

## ALLEGAN COUNTY BOARD OF COMMISSIONERS

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OCTOBER 12, 2023 SESSION

JOURNAL 71

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## EVENING SESSION

**OCTOBER 12, 2023 SESSION – INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on October 12, 2023 at 7:00 P.M. in accordance with the motion for adjournment of September 28, 2023, and rules of this Board; Chairman Storey presiding.

The invocation was offered by District #5 Commissioner Dugan.

The Deputy 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 JIM STOREY  
 DIST #2 MARK DEYOUNG  
 DIST #3 DEAN KAPENGA  
 DIST #4 SCOTT BELTMAN  
 DIST #5 GALE DUGAN

**PUBLIC HEARING – PROPOSED 2024 BUDGET**

2/ Deputy Clerk Tien read the Notice of Public Hearing for the proposed 2024 Budget that was published in the Allegan County News on October 5, 2023.

PUBLIC NOTICE  
 2024 ALLEGAN COUNTY PROPOSED FINAL BUDGET

The Board of Commissioners of the County of Allegan will hold a budget hearing on Thursday, October 12, 2023, for all interested citizens to comment and discuss the proposed budget.

The hearing will take place at 7:00 PM in the Board Room, County Services Building, 3283–122nd Avenue, Allegan, Michigan, for the purpose of discussing the proposed budget. **The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.** The public may also participate in the meeting/public hearing by calling 1-929-205-6099, Meeting ID: 891 6032 7098, and Meeting Password 101223. For other options connecting to the meeting, please visit the meeting calendar website at [www.allegancounty.org](http://www.allegancounty.org) or contact the County Administrator's Office.

The proposed budget may be examined online at [www.allegancounty.org](http://www.allegancounty.org) under News Media Room or on weekdays at the Office of the Allegan County Administrator (address below), between 8:00 AM and 5:00 PM. All interested citizens will have the opportunity to give written and/or oral comments.

The County will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the public hearing upon one (1) week notice. Individuals requiring auxiliary aids or services should contact the following in writing or by telephone:

Robert J. Sarro,  
 County Administrator,  
 3283 – 122nd Avenue,  
 Allegan, Michigan, 49010  
 269-673-0239

Chairman Storey opened the meeting for the public hearing at 7:05 P.M.

Chairman Storey opened the meeting for public input and as there were no comments Chairman Storey closed the public hearing for public participation.

Chairman Storey closed the public hearing at 7:10xx P.M.

#### **COMMUNICATIONS**

3/ Deputy Clerk Tien noted to the board that they received the following communications:

1. Resolution opposing any legislation preempting local control for solar and wind developments from Alpena, Clinton, Alcona, Kalkaska and Osceola counties.

#### **JANUARY 26, 2023 SESSION MINUTES - ADOPTED**

4/ Moved by Commissioner Dugan, seconded by Commissioner Beltman to approve the minutes for the September 28, 2023 session as distributed. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

#### **ANIMAL SHELTER UPDATE**

5/ Chairman Storey updated the audience regarding the agreement updates that are taking place with Wishbone Pet Rescue Alliance, Allegan County, and other partner agencies.

#### **PUBLIC PARTICIPATION - COMMENTS**

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

1. Amanda Genter of 4016 Blake Court in Salem Township questioned how the county will be held accountable with the animal shelter

#### **AGENDA - ADDITIONS**

7/ Chairman Storey asked if there were any additions or changes to the agenda. Commissioner Kapenga asked to add a resolution on the Animal Shelter Agreements as action item #2.

Moved by Commissioner Kapenga, seconded by Commissioner Beltman to adopt the changes to the meeting agenda as requested. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

#### **AGENDA - ADOPTED AS AMENDED**

8/ Moved by Commissioner Dugan, seconded by Commissioner DeYoung to adopt the meeting agenda as amended. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

#### **INFORMATIONAL SESSION - ROAD COMMISSION**

9/ Road Commission Managing Director Craig Atwood presented the 2022 annual report for the Road Commission.

**ADMINISTRATIVE REPORTS**

10/ Administrator Sarro shared with the audience on where to find the Administrator's Digest on the county website.

**CONSENT ITEMS:****FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS**

11/ **WHEREAS**, Administration has compiled the following claims for October 6, 2023 and October 13, 2023; and

**WHEREAS**, 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; and

**WHEREAS**, said claims are listed in the 2023 Claims folder of the Commissioners' Record of Claims.

**October 6, 2023**

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	91,364.94	91,364.94	
Parks/Recreation Fund – 208	248.60	248.60	
Friend of the Court – Cooperative Reimb. – 215	183.80	183.80	
Health Department Fund – 221	9,109.03	9,109.03	
Register of Deeds Automation Fund - 256	602.87	602.87	
Indigent Defense Fund – 260	6,722.98	6,722.98	
Central Dispatch Fund – 261	582.54	582.54	
Local Corrections Officers Training Fund – 264	7,035.00	7,035.00	
Law Library Fund – 269	5,045.59	5,045.59	
Grants – 279	25,024.38	25,024.38	
Crime Victims Rights Grant – 280	248.78	248.78	
Sheriffs Contracts – 287	3,570.58	3,570.58	
Transportation Fund – 288	2,376.30	2,376.30	
Child Care Fund – 292	5,077.84	5,077.84	
Veterans Relief Fund – 293	200.30	200.30	
Senior Services Fund – 298	20,401.59	20,401.59	
American Rescue Plan Act – ARPA – 299	119.00	119.00	
Capital Improvement Fund – 401	1,485.00	1,485.00	
Central Dispatch CIP – 496	34,772.00	34,772.00	
Property Tax Adjustments – 516	1,490.13	1,490.13	
Tax Reversion 2020 – 621	43.05	43.05	
Self-Insurance Fund – 677	409,630.24	409,630.24	
Drain Fund – 801	59,468.02	59,468.02	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$684,802.56</b>	<b>\$684,802.56</b>	

October 13, 2023

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	140,790.66	140,790.66	
Parks/Recreation Fund – 208	2,026.74	2,026.74	
Friend of the Court – Cooperative Reimb. – 215	2,568.15	2,568.15	
Health Department Fund – 221	12,779.31	12,779.31	
Register of Deeds Automation Fund – 256	195.00	195.00	
Indigent Defense Fund – 260	293,781.45	293,781.45	
Central Dispatch Fund – 261	17,143.60	17,143.60	
Grants – 279	4,042.97	4,042.97	
Sheriffs Contracts – 287	7,648.98	7,648.98	
Transportation Fund – 288	129,916.03	129,916.03	
Child Care Fund – 292	23,369.77	23,369.77	
Veterans Relief Fund – 293	69,749.73	69,749.73	
Senior Services Fund – 298	75,528.84	75,528.84	
Capital Improvement Fund – 401	332,312.00	332,312.00	
CIP – Youth Home Building Fund – 492	1,572.12	1,572.12	
Property Tax Adjustments – 516	12,505.80	12,505.80	
Revolving Drain Maintenance Fund – 639	396.84	396.84	
Fleet Management/Motor Pool – 661	35.72	35.72	
Self-Insurance Fund – 677	26,943.67	26,943.67	
Drain Fund – 801	43,009.35	43,009.35	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$1,196,316.73</b>	<b>\$1,196,316.73</b>	

**THEREFORE BE IT RESOLVED** that the Board of Commissioners adopts the report of claims for October 6, 2023 and October 13, 2023.

Moved by Commissioner Kapenga, seconded by Commissioner Dugan to adopt the report of claims for October 6, 2023 and October 13, 2023. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**RESOLUTION APPROVING THE CREATION OF ONE ADDITIONAL CIRCUIT COURT JUDGESHIP IN THE FORTY-EIGHTH JUDICIAL CIRCUIT COURT**

**12/ WHEREAS**, MCL 600.549 is an excerpt of the Revised Judicature Act of 1961 and is amended effective March 29, 2023, to allow for 1 additional judge in the forty-eighth judicial circuit effective January 1, 2025; and

**WHEREAS**, to create the additional circuit court judgeship, the provisions of MCL 600.550 require a resolution to be adopted by the Allegan County Board of Commissioners (Board) approving the creation of that judgeship prior to its effective date; and

**WHEREAS**, pursuant to MCL 600.550(3), the county's approval of an additional circuit court judgeship shall not affect the State's obligation to pay the same portion of the additional judge's salary, which is paid by the State to the other judges of the same circuit, or to appropriate and

disburse funds to the county for the necessary costs of state requirements established by state law which became effective on or after December 23, 1978; and

**WHEREAS**, the Board previously adopted two resolutions on January 27, 2022. One authorized the County Administrator to research and develop plans, particularly with respect to personnel and space needs relative to the addition of a third Circuit Court Judge. The second resolution endorsed the addition of a third Circuit Court Judge for the 48th judicial circuit. While both of the previously approved Board resolutions offer support for creating a third circuit court judgeship, neither of the resolutions approved the creation of a third circuit court judgeship within the context of the statute definition; and

**WHEREAS**, the Board desires to create one (1) additional circuit court judgeship, which it acknowledges constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or service offered in Allegan County beyond that required by existing law and, therefore, voluntarily accepts its statutory obligation for expenses and capital improvements, which may result from the creation of the additional judgeship); as determined by the funding unit through its annual budget process, and

**WHEREAS**, to create the additional circuit court judgeship, the Allegan County Clerk is also required by MCL 600.550 to file the Board's resolution with the state court administrator not later than 4:00 p.m. of the sixteenth Tuesday preceding the August primary for the election immediately preceding the effective date of the additional circuit court judgeship.

**THEREFORE BE IT RESOLVED** that the Board has reviewed this matter and approves the creation of one additional circuit court judgeship in the forth-eighth circuit effective January 1, 2025; and

**BE IT FURTHER RESOLVED** that the Board approval of the additional circuit court judgeship does not necessarily result in an additional appropriation for all requests, nor does it guarantee that any additional appropriation will automatically be associated with the creation of the additional judgeship; and

**BE IT FINALLY RESOLVED** that the Board directs the County Administrator to work with the forty-eighth Judicial Circuit Court Administrator to take all necessary steps to implement the creation of one (1) additional circuit court judgeship by January 1, 2025, and that copies of this resolution be transmitted to the State Court Administrative Office, the Judges of the Courts serving Allegan County, and the Michigan Association of County Legislative Affairs Office.

Moved by Commissioner Kapenga, seconded by Commissioner Dugan to approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**ACTION ITEMS:**

**COUNTY OF ALLEGAN - 2024 GENERAL APPROPRIATIONS ACT**

13/ **WHEREAS**, under MCLA 141.421 and .413, notice of a public hearing on the proposed budget was published in a newspaper of general circulation on

September 28, 2023, and a public hearing on the proposed budget was held on October 12, 2023; and

**WHEREAS**, the Board of Commissioners intends to levy and collect the general property tax on all real and personal property within the County upon the current tax roll, an allocated millage of 5.1619 mills for County operations, which includes the Allocated Veterans Relief fund; voter-approved millage of 0.493 for Senior Services, voter-approved millage of 0.9654 mills for County Roads, voter-approved millage of 0.2448 mills for Medical Care Community, and voter-approved millage of 0.0979 for Allegan County Conservation District, for a total millage of 6.9630; and

**WHEREAS**, the Board of Commissioners has reviewed the recommended balanced budget and through this resolution is appropriating funds through Line Items contained within each budgetary Activity to each Department, as attached, and County officials responsible for the expenditures authorized in the budget may expend the funds up to, but not to exceed, the total appropriation authorized for each Activity and under the Board approved Budget Policy; and

**WHEREAS**, the 2024 proposed budget includes the capital and non-capital projects and grant funds received from State, Federal, and other sources, as outlined in the attached lists; and

**WHEREAS**, a comprehensive list of the County's fleet, e.g., vehicles, boats, ATVs, golf carts, and trailers, inclusive of the approved funding source, has been reviewed.

**THEREFORE BE IT RESOLVED**, in cases where there may be benefit financially and operationally, 2024 Capital Projects may proceed effective immediately upon adoption, contingent upon approval by the County Administrator; subsequently, the Executive Director of Finance is authorized to perform necessary budget adjustments; and

**BE IT FURTHER RESOLVED**, the Board of Commissioners authorizes the continuation of current capital projects into 2024, to include the re-appropriation of funding, as detailed as attached; and

**BE IT FURTHER RESOLVED**, the Board of Commissioners authorizes the County Administrator to execute documents related to fleet acquisitions and disposals, including, but not limited to, titles, purchase agreements, and registrations; and

**BE IT FURTHER RESOLVED**, the Board of Commissioners authorizes the County Administrator to take actions that would increase the total fleet size when those actions are directly supported by a Law Enforcement contract executed between the County, the Sheriff, and a local unit of government; and

**BE IT FURTHER RESOLVED**, that any action, e.g., purchase, grant, or donation that would serve to increase the total fleet size beyond the annually reviewed fleet list or a significant change in fleet item (i.e., ATV exchange for Full Size Truck) must be brought before the Board of Commissioners for consideration; and

**BE IT FURTHER RESOLVED**, the County Administrator is authorized to apply for and accept when awarded all grants included in the 2024 budget submission, as attached; and

**BE IT FURTHER RESOLVED**, the Board Chairperson and/or County Administrator is authorized to sign any necessary grant documents on behalf

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of the County, and the Executive Director of Finance is authorized to perform any necessary budget adjustments related to these grants; and

**BE IT FURTHER RESOLVED**, the portion of any position funded through a grant shall be coterminous with the available program and grant funds; and

**BE IT FURTHER RESOLVED**, the Board of Commissioners adopts the proposed 2024 budget as the fiscal year 2024 Budget for the County of Allegan; and

**BE IT FINALLY RESOLVED**, the County Administrator and/or Board of Commissioners shall make any necessary corrections and adjustments to the 2024 Budget under Board approved County policy.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**ADMINISTRATION—ANIMAL SHELTER AGREEMENTS**

**14/ WHEREAS**, the Animal Shelter Services Agreement with Wishbone Pet Rescue Alliance (WPRA) expires December 31, 2023; and

**WHEREAS**, said agreement is set to be terminated on or by December 7, 2023; and

**WHEREAS**, the County will resume direct management and coordination of the Animal Shelter facility and services.

**THEREFORE BE IT RESOLVED**, the County Administrator is authorized to negotiate and execute new value-added support agreements with partner agencies, including WPRA, that are necessary to maintain and enhance shelter services up to total expenditures of \$100,000 as an additional appropriation beyond the approved annual budget; and

**BE IT FURTHER RESOLVED**, agreements that may need to continue beyond that allocation shall be outlined in future annual budgets; and

**BE IT FINALLY RESOLVED** that the County Administrator is authorized to make the necessary budget adjustments, and any necessary documents to complete this action are authorized to be signed.

Moved by Commissioner Kapenga, seconded by Commissioner Beltman to approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**PUBLIC PARTICIPATION - NO COMMENTS**

**15/** Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

**ADJOURNMENT UNTIL OCTOBER 26, 2023 AT 1:00 P.M.**

**16/** Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adjourn until October 26, 2023 at 1:00 P.M. The motion carried by voice vote and the meeting was adjourned at 8:24 P.M. Yeas: 5 votes. Nays: 0 votes.

*Jennifer Duan*

Deputy Clerk

*James M. Storey*

Board Chairperson

Minutes approved during the 10/26/2023 Session

October 12, 2023 Session