

## ALLEGAN COUNTY BOARD OF COMMISSIONERS

## INDEX

MARCH 18, 2024 SESSION

JOURNAL 72

<u>PAGE</u>	<u>ITEM</u>	<u>SUBJECT MATTER</u>
95	1	MARCH 18, 2024 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL
95	2	COMMUNICATIONS
95	3	APPROVAL OF MINUTES FOR FEBRUARY 22, 2024
95	4	PUBLIC PARTICIPATION - COMMENTS/NO COMMENTS
96	5	APPROVAL OF AGENDA AS PRESENTED
96	6	INFORMATIONAL SESSION - COUNTY CLERK/REGISTER OF DEEDS
96	7	ADMINISTRATIVE REPORT
96-98	8	CLAIMS
98	9	HOUSEHOLD HAZARDOUS WASTE & ELECTRONIC DEVICES
99	10	ENVIRONMENTAL HEALTH - MATERIALS MANAGEMENT PLAN
99-104	11	ECONOMIC DEVELOPMENT COMMISSION - ADOPT AMENDED BY-LAWS
105	12	BOARD OF COMMISSIONERS - APPROVE DEPUTY MEDICAL EXAMINER
105	13	BREAK
105	14	VACANCY ON ROAD COMMISSION
105	15	PUBLIC PARTICIPATION - COMMENTS
105	16	ROUNDTABLE
105	17	REQUEST FOR MILEAGE
105	18	ADJOURNMENT UNTIL MARCH 28, 2024

**AFTERNOON SESSION****MARCH 18, 2024 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 March 18, 2024 at 1:00 P.M. in accordance with the motion for adjournment of February 22, 2024, and rules of this Board; Chair 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

**COMMUNICATIONS**

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

1. Washtenaw County resolution supporting SB228 to repeal the law preventing local ordinances to ban plastic bags
2. Washtenaw County resolution supporting statewide water affordability legislation
3. Washtenaw County resolution supporting the Protect My Kids Bill package in the Michigan Legislature

**FEBRUARY 22, 2024 SESSION MINUTES - ADOPTED**

3/ Moved by Commissioner Kapenga, seconded by Commissioner Dugan to approve the minutes for the February 22, 2024 session as distributed. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**PUBLIC PARTICIPATION - COMMENTS**

4/ Chair Storey opened the meeting to public participation and the following individuals offered comments:

1. Drain Commissioner Denise Medemar addressed the board and disagreed with county's decision on the Monsanto settlement by using those funds to pilot the household hazardous waste program
2. Al Radspieler of Hopkins addressed the board on the process of being put on the agenda
3. Curtis Clark of Allegan addressed the board regarding an outreach program he is with that has concerns on the rising cost of property taxes and the Allegan Dam
4. Tim Culver from State Rep. Matt Hall's office gave a legislative update to the board

**AGENDA – ADOPTED AS PRESENTED**

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

**INFORMATIONAL SESSION – COUNTY CLERK/REGISTER OF DEEDS**

6/ County Clerk/Register of Deeds Bob Genetski presented his 2023 annual report to the board.

**ADMINISTRATIVE REPORTS**

7/ Administrator Sarro noted his written report was submitted to Commissioners. Highlights included: Health Dept quarterly report; provider capacity assessment report; Resource Recovery Materials Management Plan; Plan of Organization; service level fees; PFAS updates; and Consumers Energy investment in Allegan County.

**CONSENT ITEMS:**

**FINANCE COMMITTEE – CLAIMS & INTERFUND TRANSFERS**

8/ **WHEREAS**, Administration has compiled the following claims for March 1, 2024; March 8, 2024 and March 15, 2024; 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 2024 Claims folder of the Commissioners’ Record of Claims.

**March 1, 2024**

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	293,226.30	293,226.30	
Parks/Recreation Fund – 208	58.48	58.48	
Health Department Fund – 221	3,045.34	3,045.34	
Solid Waste/Recycling Fund – 226	125.34	125.34	
Animal Shelter – 254	1,491.00	1,491.00	
Register of Deeds Automation Fund – 256	341.80	341.80	
Indigent Defense Fund – 260	40,537.78	40,537.78	
Central Dispatch Fund – 261	165.59	165.59	
Justice Training Fund – 266	150.00	150.00	
Grants – 279	2,712.50	2,712.50	
Sheriffs Contracts – 287	43,512.00	43,512.00	
Transportation Fund – 288	4,143.36	4,143.36	
Child Care Fund – 292	5,381.78	5,381.78	
Veterans Relief Fund – 293	3,680.04	3,680.04	
Senior Services Fund – 298	419.53	419.53	
Capital Improvement Fund – 401	73,894.00	73,894.00	

Central Dispatch CIP – 496	8,061.51	8,061.51	
Property Tax Adjustments – 516	3,341.81	3,341.81	
Revolving Drain Maintenance Fund – 639	437.85	437.85	
Fleet Management/Motor Pool – 661	748.32	748.32	
Self -Insurance Fund – 677	766.58	766.58	
Drain Fund – 801	5,325.00	5,325.00	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$491,565.91</b>	<b>\$491,565.91</b>	

**March 8, 2024**

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	214,023.39	214,023.39	
Parks/Recreation Fund – 208	1,627.56	1,627.56	
Friend of the Court – Cooperative Reimb. – 215	1,314.11	1,314.11	
Health Department Fund – 221	21,158.80	21,158.80	
Solid Waste/Recycling Fund – 226	8,484.83	8,484.83	
Animal Shelter – 254	12,096.64	12,096.64	
Indigent Defense Fund – 260	787.38	787.38	
Local Corrections Officers Training Fund – 264	772.00	772.00	
Law Library Fund – 269	2,152.50	2,152.50	
CDBG Program Income Fund – 277	727.80	727.80	
Sheriffs Contracts – 287	670.58	670.58	
Transportation Fund – 288	121,577.29	121,577.29	
Child Care Fund – 292	10,217.42	10,217.42	
Senior Services Fund – 298	16,023.84	16,023.84	
America Rescue Plan Act – ARPA – 299	21,068.04	21,068.04	
Capital Improvement Fund – 401	34,498.39	34,498.39	
Property Tax Adjustments – 516	17,800.74	17,800.74	
Revolving Drain Maintenance Fund – 639	225.77	225.77	
Fleet Management/Motor Pool – 661	1,164.61	1,164.61	
Self -Insurance Fund – 677	442,087.01	442,087.01	
Drain Fund – 801	7,119.72	7,119.72	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$935,598.42</b>	<b>\$935,598.42</b>	

**March 15, 2024**

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	128,522.47	128,522.47	
Parks/Recreation Fund – 208	1,406.29	1,406.29	
Friend of the Court – Cooperative Reimb. – 215	996.22	996.22	
Health Department Fund – 221	4,745.14	4,745.14	
Solid Waste/Recycling Fund – 226	10,198.93	10,198.93	

Animal Shelter – 254	730.95	730.95	
Indigent Defense Fund – 260	79,628.27	79,628.27	
Central Dispatch Fund – 292	4,863.64	4,863.64	
Grants – 279	2,741.12	2,741.12	
Crime Victims Rights Grant – 280	579.12	579.12	
Sheriffs Contracts – 287	536.39	536.39	
Child Care Fund – 292	37,329.21	37,329.21	
Veterans Relief Fund – 293	2,145.84	2,145.84	
Senior Services Fund – 298	1,270.39	1,270.39	
Capital Improvement Fund – 401	245,879.58	245,879.58	
Property Tax Adjustments – 516	5,710.06	5,710.06	
Tax Reversion 2018 – 629	63.00	63.00	
Revolving Drain Maintenance Fund – 639	43.21	43.21	
Self-Insurance Fund – 677	2,063.28	2,063.28	
Drain Fund – 801	15,921.76	15,921.76	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$545,374.87</b>	<b>\$545,374.87</b>	

**THEREFORE BE IT RESOLVED** that the Board of Commissioners adopts the report of claims for March 1, 2024; March 8, 2024 and March 15, 2024.

Moved by Commissioner Dugan, seconded by Commissioner DeYoung to adopt the report of claims for March 1, 2024; March 8, 2024 and March 15, 2024. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**ACTION ITEMS:**

**HOUSEHOLD HAZARDOUS WASTE & ELECTRONIC DEVICES**

9/ **WHEREAS**, Allegan County maintains a Resource Recovery Program for recycling; and

**WHEREAS**, household hazardous waste (HHW) and electronic device drop-off events and scheduled drop-offs have been held for Participating Governmental Units (PGU); and

**WHEREAS**, the cost of these events is charged back to PGU accounts, and citizens residing in non-PGU are not eligible to participate; and

**WHEREAS**, the County desires to encourage the safe and responsible disposal of HHW and electronic devices while minimizing program overhead.

**THEREFORE BE IT RESOLVED** that the Board of Commissioners authorizes a pilot project for 2024 scheduled events and drop-off services to the Health Department as a county-wide eligible event; and

**BE IT FINALLY RESOLVED** that the County Administrator is authorized to make the necessary budget adjustments (including the allocation from the PCB Water Pollution Class Action Settlement Pay Out and apply/accept grant funding), and any necessary documents to complete this action are authorized to be signed.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the resolution as presented.

Moved by Commissioner Storey, seconded by Commissioner Dugan to amend the motion to have the amount appropriated not to exceed \$50,000 for the pilot project. Motion amendment carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

Motion with amendment carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**DISCUSSION ITEMS:****ENVIRONMENTAL HEALTH—MATERIALS MANAGEMENT PLAN**

10/ **WHEREAS**, under Part 115 of Public Act No. 451 of 1994, as amended, each county shall have a Materials Management Plan (MMP), and each governing body shall determine whether the development and management of the MMP shall be through a single county or multi-county approach; and

**WHEREAS**, the Allegan County Board of Commissioners (Board) has considered its options based on the research and analysis of the Solid Waste Planning Committee and the County Recycling Coordinator; and

**WHEREAS**, the Board intends to maintain local control over services provided to citizens of Allegan County by becoming the County Approval Agency(CAA); and

**WHEREAS**, the Board will appoint the members of the Materials Management Planning Committee (MMPC) and the Recycling Coordinator will currently act as the Designated Planning Agency and provide oversight of the MMPC and the Work Program.

**THEREFORE, BE IT RESOLVED** the Board appoints itself as the County Approval Agency (CAA); and

**BE IT FURTHER RESOLVED** the Board adopts the recommendation to develop a single county MMP, through the assistance of a qualified consultant or contracted employee to the extent funding is received for this purpose; and

**BE IT FURTHER RESOLVED** said plan shall include, to the extent practicable, the ability for Allegan County to enter into interlocal agreements for collaboration with other counties and entities; and

**BE IT FURTHER RESOLVED** the County Administrator is authorized to accept funds for the development of an MMP; 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 Dugan, seconded by Commissioner DeYoung to take immediate action and approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**ECONOMIC DEVELOPMENT COMMISSION—ADOPT AMENDED BY-LAWS**

11/ **BE IT RESOLVED**, that the Board of Commissioners hereby approves the amended by-laws of the Allegan County Economic Development Commission effective immediately, as attached; and

**BE IT FURTHER RESOLVED**, that these attached by-laws supersede any previously established by-laws; and

**BE IT FINALLY RESOLVED**, that the one Commissioner representative currently serving existing term shall be Commissioner Jim Storey.

Moved by Commissioner Beltman, seconded by Commissioner Kapenga to take immediate action and approve the resolution as presented. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

## **Allegan County Economic Development Commission Bylaws**

The Allegan County Economic Development Commission, hereinafter referred to as “Commission”, is an agency of the County established pursuant to Act 46, Public Acts of Michigan 1966, as amended, and subject to the general control of the County Board of Commissioners, hereinafter referred to as “Board”. The Board may make such rules and regulations in respect to the Commission as it deems necessary.

### **ARTICLE I – PURPOSE**

Section 1. The Commission shall be a voluntary organization created by Allegan County to foster cooperative efforts that will enhance economic development opportunities in the region. The Commission shall assist in providing guidance regarding the Economic Development initiatives for County Economic Development and shall assist in the achievement of economic development goals for Allegan County. In addition, the purpose of the Commission is to:

- A. Investigate and study the conditions affecting the economy of the area, technical studies and statistical research and surveys necessary or useful for the expansion of the economy, and the collection and dissemination of such information.
- B. Recommend to the Board for the study and elimination of restrictions, barriers and burdens imposed by law or otherwise, which may adversely affect or retard the development and expansion of area industry, commerce or agriculture.
- C. Study and advise the Board, industry and interested organizations and associations as to means and methods of providing financing for economic expansion in the county or region.
- D. Promote and encourage the expansion and development of markets for products of the County.
- E. Publicize the material, economic and cultural advantages of the County.
- F. Conduct research and make recommendations to the Board for the general purpose of guiding and accomplishing a coordinated and efficient development of the County in accordance with present and future needs and to best utilize County resources.

### **ARTICLE II - MEMBERSHIP**

Section 1. The Commission shall consist of fourteen members who shall be elected by the County Board of Commissioners. The fourteen memberships will be filled on a priority basis as follows:

#### **Priority 1: Economic Development Focus Area**

There should be one representative for each of the following thirteen focus areas:

- Agriculture
- Arts and Culture

- Downtowns
- Education – K-12 and post-secondary
- Manufacturing/Industry
- Real Estate/Development
- Recreation and Tourism
- Healthcare
- Workforce Development
- Utilities
- Non-Profit
- Private Sector
- Public At-Large

In addition to these thirteen focus areas, there shall be one County Commissioner.

**Priority 2: Geography**

Recognizing that Allegan County is large and geographically diverse, membership on the Commission shall be filled with representatives from all regions of the County to the extent possible.

- Section 2. **Terms, Replacement and Vacancies.** Of the initial members elected, an equal number, or as near as practicable, shall be elected for one year, two years and three years. Thereafter, each member shall serve for a term of three years. Subsequent Commissioners shall be elected in the same manner as original members at the expiration of each Commissioner’s term of office. A Commissioner whose term of office has expired shall continue to hold office until the Board has elected his/her successor. The Board may reelect a Commissioner to serve additional terms. If a vacancy is created, the Board shall elect a successor within sixty (60) days to hold office for the remainder of the term of office so vacated.
- Section 3. **Removal.** By a majority vote, the Commission may recommend to the Board that a Commissioner be removed from office for one or more of the following reasons: inefficiency, neglect of duty, misconduct, malfeasance or missing 50% or more of regularly scheduled Commission meetings in a given calendar year.
- Section 4. **Conflict of Interest.** A Commissioner who has a direct interest in any matter before the Commission shall disclose his/her interest prior to any discussion of the matter by the Commission, which disclosure shall become a part of the record of the Commission’s official proceedings. The interested Commissioner shall further refrain from participation in the Commission’s action relating to the matter. Each Commissioner, upon taking office and annually thereafter, shall acknowledge in writing that they have read and agree to abide by this section.

Section 5. **Compensation.** Members of the Commission may receive compensation and mileage, as set by the Board. The members of the Commission shall not be full-time officers. All members of the Commission shall be reimbursed for actual, reasonable and necessary expenses incurred in the discharge of their duties.

### ARTICLE III – OFFICERS

- Section 1. **Officers.** The officers of the Commission shall be elected by the Commission and shall consist of a Chairperson, Vice Chairperson, and Secretary. The Commission may also appoint a Recording Secretary who need not be a member of the Commission. An officer shall not execute, acknowledge, or verify an instrument in more than one capacity if the instrument is required by law or the Bylaws to be executed, acknowledged or verified by two or more officers.
- Section 2. **Nomination, Election and Term of Office.** The officers of the Commission shall be elected by the Commission at an annual meeting held during the first calendar quarter of each year. The term of each office shall be for one (1) year. Each officer shall hold office until his/her successor is elected. No person shall hold the same office for more than three successive terms.
- Section 3. **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled at any meeting of the Commission for the unexpired portion of the term of such office.
- Section 4. **Chairperson and Vice Chairperson.** The Chairperson shall be the chief executive officer of the Commission, and may from time-to-time delegate all or any part of his/her duties to the Vice Chairperson. In his/her absence, the Vice Chairperson, shall preside at all meetings of the Commission. He or she shall have general and active management of the business of the Commission and shall perform all the duties of the office as provided by the law or these Bylaws.
- Section 5. **Secretary and Recording Secretary.** The Secretary or Recording Secretary shall attend all meetings of the Commission and record all votes and minutes of all proceedings and shall perform like duties for the standing committees when required. They shall further perform all duties of the office of Secretary or Recording Secretary as provided by law or these Bylaws. They shall be sworn to the faithful discharge of these duties.
- Section 6. **Delegation of Duties of Offices.** In the absence of any officer of the Commission, or for any other reason that the Commissioners may deem sufficient, the Commission may delegate, from time-to-time and for such time as it may deem appropriate, the powers or duties of such officer to any other officer, or to any Commissioner, provided a majority of the Commission then in office concurs therein.

## ARTICLE IV - MEETINGS

- Section 1. **Regular Meetings.** The Commission shall hold, at a minimum, four regular meetings per year. Date, time and location for these meetings shall be determined by the Commission.
- Section 2. **Annual Meeting.** The Annual Meeting, which shall be for the purpose of the election of officers, shall be held at the time of the first regular meeting of each year.
- Section 3. **Special Meetings.** The Chairperson or any group of three Commissioners may call a special meeting of the entire Commission, provided each Commissioner is given at least 48 hours advance notice of the meeting and the purpose of the meeting.
- Section 4. **Notice.** Notice of any meetings shall be given in accordance with the Open Meetings Act (Act No. 267 of the Public Acts of 1976 as amended).
- Section 5. **Quorum.** A majority of the members of the Commission elected constitutes a quorum for the transaction of the business at any meeting of the Commission, provided that a majority of the Commission present may adjourn the meeting from time-to-time without further notice. The vote of the majority of the Commissioners present at a meeting at which a quorum is present constitutes the action of the Commission, unless the vote of a larger number is required by statute or by these Bylaws.
- Section 6. **Participation by Communication Equipment.** A member of the Commission or of a committee designated by the Commission may participate in a meeting by means of conference telephone or similar communication equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this provision constitutes presence at the meeting.
- Section 7. **Proceedings.** Proceedings of all meetings of the full Commission shall be governed by the current edition of Robert's Rules of Order and minutes shall be kept and distributed in accordance with the Open Meetings Act (Act No. 267 of the Public Acts of 1976 as amended).
- Section 8. **Committees.** Groups or individuals that represent stakeholder interests can be incorporated into economic development activities as members of short-term, project-specific committees. These committees shall be formed on an ad-hoc basis to complete specific tasks or projects and shall be elected by the Commission as needed.

## ARTICLE V – FISCAL YEAR

- Section 1. The fiscal year of the Commission shall correspond at all times to the fiscal year of the County of Allegan.

ARTICLE VI – STAFFING

Section 1. **Appointment of Employees.** For the purpose of P.A. 46 of 1966, Section 125.1233, the Director of County Development shall be considered the only appointee of this Commission. Said appointee shall be an employee of Allegan County, reporting directly to the County Administrator, and shall be subject to all County policy as established by the Board of Commissioners. Additional resources may be provided through the Department of County Development consistent with the department’s annual budget as approved by the Board.

ARTICLE VII – MISCELLANEOUS

Section 1. **Waiver of Notice.** When the Commission or any committee thereof may take action after notice to any person or after lapse of a prescribed period of time, the action may be taken without notice and without lapse of the period of time, if at any time before or after the action is completed the person entitled to notice or to participation in the action to be taken submits a signed waiver of such requirements.

ARTICLE VIII - AMENDMENTS

Section 1. Any amendments to these bylaws are subject to final Board approval.

Section 2. **Date of Approval.** These bylaws were approved **on March 18, 2024**, and shall become effective on that date.

Signed By:

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Date

**BOARD OF COMMISSIONERS—APPROVE DEPUTY MEDICAL EXAMINER**

12/ **WHEREAS**, in accordance with the County's Medical Examiner Services Contract, the Allegan County Board of Commissioners (Board) must approve Deputy Medical Examiners designated by the Contractor.

**THEREFORE BE IT RESOLVED** that the Board hereby approves the Chief Medical Examiner's designation of Christine James, DO, effective 4/1/2024, as Deputy Allegan County Medical Examiner

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to take immediate action and approve the resolution as presented. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**BREAK - 2:09 P.M.**

13/ Upon reconvening at 2:19 P.M., the following Commissioners were present: Commissioner Storey, DeYoung, Kapenga, Beltman and Dugan. Absent: None.

**VACANCY ON ROAD COMMISSION**

14/ Commissioners discussed the vacancy in the Road Commission due to the death of John Kleinheksel. Commissioners agreed to have all applications received by April 18, 2024; interviews on April 25, 2024 (evening session); and the final vote on May 9, 2024. Notice to be placed in the Allegan County News.

**PUBLIC PARTICIPATION - COMMENTS**

15/ Chair Storey opened the meeting to public participation and the following individuals offered comments:

1. Curtis Clark of Allegan addressed the board regarding the framework of township and counties

**ROUNDTABLE**

16/ Commissioner Beltman read a letter from Trowbridge Township thanking the Allegan County Clerk's Office for all their assistance due to the election changes that took effect with the February 27, 2024 election due to Proposal 2 of 2022.

**REQUEST FOR MILEAGE**

17/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve mileage reimbursement for commissioners to attend the regional SMART meeting in Kent County on March 27, 2024. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**ADJOURNMENT UNTIL MARCH 28, 2024 AT 1:00 P.M.**

18/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adjourn until March 28, 2024 at 1:00 P.M. The motion carried by voice vote and the meeting was adjourned at 3:02 P.M. Yeas: 5 votes. Nays: 0 votes.

*Jennifer Duen*

---

Deputy Clerk