded with quotes, though only one responded with both property and auto, and workers compensation. One replied they no longer have a market for such coverage, and one reported that because another invitee had received an advance copy of the RFP and had already turned in applications, for quote, he was locked out of his market. One responded he did not receive a copy of the RFP last month. Mr. Fabiano said that this agent had asked him for an extension of time. Ms. Parsons reminded Mr. Fabiano that he had given an advanced copy of the RFP to this agent back in February. Mr. Fabiano said he had asked that agent to hold off after receiving Ms. Parsons' email asking the Board Members to refrain from discussing the RFPs in advance of publication to all invitees. Ms. Parsons showed Mr. Fabiano the list of agents to whom the RFPs were mailed, including the correct mailing address of the agent in question. Mr. Ackerson asked how much time was requested by the other agent. Ms. Parsons read the email from the agent saying he could get a quote in several days.
- Policy Committee: None
- Budget: Mr. Ackerson distributed the updated Request for Proposal for Audit Services to the Board. Mr. Tiemann reported that because of server difficulties, this was the first he had seen the RFP.
- Personnel Committee: None

Old Business:

Lyons-Muir Fire Department had asked Mr. Fabiano if we were still wanting to buy their used truck at \$25,000. They have another vendor interested if we are not. Assistant Chief Logel reported that Chief Baker was not interested in purchasing the Lyons-Muir truck at this time. Mr. Ackerson said that in one more year, barring emergency spending, we will be in a position of investigate lease/purchase of a new truck. If the current truck were to go permanently out of service, it would hamper our capacity. Mr. Smith asked if more time might yield a better deal on another truck. Ms. Parsons asked if the members' truck committee had prioritized all of the trucks for a long-term plan. Mr. Ackerson said that when we first started he asked the then chief for a 5-year plan for truck purchase and that the plan has not yet been reported. He said that, as an example, our first-out truck is over 20 years old, and that should not be. Mr. Fabiano said he would report to the Lyons-Muir FD Chief that it is undecided, and if he can sell the unit to not wait for us.

New Business:

- Mr. Ackerson moved to extend the deadline to all RFP invitees until April 24th. Mr. Tiemann supported. **Motion carried**, Mssrs. Ackerson, Tiemann, Fabiano, Pohl and Smith voting yes. Ms. Parsons voting no. Ms. Parsons will email each of the invitees informing them of the extension.
- Mr. Tiemann moved to approve the RFP for Audit Services conditionally upon his understanding of the RFP on review after the meeting. Mr. Smith supported. **Motion carried**.
- Mr. Fabiano reported that Ms. Parsons informed the board she had created a Facebook page for the Department to complement the website. Mr. Fabiano said that he thinks it is a good idea, but had questions about its use, and who and how it would be determined what would go on the page. Ms. Parsons said that the focus of the type of page created, which is different from a personal page, is more proactive and passive than a website, and that such pages are used to more immediately and proactively communicate with the community. The site would be used to communicate safety, community and department events, and inform the public in an immediate way to those who join the site. Since they join, they are wanting the information. Ms. Parsons reported that the only people who post to the site are she and Chief Baker, and though the public may comment on the site, comments are moderated. Consensus of the Board was to develop a policy governing this and the website and other electronic communications and to continue minimally until the policy is in place.



Portland Area Fire Authority
773 E Grand River Ave
Portland MI 48875
517-647-2935

- Mr. Smith moved to authorize purchase of new front tires for the Tanker as proposed by the Chief. Mr. Ackerson supported. **Motion carried.**

Public comment:

- Mr. Ackerson reported he will be unavailable for the next monthly meeting. He asked Ms. Parsons if the links to emails for the board had been removed from the website. Ms. Parsons said she was unaware, and if so, it was inadvertent and she will fix it.
- Mr. Tiemann said to keep in mind that if major purchases are to be made such as a truck, Portland Township may not be in the authority in three years to help pay for it.
- Mr. Fabiano reported that the Portland City Manager will have a proposal for routine truck maintenance for us at the next meeting, and he feels it will be very competitive.

Adjournment:

Mr. Tiemann moved to adjourn. Ms. Parsons supported. **Motion carried.** Meeting adjourned 8:10 pm.

Next meeting: Monday, May 13, 2013 - 7:00 pm

Respectfully submitted:

A handwritten signature in black ink that reads "Kathy Parsons". The signature is written in a cursive, flowing style.

Kathy Parsons, Secretary

IONIA COUNTY BOARD OF COMMISSIONERS
“Collaborating For Safe, Strong and Healthy Communities”

Agenda
April 23, 2013
7:00 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Invocation**
- IV. Approval of Agenda**
 - A. Consideration of additional items
- V. Public Comment**
(3 minute time limit per speaker – please state name/organization)
- VI. Did You Know?**
- VII. Action on Consent Calendar**
 - A. Approve minutes of the previous meeting(s)
 - B. Approve per diem and mileage
 - C. Approve payment of General Fund payroll and accounts payable for the month of March 2013 - \$1,490,975.44
 - D. Approve payment of Health Fund bills - \$139,146.58
 - E.
- VIII. Unfinished Business**
 - A. Appointments
 - 1. Area on Aging of Western Michigan Advisory Council – Two one-year appointments.
 - 2. Commission on Aging Board – One three-year appointment.
 - 3. Economic Development Corporation/Brownfield Redevelopment Authority – Three three-year appointments.
 - 4. Jury Board – One six-year appointment.
 - 5. Land Bank Authority – One three-year term.
- IX. New Business**
 - A. CDBG Grant Agreement
 - B. Third Party Administrator Management Plan
 - C. CDBG Administration Agreement
 - D. Resolution to Restore Monthly Surcharge Rate to 2008 Original Request Amount
 - E. Household Hazardous Waste Disposal Agreement Amendment
 - F. Commission on Aging 2014-2016 Funding Proposal
 - G. Replacement of Mail Machine/Meter

- H. Resolution for Membership in the West Michigan Regional Planning Commission
- I. Acknowledgement of PA116 – D. Heffron
- J. Friend of the Court Budget Amendment
- K.

X. Reports of Officers, Boards, and Standing Committees

- A. Chairperson
- B. County Administrator

XI. Reports of Special or Ad Hoc Committees

XII. Public Comment (3 minute time limit per speaker)

XIII. Executive Session

- 1. Attorney opinion letter

XIV. Adjournment

Board and/or Commission Vacancies

- Board of Public Works – One three-year appointment expiring January 2016.
- Commission on Aging Board – One three-year appointment expiring September 2015.
- Sanitary Code Committee – One appointment, which must be a township official.

Appointments for consideration in the month of May 2013:

- *Midwest Michigan Trail Authority* – Three two-year appointments.

Appointments for consideration in the month of June 2013: None