

Board of Commissioners Minutes
Board Conference Room
February 11, 2010

The regular meeting of the Oceana County Board of Commissioners was called to order by Chairperson Van Sickle in the Board Conference Room on Thursday, February 11, 2010 at 2:00 p.m.

Roll was called by the Clerk. Present: Mr. Malburg, Ms. Kolbe, Mr. Brown, Mr. Powers, Mr. Simon, and Mr. Van Sickle. Absent: Mr. Byl.

Moved by Ms. Kolbe and seconded by Mr. Brown to approve the minutes of the January 28, 2010 meeting as presented.

Ms. Connie James, Claybanks Township resident, and Mr. Al Blohm, Shelby Township resident, were present to address their concerns regarding the Oceana County Animal Control Advisory Board. Ms. James stated that she, as well as many other Oceana County citizens, was under the impression that the Animal Control Advisory Board meetings were open to the public. However, a few weeks ago Mr. Blohm asked about attending a meeting and was told that the meeting was not open to the public as the Board has no decision making authority and its function is merely to be an advisory body. This raised several questions such as: 1) why would the Advisory Board want to meet in secret; 2) what do they have to hide; 3) and who is allowed to be a member of the Advisory Board.

Ms. James asked how there can be a channel of communication if the general public cannot attend the meetings; who determines the balance of members on the board so that all classification of animal owners are represented; what is the criteria to be on the board; how long are the terms; and, what happens when there is a vacancy. She commented that she is most disturbed by the merging and consistent pattern regarding animal issues where interpretation of the law is being used to circumvent and/or shut down the animal/kennel owners.

Ms. James stated that the County Board members represent Oceana County and are elected to serve the public in a fair and just manner. She feels that Oceana County animal owners are not being treated fairly. She informed the Board that a new animal ownership advocate group has been formed called the "Responsible Animal Owners of Oceana County" and has a request for the County Board. The request is as follows:

The Group requests that the County Board immediately dissolve the current

Oceana County Animal Control Advisory Board. Since members of the current Board do not reflect a fair and equitable representation of concerned animal owners in Oceana County and since they refuse to allow attendance and/or input by the general public at their meetings, this board shall immediately be replaced with a new Animal Control Advisory Board composed of members who truly represent ALL animal owners in Oceana County.

RECOMMENDATION

The Animal Advisory Board shall consist of nine members, each serving for two years. Four members on the initial board will have one-year terms to stagger appointments. All board members will be appointed by the County Board of Commissioners only and will include:

A County Commissioner	A member of local law enforcement
An agricultural farmer	Animal Control Agency representative
A dog breeder	A horse breeder
A canine trainer	A veterinarian
A pet owner from the county	

Ms. Johnson, Oceana County Administrator/Fiscal Officer, related that she was mistaken when she informed Mr. Blohm that the Animal Control Advisory Meeting was open to the public. She did some further research and obtained a legal opinion that stated because it is an "advisory board" and no decisions are made, it is not open to the public and no minutes have to be kept. She added that the Advisory Board was first created to discuss issues and concerns regarding the Animal Shelter and Animal Control Officer. The thought was to have citizens from the public involved to listen and discuss common animal issues as a team approach.

Mr. Blohm stated that he was very much interested in attending the Animal Control Advisory Board meeting a few weeks ago and was a little upset when he was told it was not a public meeting.

Chairperson Van Sickle stated that he would like to discuss the concerns of Ms. James and Mr. Blohm with Ms. Johnson and would contact Ms. James in a few weeks.

Ms. Alice Szuhai, Otto Township resident, expressed her concern about not being issued a kennel license for the year 2010 (per a telephone call from Ms. Johnson on January 25, 2010). Ms. Johnson replied that the conversation with Ms. Szuhai was that she may not be issued a kennel license for 2010 if she does not meet the proper requirements. Ms. Szuhai commented that she has devoted her life to caring for her animals and never gets a thank you. She has had a kennel license for 13 years with no problem. Why is it any different now?

Chairperson Van Sickle stated that as long as Ms. Szuhai conforms to all the rules and regulations of the dog laws, she would be entitled to a kennel license, just as every other resident.

Chairperson Van Sickle thanked Ms. James, Mr. Blohm and Ms. Szuhai for sharing their concerns and stated that the issues brought forth would be discussed and addressed.

Correspondence was received from Mr. Gerald Van Woerkom, 34th District State Senator, thanking the Oceana County Board of Commissioners for the resolution expressing support for the Final Report of the Legislative Commission on Statutory Mandates.

Senator Van Woerkom is in the process of looking into all the recommendations included in the report and the feasibility of each, including but not limited to the specific recommendations that were outlined. In light of the financial burdens that local governments are currently facing, Senator Van Woerkom believes that this is the proper time to be looking into what the State of Michigan can do to relieve burdens and strive to find the most beneficial solutions for local governments. The letter is on file in the County Clerk's office.

RESOLUTION NO. 1 – OCEANA COUNTY LAW ENFORCEMENT MUTUAL AID AGREEMENT

Moved by Mr. Simon and seconded by Mr. Powers to approve the Oceana County Law Enforcement Mutual Aid Agreement by and between the Oceana County Sheriff's Department and the eight local law enforcement agencies of the Village of Hesperia, Village of Rothbury, Village of Pentwater, Village of Walkerville, Village of Shelby, Village of New Era and the City of Hart.

The parties recognize the mutual advantage and benefit of rendering to each other supplemental police protection in the event of a special police need of the magnitude that has developed, appears to be developing or is anticipated where the special need is beyond the control of a single police department and, therefore, requires the assistance of one or more of the other parties.

This Agreement will become effective upon the date each unit adopts a resolution approving the same.

Roll call vote: Mr. Simon-yes; Mr. Powers-yes; Mr. Brown-yes; Ms. Kolbe-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl

Motion carried.

RESOLUTION NO. 2 – 2009 FINAL GENERAL FUND BUDGET TRANSFER

Moved by Mr. Simon and seconded by Mr. Malburg to transfer \$3,810 within the 2009 General Fund Budget as follows:

Dept #	Budget Activity	Line Item	Description	Amount
FROM 970	Child Care	965.000	Transfer Out	\$ 3,810
TO 248	General Services	958.100	Cigarette Tax	\$ 3,210
528	Transfer Station	721.000	Retirement	\$ 300
899	Tax Tribunal Refunds	800.000	Disbursements	\$ 300

Roll call vote: Mr. Simon-yes; Mr. Malburg-yes; Mr. Powers-yes; Ms. Kolbe-yes; Mr. Brown-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

RESOLUTION NO. 3 – 2010 BUDGET AMENDMENT

Moved by Mr. Simon and seconded by Mr. Brown to **amend the 2010 Oceana County General Fund Budget from \$9,355,178 to \$9,357,128 as follows:**

INCREASE GENERAL FUND REVENUES AS FOLLOWS:

Increase 301- Sheriff's Department from \$102,100 to \$104,050 as follows:

Increase 301-608.005 – Charges from Services from \$19,000 to \$20,950

INCREASE GENERAL FUND EXPENDITURES AS FOLLOWS:

Increase 301 – Sheriff's Department expenditures from \$1,922,571 to \$1,924,521 as follows:

Increase 301.977.000 – Machinery and Equipment from \$34,700 to \$36,650

Increase 445 – Drains – Public Benefit from \$15,300 to \$15,775

DECREASE GENERAL FUND EXPENDITURES AS FOLLOWS:

Decrease 000 – General – Transfer Out from \$79,388 to \$78,913

Roll call vote: Mr. Simon-yes; Mr. Brown-yes; Ms. Kolbe-yes; Mr. Powers-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

RESOLUTION NO. 4 – TRANSFER OF FUNDS

Moved by Mr. Simon and seconded by Mr. Malburg to transfer \$30,000 from the General Fund to the Building Department Fund.

Roll call vote: Mr. Simon-yes; Mr. Malburg-yes; Mr. Powers-yes; Ms. Kolbe-yes; Mr. Brown-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

RESOLUTION NO. 5 – FAMILY COUNSELING SERVICES AGREEMENT BETWEEN 27TH JUDICIAL CIRCUIT COURT AND COUNTY OF OCEANA

Moved by Mr. Simon and seconded by Ms. Kolbe to renew the Agreement made by and between the 27th Judicial Circuit Court and the County of Oceana for the provision of family mediation services in Oceana County according to the terms and conditions set forth in the attached Agreement. The effective date of this Agreement shall be October 1, 2009.

Roll call vote: Mr. Simon-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Malburg-yes; Mr. Powers-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

RESOLUTION NO. 6 – FAMILY COUNSELING SERVICES AGREEMENT BETWEEN COUNTY OF OCEANA AND WESTSHORE DISPUTE RESOLUTION CENTER

Moved by Mr. Simon and seconded by Mr. Malburg to renew the Agreement made by and between the County of Oceana and Westshore Dispute Resolution Center for the purpose of delegating to the Westshore Dispute Resolution Center the obligation for providing family mediation services according to the terms and conditions set forth in the attached Agreement. The effective date of the Agreement shall be October 1, 2009.

Roll call vote: Mr. Simon-yes; Mr. Malburg-yes; Ms. Kolbe-yes; Mr. Powers-yes; Mr. Brown-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

RESOLUTION NO. 7 – AGREEMENT FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE IN OCEANA COUNTY

Moved by Mr. Powers and seconded by Ms. Kolbe to adopt the following Resolution:

WHEREAS, Oceana County and the Mason-Lake, Manistee and Oceana Conservation Districts have collaborated in an effort to plan for the provision of the proper collection and disposal of household hazardous waste for the residents of Oceana County.

THEREFORE, BE IT RESOLVED: That the Oceana County Board of Commissioners agrees to contract with the Mason-Lake, Manistee and Oceana County Conservation Districts for the proper collection and disposal of household hazardous waste up to \$5,000 in order to promote and protect the public health, safety and welfare of Oceana County's residents.

BE IT FINALLY RESOLVED: That the Chairman of the Board is hereby authorized to sign the Agreement for Services by and between Oceana County and the Mason-Lake, Manistee and Oceana County Conservation Districts.

Roll call vote: Mr. Powers-yes; Ms. Kolbe-yes; Mr. Simon-yes; Mr. Brown-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

RESOLUTION NO. 8 – AUTHORIZATION FOR THE OCEANA COUNTY FAMILY DIVISION OF THE 27TH JUDICIAL CIRCUIT COURT TO RENEW THE AGREEMENT WITH CAMP AO-WA-KIYA

Moved by Mr. Brown and seconded by Mr. Simon to authorize the Oceana County Family Division of the 27th Judicial Circuit Court to renew the agreement with Camp Ao-Wa-Kiya, 8401 W. Thomas Road, Shelby Michigan for the period February 1, 2010 through January 31, 2011 with an option to renew the agreement pending an evaluation of the Camp's Adventure Challenge Course (AACC).

AACC will provide the facility and staff to administer and operate the program which will be monitored by Juvenile Probation Officer Tim LeMahieu.

AACC will provide the program at the rate of \$175.00 per session for up to 12 participants per session to be held one Saturday of each month and the \$175.00 rate will include the program, a meal for the participants and any tools used in the program.

Roll call vote: Mr. Brown-yes; Mr. Simon-yes; Mr. Malburg-yes; Mr. Powers-yes; Ms. Kolbe-yes; and Ms. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

**RESOLUTION NO. 9 – SUPPORT OF AMERICAN RECOVERY & REINVESTMENT ACT (ARRA)
FUNDING FOR EXPANSION OF BROADBAND COMMUNICATION
THROUGHOUT OCEANA COUNTY**

Moved by Ms. Kolbe and seconded by Mr. Powers to adopt the following Resolution:

WHEREAS, the Oceana County Board of Commissioners recognizes the need for high speed Broadband communication throughout the county; and,

WHEREAS, countywide Broadband communication will assist:

- in attracting and locating more businesses to Oceana County as they will be able to tap into the world market and cast a wide net for attracting employees, customers and suppliers
- in attracting more permanent and/or part-time residents as they will be able to live in Oceana County while telecommuting to urban jobs
- in providing higher education classes and training to all residents
- in making healthcare records fluidly available
- in making local governments more efficient through shared resources
- in bolstering tourism through social media sites and allowing people to take "working" vacations
- in providing necessary information to emergency first responders and 9-1-1

THEREFORE, BE IT RESOLVED: That the Oceana County Board of Commissioners recommends the use of American Recovery & Reinvestment Act (ARRA) funds by those vendors who will further the development of Broadband communication in Oceana County to provide for greater capacity, greater reliability and greater public access in an area where these services are limited.

Roll call vote: Ms. Kolbe-yes; Mr. Powers-yes; Mr. Malburg-yes; Mr. Brown-yes; Mr. Simon-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

RESOLUTION NO. 10 – 2010 MICHIGAN ASSOCIATION OF COUNTIES (MAC) CONFERENCE

Moved by Mr. Powers and seconded by Mr. Malburg to authorize the Oceana County Board of Commissioners to attend the Michigan Association of Counties (MAC) Legislative Conference to be held at the Lansing Center/Radisson Hotel – Downtown March 29 – 31, 2010 and to authorize the payment of per diem, registration fees, travel expenses and food and lodging for the same.

Roll call vote: Mr. Powers-yes; Mr. Malburg-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Simon-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

RESOLUTION NO. 11 - PAYMENT OF CLAIMS

Moved by Mr. Simon and seconded by Ms. Kolbe to approve the payment of claims in the tentative amounts as follows:

AMBULANCE FUND	\$ 72,655.53
FRIEND OF THE COURT	-0-
PUBLIC IMPROVEMENT FUND	584.78
BUILDING DEPARTMENT FUND	16,635.14
CAPITOL PROJECTS – DC	-0-
CAPITOL PROJECTS – SHERIFF	-0-
TOTAL FORECLOSURE FUND	14,282.03
AUTOMATION FUND R.O.D.	8,625.11
LOCAL CORR. OFFICERS TRAINING FUND	-0-
DRUG LAW ENFORCEMENT	-0-
GENERAL FUND	<u>428,373.84</u>
TOTAL	\$ 541,156.43

and to authorize the County Clerk to draw warrants and the County Treasurer to pay the same.

Roll call: Mr. Simon-yes; Ms. Kolbe-yes; Mr. Malburg-yes; Mr. Powers-yes; Mr. Brown-yes; and Mr. Van Sickle-yes. Absent: Mr. Byl.

Motion carried.

Chairperson Van Sickle asked if there was any further business to come before the Board. There being none, the meeting was adjourned at 2:40 p.m.

Rebecca J. Griffin
Oceana County Clerk

Date


Larry Van Sickle, Chairperson