

Your Executive Committee considered communication no. 9-27-21 from James Kosld, Public Works Commissioner asking the Board to approve a Project Cooperation Agreement ("Agreement") between the Department of the Army ("Government") and County of Saginaw, Michigan ("Non-Federal Sponsor") for construction of dredged or excavated material disposal facilities ("Project") for disposal of material from the existing general navigation features at the Upper Saginaw River, Michigan.

This Agreement specifies the Government and the Non-Federal Sponsor as having the full authority and capability to perform as set forth and the intent to cooperate in cost-sharing and financing of the Project through a mutually developed formal strategy of commitment and communication. County Civil-Counsel Andre-R, Borrello reviewed said-Agreement and advises the Board that the federal government is obligating the County to several commitments, and although federal, state and other funds will pay the County's costs incurred as local sponsor, the County is ultimately responsible for costs specified in the Agreement (*attached*)

Article II of the Agreement, as titled, sets forth the "OBLIGATIONS OF THE GOVERNMENT AND THE NON-FEDERAL SPONSOR" (*Jtoaiment in its entirety available in Board Office*)

Section B - the County shall provide all lands, easements, and rights-of-way that the Federal Government determines necessary for construction or operation and maintenance of the project.

Sections D and E - the County agrees to pay 25% of costs associated with the total construction of the facility as well as any subsequent construction. Construction costs include but may not be limited to preconstruction engineering and design; engineering and design during construction; investigation to identify the existence and extent of hazardous substances, historic preservation activities; actual construction; supervision and administration; contract dispute settlements or awards; relocation and removal; audit.

Sections J and H - in the event a court determines that the owner of an obstruction is entitled to payment of just compensation as the result of elimination of the obstruction; such removal shall be reclassified as pan of the County's responsibility.

In previous actions, the Board has recognized the economic importance of the continued commercial and recreational use of the Saginaw River, and the need for dredging the upper reaches to keep the channel open. The Board has officially gone on record as supporting the project since 1999 although no County funds were committed or obligated.

The current budget for the project is \$2,000,000 inclusive of a Community Development Block Grant / Michigan Economic Development Corporation in the amount of \$1,334,000, a Saginaw Future Inc. / Revolving Loan Fund in the amount of \$334,000, and Saginaw River Alliance funding of \$333,000. While this Agreement could at some time result in the County having to incur certain costs associated with the dredging project it is not expected at this time, and we commend the Public Works Commissioner and all persons and agencies working towards resolution of this project.

Your Executive Committee continues to support the Upper Saginaw River Project and recommends approval of the Project Cooperation Agreement between the Department of the Army and County of Saginaw, Michigan for construction of dredged or excavated material disposal facilities for disposal of material from the existing general navigation features at the Upper Saginaw River, Michigan as submitted by the Public Works Commissioner, We further authorize the Board Chairman., Controller/CAO and County Civil Counsel to execute the Agreement on behalf of the Saginaw County Board of Commissioners.

Respectfully submitted, **EXECUTIVE  
COMMITTEE**

Todd M. Hare, Chairman Terry W.  
Sangster, Vice-Chair

**Approved by the Saginaw County Board of Commissioners on September 27,2005 Signed  
original on file ID the Office of the Board of Commissioners Attested to by: Kaye M. Schulto,  
Board Coordinator/Deputy Clerk**

mcg/kvs

