

A. Motion: To approve the updated L4029 to include the Gypsy Moth Millage and allow Chair to sign.

Motion by: Seconded By:

B. Motion: To allow the Sheriff to dispose of Kubota L5740D Tractor as a donation to the County of Clare as permitted by MCL.434.481 and allow for ads to be place in local papers with December 4, 2020 being the deadline to claim said property.

Motion by: Seconded By:

REVISED - 4 pages

19.1

Michigan Department of Treasury
614 (Rev. 01-20)

ORIGINAL TO: County Clerk(s) **L-4029**
COPY TO: Equalization Department(s)
COPY TO: Each township or city clerk

2020 Tax Rate Request (This form must be completed and submitted on or before September 30, 2020)

Carefully read the instructions on page 2.

This form is issued under authority of MCL Sections 211.24e, 211.34 and 211.34d. Filing is mandatory; Penalty applies.

County(ies) Where the Local Government Unit Levies Taxes CLARE	2020 Taxable Value of ALL Properties in the Unit as of 5-26-2020 1,131,201,326
Local Government Unit Requesting Millage Levy CLARE COUNTY	For LOCAL School Districts: 2020 Taxable Value excluding Principal Residence, Qualified Agricultural, Qualified Forest, Industrial Personal and Commercial Personal Properties 590,049,162

This form must be completed for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec 211.119. The following tax rates have been authorized for levy on the 2020 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Election Charter, etc.	(5)** 2019 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2020 Current Year "Headlee" Millage Reduction Fraction	(7) 2020 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum Allowable Millage Levy *	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
OPER	ALL	11/5/74	5.5000	4.7072	1.0000	4.7072	1.0000	4.7072	4.7072		N/A
SENIORS	ALL	8/7/18	.4800	.4800	1.0000	.4800	1.0000	.4800		.4800	2024
TRANSIT	ALL	8/4/15	.3000	.3000	1.0000	.3000	1.0000	.3000		.3000	2022
911	ALL	8/7/18	.3500	.3500	1.0000	.3500	1.0000	.3500		.3500	2024
SENIORS	ALL	11/4/14	.2700	.2700	1.0000	.2700	1.0000	.2700		.2700	2021
TRANSIT	ALL	3/10/20	.2000	N/A	1.0000	N/A	1.0000	.2000		.2000	2022
ANIM CNTR	ALL	8/4/20	.3000	N/A	1.0000	N/A	1.0000	.3000		.3000	2024
MSU 4H	ALL	8/4/20	.1300	N/A	1.0000	N/A	1.0000	.1300		.1300	2025

Prepared by	Telephone Number	Title of Preparer	Date
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CERTIFICATION: As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34 and, for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.1211(3).

<input type="checkbox"/> Clerk	Signature	Print Name	Date
<input type="checkbox"/> Secretary	Signature	Print Name	Date
<input type="checkbox"/> Chairperson	Signature	Print Name	Date
<input type="checkbox"/> President	Signature	Print Name	Date

* Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

** IMPORTANT: See instructions on page 2 regarding where to find the millage rate used in column (5).

Local School District Use Only. Complete if requesting millage to be levied. See STC Bulletin 2 of 2020 for instructions on completing this section.

Total School District Operating Rates to be Levied (HH/Supp and NH Oper ONLY)	Rate
For Principal Residence, Qualified Ag, Qualified Forest and Industrial Personal	
For Commercial Personal	
For all Other	



2020 Tax Rate Request (This form must be completed and submitted on or before September 30, 2020)
MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

This form is issued under authority of MCL Sections 211.24e, 211.34 and 211.34d. Filing is mandatory. Penalty applies.

County(ies) Where the Local Government Unit Levies Taxes
CLARE

2020 Taxable Value of ALL Properties in the Unit as of 5-26-2020
1,131,201,326

Local Government Unit Requesting Millage Levy
CLARE COUNTY

For LOCAL School Districts: 2020 Taxable Value excluding Principal Residence, Qualified Agricultural, Qualified Forest, Industrial Personal and Commercial Personal Properties **590,049,162**

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GYPSE MO	ALL	11/3/20	1.0000	N/A	1.0000	N/A	1.0000	1.0000	1.0000	1.0000	2024

Prepared by _____ Telephone Number _____ Title of Preparer _____ Date _____

CERTIFICATION: As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34 and, for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.121(3).

Clerk
 Secretary
 Chairperson
 President

Signature _____ Print Name _____ Date _____

Signature _____ Print Name _____ Date _____

* Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

**** IMPORTANT:** See instructions on page 2 regarding where to find the millage rate used in column (5).

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Total School District Operating Rates to be Levied (HH/Supp and NH Oper ONLY)	Rate
For Principal Residence, Qualified Ag, Qualified Forest and Industrial Personal	
For Commercial Personal	
For all Other	



Office of the Clare County Sheriff

255 West Main Street, P.O. Box 407
Harrison, Michigan 48625

B.

John S. Wilson, Sheriff
Dwayne Miedzianowski, Undersheriff

Telephone: (989) 539 7166
Fax: (989) 539 5721

Date: 2 November 2020

To: Clare County Board of County Commissioners

Re: Kubota L5740D A6598 Tractor

Attached you will find a brief summary of the circumstances surrounding the Kubota Tractor. The Clare County Sheriff is asking for the authority of the Clare County Board of Commissioners to be able to dispose of said property as a donation to the County of Clare as permitted by MCL 434.181. If granted this permission, the Sheriff would place ads in the local papers describing the property at least 5 days prior to the date set. If permission is granted the Sheriff would immediately place those ads in the 2 local newspapers with a date of December 04, 2020 being the deadline to claim said property.

Thank you,

Sheriff John S Wilson

Dusty Merritt
Child Support Specialist

Stacy Newman
Victim Rights Advocate

Dale Heugel
Investigator

Michelle J. Ambrozaitis

Clare County Prosecuting Attorney
225 W. Main Street, PO Box 586
Harrison, Michigan 48625

Eilisia G. Schwarz
Chief Assistant Prosecutor

Claire F. Kaisler
Mark E. Webb
Assistant Prosecutors

MEMORANDUM

October 29, 2020

From: Claire Kaisler
To: Michelle Ambrozaitis
Re: Kubota Tractor L5740 D, VIN A6598/CCSD Case No. 18-187-6

Issue

Whether the Clare County Sheriff Department ("CCSD") is legally entitled to keep the above-described Kubota tractor that was seized as suspected stolen property and has since been abandoned by both the presumed legal owner and a claimed owner.

Facts

On July 6, 2018, CCSD Detective VanBonn received an anonymous tip about a possible stolen tractor for sale. Detective VanBonn located the tractor with a For Sale sign on it. He discovered the tractor to be a Kubota brand tractor, obtained the tractor's VIN, contacted a Kubota dealer, and learned the tractor was purchased by and registered to a William Kulick. Detective VanBonn located a William Kulick in Oscoda County, and requested that the Oscoda County Sheriff assist him in contacting William Kulick. Detective VanBonn then learned that William Kulick was deceased, but that he had a son, William Kulick. William Kulick advised Oscoda County that the Kubota tractor should be at his father's estate, but he had not been there for approximately 6 months. Oscoda County requested that Detective Van Bonn impound the Kubota tractor.

In July of 2018, Detective VanBonn discovered that Averill Dintaman was the individual attempting to sell the tractor and made contact with her. She advised Detective VanBonn that she owned the tractor, but was unable to provide any proof of purchase or ownership. Detective VanBonn advised Averill she would need to provide proof of ownership of the tractor before it would be returned to her. She has failed to do so.

In January 2019, CCSD Deputy Oster contacted William Kulick, and advised him that the CCSD had the tractor and would waive storage fees if the tractor was picked up within a couple of weeks. CCSD Sheriff Wilson also called William Kulick, but never spoke to him. William Kulick has not contacted the CCSD.

On May 28, 2019, Sheriff Wilson Sent William Kulick a certified letter to the last address show in LEIN. On June 18, 2019, the letter was returned as unable to forward.

On February 24, 2020, Sheriff Wilson contacted Oscoda County Sheriff Kevin Grace to inquire whether Sheriff Grace had any knowledge of any insurance company's potential claim on the tractor. Sheriff Grace advised no insurance company ever contacted his agency regarding the tractor.

On February 24, 2020, Sheriff Wilson ran William Kulick through LEIN again to check for an updated address. The address shown was the same as the one to which the certified letter had previously been sent.

The CCSD now wants to know if it can retain the tractor for its own use.

Legal Analysis

MCL 434.181-434-184 are collectively known as Act 214 of 1979 and govern stolen or abandoned property.

MCL 434.181 and 434.182 requires a law enforcement agency that recovers stolen property within the county, city, village, or township that is unclaimed for 6 months after recovery or discovery to report the recovery or discovery of that property to the county board of commissioners, city or village council, or township board of trustees and to request authority to dispose of the property either by sale, or by donation of non-weapon, reusable property to an eligible recipient that, at the time of the donation, expects to use the property. Once the law enforcement agency has made the request described above, MCL 434.182(1) requires the entity to whom the request is made to act upon the request not less than 60 days and not more than 6 months after receiving the request.

In order for an entity to receive the property by way of donation, the entity must be an eligible recipient and must make a request under MCL 434.181(3). Under MCL 434.181(3), an eligible recipient includes an agency or department of a county.

Pursuant to MCL 434.182(6), if the entity to whom the request was made authorizes the law enforcement agency to dispose of the property by donation, the law enforcement agency shall publish a notice in a newspaper of general circulation in the county not less than 5 days before the proposed donation of the property. The notice must describe the property and provide the address of the office of the law enforcement agency and the date the property will be donated. Before the date provided in the notice, the property may be claimed at the office of the law enforcement agency. If ownership of the property is proved, the property must be turned over to the owner and the donation of that property must be canceled.

Based on the facts presented, the Kubota tractor at issue appears to be stolen and/or abandoned. The original purchaser of the tractor is deceased. The presumed legal owner, the original purchaser's son, William Kulick, advised that the tractor should be at his father's estate; however, the tractor was located in Clare County, not on his father's estate. Phone messages to William Kulick went unreturned. A registered letter to him was returned as unable to forward. Averill Dintaman, who claimed to own the tractor, has had over 2 years to provide proof of ownership to the CCSD and has failed to do so. She has not taken any other action to recover the tractor.

Conclusion

As it has been well over 6 months since the tractor was recovered, the CCSD must now request permission from the county board of commissioners, city or village council, or township board of trustees to dispose of the property as permitted by MCL 434.181 and 434.182. The CCSD should also make a request for the tractor, and establish that it expects to use the tractor. If the CCSD is granted authority to dispose of the tractor by donation, it must then publish a notice in a newspaper of general

circulation in the county not less than 5 days before the proposed donation of the property. The notice must describe the property and provide the address of the office of the law enforcement agency and the date the property will be donated.

If the CCSD receives permission to donate of the property via sale, the sale must be conducted in accordance with MCL 434.182(4).

As Michigan does not require tractors to be titled and registered, no action to obtain a title is necessary.

Respectfully submitted,

Claire Karsler

Claire Karsler

Attachments. CCSD and Oscoda County Sheriff Department reports, communication with Oscoda County Sheriff Kevin Grace, letter to William Kulick, MCL 434.181 and 434.182, and SOS website page noting that Michigan tractors are exempt from titling and registration