

## ALLEGAN COUNTY BOARD OF COMMISSIONERS

## INDEX

MAY 9, 2024 SESSION

JOURNAL 72

| <u>PAGE</u> | <u>ITEM</u> | <u>SUBJECT MATTER</u>  |
|-------------|-------------|--|
| 149         | 1           | MAY 9, 2024 SESSION - PLEDGE OF ALLEGIANCE, ROLL CALL            |
| 149         | 2           | PUBLIC PARTICIPATION -NO COMMENTS                                |
| 149         | 3           | AGENDA - ADOPTED AS  |
| 149         | 4           | 2023 ANNUAL AND 1 <sup>ST</sup> QUARTER 2024 WELLNESS REPORT     |
| 149         | 5           | 1 <sup>ST</sup> QUARTER 2024 CAPITAL REPORT                      |
| 149         | 6           | ADMINISTRATIVE UPDATE  |
| 150         | 7           | PUBLIC PARTICIPATION - NO COMMENTS                               |
| 150         | 8           | CLOSED SESSION: LITIGATION                                       |
| 150         | 9           | RECONVENE/ROLL CALL FROM CLOSED SESSION                          |
| 150         | 10          | BOUMA V. ALLEGAN COUNTY, CASE NO., 1:22-CV-01187-JMB-SJB         |
| 150         | 11          | NUNEZ V. ALLEGAN COUNTY, ET AL, CASE NO. 23-67321-NI             |
| 150         | 12          | NUNEZ ESTATE OF V. ALLEGAN COUNTY, ET AL, CASE NO. 23-66723-NI,  |
| 150         | 13          | AJOURNMENT UNTIL MAY 23, 2024 AT 9:00 A.M.                       |
| 151         | 14          | MAY 9, 2024 SESSION- INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL |
| 151         | 15          | APRIL 23, 2024 SESSION MINUTES - ADOPTED                         |
| 151         | 16          | PUBLIC PARTICIPATION - COMMENTS                                  |
| 151         | 17          | AGENDA - ADDITIONS   |
| 151         | 18          | AGENDA - ADOPTED AS AMMENDED                                     |

148

|         |    |  |
|---------|----|--|
| 152     | 19 | INFORMATIONAL SESSION                            |
| 152-153 | 20 | FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS |
| 153-154 | 21 | LEGAL RESEARCH REGARDING ELECTION PROCESS        |
| 155     | 22 | ELECTIONS/ROAD COMMISSION                        |
| 155     | 23 | APPOINTMENTS/TOURIST COUNCIL                     |
| 155     | 24 | PUBLIC PARTICIPATION - NO COMMENTS               |
| 155     | 25 | AJOURNMENT UNTIL MAY 23, 2024 AT 1:00 P.M        |

**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 1<sup>ST</sup> QUARTER 2024 WELLNESS REPORT**

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

**1<sup>ST</sup> 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 110<sup>th</sup> 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             |                   |
| <b>TOTAL AMOUNT OF CLAIMS</b>                  | <b>\$2,043,644.76</b> | <b>\$2,043,644.76</b> |                   |

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           |                   |
| <b>TOTAL AMOUNT OF CLAIMS</b>                  | <b>\$807,607.84</b>  | <b>\$807,607.84</b> |                   |

**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.

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 118<sup>th</sup> 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 06/06/2024 Session