

ALLEGAN COUNTY BOARD OF COMMISSIONERS

INDEX

MAY 9, 2024 SESSION

JOURNAL 72

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MAY 9, 2024 SESSION - 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 May 9, 2024 at 9:03 A.M. in accordance with the motion for adjournment of April 25, 2024, and rules of this board; Chair Storey presiding.

The Chief Deputy 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 PARTICIPATION - NO COMMENTS

2/ Chair Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

AGENDA - ADOPTED AS PRESENTED

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

DISCUSSION ITEMS:**2023 ANNUAL AND 1ST QUARTER 2024 WELLNESS REPORT**

4/ Bruce Fetzner Vice President and Mary Werme Account Manager for Holtyn & Associations presented an update of the Wellness program of Allegan to the commission.

1ST QUARTER 2024 CAPITAL REPORT

5/ Valdis Kalnins, Project Manager for Allegan County updated the commission with the 2024 capital projects.

ADMINISTRATIVE UPDATE

6/ Administrator Sarro noted his written report was submitted to Commissioners. Highlights included the Animal Shelter transition with a renewal contract with Wishbone and coordination with other area shelters. The Disc Golf Course at Littlejohn Lake Park completed with an open house being planned.

PUBLIC PARTICIPATION - NO COMMENTS

7/ Chair Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

CLOSED SESSION: LITIGATION

8/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to recess to closed session to discuss litigation and trial strategy in the matters of Bouma v. Allegan County, Case No., 1:22-cv-01187-JMB-SJB Bouma v. Allegan, County of et al, pending in the Western District of Michigan, and Nunez v. Allegan County, et al, Case No. 23-67321-NI, and Nunez, Estate of v. Allegan County, et al, Case No. 23-66723-NI, both pending in the Allegan County Circuit Court, as discussion in the open session regarding all three of these matters would be detrimental to the financial, settlement, and trial strategy of the County. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

RECONVENE/ROLL CALL FROM CLOSED SESSION

9/ Moved by Commissioner Beltman, seconded by Commissioner Dugan that the Board come out of closed session at 11:49 A.M. Motion carried by roll call vote. Yeas: 5 votes. Nays: votes.

BOUMA V. ALLEGAN COUNTY, CASE NO., 1:22-CV-01187-JMB-SJB

10/ Moved by Commissioner Kapenga, seconded by Commissioner Beltman that we follow the advice and recommendation of counsel discussed in closed session with regard to the Bouma matter. Motion carried by roll call vote. Yeas: 5 votes. Nays: votes.

NUNEZ V. ALLEGAN COUNTY, ET AL, CASE NO. 23-67321-NI

11/ Moved by Commissioner Dugan, seconded by Commissioner DeYoung that we follow the advice and recommendation of counsel discussed in closed session with regard to the Jose Nunez matter. Motion carried by roll call vote. Yeas: 5 votes. Nays: votes.

NUNEZ ESTATE OF V. ALLEGAN COUNTY, ET AL, CASE NO. 23-66723-NI,

12/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga that we follow the advice and recommendation of counsel discussed in closed session with regard to the Nunez Estate of matter. Motion carried by roll call vote. Yeas: 5 votes. Nays: votes.

ADJOURNMENT UNTIL MAY 23, 2024 AT 9:00 A.M.

13/ Moved by Commissioner DeYoung, seconded by Commissioner Kapenga to adjourn until May 23, 2024 at 9:00 A.M. The motion carried by voice vote and the meeting was adjourned at 11:54 A.M. Yeas: 5 votes. Nays: votes.

AFTERNOON SESSION

MAY 9, 2024 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL

14/ 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 May 9, 2024 at 1:07 P.M. in accordance with the motion for adjournment of April 25, 2024, and rules of this Board; Chair Storey presiding.

The invocation was offered by District #5 Commissioner Dugan.

The Chief 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

APRIL 25, 2024 SESSION MINUTES - ADOPTED

15/ Moved by Commissioner Kapenga, seconded by Commissioner Beltman to approve the minutes for the April 25, 2024 session as distributed. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

PUBLIC PARTICIPATION - COMMENTS

16/ Chair Storey opened the meeting to public participation and the following individual offered comment:

1. Jerry Polonowski from Otsego Township regarding road conditions and the culvert on 110th Ave and who is responsible for repairs.

AGENDA - ADDITIONS

17/ Chair Storey asked if there were any additions or changes to the agenda. Commissioner Beltman asked to add Legal Research Regarding Election Process be added to the Action Item agenda.

Moved by Commissioner Beltman, seconded by Commissioner Kapenga to adopt the changes to the meeting agenda as requested.

Moved by Commissioner Beltman, seconded by Commissioner Kapenga to Amend the request to add Legal Research Regarding Election Process to the Discussion Item agenda. Motion amendment carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

AGENDA - ADOPTED AS AMMENDED

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

INFORMATIONAL SESSION

19/ Sheriff Frank Baker presented the Sheriff's Office & Correction Center 2023 annual report to the board.

CONSENT ITEMS:

FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS

20/ **WHEREAS**, Administration has compiled the following claims for May 3, 2024 and May 10, 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.

May 3, 2024

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	210,057.70	210,057.70	
Parks/Recreation Fund – 208	535.18	535.18	
Friend of the Court – Cooperative Reimb – 215	85.00	85.00	
Health Department Fund – 221	33,782.37	33,782.37	
Solid Waste/Recycling – 226	10,670.71	10,670.71	
Animal Shelter – 254	1,191.66	1,191.66	
Register of Deeds Automation Fund – 256	336.48	336.48	
Central Dispatch Fund – 261	2,058.70	2,058.70	
Concealed Pistol Licensing Fund – 263	524.90	524.90	
Local Corrections Officers Training Fund – 264	357.00	357.00	
Justice Training Fund – 266	4,580.99	4,580.99	
Grants – 279	7,095.32	7,095.32	
Crime Victims Rights Grant – 280	291.59	291.59	
Sheriffs Contracts – 287	3,391.54	3,391.54	
Transportation Fund – 288	854.01	854.01	
Child Care Fund – 292	17,687.03	17,687.03	
Veterans Relief Fund – 293	36,304.73	36,304.73	
Senior Services Fund – 298	1,053.79	1,053.79	
American Rescue Plan Act – ARPA – 299	354,819.71	354,819.71	
Public Works Project Debt Fund – 365	125.00	125.00	
Jail Building Debt Fund – 366	125.00	125.00	
Fillmore: Re-Funding 2013 Bund Debt – 379	125.00	125.00	
Capital Improvement Fund – 401	902,049.79	902,049.79	
Property Tax Adjustments – 516	30,503.13	30,503.13	
Self-Insurance Fund – 677	351,306.50	351,306.50	
Drain Fund – 801	73,731.93	73,731.93	
TOTAL AMOUNT OF CLAIMS	\$2,043,644.76	\$2,043,644.76	

MAY 10, 2024

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	137,254.40	137,254.40	
Parks/Recreation Fund – 208	1,993.01	1,993.01	
Friend of the Court – Cooperative Reimb – 215	1,011.50	1,011.50	
Health Department Fund – 221	44,984.84	44,984.84	
Solid Waste/Recycling – 226	10,227.17	10,227.17	
Animal Shelter – 254	11,584.20	11,584.20	
Indigent Defense Fund – 260	3,579.86	3,579.86	
Central Dispatch Fund – 261	840.77	840.77	
Concealed Pistol Licensing Fund – 263	21.99	21.99	
Local Corrections Officers Training Fund – 264	33.64	33.64	
Law Library Fund – 269	2,152.50	2,152.50	
Grants – 279	4,435.67	4,435.67	
Crime Victims Rights Grant – 280	155.44	155.44	
Sheriffs Contracts – 287	325.68	325.68	
Transportation Fund – 288	22,606.84	22,606.84	
Child Care Fund – 292	46,495.58	46,495.58	
Senior Services Fund – 298	475.75	475.75	
American Rescue Plan Act – ARPA – 299	11,587.20	11,587.20	
Property Tax Adjustments – 516	830.18	830.18	
Revolving Drain Maintenance Fund – 639	473.45	473.45	
Fleet Management/Motor Pool – 661	180.73	180.73	
Self-Insurance Fund – 677	460,569.68	460,569.68	
Drain Fund – 801	45,787.76	45,787.76	
TOTAL AMOUNT OF CLAIMS	\$807,607.84	\$807,607.84	

THEREFORE BE IT RESOLVED that the Board of Commissioners adopts the report of claims for May 3, 2024 and May 10, 2024.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adopt the report of claims for May 3, 2024 and May 10, 2024. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

DISCUSSION:

Prior to the Board taking up the proposed resolution, Chair Storey advised the Commission that as the matter involved him, he relinquished the chair to Vice Chair Kapenga and left the Board meeting room for the balance of the Board's consideration of the proposed resolution and the roll call vote. Chair Storey did not return to the meeting room until the vote was completed and thereupon resumed the chair.

BOARD OF COMMISSIONERS – LEGAL RESEARCH REGARDING ELECTION PROCESS

21/ WHEREAS, the Board believes the election management process must demonstrate complete objectivity, due process, and compliance with explicit law. The process should fare to the interpretation that favors democratic process and the opportunity for the people to exercise their power to vote on candidates and questions; and

WHEREAS, an incumbent candidate’s eligibility has come into question; and

WHEREAS, the incumbent candidate sought review by the County Elections Commission, a public body within Allegan County Government, because the Elections Commission must approve an election ballot; and

WHEREAS, on May 8, 2024, the County Elections Commission held a limited meeting, which was approximately 30 minutes, to hear input as to their role and authority pertaining to the matter; and

WHEREAS, election processes have become a significant topic of debate and the County may have an obligation to provide representation stemming from the actions or inactions of the County Clerk, County Elections Commission, and Board of Canvassers.

THEREFORE, BE IT RESOLVED that the Allegan County Board of Commissioners directs the County Administrator to engage legal resources to:

- provide an opinion on the standing or authority of the County Elections Commission to approve a ballot and consider the propriety of any items placed upon or withheld from the ballot,
- provide an opinion as to any conflicts or incompatibility in the event there is litigation between the County Elections Commission members and a ballot candidate, and
- provide an assessment as to the County’s potential liability or obligation to provide representation stemming from the actions or inactions of the County Clerk, County Elections Commission, and Board of Canvassers, including review of any determinations of ineligibility.

BE IT FURTHER RESOLVED that the Allegan County Board of Commissioners authorizes up to \$10,000 for outside counsel services should in-house counsel determine such services to be necessary.

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

Moved by Commissioner Dugan, seconded by Commissioner DeYoung to amend the resolution to include to include authorization of funds up to \$20,000.

Moved by Commissioner Beltman, seconded by Commissioner Dugan to amend the authorization of funds up to \$10,000.

Moved by Commissioner Dugan, seconded by Commissioner DeYoung to approve the resolution as amended with the authorization of funds up to \$10,000. Motion carried by roll call vote. Yeas: 4 votes. Nays: 0 votes. Abstained: Storey.

ELECTIONS**22/ ROAD COMMISSION BOARD**

Chair Storey opened nominations to fill the remainder of the 6-year term on the Road Commission Board; term to expire 12/31/2026.

Commissioner Dugan nominated Harold Hamlin, 6664 111th Ave, South Haven
Commissioner Beltman nominated Aaron Brenner, 3072 30th Street, Hopkins

Moved by Commissioner Kapenga, seconded by Commissioner Dugan to close the nominations and distribute ballots to all Commissioners. Results were tallied and Harold Hamlin received 5 votes (Storey, DeYoung, Kapenga and Beltman and Dugan). Harold Hamlin was elected to the Allegan Road Commission.

APPOINTMENTS**23/ TOURIST COUNCIL**

Chair Storey announced the appointment of the following individual to the Tourist Council to fill the remainder of a 3-year term; term to expire December 31,2026.

Rebecca Bodnar, 2598 118th Avenue, Allegan MI 49010

Moved by Commissioner Dugan, seconded by Commissioner Beltman to approve the appointment as made. Motion carried by voice vote. Yeas: 5 votes.

PUBLIC PARTICIPATION - NO COMMENTS

24/ Chair 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 MAY 23, 2024 AT 1:00 P.M.

25/ Moved by Commissioner Beltman, seconded by Commissioner Dugan to adjourn until May 23, 2024 at 1:00 P.M. The motion carried by voice vote and the meeting was adjourned at 3:22 P.M. Yeas: 5 votes. Nays: 0 votes.

Chief Deputy Clerk

Board Chair

Minutes approved during the 00/00/2024 Session