

ALLEGAN COUNTY BOARD OF COMMISSIONERS

INDEX

JANUARY 28, 2010 SESSION

JOURNAL 59

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January 28, 2010 Session

JANUARY 28, 2010 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 January 28, 2010, at 1:00 P.M. in accordance with the motion for adjournment of January 14, 2010, and rules of this Board; Chairman Jones presiding.

The invocation was offered by District #4 Commissioner DeYoung.

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: 5:12 pm]	DIST #7	DON BLACK [left 5:20 pm]
DIST #2	STEVE McNEAL	DIST #8	TOM JESSUP
DIST #3	PAUL VanECK	DIST #9	FRITZ SPREITZER
DIST #4	MARK DeYOUNG	DIST #10	JON CAMPBELL [Left at 4 pm]
DIST #5	DEAN KAPENGA	DIST #11	LARRY JONES
DIST #6	MAX THIELE		

COMMUNICATIONS

2/ Commissioner Black asked the Clerk to address the resolution from Gogebic County regarding maintaining the election equipment which has become another un-funded mandate. Commissioner Black asked to have this issue addressed at the next planning session. The remaining Communications received and sent to Commissioners via e-mail are:

1. Resolution from Oceana County regarding the Final Report of the Legislative Commission on Statutory Mandates.
2. Resolution from VanBuren County regarding naming U.S. Rout 31/Blue Star Highway as a heritage route.
3. Resolution from St. Joseph County regarding Funding Obligations for State Mandated Services.
4. Resolution from Gogebic County objecting to Election Management System License Renewal Fees.
5. Resolution from Schoolcraft County objecting to Election Management System License Renewal Fees.

6. Letter from USG thanking us for support of Microsoft's ornithology data.
7. State Tax Commission Letters re: Gemtron Corporation; DeLano Service, Inc; Hamilton Machine & Mold, Inc.; GPM Industries; Gemtron Corporation; Artech Parts Fabrication, Inc.; and Haworth, Inc.
8. WPLC Newsletter regarding pipeline safety
9. State of Michigan Jail Inspection Report
10. Letters from Chairman thanking retiring members of County Boards & Commissions
11. Letter from the Tourist Council RE: 2010 Budget appropriation or lack thereof.
12. January-February Region 8 Notes/newsletter
13. Letter from state notifying the Board of the appointment of Ms. Toni Carroll to the DHS Board.

PUBLIC HEARING - CDBG APPLICATIONS

3/ At 1:10 P.M., Chairman Jones opened the public hearing on the CDBG Grant requests for the City of Holland. Joel Dye, Community Development grant coordinator for the City of Holland explained that the grant applications for Johnson Controls and Novo 1 will create a number of new jobs in the northern part of the county and he presented an overview of the process we will be following and described the projects. He addressed the questions of the Board. Chairman Jones called for public comment and since there were no comments from the public, he declared the public hearing closed at 1:30 P.M.

AGENDA - ADD WISHBONE

4/ Commissioner Thiele asked to have the communication from Wishbone added to the discussion agenda.

Moved by Commissioner Thiele, seconded by Commissioner Van Eck to approve the addition to the discussion agenda as requested. Motion carried.

DECEMBER 29, 2009 SESSION MINUTES - ADOPTED AS DISTRIBUTED

5/ Moved by Commissioner Thiele, seconded by Commissioner VanEck to adopt the December 29, 2009 session minutes as distributed. Motion carried.

PUBLIC PARTICIPATION - COMMENTS

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

1. Norm Smith, resident of the City of Allegan and Chairman of the Tourist Council addressed the need for additional funding for the Tourist Council and how the services provided by the council justify additional funding.
2. Susan Smith, resident of Fennville and President of Wishbone Pet Rescue Alliance, addressed their offer of eventual take over of management of the animal shelter and their proposal for supplemental assistance for after hours services.
3. District 88 State Representative Bob Genetski provided information from the revenue estimating conference for Michigan.

AGENDA AMENDMENT

7/ Commissioner McNeal asked to have action items 1 & 2 added to the consent agenda and move up elections, and hold a discussion on Wishbone and the Tourist Council.

Motion carried.

PRESENTATION - CERTIFICATE OF RECOGNITION

8/ Administrator Rob Sarro presented a certificate of recognition to Dian Liep for her twenty-five years of service to the County. Paul Wylie, MSUE Director, addressed her abilities and willingness to perform a variety of duties over the years has served the county well.

INFORMATIONAL SESSION - LAND INFORMATION SERVICES

9/ Valdis Kalnins, Director of Land Information Services, reviewed the service areas provided by the department. He addressed the partnerships developed with local municipalities and the state to complete the new imagery for the county at a significant saving. He outlined the various services provided directly to county departments to improve productivity within the county.

COMMUNITY MENTAL HEALTH BOARD - ELECTION

10/ Chairman Jones asked Sara Busfield, 219 Cutler St., Allegan, Michigan 49010, to address her qualifications for election to the Community Mental Health Board.

Commissioner Thiele placed her name in nomination for election to fill the vacancy created on the Community Mental Health Board by the resignation of Mr. Loudenslager; term to expire December 31, 2011

Moved by Commissioner Campbell, seconded by Commissioner Thiele to close the nominations and cast a unanimous ballot for the election of Sara Busfield. The motion carried unanimously.

COMMISSION ON AGING - ELECTION

11/ Chairman Jones opened the nominations for election of members to the Commission on aging, terms to expire December 31, 2012, and he asked the candidates to address the board on their qualifications to serve. The following individuals spoke: Sara Miller, George Waden and Paul Visscher. Trinidad Perez was absent due to weather conditions.

Commissioner Black placed all four names in nomination and Commissioners DeYoung and Kapenga were appointed as tellers. The following individuals were elected to the positions as stated:

Sara Miller - Senior Rep.
1013 W. Allegan, P.O. Box 37, Martin, MI 49070

Paul Visscher - member at large
6283 136th Ave., Saugatuck, MI 49453

Trinidad Perez, Jr. member at large
6102 109th Avenue, Pullman, MI 49450

BREAK - 2:35 P.M.

12/ Upon reconvening at 2:55 P.M., the following Commissioners were present: Commissioner Burns, McNeal, VanEck, DeYoung, Kapenga, Thiele, Black, Jessup, Spreitzer, Campbell and Jones. Absent - None.

ADMINISTRATOR'S REPORT

13/ Administrator Rob Sarro reported on the interdepartmental meeting held at the Haworth building which gave everyone a chance to tour the building. At the meeting, the budget process was discussed. Any questions concerning the budget process should be brought to the February 18, 2010 planning meeting.

Paul Wylie announced that he will be retiring next month after twenty-two and a half years of service to the county. He invited the board to his retirement party on February 26, 2010 from 1:30 P.M. to 4:30 P.M. in the Karl Zimmerman Room. Because of funding cuts, individual County managers will be replaced by a regional coordinator hired to oversee Allegan, Ottawa and Kent Counties.

CONSENT AGENDA - ADOPTED AS PRESENTED

14/ Moved by Commissioner DeYoung, seconded by Commissioner Thiele to adopt the items on the consent agenda as presented. Motion carried by roll call vote: Yes - 11 votes. No - 0 votes. Absent - 0 votes. The following items are adopted:

14.1/ FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS

HONORABLE BOARD OF COMMISSIONERS OF ALLEGAN COUNTY,
Your committee on Finance has authorized the following claims for January 15, 2010. 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 2010 Claims Report, Liber ____, and Commissioners' Record of Claims.

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund	99,735.76	99,735.76	
Park/Recreation Fund	1,092.83	1,092.83	
Central Dispatch/E911 Fund	2,721.85	2,721.85	
Health Department Fund	537,736.04	537,736.04	
Transportation Fund	34,119.10	34,119.10	
Public Improvement Fund	47,900.31	47,900.31	
Register of Deeds Automation Fund	4,248.43	4,248.43	
Palisades Emergency Planning Facility UP	208.99	208.99	
Grants	5,341.00	5,341.00	
Child Care - Circuit/Family	41,980.91	41,980.91	

Senior Millage	514.50	514.50	
Delinquent Tax Revolving Fund	37,676.82	37,676.82	
Drain Equip Revolving	1,907.26	1,907.26	
Self-Insurance fund	47,968.73	47,968.73	
TOTAL AMOUNT OF CLAIMS	863,152.53	863,152.53	

Respectfully submitted, COMMITTEE OF FINANCE

HONORABLE BOARD OF COMMISSIONERS OF ALLEGAN COUNTY,
Your committee on Finance has authorized the following claims for January 22, 2010. 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 2010 Claims Report, Liber ____, and Commissioners' Record of Claims.

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund	61,683.97	61,683.97	
Central Dispatch/E911 Fund	33,103.10	33,103.10	
Health Department Fund	45,777.43	45,777.43	
Register of Deeds Automation Fund	702.27	702.27	
Grants	13,080.15	13,080.15	
Fillmore Township	71.42	71.42	
Lee Township C.O.P.S.	1,341.00	1,341.00	
Child Care -- Circuit/Family	24,356.77	24,356.77	
Senior Millage	308.70	308.70	
Drain Equip Revolving	267.57	267.57	
Self-Insurance Fund	4,559.00	4,559.00	
Self-Insurance fund	28,698.44	28,698.44	
TOTAL AMOUNT OF CLAIMS	213,949.82	213,949.82	

Respectfully submitted, COMMITTEE OF FINANCE

PARKS, RECREATION AND TOURISM DEPARTMENT--2010-2015 MASTER PLAN

14.2/ **WHEREAS**, to be eligible for state grant funds the Michigan Department of Natural Resources (DNR) requires that the Parks Master Plan be updated every five years; and

WHEREAS, our current Parks Master Plan will expire in February of 2010; and

WHEREAS, the County Parks Commission has completed a final draft of the 2010-2015 Parks Master Plan; and

WHEREAS, the DNR provides a very strict checklist of items that must be completed prior to submission of the plan including a public hearing, followed by Parks Commission approval of the Plan and the Board of Commissioners approval of the Plan; and

WHEREAS, as per the checklist, the public hearing was held at the Parks Commission meeting on January 5, 2010, and the Parks Commission approved the Plan on that date.

THEREFORE BE IT RESOLVED, that the Allegan County Board of Commissioners hereby approves recommendation of the Parks Commission and the request of the Parks, Recreation and Tourism Director to approve the 2010-2015 Allegan County Parks Master Plan as presented; and

BE IT FURTHER RESOLVED that the Board Chairman and/or the County Administrator are authorized to sign the necessary documents on behalf of the County.

EMERGENCY MANAGEMENT--APPROVE EMERGENCY OPERATIONS PLAN

14.3/ WHEREAS, averting the threat of, or minimizing the effects of natural, technological and/or man-made disasters upon Allegan County lives and property is an appropriate governmental responsibility best addressed by the creation, communication, and implementation of an Emergency Operations Plan; and

WHEREAS, the preparedness to cope with the threat of, or the effects of a disaster requires an integrated deployment of public, private and individual citizen resources through an integrated emergency management system; and

WHEREAS, the National Incident Management System (NIMS) recognizes the potential deployment of various multi-jurisdictional resources to respond to a disaster, or threat thereof, and provides a coordinated organizational structure that will assure a consistent, nationwide, emergency management response regardless of the cause, size or complexity of a disaster; and

WHEREAS, the Allegan County Emergency Operation Plan is responsive to the federal requirements contained in the NIMS and

subject to approval by the State of Michigan and the Federal Emergency Management Agency (FEMA); and

WHEREAS, pursuant to Act 390 of the P.A. of 1990, Allegan County has established the Allegan County Emergency Management Division and, to the limits of its capabilities, the Emergency Management Division is responsible for the disaster preparedness activities within Allegan County.

THEREFORE, BE IT RESOLVED that the Allegan County Board of Commissioners hereby approves the 2010 Emergency Operations Plan as presented January 28, 2010; and

BE IT FURTHER RESOLVED, that the approved Emergency Operations Plan is to be filed in the Clerk's Office at the Allegan County Courthouse; and

BE IT FINALLY RESOLVED, that the Board Chairman is authorized to sign the necessary documents on behalf of the County.

TRANSPORTATION DEPARTMENT--APPROVE TRANSIT FACILITY PHASE II CHANGE ORDER NO. 001

14.4/ BE IT RESOLVED that the Allegan County Board of Commissioners hereby approves the request from the Transportation Department per the review and recommendations of the Transportation Director, the Facilities Director, the Allegan County Transit Facility Architect, and the Allegan County Transit Facility Construction Manager to approve Transit Facility Change Order No. 001 in the amount of \$2,571.45 to address Cost Issue/Proposal Quotations to change vendor contracts as follows:

Cost Issue/Proposal Quotation	No. 001
Bid Category and Contractor	
7 HM, Wood Doors & Hardware	\$ 683.55
S. A. Morman Company 1100 Gezon Parkway SW Grand Rapids, MI 49509	

Cost Issue/Proposal Quotation No. 002

6	Metals	- \$1984.50
	P & K Steel Service, Inc. 2151 Chicago Dr. SW Grand Rapids, MI 49519-1214	
	Cost Issue/Proposal Quotation	No. 003
16	Electrical	\$547.05
	Miller Electric 4506 27 th Street Byron Center, MI 49315	
	Cost Issue/Proposal Quotation	No. 004
2	Asphalt Paving	- \$1025.85
	Superior Asphalt 669 Century SW Grand Rapids, MI 49503	
	Cost Issue/Proposal Quotation	No. 005
13	Metal Building System	\$4873.05
	Tailored Building Systems 550 Kirtland SW Grand Rapids, MI 49507	
	Cost Issue/Proposal Quotation	No. 007
6	Metals	- \$521.85
	P & K Steel Service, Inc. 2151 Chicago Dr. SW Grand Rapids, MI 49519-1214	

BE IT FURTHER RESOLVED that the net project increase for this Change Order is \$2,571.45 which will be paid from budgeted contingency, and this change order will not require an increase to the approved project budget; and

BE IT FINALLY RESOLVED that the Board Chairman and/or 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.

BUDGET AND FINANCE—APPROVE 2010 BUDGET ADJUSTMENT (ANIMAL SHELTER)

14.5/ **BE IT RESOLVED** that the Allegan County Board of Commissioners hereby approves the request of the Budget and

Finance Director for and additional appropriation in the amount of \$14,970 from the 2010 Contingency Fund as follows:

\$14,970.00	decrease	1010.890.956.00.00
\$13,900.00	increase	1010.430.708.00.00
\$ 1,070.00	increase	1010.430.715.01.00

and;

BE IT FURTHER RESOLVED that the Budget and Finance Director is authorized to make the necessary budget adjustments to reflect these changes.

ALLEGAN COUNTY—AUTHORIZATION TO SUBMIT NOVO 1 PROJECT CDBG GRANT APPLICATION

14.6/ WHEREAS, on December 16, 2009 the Michigan Strategic Fund (MSF) approved the County of Allegan's Notice of Intent to apply for a grant under the Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) Program, Project No. MSC209128-EDME, the NOVO 1 Call Center Project as follows:

- \$500,000 to enable NOVO I Call Center, to be located at 1351 Waverly Road in Holland, to purchase the necessary machinery, furniture, fixtures, computers and other related equipment.
- \$500,000 to enable NOVO I Call Center, to be located at 1351 Waverly Road in Holland, to train new employees.

and;

WHEREAS the project is consistent with the local community development plan as described in the application; and

WHEREAS, the project is expected to result in the creation of 250 permanent full-time equivalent jobs, of which 51 per cent (51%) will be held by persons from low and moderate income households; and

WHEREAS, no project cost (CDBG and non-CDBG) will be incurred prior to a formal grant award, completion of the environmental review procedures and formal written authorization to incur costs is received from Community Development.

THEREFORE BE IT RESOLVED that the Allegan County Board of Commissioners hereby authorizes the Budget and Finance Director to submit the Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) application as presented; and

BE IT FURTHER RESOLVED that the County Administrator, Robert Sarro, is authorized to sign the necessary documents on behalf of the County.

ALLEGAN COUNTY—AUTHORIZATION TO SUBMIT JOHNSON CONTROLS PROJECT CDBG GRANT APPLICATION

14.7/ **WHEREAS**, on December 16, 2009 the Michigan Strategic Fund (MSF) approved the County of Allegan's Notice of Intent to apply for a grant under the Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) Program, Project No. MSC209129-EDME, the Johnson Controls -SAFT Electrical Infrastructure Project as follows:

- not more than \$2,000,000 to enable Johnson Controls-SAFT Battery Plant, to upgrade the electrical infrastructure, at an existing rack storage facility at 36 W. 48th Street in Holland, to afford the company the necessary electrical power to create Lith-ion Batteries which will be used in the emerging electrical car industry.

and;

WHEREAS the project is consistent with the local community development plan as described in the application; and

WHEREAS, the project is expected to result in the creation of 250 permanent full-time equivalent jobs, of which 51 per cent (51%) will be held by persons from low and moderate income households; and

WHEREAS, no project cost (CDBG and non-CDBG) will be incurred prior to a formal grant award, completion of the environmental

review procedures and formal written authorization to incur costs is received from Community Development.

THEREFORE BE IT RESOLVED that the Allegan County Board of Commissioners hereby authorizes the Budget and Finance Director to submit the Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) application as presented; and

BE IT FURTHER RESOLVED that the County Administrator, Robert Sarro, is authorized to sign the necessary documents on behalf of the County.

FACILITIES MANAGMENT—APPROVE CUSTODIAL SERVICES AGREEMENT

15/ **WHEREAS**, on December 17, 2009 the Allegan County Board of Commissioners awarded the bid for custodial services, labor and cleaning supplies, as per RFP 10066 to CSM Services and authorized the Budget and Finance Director and the County Administrator to negotiate a contract to be brought back to the Board for final review and approval.

THEREFORE BE IT RESOLVED that the Allegan County Board of Commissioners hereby approves the Commercial Cleaning Services Agreement effective February 1, 2010 with Commercial Sanitation Management, LLC (CSM), of 3536 Highland Dr., Hudsonville, MI, 49426, as presented; and,

BE IT FURTHER RESOLVED that the Board Chairman and/or 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 McNeal, seconded by Commissioner DeYoung to adopt the resolution as presented. Motion carried by roll call vote: Yes - 10 votes. No - 1 vote. Absent - 0 votes.

Y TERRY BURNS
Y STEVE McNEAL

Y DON BLACK
Y TOM JESSUP

Y	PAUL VanECK	N	FRITZ SPREITZER
Y	MARK DeYOUNG	Y	JON CAMPBELL
Y	DEAN KAPENGA	Y	LARRY JONES
Y	MAX THIELE		

COMMERCIAL CLEANING SERVICES AGREEMENT

This Commercial Cleaning Services Agreement is made by and between Allegan County, 3283 122nd Avenue, Allegan, Michigan 49010 ("Customer") and Commercial Sanitation Management, LLC, 3536 Highland Drive, Hudsonville, Michigan 49426 ("CSM") and sets forth the terms and conditions under which CSM will provide certain commercial cleaning services to Customer as mutually agreed upon by the parties as follows:

1. Scope of Services and Responsibilities.

1.1 Scope of Services. Exhibit "A" (RFP including any addendums or amendments and CSM's bid response) describes the services to be performed by CSM, the performance schedule, applicable pricing and other terms and conditions. The services described in Exhibit "A" shall be governed by the terms and conditions of this Agreement.

1.2 Pricing Adjustments. Customer acknowledges that CSM expects the areas set forth in the proposal in Exhibit "A" to be used in a reasonable manner in accordance with Customer's industry. To the extent that said areas are subjected to use that causes them to be unusually or unreasonably soiled or stained, CSM upon written agreement between both parties prior to completing the service is authorized to adjust the pricing set forth in the proposal in Exhibit "A" to account for additional work that CSM may reasonably have to perform in order to clean the areas as indicated in the proposal in Exhibit "A".

1.3 General Responsibilities. CSM shall be responsible for:

1.3.1 Moving and stacking any furniture in order to facilitate floor cleaning.

1.3.2 Restocking all bathroom products, including toilet paper, hand towels and soap. A separate contract will be negotiated for the purchase of these items.

1.3.3 Opening and closing the facility for cleaning.

1.4 Reporting. CSM will report to the County Administrator or designee and will cooperate and confer with the County Administrator or designee as necessary to ensure satisfactory work progress and performance. All reports made in connection with CSM's services are subject to review and final approval by the County Administrator or designee. Customer may review and inspect CSM's activities during the term of this Agreement. When applicable, CSM will submit written reports to Customer. After reasonable notice to CSM, Customer may review any of CSM's internal records, reports or insurance policies that relate to this contract.

1.5 Compliance with Laws. CSM will comply with all federal, state and local laws and regulations, including, but not limited to, all applicable OSHA/MIOSHA requirements.

1.6 Conflicts of Interest. CSM promises that it has no interest which would conflict with the performance of services required by this Agreement. If a possible conflict of interest arises, CSM will inform Customer regarding same.

1.7 Confidentiality. CSM acknowledges that during the performance of services under this Agreement, it or its personnel may become aware of or receive confidential information relating to or kept by Customer, and therefore CSM agrees that all such information will be kept confidential and will not be disclosed without the written authorization of Customer.

1.8 Insurance. CSM will maintain at its own expense during the term of this Agreement the insurance coverages and policies specified in Exhibit "A" (RFP including any addendums or amendments and CSM's bid response).

2. Term of Agreement. The term of this Agreement shall commence on February 1, 2010, and continue for 3 years, or until one of the parties terminates the Agreement pursuant to Section 5 of this Agreement, whichever occurs first. This contract may be extended by mutual agreement for two one year extensions.

3. Price and Payment.

3.1 Pricing. The services provided by CSM shall be at the pricing set forth in the proposal in Exhibit "A". Customer agrees to pay CSM the sum of \$18,138.02 per month for the services indicated above (including janitorial services five days per week), in accordance with the price and payment provisions in this Agreement. This represents an annual total of \$217,656.28.

3.2 Payment. Unless otherwise provided in the proposal in Exhibit "A", CSM will submit invoices for charges and expenses on a pre-monthly basis. Each invoice will be billed at the first of the month due by the 5th of the following month. Customer agrees to pay a late payment charge at the rate of one and one-half percent (1.5%) per month, or at the maximum late payment charge permitted by applicable law, whichever is less, on any unpaid amount for each calendar month (or portion thereof) that any payment is in default. CSM may apply any payment received to any late charges or delinquent amount outstanding.

3.3 Discounts. If the proposal in Exhibit "A" provides for a discount, the discount shall be valid only if payment is made when due. The discount shall not apply to any late payments.

4. Warranties and Indemnification.

4.1 Warranties. CSM represents and warrants that it has the right to enter into this Agreement and that all services shall be performed in a workmanlike and professional manner.

4.2 No Other Warranties. Except as expressly provided in this Section 4, CSM makes no other warranties, express or implied.

4.3 Indemnification. CSM will protect, defend and indemnify Customer, its elected officials, officers, agents, volunteers and employees from any and all liabilities, claims, liens, fines, demands and costs, including legal fees, of whatsoever kind and nature which may result in injury or death to any persons, including CSM's own employees, and for loss or damage to any property, including property owned or in the care, custody or control of Customer, in connection with or in any way incident to or arising out of the occupancy, use, service, operations, performance or non-performance of work in connection with this Agreement resulting in whole or in part from negligent acts or omissions of CSM or any subcontractor, or any employee, agent or representative of CSM or any subcontractor. The obligations of CSM under this Section 4.3 shall survive any termination of this Agreement or completion of CSM's performance under this Agreement.

5. Termination. This Agreement may be terminated prior to expiration 1) by either party for any or no reason on sixty (60) days' prior written notice; or 2) by either party if the other party fails to perform any of its material obligations under this Agreement and fails to correct such failure within sixty (60) days after receipt of written notice.

6. General Terms and Conditions.

6.1 Independent Contractor. CSM is an independent contractor and nothing in this Agreement shall be deemed to make CSM an agent, employee or joint venture partner of Customer. CSM shall not be entitled to any benefits that Customer provides for its own employees, including, without limitation, workers' compensation and unemployment insurance. CSM shall maintain workers' compensation insurance within the statutory limits.

6.2 Delays. Neither party shall be liable to the other party for any delay or failure to perform its obligations if such delay or failure arises from any cause beyond the reasonable control of that party. If CSM is unable to perform the services described in the proposal in Exhibit "A" on time because of anything CSM cannot reasonably control, the time for CSM to perform the services shall be extended for the same duration as the delay.

6.3 Amendment. No provision of this Agreement may be modified except by a written document signed by a duly authorized representative of the both parties.

6.4 Assignment. Neither party may assign or delegate any of its rights or obligations under this Agreement without the prior written consent of the other party.

6.5 Waiver. No provision of this Agreement shall be deemed waived and no breach excused, unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. Any consent by any party to, or waiver of, a breach of the other party, whether express or implied, shall not constitute a consent to, waiver of, or excuse for any different or subsequent breach.

6.6 Binding Effect. This Agreement shall be binding upon and inure to the benefit of CSM and Customer and their respective legal representatives, successors and authorized assigns.

6.7 Counterparts. This Agreement may be executed simultaneously in one or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

6.8 Severability. If any provision of this Agreement shall be prohibited or unenforceable by any applicable law, the provision shall be ineffective only to the extent and for the duration of the prohibition or unenforceability, without invalidating any of the remaining provisions.

6.9 Governing Law. This Agreement shall be governed by and interpreted according to the laws of the State of Michigan.

6.10 Entire Agreement. This Agreement, including the proposal in Exhibit "A", constitutes the entire agreement between CSM and Customer with respect to the subject matter of this Agreement. The RFP and any addendums or amendments in Exhibit "A" shall control in any conflict of documents and supersede all earlier agreements and understandings, oral and written, between the parties.

ALLEGAN COUNTY

By: _____ Date: _____
Its:

COMMERCIAL SANITATION MANAGEMENT, LLC

By: _____ Date: _____
Its:

SHERIFF DEPARTMENT--APPLY/ACCEPT 2010 DNR MARINE SAFETY GRANT

16/ **BE IT RESOLVED THAT** the Allegan County Board of Commissioners hereby approves the request from the Sheriff Department to apply for and accept when awarded, the grant offered through the State of Michigan Department of Natural Resources for 2010 Marine Safety, in an amount not to exceed \$144,831.00; 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 VanEck, seconded by Commissioner Kapenga to adopt the resolution as presented. Motion carried by roll call vote: Yes - 11 votes. No - 0 votes. Absent - 0 votes.

DISCUSSION:**TRANSPORTATION COMMUNITY FEEDBACK PRESENTATION - DAN WEDGE**

17/ Dan Wedge, Transportation Director stated that they are required to provide an opportunity for public input on transportation needs. He described the meeting with stakeholders and the general public and the information will be compiled into a report including a five-year plan. He reviewed the five options being considered to meet the needs of county residents.

Kathryn Gillen, Public Policy Specialist with the Disability Network in Holland addressed the study being done. They have completed 4 phases so far. After the initial survey, six focus groups met throughout the county. Phase 2 included interviews with the users and current rider surveys and prospective rider surveys. The next part was an analysis of ACT services and statistics. A comparison of services in other counties was reviewed in VanBuren, Kalamazoo, Benzie, Barry and St. Joseph Counties. Using census data, they reviewed the demographics of the county to see if there were pockets of individuals not being served. Rides to medical appointments, jobs, are needed.

Dan encouraged Commissioners to refer constituents who would like to discuss the transportation needs that could be included in the plan.

TRANSPORTATION-MDOT FY2011 OPERATING/CAPITAL ASSISTANCE APPLICATIONS

18/ **BE IT RESOLVED** that the Allegan County Board of Commissioners hereby approves the request from the Transportation Department to approve the attached FY2011 Michigan Department of Transportation (MDOT) applications for operating and capital assistance: State Operating of \$419,676 Federal Operating - Section 5311 of \$191,360, Capital Section 5309 of \$276,000, Specialized Services Operating of \$106,704, Job Access Reverse Commute of \$93,000; and New Freedom-Mobility Management of \$20,000, and

BE IT FURTHER RESOLVED that the Board Chairman and the County Administrator are authorized to sign the necessary documents and MDOT project authorizations, and the Finance Director is authorized to make necessary budget adjustments on behalf of the County.

Moved by Commissioner VanEck, seconded by Commissioner Burns to adopt the resolution as submitted. Motion carried by roll call vote: Yes - 9 votes. No - 1 vote. Absent - 1 vote.

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

TRANSPORTATION - FUEL TAX INFORMATION

19/ Dan distributed an information sheet explaining the package of three bills being considered in the legislature; HB 5768, HB 5769, and HB 5770. These bills would increase the taxes on fuel over the next three years to create the Transportation Investment Fund for road repairs and programs.

**Novo 1 Project Administration Agreement With The City Of Holland
Johnson Controls SAFT Project Administration Agreement With The
City Of Holland**

20/ Moved by Commissioner Thiele, seconded by Commissioner Black to table these resolutions which relate to the Administration agreement with the City of Holland for the CDBG grants until the first meeting after the attorney reports.

Motion carried by roll call vote: Yes - 8 votes. No - 2 votes. Absent - 1 vote.

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

WISHBONE PET RESCUE LETTER

21/ Commissioner Thiele addressed the letter received from the Steins. There were concerns about the volunteers not having access to the building after hours. There needs to be an agreement in place to avoid liability of Wishbone volunteers. Lt. Larson will be contacted for additional information. Commissioner McNeal asked to have this set on the discussion agenda next week.

PUBLIC PARTICIPATION - NO COMMENTS

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

RECESS TO CLOSED SESSION - TO DISCUSS BARGAINING ISSUES

23/ Move by Commissioner Black, seconded by Commissioner VanEck to recess to closed session to discuss bargaining strategy. Motion carried by roll call vote: Yes - 10 votes. No - 0 vote. Absent - 1 vote. The meeting was recessed at 4:52 P.M.

C L O S E D S E S S I O N**ROLL CALL/RECONVENE**

24/ Upon reconvening at 5:35 P.M., the following Commissioners reported present: Commissioner McNeal, VanEck, DeYoung, Kapenga, Thiele, Jessup, Spreitzer and Jones. Absent - Commissioners Burns, Black and Campbell.

ADJOURNMENT UNTIL FEBRUARY 11, 2010 AT 1:00 P.M.

25/ Moved by Commissioner Thiele, seconded by Commissioner VanEck to adjourn until February 11, 2010 at 1:00 P.M. The motion carried and the meeting was adjourned at 5:45 P.M.


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