

Board of Commissioners Minutes  
 Board Conference Room  
 March 25, 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, March 25, 2010 at 2:00 p.m.

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

Moved by Mr. Simon and seconded by Mr. Byl to approve the minutes of the March 11, 2010 meeting as presented.

Chairperson Van Sickle opened the public comment period at 2:03 p.m. regarding three applications for Federal Assistance (USDA) for the purchase of three patrol vehicles (one Ford Explorer and two Dodge Chargers) for the Oceana County Sheriff's Department. Sheriff Robert Farber received approval of the USDA funding assistance toward the purchase of the vehicles in the amount of \$25,000 (\$9,000, \$8,000 and \$8,000). The total purchase price of the three vehicles, plus accessories, will be \$105,900.

There being no further public comments, Chairperson Van Sickle declared the Public Hearing on Federal Assistance (USDA) for the purchase of three patrol vehicles for the Oceana County Sheriff's Department closed at 2:08 p.m.

Ms. Jane Drake, Candidate for 100<sup>th</sup> District State Representative, introduced herself and explained her reasons and qualifications for entering the race for 100<sup>th</sup> District State Representative. Ms. Drake is a resident of Fremont, Michigan in Newaygo County and has been very active in her community, as well as many governmental organizations in Michigan. She has much educational, as well as political background and feels as though she could help bring change to Michigan's government.

Chairperson Van Sickle thanked Ms. Drake for her presentation.

**RESOLUTION NO. 1 – ADOPTION OF OCEANA COUNTY INVESTMENT POLICY IN COMPLIANCE WITH ACT 20, P.A. 1943, AS AMENDED AND GASB 40**

Moved by Mr. Simon and seconded Mr. Powers to adopt the attached County of Oceana Investment Policy in order to comply with Act 20, P.A. 1943 as amended and GASB 40 for the purpose of investing Oceana County's funds in a manner that will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the County and comply with all state statutes governing the investment of public funds.

The Investment Policy applies to all financial assets of the County and the primary objectives of the County's investment activities shall be safety, diversification, liquidity and return on investment.

Authority to manage the investment program is derived from the Oceana County Board of Commissioners most current resolution designating depositories and MCL 129.91 and 129.111 – 129.118. Management responsibility for the investment program is hereby delegated to the Oceana County Treasurer who shall establish written procedures and internal controls for the operation of the investment program consistent with the Investment Policy.

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

Motion carried.

**RESOLUTION NO. 2 – AUTHORIZATION OF ELECTRONIC TRANSACTIONS UNDER PUBLIC ACT 738 OF 2002**

Moved by Mr. Simon and seconded Mr. Byl to adopt the following Resolution:

WHEREAS, electronic payments have become a commonly accepted practice by banks and other financial institutions, and

WHEREAS, Public Act 738 of 2002, effective December 30, 2002, authorizes counties to make electronic transactions involving public funds by electronic payment, debit, or credit transfer processed through the federal automated clearing house, and

WHEREAS, Public Act 738 of 2002 authorizes a county treasurer to enter into an ACH arrangement for a national and government organization that has authority to process electronic payments (ACH) including, but not limited to, the national automated clearing house association and the federal reserve system, and

WHEREAS, the County Treasurer has prepared a written Automated Clearing House (ACH) policy as required by the Act, for the purposes of maintaining effective internal control by clarifying and emphasizing the departments initiating ACH transactions through systems provided by the County, and

WHEREAS, the Oceana County Board of Commissioners deems that it is in the best interest of the County to make certain County financial transactions by electronic payments as described in PA 738.

NOW, THEREFORE BE IT RESOLVED that the Oceana County Board of Commissioners authorizes the utilization of electronic transactions in compliance with the written procedures and internal controls developed and adopted by the Oceana County Treasurer as the County of Oceana Automated Cleaning House (ACH) Arrangements and Electronic Transactions Policy and presented to the Board of Commissioners on March 25, 2010.

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

Motion carried.

**RESOLUTION NO. 3 – ACCEPTANCE OF BID TO REPLACE DOORS AT THE OCEANA COUNTY JAIL**

Moved by Mr. Byl and seconded by Mr. Simon to authorize the Oceana County Sheriff to accept the proposal from Harbor Design and Construction, Pentwater, Michigan 49449 for the purchase of two steel doors and one wood door at the cost of \$1,670 plus \$800.00 for labor and to authorize the Oceana County Clerk to make payment for the same upon delivery and installation of the equipment and the submission of a valid

invoice. Said payment will be made on a Tuesday or Friday to comply with the County Clerk's policy regarding twice-weekly payment of claims.

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

Motion carried.

**RESOLUTION NO. 4 – ADOPTION OF USDA FOREST SERVICE COOPERATIVE LAW ENFORCEMENT AGREEMENT**

Moved by Mr. Byl and seconded by Mr. Simon to approve the Cooperative Law Enforcement Annual Operating Plan and Financial Plan between the Oceana County Sheriff's Department and the USDA, Forest Service, Huron-Manistee National Forests for the period May 1, 2010 through September 30, 2010 in the amount of \$5,500 for the enforcement of state and local laws by the County of Oceana on National Forest property and to authorize the Oceana County Sheriff and Oceana County Board of Commissioners Chairperson to sign the same.

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

Motion carried.

**RESOLUTION NO. 5 – SUPPORT FOR MILL POND IMPROVEMENT PROJECT**

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

WHEREAS, the Oceana County Parks and Recreation Commission is authorized by the Oceana County Board of Commissioners to submit an application for a Michigan Natural Resources Trust Fund Grant from the Michigan Department of Natural Resources and Environment (DNRE) for improvements to Mill Pond Park in Ferry Township; and

WHEREAS, the Oceana County Parks and Recreation Commission recognizes the importance of meeting the need for additional recreational opportunities for the residents of Oceana County; and

WHEREAS, the Oceana County Parks and Recreation Commission deems it necessary to make improvements to the Mill Pond Park in order to maximize its utilization; and

WHEREAS, proposed improvements to the Mill Pond Park include gravel parking; restoration of portions of existing gravel road; concrete walk for ADA access; nature trail; ground mounted picnic table and grill; picnic shelter; and, playground equipment.

THEREFORE, BE IT RESOLVED: That the Oceana County Board of Commissioners hereby supports the Oceana County Parks and Recreation Commission's effort to obtain a Michigan Natural Resources Trust Fund grant for improvements to the Mill Pond Park.

BE IT FURTHER RESOLVED: That the Oceana County Board of Commissioners urges the State of Michigan to fund up to 70% of the improvements to Mill Pond Park with total project costs estimated at \$77,500 through the Michigan Department of Natural Resources with the understanding that the required local match will be provided from the Oceana County Parks and Recreation Commission Fund.

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

Motion carried.

**RESOLUTION NO. 6 – TRANSFER OF FUNDS**

Moved by Mr. Simon and seconded by Mr. Brown to transfer \$13,000 from the General Fund – 000-965.000 Transfer Out to the Public Improvement Fund – 000-699.998 Transfer In.

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

Motion carried.

**RESOLUTION NO. 7 – PROCLAMATION OF NATIONAL COUNTY GOVERNMENT MONTH**

Moved by Mr. Powers and seconded by Mr. Byl to adopt the following Proclamation:

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, Oceana County and all counties take seriously their responsibility to protect and enhance the health, safety and welfare of its residents in sensible and cost-effective ways; and

WHEREAS, many county government initiatives and programs promote and enhance the health of all individuals through education, prevention, intervention, and protection of the environment; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States; and

WHEREAS, the National Association of Counties created National County Government Week in 1991 and National County Government Month in 2010 to raise public awareness and understanding about the roles and responsibilities of the nation's counties to meet the needs of the community; and

WHEREAS, NACo and Oceana County are working together to Restore the Partnership between all levels of government to better serve American communities.

NOW, THEREFORE, BE IT RESOLVED: That the Oceana County Board of Commissioners does hereby proclaim the month of April 2010 as National County Government Month in the County of Oceana.

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

Motion carried.

**RESOLUTION NO. 8 – EXTENSION OF PERSONAL LEAVE TO MR. BRUCE BENNITT**

Moved by Mr. Byl and seconded by Mr. Brown to grant the request to extend personal leave to Mr. Bruce Bennitt who has been on unpaid leave since February 9, 2009 until May 31, 2010 at which time the leave status will be reviewed.

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

Motion carried.

**RESOLUTION NO. 9 – AUTHORIZATION FOR OCEANA COUNTY SHERIFF’S DEPARTMENT TO HIRE CORRECTIONS OFFICERS**

Moved by Mr. Powers and seconded by Mr. Simon to authorize the Oceana County Sheriff to hire two permanent fulltime and one temporary fulltime Corrections Officers on or about April 1, 2010. The two permanent fulltime Corrections Officers will fill existing vacancies and the temporary fulltime Corrections Officer will work through the summer during the time other fulltime Corrections Officers are reassigned to road patrol.

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

Motion carried.

**RESOLUTION NO. 10 – CHANGE IN MERS BENEFITS**

Moved by Mr. Brown and seconded by Mr. Powers to adopt the attached “MERS Restated Uniform Defined Contribution Program Resolution” for new employees of the Oceana County Medical Care Facility, Reporting Unit 6402-02, Division 40 – Service Union hired on or after March 1, 2010.

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

Motion carried.

**RESOLUTION NO. 11 – RESCINDING OCEANA COUNTY DOG KENNEL POLICY**

Moved by Mr. Simon and seconded Mr. Brown to adopt the following Resolution:

WHEREAS, laws regarding kennels are contained in the Dog Law of 1919 (MCLA 287.261 at seq.); and,

WHEREAS, the dog law has two different definitions for kennels; and

WHEREAS, MCLA 287.261(d) provides that a kennel means any establishment wherein dogs are kept for the purpose of breeding, sale, or sporting purposes; and

WHEREAS, MCLA 287.270 states that “. . . a kennel shall be construed as an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for *remuneration*, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel; and

WHEREAS, the Michigan Dog Law does not expressly authorize the Board of Commissioners to adopt policies, rules and regulations with respect to dog kennels; and

WHEREAS, absent an Animal Control Ordinance, the best way to enforce kennel licensing under state law would be through the animal cruelty statute which provide specific and reasonable definitions for adequate care and sanitary requirements for dogs kept therein.

THEREFORE, BE IT RESOLVED: that the “Resolution Re Establishment of Oceana County Dog Kennel Policy” adopted on July 10, 1997 and the “Resolution Amending the Oceana County Dog Kennel Policy” adopted on December 17, 2009 are rescinded.

BE IT FURTHER RESOLVED: that the Oceana County Animal Control Officer is directed to draft Kennel Policy Guidelines that conform solely to the Dog Law of 1919 and the cruelty to animals’ statute under Michigan’s criminal statutes (MCLA 750.50).

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

Motion carried.

**RESOLUTION NO. 12 – THREE YEAR EXTENSION OF THE MASON/OCEANA 9-1-1 BOARD PAYMENTS ON THE 9-1-1 BUILDING BONDS**

Moved by Mr. Simon and seconded by Mr. Byl to adopt the following Resolution:

WHEREAS, the Mason - Oceana 911 Board is asking Mason County and Oceana County to extend their payments on the 911 Building Bonds for a three year period; and

WHEREAS, the Finance and Equalization Committee is recommending approval of this request.

THEREFORE, BE IT RESOLVED, that the Oceana County Board of Commissioners of the County approves a three year extension of the Mason - Oceana 911 Board's payments on the 911 Building Bonds according to the attached proposed payment schedule; and

BE IT FURTHER RESOLVED, that the Oceana County Board of Commissioners approves the attached 2010 budget amendment to fund this request.

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

Motion carried.

**RESOLUTION NO. 13 – ESTABLISHMENT OF SALARY SCHEDULE FOR ATTORNEY/MAGISTRATE**

Moved by Mr. Powers and seconded by Mr. Simon to create the position of Attorney/Magistrate in the 79<sup>th</sup> District Court, Oceana County at the following salary schedule:

Starting Salary	Salary after 1 Year	Salary after 2 Years
\$56,500	\$58,000	\$59,500

This is a salaried position wherein there is no entitlement to compensatory time or overtime. However, one will receive on-call pay. The person hired in this position is entitled to the same fringe benefit package as offered to other fulltime County employees.

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

Motion carried.

**RESOLUTION NO. 14 – APPOINTMENT TO OCEANA COUNTY JURY BOARD**

Moved by Mr. Byl and seconded by Mr. Brown, pursuant to Public Act 454 of 2000 and upon the recommendation of 27<sup>th</sup> Judicial Circuit Court Chief Judge Anthony A. Monton, to appoint Mr. John Wyns, 4601 Seymour Drive, New Era, Michigan 49446 to the Oceana County Jury Board effective immediately for the term ending April 30, 2011 to fill the vacancy created by the resignation of Mr. Allan Seyfred.

Voice vote. Motion carried.

**RESOLUTION NO. 15– PAYMENT OF CLAIMS**

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

<b>AMBULANCE FUND</b>	<b>\$ 46,503.39</b>
<b>FRIEND OF THE COURT</b>	<b>-0-</b>
<b>PUBLIC IMPROVEMENT FUND</b>	<b>13,825.00</b>
<b>BUILDING DEPARTMENT FUND</b>	<b>7,451.33</b>
<b>CAPITOL PROJECTS – DC</b>	<b>-0-</b>
<b>CAPITOL PROJECTS – SHERIFF</b>	<b>-0-</b>
<b>TOTAL FORECLOSURE FUND</b>	<b>6,021.53</b>
<b>AUTOMATION FUND R.O.D.</b>	<b>-0-</b>
<b>LOCAL CORR. OFFICERS TRAINING FUND</b>	<b>1,409.44</b>
<b>DRUG LAW ENFORCEMENT</b>	<b>-0-</b>
<b>GENERAL FUND</b>	<b><u>254,926.92</u></b>
<b>TOTAL</b>	<b>\$ 330,137.61</b>

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

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

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 2:38 p.m.

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Rebecca J. Griffin  
Oceana County Clerk

\_\_\_\_\_  
Date

  
Larry Van Sickle, Chairperson