

Board of Commissioners Minutes  
Board Conference Room  
May 27, 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, May 13, 2010 at 2:00 p.m.

Roll was called by the Clerk. Present: Mr. Malburg, Ms. Kolbe, Mr. Brown, Mr. Powers, Mr. Byl, Mr. Simon, and Mr. Van Sickle. Absent: None.

Moved by Mr. Simon and seconded by Mr. Byl to approve the minutes of the May 13, 2010 meeting as presented. Voice vote. Motion carried.

Correspondence was received from Ms. Janice Wilford, Program Manager, Michigan Agriculture Environmental Assurance Program (MAEAP), Michigan Department of Agriculture (MDA), regarding MAEAP Farmstead System verification notification to Mr. Phil Carter, Phil Carter Farm, New Era; Mr. Chris Crosby, Chris Crosby Farm, Hart; and, Mr. Richard Herrera, Little Chico's, Walkerville.

After reviewing the Farmstead Improvement Action Plan and the Cropping System Improvement Action Plan and the required components of the Farm A\* Syst and Crop\*A\*Syst, MDA staff verified that Phil Carter Farm, Chris Crosby Farm, and Little Chico's has met the requirements set forth by the MAEAP Farmstead System. The letter is on file in the County Clerk's office.

A letter was received from Mr. Irvin Poke, AIA, Director, Bureau of Construction Codes, communicating that the Bureau of Construction Codes stands ready to partner with Oceana County to offer assistance in any way possible. Many local units of government are facing the same challenges as the State government, as a result of the economy, and the continuing decline of construction permits. It is important for the local and state governments to work together toward common goals.

Mr. Poke wanted the county to be aware of the fact that Section 125.1520 of the Stille-DeRossett-Hale Single State Construction Code Act provides the authority for the Bureau to offer temporary plan review and inspection assistance to local units of government.

Additionally, the Bureau is available to provide full-time services when a local unit of government determines they are no longer able to maintain a local program. This does not mean a local unit of government may not seek approval to provide those services at a future date.

The Bureau provides construction code services without cost to local units of government. Customers deal directly with the Bureau and pay fees for the services based on the approved fee schedule. The Bureau handles all matters concerning violations, and appeals are heard by the Construction Code Commission. Plan reviews are completed in one to two weeks and inspection requests are generally responded to within 48 hours. Also, a monthly report of construction activity is provided to the local government. The letter is on file in the County Clerk's office.

**RESOLUTION NO. 1 – AUTHORIZATION FOR EQUALIZATION DIRECTOR TO ENTER INTO A LEASE AGREEMENT WITH PREFERRED OFFICE MACHINES FOR A XEROX MULTI-FUNCTIONAL COPY MACHINE**

Moved by Mr. Simon and seconded by Ms. Kolbe to authorize the Oceana County Equalization Director to enter into a Lease Agreement with Preferred Office Machines, Big Rapids, Michigan for 60-month lease of one Xerox 3635S MFP copy machine for a monthly payment of \$55.32 plus \$.013 per print over 900 per month.

Roll call vote: Mr. Simon-yes; Ms. Kolbe-yes; Mr. Powers-yes; Mr. Byl-yes; Mr. Malburg-yes; Mr. Brown-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 2 – INTERGOVERNMENTAL AGREEMENT BETWEEN THE MICHIGAN LAND BANK FAST TRACK AUTHORITY AND THE TREASURER OF THE COUNTY OF OCEANA FOR THE CREATION OF THE OCEANA COUNTY LAND BANK AUTHORITY**

Moved by Mr. Byl and seconded by Ms. Kolbe to adopt the "Resolution Approving the Intergovernmental Agreement Establishing the Oceana County Land Bank Authority" as follows:

WHEREAS, the Michigan Land Bank Fast Track Authority ("Authority") was created within the Michigan Department of Labor and Economic Growth under the Land Bank Fast Track Act, 2003 PA 258, and is authorized to enter into an intergovernmental agreement with a county foreclosing governmental unit providing for the creation of a county authority to exercise the power, duties, function and responsibilities of any authority under the Act; and

WHEREAS, the Treasurer of the County of Oceana is a foreclosing governmental unit under the Land Bank Fast Track Act; and

WHEREAS, the Authority and the Treasurer and the Board of Commissioners of the County of Oceana seek to establish a county authority for Oceana County as a separate legal entity and as a public body to exercise within Oceana County the powers, duties, functions and responsibilities of an Authority under the Land Bank Fast Track Act.

NOW, THEREFORE, BE IT RESOLVED: That the Oceana County Board of Commissioners approves the proposed Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Oceana creating the Oceana County Land Bank Authority effective this date.

Roll call vote: Mr. Byl-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Simon-yes; Mr. Powers-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 3 – IMPOSING 2010 SUMMER PROPERTY TAX LEVY PURSUANT TO PUBLIC ACT 357 OF 2004 AND NOTICE OF CERTIFICATION OF COUNTY ALLOCATED TAX LEVY**

Moved by Mr. Simon and seconded by Mr. Malburg to adopt the "Resolution Imposing 2010 Summer Property Tax Levy Pursuant to Public Act 357 of 2004 and Notice of Certification of County Allocated Tax Levy" as follows:

WHEREAS, Oceana County is authorized under the General Property Tax Act, Public Act 206 of 1893, as amended, to levy and collect County allocated property taxes; and

WHEREAS, the General Property Tax Act has been amended by Public Act 357 of 2004, being MCL 211.44a, to require all Michigan Counties to impose a summer tax levy, with the summer tax levies for 2005 and 2006 to be in the amount of 1/3rd and 2/3rds, respectively, of the total County allocated tax, with the full amount of County allocated tax to be levied and collected as a summer tax levy in 2007 and each year thereafter.

NOW, THEREFORE, BE IT RESOLVED: That pursuant to Public Act 357 of 2004, the Oceana County allocated tax shall be levied and collected on July 1, 2010, at the full amount allocated after application of the "Headlee" millage reduction fraction, or 5.6760 mills.

BE IT FURTHER RESOLVED: That the Treasurer of each city, village and township in Oceana County is directed to account for and deliver the County allocated tax collections for 2010 in accordance with the provisions of Public Act 357 of 2004.

BE IT FINALLY RESOLVED: That this Resolution constitutes certification of the levy of the County allocated tax and authorized collection of the County allocated tax on July 1, 2010, at the full amount allocated after application of the "Headlee" millage reduction fraction, or 5.6760 mills.

Roll call vote: Mr. Simon-yes; Mr. Malburg-yes; Mr. Byl-yes; Mr. Powers-yes; Mr. Brown-yes; Ms. Kolbe-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 4 – TRANSFER OF FUNDS**

Moved by Mr. Simon and seconded by Ms. Kolbe to transfer \$4,000 from the Law Library Appropriations to the Law Library Fund.

Roll call vote: Mr. Simon-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Powers-yes; Mr. Byl-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 5 – TRANSFER OF FUNDS**

Moved by Mr. Simon and seconded by Mr. Byl to authorize the Oceana County Treasurer to transfer \$400,000 from Fund 527 "100%" Tax Payment Fund to the General Fund 101-253-699.998 Transfers In.

Roll call vote: Mr. Simon-yes; Mr. Byl-yes; Mr. Powers-yes; Mr. Malburg-yes; Ms. Kolbe-yes; Mr. Brown-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 6 – BUDGET AMENDMENT FOR AUTOMATION FUND**

Moved by Mr. Simon and seconded by Mr. Brown to **amend the 2010 Automation Fund Budget from \$45,500 to \$65,100 as follows:**

## INCREASE REVENUES AS FOLLOWS:

Increase 268-401.000 – Year-End from Previous Year from -0- to \$25,000  
 Decrease 268-400.000 – Revenue from \$45,000 to \$40,000  
 Decrease 268-665.000 – Interest from \$500 to \$100

## INCREASE EXPENDITURES AS FOLLOWS:

Decrease 268-728.000 – Printing and Binding from \$5,000 to -0-  
 Increase 268-821.000 - Other Contractual Services from \$17,500 to \$42,100

Roll call vote: Mr. Simon-yes; Mr. Brown-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Byl-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 7 – RENEWAL OF LEASE AGREEMENT BY AND BETWEEN HART TOWNSHIP AND OCEANA COUNTY SHERIFF'S DEPARTMENT FOR THE USE OF THE "OLD STATE BARN" PROPERTY IN HART TOWNSHIP**

Moved by Ms. Kolbe and seconded by Mr. Powers to authorize the Oceana County Sheriff to renew the Lease Agreement by and between the Township of Hart and the Oceana County Sheriff's Department for the use of the "Old State Barn" property located at 3437 W. Polk Road, Hart Township, Hart, Michigan by the Oceana County Sheriff's Department for the storage of equipment and vehicles and for any other Sheriff's Department use as deemed appropriate.

The Lease Agreement shall take effect July 1, 2010 at the annual lease payment of \$2,400.00 or 12 monthly payments of \$200.00. In addition, the Oceana County Sheriff's Department shall be responsible for all snowplowing costs and electricity costs. Insurance coverage for all stored items will be the responsibility of the County of Oceana.

Roll call vote: Ms. Kolbe-yes; Mr. Powers-yes; Mr. Byl-yes; Mr. Malburg-yes; Mr. Brown-yes; Mr. Simon-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 8 – CHANGE OF AGENTS REGARDING OCEANA COUNTY'S HEALTH/VISION INSURANCE**

Moved by Mr. Brown and seconded by Ms. Kolbe to authorize the Oceana County Administrator/Fiscal Officer to notify Blue Cross Blue Shield of Michigan that Ms. Constance Reynolds, Wells Fargo Insurance Services, will serve as Oceana County's agent effective July 1, 2010.

Roll call vote: Mr. Brown-yes; Ms. Kolbe-yes; Mr. Simon-yes; Mr. Malburg-yes; Mr. Byl-yes; Mr. Powers-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

Chairperson Van Sickle asked for public comment at this time. Ms. Pamela Weddell, Attorney representing Ms. Alice Szuhai and Ms. Rhonda Cavanaugh-Jibson, Oceana County Kennel owners, spoke in regard to the Oceana County Kennel License Guidelines recently established. She thanked the County Board for allowing Mr. Terry Shaw, Oceana County Prosecuting Attorney, to review the proposed guidelines. She related that, according to Mr. Shaw, parts of the guidelines were "unenforceable and unconstitutional".

The Kennel Guidelines refer to MCLA 287. Ms. Weddell referred to the Dog Law of 1919, statute MCLA 287, which actually applies to animal shelters and not the operation of dog kennels. She felt that there is an interpretation issue with this particular statute. The Kennel Guidelines drafted by Ms. Troupe-Fisk pertain to MCLA 287.270; however, in the correspondence sent to kennel owners, Ms. Troupe-Fisk attached a definition of dog kennels under R 285.00. R 285.00 deals with pet shops, shelters and dog pounds. Ms. Weddell believed that Ms. Troupe-Fisk has confused the applicable law. It was the request of Ms. Szuhai and Ms. Cavanaugh-Jibson to bring this matter to the County Board.

Ms. Weddell recommended that this issue be reviewed again by Mr. Shaw for clarity. Perhaps Mr. Shaw was confused as well, based on the information provided to him by Ms. Troupe-Fisk.

Ms. Weddell stated that Ms. Szuhai and Ms. Cavanaugh-Jibson have requested that prior to a kennel inspection, an appointment date be established so that the owner can be home at the time of the inspection. At no time should other members of the public, such as Animal Friends and other organizations, be present. Also, there should be no reason for any photos, videos, or audio tapes unless there is an eminent danger to the animals. If that is the case, then the police should be present and the prosecuting attorney made aware of a possible misdemeanor or violation.

Ms. Weddell commented that she has read many documents relating to the Oceana County Animal Control Department issues these past few months. It is unfortunate that Mr. Shaw did not review the kennel guidelines and checklist last September (2009) as it could have avoided many hard feelings, frustration and lost time by all parties involved. Because of the recent turmoil, she related that her clients would like to start a clean slate if Ms. Troupe-Fisk complies with the law and understands that there is a mix-up of statutes in the guidelines. Ms. Troupe-Fisk is more than welcome to conduct an inspection of her clients kennel's, but by appointment.

Ms. Weddell related that Ms. Szuhai called the Animal Control Department approximately one week ago to schedule a kennel inspection and Ms. Troupe-Fisk did not return the phone call. Ms. Johnson, Oceana County Administrator/Fiscal Officer, asked if Ms. Cavanaugh-Jibson also called to schedule an appointment. Ms. Weddell believed that Ms. Cavanaugh-Jibson did call also. Ms. Szuhai and Ms. Cavanaugh-Jibson would like a kennel inspection conducted as soon as possible.

Ms. Weddell thanked the County Board for their time.

#### **RESOLUTION 9 – RESCINDING THE RESOLUTION REGARDING OPERATING MILLAGE FOR OCEANA COUNCIL ON AGING**

Moved by Mr. Powers and seconded by Ms. Kolbe to rescind the "Resolution Re Operating Millage for Oceana County Council on Aging" that was adopted on May 13, 2010 as the language must be clearly stated that it is a renewal or new millage request.

Roll call vote: Mr. Powers-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Simon-yes; Mr. Byl-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 10 – APPLICATION FOR ELECTION DATE FOR OCEANA COUNTY COUNCIL ON AGING**

Moved by Mr. Powers and seconded by Mr. Malburg that the Ballot Propositions for the provision of special millage to operate the Oceana County Council on Aging shall be presented to the voters of Oceana County at the General Election scheduled for November 2, 2010.

Roll call vote: Mr. Powers-yes; Mr. Malburg-yes; Ms. Kolbe-yes; Mr. Byl-yes; Mr. Brown-yes; Mr. Simon-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 11 – TRANSFER OF WEBSITE HOSTING SERVICES**

Moved by Mr. Simon and seconded by Mr. Powers to transfer website hosting services from In Just a Minute, Inc., 2441 Byron Center Avenue., Wyoming, Michigan 49519 to Deerpath Web Design, 4487 W. Harrison Road, Hart, Michigan 49420 effective June 1, 2010 in the estimated one-time fee not to exceed \$725.00 plus \$200.00 for the first year of website hosting. Further, the Oceana County Administrator/Fiscal Officer is authorized to sign the Website Hosting Agreement.

Roll call vote: Mr. Simon-yes; Mr. Powers-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Byl-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 12 – CHANGE IN MERS BENEFIT FOR EMPLOYEES OF THE OCEANA COUNTY MEDICAL CARE FACILITY, REPORTING UNIT 6402-02, DIVISION 40-SERVICE UNION**

Moved by Mr. Brown and seconded by Ms. Kolbe to adopt the attached "MERS Resolution for Changing MERS Benefits (Other Than DB Component of Hybrid Program)" for employees of the Oceana County Medical Care Facility, Reporting Unit 6402-02, Division 40 – Service Union changing to Employee Contribution Rate to 2.7% effective March 1, 2010.

Roll call vote: Mr. Brown-yes; Ms. Kolbe-yes; Mr. Malburg-yes; Mr. Byl-yes; Mr. Powers-yes; Mr. Simon-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 13– PAYMENT OF CLAIMS**

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

<b>AMBULANCE FUND</b>	<b>\$ 134,040.41</b>
<b>FRIEND OF THE COURT</b>	<b>-0-</b>
<b>PUBLIC IMPROVEMENT FUND</b>	<b>-0-</b>
<b>BUILDING DEPARTMENT FUND</b>	<b>14,340.46</b>
<b>CAPITOL PROJECTS – DC</b>	<b>-0-</b>
<b>CAPITOL PROJECTS – SHERIFF</b>	<b>-0-</b>
<b>TOTAL FORECLOSURE FUND</b>	<b>4,025.26</b>
<b>AUTOMATION FUND R.O.D.</b>	<b>76.50</b>
<b>LOCAL CORR. OFFICERS TRAINING FUND</b>	<b>-0-</b>
<b>DRUG LAW ENFORCEMENT</b>	<b>-0-</b>
<b>GENERAL FUND</b>	<b><u>414,760.90</u></b>
<b>TOTAL</b>	<b>\$567,243.53</b>

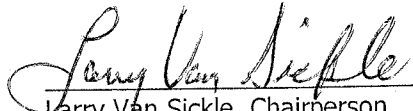
and to authorize the County Clerk to draw warrants and the County Treasurer to pay the same.

Roll call: Mr. Simon-yes; Mr. Malburg-yes; Ms. Kolbe-yes; Mr. Powers-yes; Mr. Brown-yes; Mr. Byl-yes; and Mr. Van Sickle-yes. Absent: None.

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 2:30 p.m.

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Rebecca J. Griffin  
Oceana County Clerk

  
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Larry Van Sickle, Chairperson

\_\_\_\_\_  
Date