

ALLEGAN COUNTY BOARD OF COMMISSIONERS

INDEX

JULY 30, 2009 SESSIONS

JOURNAL 58

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July 30, 2009 Session

**JULY 30, 2009 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Commissioners' Room of the County Services Building in the Township of Allegan on July 30, 2009, at 1:00 P.M. in accordance with the motion for adjournment of July 16, 2009, and rules of this Board; Chairman Jones presiding.

The invocation was offered by District 8 Commissioner Jessup.

The County Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1 TERRY BURNS [LEFT 5:15 PM]	DIST #7 DON BLACK
DIST #2 - EXCUSED -	DIST #8 TOM JESSUP
DIST #3 PAUL VANECK	DIST #9 FRITZ SPREITZER
DIST #4 MARK DeYOUNG	DIST #10 JON CAMPBELL
DIST #5 DEAN KAPENGA	DIST #11 LARRY JONES
DIST #6 MAX THIELE	

**MINUTES OF THE JULY 16, 2009 SESSION - APPROVED AS DISTRIBUTED**

2/ Moved by Commissioner Kapenga, seconded by Commissioner VanEck to approve the minutes of the July 16, 2009 Session as distributed. Motion carried.

**PUBLIC PARTICIPATION - COMMENTS**

3/ Chairman Jones opened the meeting to public participation and the following individuals offered comments:

1. George Smeenge addressed the board on the Commission on Aging and the Area Agency on Aging activities and reported on the organizational activities for the upcoming millage campaign and stressed the importance of wellness.
2. Scott Corbin, Emergency Management Director thanked the first responders and volunteers for their support in the latest emergency. He reported that the Section 19 funds have been denied by the Governor even though damage was greater this year compared to when we received the emergency designation last year. Allegan and Ottawa County will be holding a public hearing on this on August 6, 2009 at 1:30 p.m. at Holland City Hall.

**AGENDA - ADDITIONS**

4/ Chairman Jones asked if there were any additions or changes to the agenda. Commissioner Spreitzer asked to add the Attorney General's Opinion #715 concerning placement of the Sheriff's office on the discussion portion of the agenda. Commissioner Thiele asked to add to the end of the agenda a closed session to discuss property acquisition.

Moved by Commissioner Thiele, seconded by Commissioner Campbell to approve the changes to the meeting agenda as requested. Motion carried.

**AGENDA - ADOPTED AS AMENDED**

5/ Chairman Jones called for the adoption of the agenda.

Moved by Commissioner Campbell, seconded by Commissioner Thiele to adopt the agenda as amended. Motion carried

**PRESENTATIONS:****CERTIFICATE OF RECOGNITION - DEE PARSHALL**

6/ Commissioner Thiele presented a certificate of recognition to Dee Parshall for her contribution to the Southwest Michigan Consortium and the county during her tenure as recycling coordinator.

**MEDICAL EXAMINER ANNUAL REPORT - DR. JOYCE DeJONG**

7/ Dr. Joyce DeJong, Medical Examiner for Allegan County for the past 12 years, reported on the process and procedures followed when sudden and unexpected deaths occur in the county. She also reported on the accreditation process she has completed recently; she is pleased with the findings. She stated that Methadone is becoming a growing problem in the county.

**INFORMATIONAL SESSION - CENTRAL DISPATCH**

8/ Rob Sarro reported that Jan Goswick, Director of Central Dispatch is otherwise occupied and he presented the highlights of the 2008 annual report for that department. He reported on the success of the complete systems upgrade in Central Dispatch and addressed the department's focus on training. The department has received many positive comments relating to the Mobile Computer Terminal project and they are working with a committee to educate the voters on the upcoming surcharge campaign. There will be an informational session for the public on the surcharge on August 12, 2009. Commissioner DeYoung stated that several communities have approached him on the use of County towers for developing wireless internet and asked for additional information on this issue.

**ADMINISTRATOR'S REPORT**

9/ Administrator, Rob Sarro reported that he is pleased with the feedback Becky Blain has received from Commissioners regarding what information should be given out and when. The emergency response planning is going well and we need to encourage preparedness and the development of response plans with drills and training in departments throughout the county. He was pleased with the discussion at the Department Head's meeting where goals and needs were explored. The discussion

will be completed at the September meeting as well as a decision on how often the meetings will be held.

**FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS**

10/ Moved by Commissioners Black, seconded by Commissioner DeYoung to approve the report of claims for July 17, 2009 and July 24, 2009 as presented. Motion carried by roll call vote: Yeas - 10 votes. Nays - 0 votes. Absent - 1 vote.

HONORABLE BOARD OF COMMISSIONERS OF ALLEGAN COUNTY,  
Your committee on Finance has authorized the following claims for July 17, 2009. The following claims, which are chargeable against the County, were audited in accordance with Section 46.61 to 46.63, inclusive, M.C.L. 1970 as amended and resolutions of the Board. Said claims are listed in the 2009 Claims Report, Liber \_\_\_\_, and Commissioners' Record of Claims.

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund	118,771.12	118,771.12	
Parks & Recreation Fund	3,320.64	3,320.64	
Central Dispatch/E911 Fund	5,703.94	5,703.94	
Friend of the Court Fund	299.25	299.25	
Health Department Fund	55,260.74	55,260.74	
Transportation Grant	175.50	175.50	
Public Improvement Fund	16,778.05	16,778.05	
Register of Deeds Automation fund	39,433.65	39,433.65	
Local Corrections Officers Training Fund	615.00	615.00	
Grants	40,229.53	40,229.53	
GunPlain Twp	87.15	87.15	
Fillmore Township	178.63	178.63	
Lee Township C.O.P.S.	437.00	437.00	
Child Care-Circuit/Family	32,155.70	32,155.70	
Senior Millage	32,786.63	32,786.63	
Delinquent Tax Revolving Fund	23,839.89	23,839.89	
Drain Equip Revolving	296.63	296.63	
Drain Fund	1,632.95	1,632.95	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>372,002.00</b>	<b>372,002.00</b>	

Respectfully submitted, COMMITTEE OF FINANCE

HONORABLE BOARD OF COMMISSIONERS OF ALLEGAN COUNTY,  
Your committee on Finance has authorized the following claims for July 24, 2009. The following claims, which are chargeable against the County, were audited in accordance with Section 46.61 to 46.63, inclusive, M.C.L. 1970 as amended and resolutions of the Board. Said claims are listed in the 2009 Claims Report, Liber \_\_\_\_, and Commissioners' Record of Claims.

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund	111,262.81	111,262.81	
Parks & Recreation Fund	7,164.33	7,164.33	
Health Department Fund	25,669.28	25,669.28	
Transportation Grant	47,317.50	47,317.50	
Public Improvement Fund	5,527.08	5,527.08	

Drug Law Enforcement fund-Sheriff	250.00	250.00	
Law Library Fund	1,772.68	1,772.68	
Grants	6,750.00	6,750.00	
Child Care-Circuit/Family	5,435.36	5,435.36	
Delinquent Tax Revolving Fund	7,273.32	7,273.32	
Drain Equip Revolving	57.50	57.50	
Drain Fund	60,186.43	60,186.43	
Bear Swamp Construction Fund	2,035.01	2,035.01	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>280,701.30</b>	<b>280,701.30</b>	

Respectfully submitted, COMMITTEE OF FINANCE

**CIRCUIT COURT-HIRE CLERK-TYPIST ABOVE STEP-RANGE MIDPOINT**

11/ Commissioner Thiele asked what dollar amounts are equated to range 3, beginning step through the mid-step. Rob said that he could find out during a break.

**BREAK - 2:15 P.M.**

12/ Upon reconvening at 2:37 P.M., the following Commissioners were present: Commissioner Burns, VanEck, DeYoung, Kapenga, Thiele, Black, Jessup, Spreitzer, Campbell and Jones. Absent - Commissioner McNeal.

**CIRCUIT COURT-HIRE CLERK-TYPIST ABOVE STEP RANGE MIDPOINT**

13/ **WHEREAS**, Circuit Court has an open Clerk Typist position (Grade 3); and

**WHEREAS**, Circuit Court Administration would like to fill the position with a current County employee who is at the top step of a Grade 4 position; and

**WHEREAS**, per Employment Policy 304, a starting rate above the step that represents midpoint of the grade range must be approved by the Board of Commissioners.

**THEREFORE BE IT RESOLVED**, that the Allegan County Board of Commissioners hereby approves the request of Circuit Court Administration and the recommendation of the County Administrator to fill the Clerk Typist position with the current

County employee at her current rate of pay, and that she remain at her current rate of pay (\$16.10 per hour) until such time as the top step of the grade 3 range becomes greater than \$16.10, at which time she would be entitled to any increases in pay afforded to other court hourly bargaining employees; and

**BE IT FURTHER RESOLVED**, that this action will not require and increase to the approved budget; and

**BE IT FINALLY RESOLVED**, that the Budget and Finance Director is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner Campbell, seconded by Commissioner DeYoung to adopt the resolution as presented. Motion carried by roll call vote: Yeas - 9 votes. Nays - 1 vote. Absent - 1 vote.

Y	TERRY BURNS	Y	DON BLACK
	STEVE McNEAL	Y	TOM JESSUP
Y	PAUL VanECK	Y	FRITZ SPREITZER
Y	MARK DeYOUNG	Y	JON CAMPBELL
Y	DEAN KAPENGA	Y	LARRY JONES
N	MAX THIELE		

**SHERIFF DEPARTMENT—2009 BYRNE JUSTICE ASSISTANCE GRANT/MENTAL HEALTH TREATMENT COURT**

14/ **WHEREAS**, on April 9, 2009 the Board of Commissioners approved the request from the Sheriff Department to apply for a grant offered through the Recovery Act/ Edward Byrne Memorial Justice Assistance Grant 2009, in an amount not to exceed \$39,774.00, for Problem Solving Court services as described in the Program Narrative/Application with the stipulation that following the grant award the documentation would be brought back to the Board for final consideration; and

**WHEREAS** the Problem Solving Court Program is a collaboration of the Allegan County District Court, the Allegan County Prosecuting Attorney, Allegan County Community Mental Health, the City of Allegan and the Allegan County Sheriff and



the goal of the project is to divert persons with mental health problems and substance abuse problems from the criminal justice system; and

**WHEREAS**, on June 25, 2009 the Sheriff Department received notice of the grant award.

**THEREFORE BE IT RESOLVED** that the Allegan County Board of Commissioners hereby approves the request from the Sheriff Department to accept the grant offered through the Recovery Act/Edward Byrne Memorial Justice Assistance Grant 2009; and

**BE IT FURTHER RESOLVED** that the Board will receive quarterly information and reporting from collaborating agencies the regarding the accomplishment of the program objectives; and

**BE IT FINALLY RESOLVED** that the Board Chairman and the County Administrator are authorized to sign the necessary documents on behalf of the County and that the Budget and Finance Director is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner Kapenga, seconded by Commissioner Burns to adopt the resolution as presented. Motion carried on roll call vote: Yeas - 10 votes. Nays - 0 votes. Absent - 1 vote.

**SHERIFF DEPARTMENT-MDOC COMPREHENSIVE COMMUNITY CORRECTIONS GRANT/FY-2010 APPLICATION**

15/ **BE IT RESOLVED** that the Allegan County Board of Commissioners hereby approves the Sheriff Department request to apply to renew, and accept when awarded, the Michigan Department of Corrections, Office of Community Corrections FY 2010 funding to continue programs provided for in the Comprehensive Community Corrections Plan; and

**BE IT FINALLY RESOLVED** that the Board Chairman and the County Administrator are authorized to sign the necessary

documents on behalf of the County and that the Budget and Finance Director is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner Thiele, seconded by Commissioner Kapenga to adopt the resolution as presented. Motion carried by roll call vote: Yeas - 10 votes. Nays - 0 votes. Absent - 1 vote.

**PLANNING COMMISSION - ELECTION**

16/ Chairman Jones asked Jackie DeZwaan to address the board regarding her qualifications for election to the Planning Commission.

Moved by Commissioner Thiele, seconded by Commissioner Spreitzer to nominate Jackie DeZwaan to a three year term on the Planning Commission.

Moved by Commissioner Thiele, seconded by Commissioner Spreitzer to close the nominations and cast a unanimous ballot for the election of Jackie DeZwaan, 2259, 68<sup>th</sup> Street, Fennville, MI 49408, to a three-year term on the Planning commission; term to expire June 9, 2012. Motion carried unanimously.

**DIVERTED FELON REIMBURSEMENT PROGRAM**

17/ It was reported that there was a shortage of funds from the State to pay full reimbursement for the diverted felon program which is similar to last year. It is not clear if this is all we will get. Commissioner Campbell recommended we wait and see how things develop during the state budgetary process before taking an action.

**FACILITIES MGT—COMMUNITY MENTAL HEALTH CLINIC RENOVATION PROJECT BUDGET ADJUSTMENT**

18/ **WHEREAS**, renovation of the Community Mental Health Clinic

is necessary to improve the safety and security of the building, staff and clients; and

**WHEREAS**, the cost of the renovations needed to complete the project is \$109,413.00; and

**WHEREAS**, \$105,250.00 of the cost of the project is budgeted and approved for this project.

**THEREFORE BE IT RESOLVED** that the Allegan County Board of Commissioners hereby approves the request from the Facilities Management Director that an additional appropriation of \$4,163.00 to fund the cost difference be made from the 2009 Capital Improvement Project 2450 Fund reserves; and

**BE IT FURTHER RESOLVED** that, as per the repayment guidelines established with the initial funds budgeted and approved for this project, Community Mental Health has agreed to repay the County for the additional funds appropriated for the project; and

**BE IT FINALLY RESOLVED** that the Budget and Finance Director is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner DeYoung, seconded by Commissioner Spreitzer to set this resolution for immediate action and approve it as presented. Motion carried by roll call vote: Yeas - 10 votes. Nays - 0 votes. Absent - 1 vote.

**FACILITIES MGT-MENTAL HEALTH CLINIC RENOVATION PROJECT BID**

**19/ BE IT RESOLVED** that the Allegan County Board of Commissioners hereby approves recommendation from the Facilities Management Director to award the General Contractor bid for the renovation of the Community Mental Health Clinic for an amount not to exceed \$109,413.00, to Triangle Associates, 3769 Three Mile Road NW, Grand Rapids, MI, 49534,; and

**BE IT FURTHER RESOLVED** that the Board Chairman and the County Administrator are authorized to sign the necessary documents on behalf of the County and that the Budget and Finance Director is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner Thiele, seconded by Commissioner Campbell to set this resolution for immediate action and approve it as presented. Motion carried by roll call vote: Yeas - 10 votes. Nays - 0 votes. Absent - 1 vote.

**AREA AGENCY ON AGING OF WESTERN MICHIGAN—APPROVE MULTI-YEAR IMPLEMENTATION PLAN FY2010-2012**

20/ **WHEREAS**, the Multi-Year Implementation Plan for FY2010-2012 has been submitted by the Area Agency on Aging of Western Michigan to the Allegan County Board of Commissioners, requesting their approval of the Plan.

**BE IT RESOLVED** that, in accordance with all statutes and policies governing the Area Agency on Aging, the Allegan County Board of Commissioners supports the Multi-Year Implementation Plan for FY2010-2012 as presented by the Area Agency on Aging of Western Michigan.

Moved by Commissioner Thiele, seconded by Commissioner Spreitzer to set this resolution for immediate action and approve it as presented. Motion carried.

**ATTORNEY GENERAL'S OPINION ON LOCATION OF THE SHERIFF'S OFFICE**

21/ Commissioner Spreitzer stated that he had contacted the Attorney General's office and the person to whom he spoke stated the office could not provide legal advice; however, she indicated that his interpretation that the constitution requires the sheriff's office to remain in the "county seat" was correct. There was a great deal of discussion on this issue. Commissioner Kapenga felt the County legal counsel advised that

there could be a case built to permit the county to do as was planned and still be compliant; the same as Ottawa County did. Rob cautioned that until the county has specific plans to review, there is little that the attorneys can address. Would the fact that technology ensures accessibility of information, records, etc. from nearly anywhere change how this requirement is viewed? However, the county is still in the planning stage for this facility. Commissioner Campbell stated that at the point we have some plans, we should submit that plan to the attorney and ask for a legal opinion on compliance or, if what we have planned is not compliant, define what we would need to do to comply with the law/constitution.

Moved by Commissioner Kapenga, seconded by Commissioner Jessup to instruct the Administrator to contact the county legal counsel for his opinion on whether we can legally put the Sheriff's office at Dumont? Motion lost on roll call vote:  
Yeas - 3 votes. Nays - 7 votes. Absent - 1 vote.

N	TERRY BURNS	N	DON BLACK
	STEVE McNEAL	Y	TOM JESSUP
N	PAUL VanECK	N	FRITZ SPREITZER
N	MARK DeYOUNG	N	JON CAMPBELL
Y	DEAN KAPENGA	Y	LARRY JONES
N	MAX THIELE		

**REQUEST FOR ASSISTANCE FROM REPRESENTATIVE GENETSKI**

22/ Moved by Commissioner Thiele, seconded by Commissioner Spreitzer to request assistance from Representative Genetski to ask the Attorney General if he would be willing to review our conceptual plans to see if our plan would comply with the Michigan Constitution and statutes. Motion carried by roll call vote: Yeas - 9 votes. Nays - 1 vote. Absent - 1 vote.

N	TERRY BURNS	Y	DON BLACK
	STEVE McNEAL	Y	TOM JESSUP
Y	PAUL VanECK	Y	FRITZ SPREITZER
Y	MARK DeYOUNG	Y	JON CAMPBELL
Y	DEAN KAPENGA	Y	LARRY JONES
Y	MAX THIELE		

**JAIL COMMITTEE STRUCTURE - E-MAIL PREFERENCES TO CHAIRMAN**

23/ Chairman Jones stated that he would like to have each Commissioner send him an e-mail and indicate their preference for committee service.

**911 CENTRAL DISPATCH POLICY & PROCEDURE COMMITTEE - APPOINTMENTS**

24/ Chairman Jones announced the appointment of the following individuals to two-year terms on the 911 Central Dispatch Policy and Procedure Committee; terms to expire July 31, 2011:

County Commissioner Rep: Mark DeYoung, 4169 Hickory Street, PO Box 54, Dorr, MI 49323

Citizen Rep: Marsha Fisher, 2366 Fairhaven Dr., Allegan, MI 49010

Emergency Services Rep: Vicki MacGuire, 517 S. Division, Grand Rapids, MI 49503

City/Village Police Chief Rep: Bill Bomar, Plainwell Dept. of Public Safety, 141 N Main St., Plainwell, MI 49080

Moved by Commissioner Thiele, seconded by Commissioner Kapenga to approve the appointments as made. Motion carried.

**PUBLIC PARTICIPATION - NO COMMENTS**

25/ Chairman Jones opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

**CLOSED SESSION - TO DISCUSS PROPERTY ACQUISITION**

26/ Moved by Commissioner Thiele, seconded by Commissioner Kapenga to recess to closed session to discuss property acquisition. Motion carried by roll call vote: Yeas - 9 votes. Nays - 0 votes. Absent - 2 votes. The meeting was recessed at 5:19 p.m.

**C L O S E D   S E S S I O N**

**RECONVENE/ROLL CALL**

27/ Upon reconvening at 5:34 p.m., the following Commissioners were present: Commissioners VanEck, DeYoung, Kapenga, Thiele,

Black, Jessup, Spreitzer, Campbell and Jones. Absent -  
Commissioners Burns and Kapenga.

**AUTHORIZING ADMINISTRATOR**

28/ Moved by Commissioner Thiele, seconded by Commissioner Spreitzer to authorize the Administrator to pursue opening a dialogue with a property owner regarding potential sales parameters. Motion carried.

**ADJOURNMENT UNTIL AUGUST 13, 2009 AT 1:00 P.M.**

29/ Moved by Commissioner Thiele, seconded by Commissioner Spreitzer to adjourn until August 13, 2009 at 1:00 p.m. The motion carried and the meeting was adjourned at 5:35 p.m.

  
Clerk Register

