

ALLEGAN COUNTY BOARD OF COMMISSIONERS

INDEX

OCTOBER 13, 2022 SESSION

JOURNAL 70

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DRAFT

AFTERNOON SESSION

OCTOBER 13, 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 October 13, 2022 at 3:00 P.M. in accordance with the motion for adjournment of September 22, 2022, and rules of this board; Chairman Storey presiding.

The 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 #5	TOM JESSUP
DIST #2	JIM STOREY	DIST #6	GALE DUGAN
DIST #3	MAX THIELE	DIST #7	RICK CAIN - Absent
DIST #4	MARK DeYOUNG		

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

PRESENTATIONS - COUNTY LEGAL ASSISTANCE CENTER

4/ Moved by Commissioner Thiele, seconded by Commissioner Dugan to adopt the certificate of recognition for the County Legal Assistance Center. Motion carried by voice vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

Commissioner Storey presented to certificate of recognition to Judge Bakker and Sheriff Baker.

DISCUSSION ITEMS:**NATIONAL SURVEY RESULTS PRESENTATION**

5/ Executive Director of Services Dan Wedge and Joe Dell'Olio from Polco/National Research Center addressed the board with the National Survey results. The survey was conducted from June 13, 2022 to August 1, 2022 with an overall response rate of 14%.

EMERGENCY MANAGEMENT UPDATE

6/ Emergency Management Director Scott Corbin gave an update to the board on emergency management.



EMERGENCY MANAGEMENT

Scott Corbin
Allegan County Emergency Management

ALLEGAN COUNTY EMERGENCY MANAGEMENT

The mission of the Allegan County Emergency Management is to protect the lives and property of citizens before a disaster strikes through preparedness, training and mitigation, and to reduce human suffering after a disaster strikes through prompt and effective coordination of the County's response and recovery efforts utilizing the expertise and resources of federal, state, local agencies and voluntary relief organizations.

Natural, Human-Made, Technological Disasters

DEFINITIONS

Emergency

- Occurrence or threat that may cause injuries, deaths and property damage
- (Community can handle it)

Disaster

- Occurrence or threat that may cause **widespread** severe injury, death, property damage, significant human and economic loss
- (Exhausts your resources)

HOW DO WE MANAGE A DISASTER?

- Utilizes an "all hazards" approach
- Encompasses all five phases
- Built on "whole community" ideal (public and private)
- Based on laws and authorities under the Michigan Emergency Management Act, P.A. 390 As Amended
- Local Ordinances or Resolutions
- County Ordinances or Board Resolutions
- Other Federal and State Administrative Rules



WHAT'S IN PLACE TO HANDLE THE NEXT DISASTER?

- Emergency Operation Plan (EOP)
- Incident Action Plans (IAP) / Community Support Plans
- Board Policy, Contracts, Mutual Aid Agreements and Memorandums of Understanding
- Warehouse of Resources and Specialized Equipment
- Trained Personnel
- Primary and Back-up Emergency Operations Center (Virtual Option)
- Continuation of Drills and Exercises with Internal and External Partners
- Public Address and Mass Notification Systems
- Continuity of Operations and Continuity of Government Plans
- Network of Volunteers

WHAT ARE THE MOST LIKELY DISASTERS FOR ALLEGAN COUNTY?

1. Severe Weather
 - Winter Hazards (snow and/or ice storms)
 - Thunderstorms - Tornadoes/Severe Winds
2. Public Health Emergencies
 - Epidemics/Pandemics/Infectious Diseases
 - Contaminated Food/Water/Environment
3. Flooding (riverine or shoreline) & Erosion
4. Hazardous Materials (Hazmat) Incidents
 - Transportation-Related (highway, marine, rail)
 - Fixed Site - Oil & Gas Pipeline/Well/Storage Accidents
5. Criminal Acts
 - Civil Disturbances/Unrest (at large events/gatherings)
 - Active Assaults
6. Infrastructure Failure
 - Highways, bridges, and/or dams Sewer/Water/Drains
 - Electric/Communications/Cyber

Source: 2021 Allegan County All-Hazards Mitigation Plan

THREAT, RISK, AND VULNERABILITY?



- Threats
 - Exploits a vulnerability and can damage or destroys an asset.
- Risk
 - Refers to the potential for lost, damaged, or destroyed assets
- Vulnerability
 - Refers to a weakness in your facility, staff, systems or procedures.

EMERGENCY MANAGEMENT: YEAR IN REVIEW, AND OUR FUNCTIONS WITHIN IT

- Emergency Responses
- Palisades Plant Closure and Decommissioning Process
- IPPX Palisades Exercise
- Incident Action Plans
- Demonstrations / Protests
- Training
- Local Hazard Mitigation Plan Adoptions
- Behavioral Threat Assessment
- Collaboration Groups
 - Private Security Group
 - Allegan County Safe School Network
- Avian Influenza
- State Critical Infrastructure and Key Resources (CIKR) Task Force
- Facility Threat Assessments

HOW CAN THE BOC HELP WITH FUTURE PREPAREDNESS EFFORTS

- Lead by Example-Practice Cooperation and Collaboration
- Learn the System-Know Your Role and Authority
- Constantly Scrutinize Actions and Services
- Weigh Public Welfare vs. Citizens' Rights
- Consult With Your Legal Counsel Regularly

HOW CAN THE BOC HELP WITH FUTURE PREPAREDNESS EFFORTS - CONTINUED

- Maintaining Public Confidence and Managing Expectations
- Direct Response and Recovery Efforts by Participating in Emergency Operations Center (EOC) duties to address community needs:
 - Making *timely* decisions and directing policy
 - Authorizing funds and contracts
- Advocate for Transparency and Sustainability of Emergency Management Performance Grant (EMPG) funding
- Support and Promote Mitigation Strategies as out-lined in the All-Hazard Mitigation Plan
- Ensure County Personnel are trained in Emergency Preparedness
- Permit County Personnel to Volunteer
- Direct County Personnel to be available for emergencies and disasters
- Succession Planning and Support Staff
- Create and Maintain a Volunteer Recognition Program
- Single Site for Emergency Operations Center

ADDITIONALLY, UNDERSTAND THAT DISASTERS WILL...

Be

- Be highly stressful AND political
- (Little time/resources to do the job) Prioritize

Demand

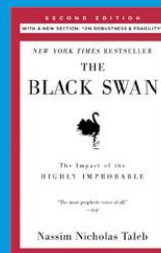
- Demand a unique management style
- Many stakeholders all from differing professions
- May answer to someone of differing professional status or another agency

Affect

- Affect you personally-be flexible and keep a sense of humor



EMERGENCY MANagements PREPAREDNESS VISION OVER THE NEXT 5 YEARS



- To Participate in the Emergency Management Accreditation Program (EMAP); International Association of Emergency Management (IAEM)
- Capacity to Identify Black Swan Events
- Development of COOP/GOG Plans for Local Units of Government
- Establishment of Incident Management Team (IMT) and Incident Support Teams (IST)
- Improve our Volunteer Recruitment and Retention Process
- Enhanced Research and Data Gathering; Information Sharing
- Improve Mass Notification Systems
- Develop a Crisis Communication and Social Media Team

ADMINISTRATIVE REPORTS

7/ Administrator Sarro noted his written report was submitted to Commissioners. Highlights included: facility master plan; mental health project; Community Links Program; Community Health Improvement Plan; Allegan County Fair booth; and commissioner inquiries. At the next board meeting there will be discussion on a parcel in Overisel Township that the owner offered to the County for acceptance or rejection.

PUBLIC PARTICIPATION – COMMENTS

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

1. Treasurer Sally Brooks respectfully submitted a letter from her attorney regarding the location of the county seat

TO: Sally Brooks, Allegan County Treasurer
 FROM: Charles A. Lawler
 DATE: October 13, 2022
 CLIENT: Allegan County Treasurer
 SUBJECT: Office Relocation

QUESTION

Whether the Allegan County Board of Commissioners can move the County Treasurer's Office outside of the county seat?

SHORT ANSWER

No. Michigan's 1963 Constitution and MCL § 48.48 require that the County Treasurer's principal office remain inside the county seat.

DISCUSSION

Sally Brooks, the Allegan County Treasurer, currently works in the Allegan County Treasurer's Office in the city of Allegan, the county seat. Brooks has advised that the Allegan County Board of Commissioners is considering moving the Treasurer's Office outside of the City of Allegan's limits.

I. Michigan's 1963 Constitution and MCL § 48.48 Require that the County Treasurer's Principal Office Remain in the City of Allegan.

The county seat is the principal city where county buildings are located, county courts are held, the county board meets, and offices of the sheriff, county clerk, register of deeds, and county treasurer are located. *Whallon v. Ingham Circuit Judge*, 16 N.W. 876 (Mich, 1883); Const. 1963, art 7, § 5. The City of Allegan is the county seat of Allegan County. *Yanelli v. Littlejohn*, 137 N.W. 723, 726 (Mich, 1912).

The County Treasurer's principal office *must* remain in the county seat. Const. 1963, art 7 § 5 ("The . . . county treasurer . . . shall hold [her] principal office at the county seat."); MCL. § 48.48 ("The county treasurer shall keep [her] office at the seat of Justice for the county.")

Michigan's 1963 Constitution does not define "principal office," but its plain meaning is clear. 2008 Mich. Op. Att'y Gen. No. 7215 (June 30, 2008). "Principal" is defined as "most important, consequential, or influential." *Merriam-Webster's Collegiate Dictionary, 10th Edition* (2001). The place where the county treasurer "maintains [her] office and spends most of [her] time while carrying out the functions of [her] office" is the treasurer's principal office. 2008 Mich. Op. Att'y Gen. No. 7215 (citing Letter Opinion of Attorney General Frank J. Kelley (April 11, 1975)).

The court reviews the location where (1) the administrative records and files are maintained, (2) the secretary or executive staff regularly report to work, (3) the public is expected to appear, and (4) the day-to-day duties and administrative functions are conducted. *Id.* Attorney General Frank J. Kelley used this analysis to conclude, for example, that the City of Grand Haven

may construct its jail outside of Grand Haven, the county seat of Ottawa County, so long as the sheriff maintains his principal office in Grand Haven. 2008 Mich. Op. Att’y Gen. No. 7215.

Brooks likely maintains her principal office in the City of Allegan. This office is the most important as it is likely where Brooks spends most of her time carrying out the functions of her office. If the City of Allegan office is where administrative records and files are maintained, staff regularly reports, the public appears, and Brooks conducts day-to-day duties, then it is Brooks’ principal office. Because of this, Brooks’ current office, the principal office, *must* remain in the county seat. While the Ottawa County Board of Commissioners was permitted to move the jail outside of the county seat because the sheriff’s principal office was not the jail, *See* 2008 Mich. Op. Att’y Gen. No. 7215, Brooks’ principal office *is* the Treasurer’s Office, so it must remain in the City of Allegan.

II. The Board May Establish a New County Building Outside the County Seat, But the Treasurer’s Principal Office Must Remain in the City of Allegan.

A county’s board of commissioners may “designate a new site for a county building.” MCL § 46.11(b). New county buildings established outside of the county seat, however, cannot be “necessary public buildings,” MCL § 45.16, which include the courthouse, jail, county clerk’s office, register of deeds’ office, and *county treasurer’s office*, Const. 1963, art 7, § 5 (emphasis added). This authority is subject to “any requirement of law that the building be located at the county seat,” so while the board of commissioners may create new county buildings, the principal office must remain in the county seat. MCL § 46.11(b).

Because the County Treasurer’s Office is constitutionally deemed a “necessary public building,” Const. 1963, art 7, § 5, the Board may not move Brooks’ office outside of the City of Allegan. *See Kyes v. Allegan Cnty. Bd. of Comm’rs*, 54 Mich. App. 741, 743 (1974) (holding that the 1963 Michigan Constitution requires that principal offices remain in the county seat because they are “necessary public buildings”). Even if the Board could establish another Treasurer’s Office outside the county seat, it could not force Brooks to conduct her work there because the new office would then be considered Brooks’ “principal office,” which must remain in the county seat. 2008 Mich. Op. Att’y Gen. No. 7215; Const. 1963, art 7 § 5.

III. The Board May Remove the City of Allegan as the County Seat.

A county’s board of commissioners may also remove the current county seat to a new city, but this requires a vote by the people. *Rice v. Shay*, 5 N.W. 435, 436 (Mich, 1880); *Hipp v. Charlevoix Sup’rs*, 29 N.W. 77, 77 (Mich, 1886). And the court will not settle a removal controversy so long as it was carried out in the appropriate manner. *Hipp*, 29 N.W. at 77.

The Board’s only recourse here is to remove the county seat to the city they want to establish the new Treasurer’s Office in. This, however, requires that the Board create a proposal for Allegan County residents to vote on. And unless there is a significant reason for moving the County Treasurer’s Office, this is unlikely occur.

IV. Brooks is Entitled to Declaratory Judgment.

MCR 2.605(A)(1) states: “In a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted.” An actual controversy exists when declaratory judgment is necessary to guide a party’s future conduct to

preserve that party's legal rights. *UAW v. Central Michigan University Trustees*, 295 Mich. App. 486, 495 (2012). When a party "meets the requirements of MCR 2.605, it is sufficient to establish standing to seek a declaratory judgment." *Lansing Schools Educ. Ass'n v. Lansing Bd. of Educ.*, 792 N.W.2d 686, 699 (Mich. 2010).

An actual controversy exists here as Brooks' legal rights, the requirement to maintain her office in the county seat, will be violated if the Board moves the Treasurer's Office outside of the city of Allegan. Const. 1963, art 7 § 5; MCL. § 48.48. Thus, she is entitled to declaratory judgment that her principal office must remain in the City of Allegan.

CONCLUSION

The Board is statutorily required to maintain the County Treasurer's Office in the county seat, so it cannot move Brooks' office outside the City of Allegan.

ADJOURNMENT UNTIL OCTOBER 27, 2022 AT 9:00 A.M.

9/ Moved by Commissioner Kapenga, seconded by Commissioner Dugan to adjourn until October 27, 2022 at 9:00 A.M. The motion carried by roll call vote and the meeting was adjourned at 5:07 P.M. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

EVENING SESSION

OCTOBER 13, 2022 SESSION – INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL

10/ 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 13, 2022 at 7:08 P.M. in accordance with the motion for adjournment of September 22, 2022, and rules of this Board; Chairman Storey presiding.

The invocation was offered by District #1 Commissioner Kapenga.

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

PUBLIC HEARING – 2023 ALLEGAN COUNTY PROPOSED FINAL BUDGET

11/ Deputy Clerk Tien read the Notice of Public Hearing on the 2023 Allegan County Proposed Final Budget that was published in the Allegan County News on September 29, 2022.

PUBLIC NOTICE
2023 ALLEGAN COUNTY PROPOSED FINAL BUDGET

The Board of Commissioners of the County of Allegan will hold a budget hearing on Thursday, October 13, 2022, 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 101322. For other options connecting to the meeting, please visit the meeting calendar website at www.allegancounty.org or contact the County Administrator’s Office.

The proposed budget may be examined online at 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 7:11 P.M.
Chairman Storey opened the meeting for public input and as there were no comments from the public, he closed the hearing for public participation.
Chairman Storey closed the public hearing at 7:12 P.M.

COMMUNICATIONS

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

1. Resolution from Gogebic County to amend Michigan's No-Fault Auto Insurance Reform Act
2. Order from the Michigan Supreme Court regarding the People of the State of Michigan v. Daniel Albert Loew

SEPTEMBER 22, 2022 SESSION MINUTES – ADOPTED

13/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the minutes for the September 22, 2022 session as distributed. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

AMEND MEETING AGENDA

14/ Moved by Commissioner Kapenga, seconded by Commissioner Cain to amend the meeting agenda to move discussion item #1 Economic Impact Study/Consumers Energy Dams to after the informational session along with public participation. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

AGENDA – ADOPTED AS AMENDED

15/ Moved by Commissioner Thiele, seconded by Commissioner DeYoung to adopt the meeting agenda as amended. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

INFORMATIONAL SESSION

16/ Road Commission Managing Director Craig Atwood presented the 2021 Annual Report for the Road Commission.

PUBLIC PARTICIPATION – COMMENTS

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

1. Coco Soodek of 1648 Buschon Trail of Allegan Township – supports the dam remaining in Allegan and working with the Board of Commissioners if the dam was to be removed. She noted the Lake Allegan Association gave resolution amendments to Administration for review
2. Scott Beltman of 3110 130th Ave of Hopkins – referenced an updated resolution that Commissioner Dugan drafted to create a task force. He

also noted that updates to the resolution in the board packet was given to Administration for consideration

- 3. Ken Yonker of 3853 Forest Trail of Allegan distributed a copy of the original deed on the Calkins Bridge Dam to Commissioners

LIBER 749 PAGE 89

ALLEGAN COUNTY
 000176
 STATE OF MICHIGAN REAL ESTATE *
 DEPT. OF TAXATION TRANSFER TAX *
 990.90 *
 001176

DEED

THIS INDENTURE, made this 20th day of MAY, 1968, between the CITY OF ALLEGAN, a municipal corporation, Allegan County, Allagan, Michigan, as First Party, and CONSUMERS POWER COMPANY, a corporation duly authorized to do business in Michigan, with its principal office therein, at 212 West Michigan Avenue, Jackson, Michigan, as Second Party,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Million Twenty-four Thousand Seven Hundred Fifty-six Dollars (\$1,024,756.00) to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and to its successors and assigns, Forever, all of the physical properties of the City of Allegan used in its operation of its Electric Department (electric utility business) located in the City of Allegan and the Townships of Valley and Allegan in the County of Allegan and State of Michigan, including land, easements, franchises, generating plants, distribution and transmission systems, street lighting, lights, poles and system, substations, generating stations and buildings, fixtures, tools and equipment, title papers, contracts, abstracts, maps and drawings of the electric utility department of the City, and all records and memoranda in possession of the City which show or tend to show the original cost of the property used in its electrical department, including, without in any way limiting the above general description, the following:

CITY SUBSTATION SITE

A parcel of land in the SE 1/4 of the SW 1/4 of Section 21, T2N, R13W, described as commencing at a point (marked by an iron pipe) 49 feet 9 inches due North of a point on the South line of Section 21, 267 feet 3 inches West of the West property line of the Pere Marquette Railroad right of way; thence due North 212 feet 3 inches to a point on elevation contour line 618 U.S.C.S., marked by a 1 1/4 inch round iron pipe, thence in a S 1/2ly and W 1/2ly direction along contour 618 a distance of 275 feet to a point marked by a 1 inch round iron pipe located on said contour 618 at a point 49 feet 9 inches North of the South line of Section 21; thence due East parallel to the South line of said section 128 feet to the place of beginning, subject to an agreement to enclose said land by a fence not less than 4 feet high, either of wood or wire construction.

CALKINS BRIDGE DAM AND SITE

The dam, being the so-called Calkins Bridge Dam, together with the building, generating equipment, switchboard, turbine, wheels, gates and controls located in the NW 1/4 of Section 15, T2N, R14W, including the dam permit, as amended and supplemented, granted by the County of Allegan to the City of Allegan for the construction and operation of said dam, and the lands hereinafter more particularly described:

Commencing at the NW corner of Section 15, T2N, R14W, running thence East along the North line of said section to the Kalamazoo River; thence South along the river to a point far enough to enclose 10 acres by a line extended West to the West section line; thence West to the West section line of Section 15; thence North to the place of beginning, being premises formerly owned by James Drill.

MAY 21 4 57 PM 1968

REGISTER OF DEEDS
 ALLEGAN COUNTY, MICH.

STATE OF MICHIGAN REAL ESTATE *
 DEPT. OF TAXATION TRANSFER TAX *
 136.60 *
 621600
 ALLEGAN COUNTY
 DEPT. OF TAXATION

LINE 1010 REC 431

ALLEGAN #20
 QUINCY DEED
 THIS INDENTURE, made this 20th day of February, 1968, between CONSUMERS POWER COMPANY, a Michigan corporation, 212 West Michigan Avenue, Jackson, Michigan, (successor by merger to Consumers Power Company, a Michigan corporation) First party, and STATE OF MICHIGAN, DEPARTMENT OF NATURAL RESOURCES, Stevens T. Mason Building, 50 West 300th St., Lansing, Michigan 48909, second party,

The permission and authority hereby granted shall not be sold, assigned or transferred without the approval of the Board of Supervisors of this County, or its successor, having first been obtained.

G. Nothing herein shall prejudice the rights of the County or other municipality in regard to future taxation, if such be authorized by law and the County expressly reserves the right to reconsider and alter the terms hereof, should the law in regard to taxation of municipal property be altered by the legislature or constitutional amendment.

H. Said City of Allegan shall, at its own expense, construct and maintain such bridges, embankments, fills and other works as may be necessary to keep and maintain all public highways, injured or impaired by the construction and maintenance of said dam and plant, in a manner satisfactory to the township authorities or to the County Road Commissioners or whoever may be officially charged with the construction and maintenance of said bridges, embankments and highways.

I. Breach of any of the conditions herein contained shall work a forfeiture of the permission and authority hereby granted.

J. The conditions herein contained shall be construed as an entirety and, if any of the conditions herein shall be declared to be invalid and of no effect, then the permission and authority hereby granted shall thereby be terminated and revoked.

K. Non-enforcement of any condition herein contained by the said County shall never constitute waiver of any condition herein contained.

L. This permit to be valid shall be accepted by the City of Allegan in writing within sixty days from the granting hereof.

Moved by: Supervisor Scarlett, supported by Supervisor Schutmaat that the committee on Equalization meet Tuesday before June Session and that Supervisors have rolls in at that time. Motion carried by the following vote. Yeas, Supervisors Lilly, Agan, Switzenberg, Fry, Bodfish, Busfield, Coblyer, Bartz, Haknulis, Kosier, Hall, Schutmaat, Parmelee, Visser, Thomas, Hanna, Sneed, Laraway, Miller, Pucker, Dugan, VerBeek, Mooney, Scarlett, Foster, Thorpe, Wagon and Ferner. Nays, None.

Moved in regard to following vote. Kosier, Hall, VerBeek, Mooney, Switzenberg, Fry, Dugan, Mooney, Foster, Thorpe, Wagon, Ferner.

STATE OF MICHIGAN Allegan County
Bob Genetski Register of Deeds



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Deputy Register

5. Whereas, the County at large has a right and interest in the natural resources within its limits, so that some benefit should be derived by the County at large from the development of such resources, and

6. Whereas, the building of the dam and the development of hydro-electric power, as proposed by the said City appears desirable and advantageous, provided the rights and interest of County and municipalities therein are properly safeguarded, and

DISCUSSION ITEMS:**BOARD OF COMMISSIONERS – SUPPORTS ECONOMIC IMPACT STUDY OF DAMS**

18/ WHEREAS, in a news release dated August 9, 2022, Consumers Energy announced it will “gather opinions from the public about the 13 dams they own and operate on five Michigan rivers to help guide their decisions about the future of those electric generating facilities”; and

WHEREAS, within the new release, Norm Kapala, vice president of generation operations at Consumers Energy, explains, “We need to perform due diligence now as the licenses to operate our dams begin to expire in 12 years. We do not want to assume we know how individuals and communities feel about our dams as we develop plans to either continue investing in or remove any of our river hydro facilities,” and acknowledges “We are keenly aware dams have great significance for local communities and impact recreation for Michigan residents and visitors statewide. Public input will be an important component in our long-term strategic planning regarding the future of our dams”; and

WHEREAS, on August 31, 2022, Consumers Energy held a public meeting in Allegan County regarding Calkins Bridge Dam; and

WHEREAS, Calkins Bridge Dam creates Lake Allegan, a 1,659 acre lake that is home to a vibrant and growing community; and

WHEREAS, public members and local leaders expressed great concern regarding the potential removal of the hydro facilities/dams during the meeting and have further expressed concerns in writing to the Board of Commissioners; and

WHEREAS, the Board of Commissioners believes that Lake Allegan is an integral part of our region and should be preserved; and

WHEREAS, to support Lake Allegan and to learn the economic impact of the decommissioning of the 13 potentially-affected dams across our great State of Michigan, it is imperative that we obtain reliable and objective data relative to the operating costs and full economic impact of each dam to the respective community.

THEREFORE BE IT RESOLVED, the Board of Commissioners requests the West Michigan Regional Planning Commission take the necessary and immediate measures to secure funding and assistance from the U.S. Economic Development Administration (EDA) and the Michigan Economic Development Corporation (MEDC) to conduct a full economic impact study of each dam (eight of which exist within the West Michigan region); and

BE IT FURTHER RESOLVED, the assistance of the Michigan Association of Counties (MAC) is also requested to secure the necessary funding and services from the MEDC; and

BE IT FURTHER RESOLVED, the County Administrator is authorized to direct the services of Midwest Strategy Group in support of this effort; and

BE IT FINALLY RESOLVED, the Clerk is directed to provide a copy of this resolution to the Boards of Commissioners of the other counties in which Consumers Energy dams exist, and each Allegan County Representative and Senator.

Moved by Commissioner Thiele, seconded by Commissioner Jessup to approve the tracked changes as presented during the Board of Commissioners

meeting on October 13, 2022. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

Moved by Commissioner Jessup, seconded by Commissioner Thiele to approve the resolution as presented. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

CALKINS DAM DEED LEGAL REVIEW

19/ Moved by Commissioner Thiele, seconded by Commissioner Kapenga to have the issues raised by Ken Yonkers with the Calkins Dam Deed be submitted to legal counsel for review. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

BREAK – 8:09 P.M.

20/ Upon reconvening at 8:18 P.M., the following Commissioners were present: Commissioner Kapenga, Storey, Thiele, DeYoung, Jessup, Dugan and Cain. Absent: None.

FINANCE COMMITTEE – CLAIMS & INTERFUND TRANSFERS

21/ WHEREAS, Administration has compiled the following claims for September 30, 2022; October 7, 2022 and October 14, 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.

September 30, 2022

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	83,643.99	83,643.99	
Parks/Recreation Fund – 208	1,016.11	1,016.11	
Friend of the Court Fund – Cooperative Reimb. – 215	72.00	72.00	
Health Department Fund – 221	22,596.72	22,596.72	
Solid Waste/Recycling – 226	14,023.84	14,023.84	
Multi-Agency Collab. Committee – 245	523.83	523.83	
Animal Shelter – 254	6,631.00	6,631.00	
Register of Deeds Automation Fund – 256	610.80	610.80	
Indigent Defense Fund – 260	35,864.45	35,864.45	
Central Dispatch Fund – 261	1,956.44	1,956.44	
Grants – 279	6,278.07	6,278.07	
Transportation Fund – 288	1,387.96	1,387.96	
Child Care Fund – 292	3,482.23	3,482.23	
Veterans Relief Fund – 293	42.48	42.48	
Senior Services Fund – 298	93,126.12	93,126.12	
American Rescue Plan Act – ARPA – 299	6,930.00	6,930.00	
Capital Improvement Fund – 401	7,530.01	7,530.01	

Delinquent Tax Revolving Fund – 516	7,270.87	7,270.87	
Self-Insurance Fund – 677	282,468.50	282,468.50	
Drain Fund – 801	721.44	721.44	
TOTAL AMOUNT OF CLAIMS	\$576,176.86	\$576,176.86	

October 7, 2022

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	114,959.46	114,959.46	
Parks/Recreation Fund – 208	2,872.08	2,872.08	
Friend of the Court Fund – Cooperative Reimb. – 215	1,590.40	1,590.40	
Health Department Fund – 221	21,716.72	21,716.72	
Solid Waste/Recycling – 226	7,812.96	7,812.96	
Brownfield Redevelopment Auth. – 243	2,277.50	2,277.50	
Register of Deeds Automation Fund – 256	12,058.64	12,058.64	
Indigent Defense Fund – 260	15,800.11	15,800.11	
Central Dispatch Fund – 261	44,122.64	44,122.64	
Local Corrections Officers Training Fund – 264	3,070.01	3,070.01	
Law Library Fund – 269	2,881.30	2,881.30	
Grants – 279	4,410.00	4,410.00	
Transportation Fund – 288	2,354.72	2,354.72	
Child Care Fund – 292	36,970.82	36,970.82	
Senior Services Fund – 298	186.67	186.67	
American Rescue Plan Act – ARPA – 299	6,201.00	6,201.00	
Capital Improvement Fund – 401	35,485.54	35,485.54	
Delinquent Tax Revolving Fund – 516	16,699.88	16,699.88	
Revolving Drain Maintenance Fund – 639	166.50	166.50	
Fleet Management/Motor Pool – 661	33.58	33.58	
Self-Insurance Fund – 677	377,426.99	377,426.99	
Drain Fund – 801	21,471.56	21,471.56	
TOTAL AMOUNT OF CLAIMS	\$730,569.08	\$730,569.08	

October 14, 2022

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	153,451.93	153,451.93	
Parks/Recreation Fund – 208	5,945.62	5,945.62	
Friend of the Court Fund – Cooperative Reimb. – 215	661.25	661.25	
Health Department Fund – 221	38,585.24	38,585.24	
Solid Waste/Recycling – 226	1,562.00	1,562.00	
Indigent Defense Fund – 260	247,791.98	247,791.98	
Central Dispatch Fund – 261	196.85	196.85	

Concealed Pistol Licensing Fund – 263	8.96	8.96	
Local Corrections Officers Training Fund – 264	1,475.04	1,475.04	
Crime Victims Rights Grant – 280	560.08	560.08	
Sheriffs Contract – All Other – 287	104.68	104.68	
Transportation Fund – 288	98,936.38	98,936.38	
Child Care Fund – 292	20,924.58	20,924.58	
Veterans Relief Fund – 293	4,386.19	4,386.19	
Senior Services Fund – 298	60,994.74	60,994.74	
American Rescue Plan Act – ARPA – 299	10,923.20	10,923.20	
Public Works Project Debt Fund – 365	125.00	125.00	
Jail Building Debt Fund – 366	125.00	125.00	
Fillmore: Re-Funding 2013 Bond Debt – 379	125.00	125.00	
Capital Improvement Fund – 401	15,219.00	15,219.00	
Delinquent Tax Revolving Fund – 516	1,806.25	1,806.25	
Tax Reversion 2020 – 621	45.45	45.45	
Tax Reversion 2018 – 629	471.00	471.00	
Revolving Drain Maintenance Fund – 639	194.35	194.35	
Fleet Management/Motor Pool – 661	229.28	229.28	
Self-Insurance Fund – 677	41,488.25	41,488.25	
Drain Fund – 801	4,754.43	4,754.43	
TOTAL AMOUNT OF CLAIMS	\$711,091.73	\$711,091.73	

THEREFORE BE IT RESOLVED that the Board of Commissioners adopts the report of claims for September 30, 2022; October 7, 2022 and October 14, 2022.

Moved by Commissioner Thiele, seconded by Commissioner Cain to adopt the report of claims for September 30, 2022; October 7, 2022 and October 14, 2022. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

ACTION ITEMS:

COUNTY OF ALLEGAN – 2023 GENERAL APPROPRIATIONS ACT

22/ WHEREAS, pursuant to MCLA 141.421 and .413, notice of a public hearing on the proposed budget was published in a newspaper of general circulation on September 29, 2022, and a public hearing on the proposed budget was held on October 13, 2022; 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 in accordance with the Board approved Budget Policy; and

WHEREAS, the 2023 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, 2023 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 2023, 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, 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 2023 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 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 2023 budget as the fiscal year 2023 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 2023 Budget in accordance with Board approved County policy.

Moved by Commissioner Dugan, seconded by Commissioner Cain to approve

the resolution as presented. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup, Dugan and Cain. Nays: Thiele.

PUBLIC PARTICIPATION - NO COMMENTS

23/ 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 27, 2022 AT 1:00 P.M.

24/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adjourn until October 27, 2022 at 1:00 P.M. The motion carried by voice vote and the meeting was adjourned at 8:43 P.M. Yeas: 7 votes. Nays: 0 votes.



Deputy Clerk

Board Chairperson

Minutes approved during the 00/00/2022 Session