

## ALLEGAN COUNTY BOARD OF COMMISSIONERS

## INDEX

JULY 14, 2022 SESSION

JOURNAL 70

<u>PAGE</u>	<u>ITEM</u>	<u>SUBJECT MATTER</u>
251	1	JULY 14, 2022 SESSION - PLEDGE OF ALLEGIANCE, ROLL CALL
251	2	PUBLIC PARTICIPATION - NO COMMENTS
251	3	AGENDA - ADOPTED AS PRESENTED
251	4	INFORMATIONAL SESSION - COUNTY MEDICAL EXAMINER
251	5	BREAK - 10:13 AM
251	6	2023 BUDGET - FUNDING PARAMETERS
251	7	PUBLIC PARTICIPATION - NO COMMENTS
252	8	ADJOURNMENT UNTIL JULY 28, 2022
252	9	JULY 14, 2022 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL
252	10	COMMUNICATIONS
252	11	JUNE 23, 2022 SESSION MINUTES ADOPTED
252	12	PUBLIC PARTICIPATION - COMMENTS
253	13	AGENDA - ADDITIONS
253	14	AGENDA - ADOPTED AS AMENDED
253	15	INFORMATIONAL SESSION - COMMUNITY MENTAL HEALTH AUTHORITY (ONPOINT)
253	16	ADMINISTRATIVE REPORTS
253-255	17	CLAIMS
255	18	ENERGY INDEPENDENCE/SOLAR PANEL FARMS
255-256	19	BOARD OF COMMISSIONERS - RESOLUTION AUTHORIZING ELECTION PURSUANT TO PUBLIC ACT 69 OF 2005

250

256-257	20	BOARD OF COMMISSIONERS - SUPPORT AMENDMENT TO THE MICHIGAN AUTO INSURANCE REFORM ACT
257-259	21	SHERIFF DEPT - AWARD INMATE MEALS & INMATE COMMISSARY SERVICES BID
260	22	INTERPRETATION OF LETTER FROM THE ADMINISTRATOR TO MUNICIPALITIES
260	23	ELECTIONS - ECONOMIC DEVELOPMENT COMMISSION
260	24	PUBLIC PARTICIPATION - NO COMMENTS
260	25	ADJOURNMENT UNTIL JULY 28, 2022

## MORNING SESSION

**JULY 14, 2022 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 July 14, 2022 at 9:00 A.M. in accordance with the motion for adjournment of June 23, 2022, and rules of this board; Chairman 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	DEAN KAPENGA
DIST #2	JIM STOREY
DIST #3	MAX THIELE
DIST #4	MARK DeYOUNG left 9:25 AM, returned 10:00 AM, left 11:20 AM
DIST #5	TOM JESSUP
DIST #6	GALE DUGAN left at 11:38am
DIST #7	RICK CAIN Absent

**PUBLIC PARTICIPATION - NO COMMENTS**

2/ Chairman 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 DeYoung seconded by Commissioner Kapenga to adopt the meeting agenda as presented. Motion carried by voice vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

**INFORMATIONAL SESSION - COUNTY MEDICAL EXAMINER**

4/ Allegan County Medical Examiner presented her annual report to the board.

**BREAK - 10:13 A.M.**

5/ Upon reconvening at 10:20 A.M., the following Commissioners were present: Commissioner Kapenga, Storey, Thiele, DeYoung, Jessup, and Dugan. Absent: Cain

**2023 BUDGET - FUNDING PARAMETERS**

6/ Administrator Sarro facilitated discussion regarding what parameters the Board would like to see for the 2023 budget.

**PUBLIC PARTICIPATION - NO COMMENTS**

7/ 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 JULY 28, 2022 AT 9:00 A.M.**

8/ Moved by Commissioner Kapenga, seconded by Commissioner Jessup to adjourn until July 28, 2022 at 9:00 A.M. The motion carried by roll call vote and the meeting was adjourned at 11:40 A.M. Yeas: 5 votes. Nays: 0 votes. Absent: DeYoung, Dugan and Cain.

**AFTERNOON SESSION**

**JULY 14, 2022 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

9/ 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 July 14, 2022 at 1:00 P.M. in accordance with the motion for adjournment of June 23, 2022, and rules of this Board; Chairman Storey presiding.

The invocation was offered by District #2 Commissioner Storey.

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 | DEAN KAPENGA            | DIST #5 | TOM JESSUP       |
| DIST #2 | JIM STOREY              | DIST #6 | GALE DUGAN       |
| DIST #3 | MAX THIELE Left 3:16 PM | DIST #7 | RICK CAIN Absent |
| DIST #4 | MARK DeYOUNG            |         |                  |

**COMMUNICATIONS**

10/ Chief Deputy Clerk Porter noted to the board that they received the following resolutions:

1. Resolutions opposing House Bills 4729, 4730, 4731 and 4732 from Branch, Ontonagon, Jackson, Gogebic, Kalkaska, Iron, Lake and Leelanau counties
2. Resolution opposing House Bills 4730 from Calhoun and Eaton counties
3. Resolution from Berrien and Mecosta counties on the Michigan No-Fault Auto Insurance Reform
4. Livingston County resolution optimizing election integrity
5. Gogebic County resolution in opposition to the proposed Wagner-Peyser Act Rule Change

**JUNE 23, 2022 SESSION MINUTES - ADOPTED**

11/ Moved by Commissioner Kapenga, seconded by Commissioner Dugan to approve the minutes for the June 23, 2022 session as distributed. Motion carried by voice vote. Yeas: 6 votes. Nays: 0 votes. Excused: 1 vote.

**PUBLIC PARTICIPATION - COMMENTS**

12/ Chairman Storey opened the meeting to public participation and the following individual offered comment:

1. Nancy DeBoer- introduced herself and indicated that she is running for the 86<sup>th</sup> House District.

**AGENDA - ADDITIONS**

13/ Chairman Storey asked if there were any additions or changes to the agenda. Commissioner Dugan asked to add as discussion item #5 Interpretation of the letter from the Administrator to municipalities regarding ARPA funds on Broadband, Sewer and Water Projects.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adopt the changes to the meeting agenda as requested. Motion carried by voice vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

**AGENDA - ADOPTED AS AMENDED**

14/ Moved by Commissioner DeYoung, seconded by Commissioner Kapenga to adopt the meeting agenda amended. Motion carried by voice vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

**INFORMATIONAL SESSION - COMMUNITY MENTAL HEALTH AUTHORITY (ONPOINT)**

15/ Community Mental Health Director Mark Witte gave a Power Point presentation.

**ADMINISTRATIVE REPORTS**

16/ Administrator Sarro noted his written report was submitted to Commissioners. Highlights included an update of employees working remote. He addressed the question as to why no commissioner was appointed to the Board of Public Works.

**FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS**

17/ **WHEREAS**, Administration has compiled the following claims for July 1, 2022; July 8, 2022; and July 15, 2022; 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 2022 Claims folder of the Commissioners' Record of Claims.

**July 1, 2022**

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	173,257.70	173,257.70	
County Road Fund - 201	26.27	26.27	
Parks/Recreation Fund - 208	5,031.05	5,031.05	
Friend of the Court - Coop. Reimb. – 215	180.38	180.38	
Health Department Fund -221	12,904.46	12,904.46	
Solid Waste/Recycling - 226	285.05	285.05	
Register of Deeds Automation Fund - 256	845.00	845.00	
Indigent Defense Fund - 260	25,535.40	25,535.40	
Central Dispatch Fund - 261	774.27	774.27	
Grants - 279	11,211.22	11,211.22	
Transportation Fund – 288	5,693.97	5,693.97	

Child Care Fund - 292	2,116.67	2,116.67	
Senior Services Fund - 298	573.96	573.96	
Capital Improvement Fund - 401	183,600.02	183,600.02	
CIP – Youth Home Building Fund - 492	1,627.80	1,627.80	
Central Dispatch CIP - 496	19,967.39	19,967.39	
Medical Care Facility Fund - 512	6.66	6.66	
Delinquent Tax Revolving Fund - 516	89.16	89.16	
Self-Insurance Fund - 677	338,737.10	338,737.10	
Drain Fund - 801	10,522.46	10,522.46	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$792,985.99</b>	<b>\$792,985.99</b>	

## July 8, 2022

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	210,950.21	210,950.21	
Parks/Recreation Fund - 208	80.00	80.00	
Friend of the Court - Coop. Reimb. – 215	264.85	264.85	
Health Department Fund -221	8,324.69	8,324.69	
Solid Waste/Recycling - 226	17,721.24	17,721.24	
Register of Deeds Automation Fund - 256	1,275.49	1,275.49	
Palisades Fund - 257	393.66	393.66	
Indigent Defense Fund - 260	25,984.16	25,984.16	
Central Dispatch Fund - 261	57,043.20	57,043.20	
Law Library Fund - 269	2,928.92	2,928.92	
Grants - 279	2,930.90	2,930.90	
Sheriffs Contract – All Other - 287	267.43	267.43	
Transportation Fund – 288	7,745.48	7,745.48	
Child Care Fund - 292	44,301.42	44,301.42	
Veterans Relief Fund - 293	311.29	311.29	
Senior Services Fund - 298	721.06	721.06	
American Rescue Plan Act – ARPA - 299	10,923.20	10,923.20	
Radio Debt Fund - 367	638,121.39	638,121.39	
Capital Improvement Fund - 401	91,630.97	91,630.97	
Delinquent Tax Revolving Fund - 516	7,989.98	7,989.98	
Tax Reversion 2018 - 629	798.00	798.00	
Fleet Management/Motor Pool - 661	530.28	530.28	
Self-Insurance Fund - 677	25,957.21	25,957.21	
Drain Fund - 801	28,573.96	28,573.96	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$1,185,768.99</b>	<b>\$1,185,768.99</b>	

July 15, 2022

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	94,971.62	94,971.62	
Parks/Recreation Fund - 208	8,598.63	8,598.63	
Friend of the Court - Coop. Reimb. – 215	779.61	779.61	
Health Department Fund -221	46,121.67	46,121.67	
Solid Waste/Recycling - 226	240.00	240.00	
Indigent Defense Fund - 260	473,794.42	473,794.42	
Central Dispatch Fund - 261	4,308.73	4,308.73	
Local Corrections Officers Training Fund - 264	223.20	223.20	
Grants - 279	6,820.90	6,820.90	
Transportation Fund – 288	99,360.91	99,360.91	
Child Care Fund - 292	3,568.50	3,568.50	
Veterans Relief Fund - 293	395.00	395.00	
Senior Services Fund - 298	62,857.98	62,857.98	
American Rescue Plan Act – ARPA - 299	6,102.00	6,102.00	
Capital Improvement Fund - 401	7,045.00	7,045.00	
Delinquent Tax Revolving Fund - 516	557.01	557.01	
Tax Reversion - 620	63.77	63.77	
Tax Reversion 2018 - 629	585.00	585.00	
Revolving Drain Maintenance Fund - 639	469.45	469.45	
Fleet Management/Motor Pool - 661	533.40	533.40	
Self-Insurance Fund - 677	1,705.23	1,705.23	
Drain Fund - 801	36,446.67	36,446.67	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$855,548.70</b>	<b>\$855,548.70</b>	

**THEREFORE BE IT RESOLVED** that the Board of Commissioners adopts the report of claims for July 1, 2022; July 8, 2022; and July 15, 2022.

Moved by Commissioner Thiel, seconded by Commissioner DeYoung to adopt the report of claims for July 1, 2022; July 8, 2022; and July 15, 2022. Motion carried by roll call vote. Yeas: 6 votes. Nays: 0 votes Cain Excused.

**DISCUSSION ITEMS:**

**ENERGY INDEPENDENCE/SOLAR PANEL FARMS**

18/ Commissioner Thiele provided information of the benefits of a solar farm for Allegan County. Derek Knoff from Consumers Energy presented information on the benefits of clean energy.

**BOARD OF COMMISSIONERS—RESOLUTION AUTHORIZING ELECTION PURSUANT TO PUBLIC ACT 69 OF 2005**

19/ **WHEREAS**, if approved by the voters of a participating unit of government, Public Act 69 of 2005 permit a county to charge not more than \$4.00 per month or \$50.00 per year per household for waste reduction

programs and for the collection of consumer source separated materials for recycling or composting, including, but not limited to, recyclable materials, as defined in part 115 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, MCL 324.11501 to 324.11550, household hazardous wastes, tires, batteries, and yard clippings.

**THEREFORE BE IT RESOLVED** that:

1. The Allegan County Board of Commissioners (Board) hereby authorizes an election under P.A. 69 of 2005 scheduled for November 8, 2022,

2. Robert Sarro, County Administrator for Allegan County, is designated as the individual to negotiate the interlocal agreement between the municipalities and townships within the County,

3. Each municipality and township within the County that intends to participate in the County's waste reduction programs shall elect to participate in the interlocal agreement and authorize an election under MCL 124.508a by 4pm on August 16, 2022,

4. The amount of the proposed surcharge is \$50 per year per household,

5. Commercial businesses will not be subject to the proposed surcharge,

6. A voter-approved surcharge is a mandatory charge to be collected as part of billings for property taxes, both current and delinquent; and

**BE IT FINALLY RESOLVED** that the County Administrator and/or the Board Chairperson are authorized to sign the necessary documents on behalf of the County and that the Executive Director of Finance is authorized to perform the necessary budget adjustments to complete this action.

Moved by Commissioner Dugan, seconded by Commissioner Thiele to take immediate action on the resolution. Motion carried by voice vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

Moved by Commissioner Kapenga, seconded by Commissioner DeYoung to approve the resolution as presented. Motion carried by roll call. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

**BOARD OF COMMISSIONERS—SUPPORT AMENDMENT TO THE MICHIGAN AUTO INSURANCE REFORM ACT**

20/ Moved by Commissioners Thiele, seconded by Commissioner Jessup to take the auto insurance reform discussion off the table. Motion carried by voice vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

**WHEREAS**, the Michigan No-Fault Auto Insurance Reform Act of 2019 introduced a fee cap, which took final effect on July 1, 2021; this cap set percentage limits on how much residential care facilities, home health care providers, and other persons can be reimbursed for providing treatment/care to auto accident victims; and

**WHEREAS**, these reimbursement caps are 55% of the reimbursement rates that Home Care Providers were collecting in 2019; and

**WHEREAS**, 55% of a Home Health Care provider's 2019 collections is an unsustainable reimbursement cap to continue caring for catastrophically injured individuals following an auto accident.

**THEREFORE BE IT RESOLVED** that the Allegan County Board of Commissioners hereby urges the Michigan Legislature to amend the Michigan No-Fault Auto



Insurance Reform Act to address a sustainable fee cap (e.g. Michigan's Workman's Compensation Fee Cap for Ancillary Services) for Home Health Care providers, in order to uphold these benefits that have been paid for by the survivors who are currently receiving and who will receive in-home, long-term care, when purchasing an Unlimited PIP Auto Insurance policy, paid by the Michigan Catastrophic Claims Association; and

**BE IT FINALLY RESOLVED** that the Allegan County Clerk/Register of Deeds is requested to forward copies of the adopted resolution to the Governor of the State of Michigan, the State Senate Majority and Minority leaders, the State House Speaker and Minority Leader, the members of the Allegan County delegation to the Michigan Legislature, and the other 82 counties of Michigan as Commissioner Correspondence.

Moved by Commissioner Dugan, seconded by Commissioner Jessup to approve the resolution as presented. Motion carried by roll call. Yeas: Thiele, DeYoung, Jessup and Dugan. Nays: Kapenga and Storey. Absent: Cain.

**SHERIFF'S DEPARTMENT – AWARD INMATE MEALS & INMATE COMMISSARY SERVICES BIDS**

**21/ WHEREAS**, consistent with the County's Purchasing Policy, a Request for Proposal process was used to solicit competitive bids for Inmate Meals & Inmate Commissary Services.

**THEREFORE BE IT RESOLVED** that the Board awards the bids to provide Inmate Meal Services (Contract #1365-22) and Inmate Commissary Services (Contract #1364-22) to Summit Food Services of 500 E. 52nd Street N. Sioux Falls, SD 57104; subject to the terms of the contract particularly Attachment B Cost proposal; and

**BE IT FINALLY RESOLVED** that the Board Chairperson and/or the County Administrator are authorized to sign any necessary documentation on behalf of the County.

Moved by Commissioner Thiele, seconded by Commissioner Jessup to amend resolution by adding to the second paragraph "subject to the terms of the contract particularly Attachment B Cost proposal". Motion Carried by roll call. Yeas: 6 votes. Nays: 0 Votes. Absent: 1 vote.

Moved by Commissioner Thiele, seconded by Commissioner Jessup to approve resolution as amended. Motion carried by roll call. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

## Attachment B – Cost Proposal

### **14. COST PROPOSAL**

Unless otherwise noted by the Contractor and agreed to in writing by the County, all costs associated with the scope of work outlined in Attachment A are itemized in this Cost Proposal taking the following into consideration:

#### **14.1 Taxes**

The County is exempt from Federal Excise Tax and Michigan Sales Tax. Neither shall be added to the costs presented in this cost proposal or added by the Contractor to any invoice billing the County. Contractor's Cost Proposal should include any taxes Contractor will incur in providing all products and/or services under this Agreement per all applicable laws.

#### **14.2 Variances**

Where a variance exists or other discrepancies are noted between prices on this Cost Proposal Form and prices specified elsewhere in Contractor's proposal, the pricing shown on this Cost Proposal Form shall prevail.

#### **14.3 Invoices**

All invoices must reference contract #1365-22, itemize services rendered and be sent to:

Accounts Payable  
Allegan County Sheriff's Office  
640 River Street  
Allegan, MI 49010

#### **14.4 Pricing and Cost Tables**

Per meal rates stated on the next page are inclusive of all service delivery costs to be invoiced the County by the Contractor and are inclusive of:

- Management fees such as licensing, insurance fees, bonding fees, long distance expenses, office supplies, etc.
- Labor Recruiting, Salaries, Uniforms, Benefits, Training and Retention Bonus, etc.
- Food Cost including orders, delivery and menu alterations, etc.
- Paper Costs which include disposable goods and paper bags.

No other fees or costs shall be billed to or paid by the County in association with this Agreement.

The following sliding scale with milk will remain in effect for no less than one year from start of this Agreement.

Sliding Scale with Milk	
Inmate Population	Price per Meal
< 35	TBN
35 - 44	\$4.304
45 - 54	\$3.452
55 - 65	\$2.922
65 - 74	\$2.560
75 - 84	\$2.297
85 - 94	\$2.097
95 - 104	\$1.941
105 - 114	\$1.815
115 - 124	\$1.711
125 - 134	\$1.624
135 - 144	\$1.550
145 - 154	\$1.492
155 - 164	\$1.442
165 - 174	\$1.399
175 - 184	\$1.362
185 - 194	\$1.329
195+	\$1.300

**Snack - \$1.05**

Price adjustments after one year shall always require mutual agreement and shall not exceed the Food Away from Home Consumer Price Index (FAFH-CPI) increase for the preceding year for each point on the pricing scale. Any price adjustments will be proposed by Summit's District Manager 90 days in advance of each annual contract anniversary for consideration by the County.

Contractor reserves the right to renegotiate pricing or menu if necessary in the case of major change in detainee population, availability of detainee labor, scope of services or other changes beyond Summit's control. This includes any drastic increases in food, fuel, equipment, utilities or supply costs which may warrant menu changes/substitutions or a price per meal adjustment. The County will consider such pricing adjustments contingent upon Contractor providing supporting and documentation and evidence that Contractor's ability to deliver services is being affected by a materially adverse condition.

**INTERPRETATION OF LETTER FROM THE ADMINISTRATOR TO MUNICIPALITIES**

22/ Commissioners requested clarification on a letter that was sent to municipalities regarding the ARPA funds disbursement of funds for broadband, sewer and water projects.

**ELECTIONS:**

**ECONOMIC DEVELOPMENT COMMISSION**

23/ Chairman Storey opened nominations to fill the remainder of a 3-year term on the Economic Development Commission; term to expire 12/31/2022.

Commissioner Storey nominated Stephanie Calhoun, 112 Locust St, Allegan (Non Profit)

Moved by Commissioner DeYoung, seconded by Commissioner Dugan to close the nominations and cast a unanimous ballot for Stephanie Calhoun as nominated. Motion carried unanimously. Yeas: 5 votes. Nays: 0 votes. Absent: 2 votes.

-----  
Chairman Storey opened nominations to fill the remainder of a 3-year term on the Economic Development Commission; term to expire 12/31/2024.

Commissioner Dugan nominated Taylor Hatten, 397 26<sup>th</sup> St, Otsego (Arts & Culture)

Moved by Commissioner Dugan, seconded by DeYoung to close the nominations and cast a unanimous ballot for Taylor Hatten as nominated. Motion carried unanimously. Yeas: 5 votes. Nays: 0 votes. Absent: 2 votes.

**PUBLIC PARTICIPATION - NO COMMENTS**

24/ 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 JULY 28, 2022 AT 1:00 P.M.**

25/ Moved by Commissioner Dugan, seconded by Commissioner Jessup to adjourn until July 28, 2022 at 1:00 P.M. The motion carried by voice vote and the meeting was adjourned at 3:33 P.M. Yeas: 5 votes. Nays: 0 votes. Absent: 2 votes.

  
\_\_\_\_\_  
Chief Deputy Clerk

  
\_\_\_\_\_  
Board Chairperson  
Vice

Minutes approved during the 07/28/2022 Session