MUSKEGON COUNTY BOARD OF COMMISSIONERS
Human Services Committee
REVISED AGENDA

March 5, 2019 – 3:30 PM
Hall of Justice
990 Terrace, Muskegon, MI

Charles Nash, Chair
Marcia Hovey-Wright, Vice-Chair

1) Call to Order
2) Roll Call
3) Approval of the Minutes of February 5, 2019
4) Public Comment (on an agenda item)
5) Items for Consideration
   HS19/03 – 05 (Administration) Authorize the County Department of Veterans Affairs to Provide the County Clerk with Veterans Millage Renewal Language for the August, 2019 Primary Election Ballot
   HS19/03 – 06 (Public Health) Authorize Public Health to Participate in the WIC Project Fresh Program
6. Old Business
7. New Business
8. Public Comment
   Public Comment
   Persons may address the Commission during the time set aside for Public Comment or at any time by suspension of the rules. All persons must address the commission and state their name for the record. Comments shall be limited to two (2) minutes for each participant, unless time is extended prior to the public comment period by a vote of a majority of the commission.
9. Adjournment
Muskegon County
Human Services Committee Meeting
February 5, 2019
4:00 p.m.
Hall of Justice, 4th Floor
Muskegon, MI

Charles Nash, Chair
Marcia Hovey-Wright, Vice-Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Commissioner Nash at 3:50 p.m.

ROLL CALL

Present:  Gary Foster, Marcia Hovey-Wright, Susie Hughes, Zach Lahrning, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins

Also Present: Doug Hughes, Williams Hughes, PLLC, Corporate Counsel; Mark Eisenbarth, County Administrator; Lisa Chalko, Administrative Coordinator

APPROVAL OF MINUTES

It was moved by Commissioner Foster, supported by Commissioner Wilkins, to approve the minutes of the January 8, 2019, meeting as written. Motion carried.

PUBLIC COMMENT (On an agenda item)

None.

ITEMS FOR CONSIDERATION

HS19/02 - 01 It was moved by Snider, supported by Foster, to approve and adopt the Veterans Advisory Committee By-Laws and authorize the Board Chair to sign. Motion carried.

HS19/02 – 02 It was moved by Commissioner Snider, supported by Commissioner Mahoney, to authorize Public Health to accept $5,431 from Muskegon Community Health Project and subcontract with Coalition for Community Development to provide community level technical support and training to help empower the neighborhood groups and/or representatives in the Resilience Zone; and to refer/link them to existing community resources. Motion carried.

HS19/02 – 03 It was moved by Commissioner Foster, supported by Commissioner Mahoney, to authorization Public Health to accept $78,000 from the
Michigan Department of Health and Human Service’s WIC Division and to create and fill two (2) hourly Breastfeeding Peer Counselor positions at pay scale NO-00060 ($12.536 - $15.29 hourly). [No – Hughes] Motion carried.

HS19/02 – 04 It was moved by Commissioner Snider, supported by Commissioner Hovey-Wright, to authorize the following vendors as sole source supplier of vaccines in FY 2019 for Public Health: Sanofi Pasteur, GlaxoSmithKline, Merck, and PaxVax, and allow immediate release of payment. [No – Lahrin] Motion carried.

OLD BUSINESS

Commissioner Scolnik gave kudos to Mike Baauw, Muskegon Department of Veterans Affairs. He noted even while Mr. Baauw was on vacation, he was able to assist a citizen in obtaining a new furnace through the DTE Test and Tune program.

Commissioner Hughes noted she also contacted Mr. Baauw during his vacation to ensure the paperwork for a HUD home closing could occur as scheduled, which it did, allowing for a single mother to be a first time home owner.

NEW BUSINESS

Commissioner Foster discussed the need for an easier application process for requests for Senior Millage funds. Ms. Moore, Public Health Director, noted the Senior Activities Committee will discuss and provide a recommendation to the Board on simplifying the process for requests based on the dollar amount being requested.

Commissioner Wilkins discussed indigent burials and the need for assistance for many individuals who are unprepared for these expenses. Ms. Kathy Moore, Public Health Director, noted this is an ongoing problem nation-wide.

PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business to come before the Human Services Committee, the meeting adjourned at 4:14 p.m.
REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE
Human Services

REQUESTING DEPARTMENT
Administration

COMMITTEE

BUDGETED

NON-BUDGETED

PARTIALLY BUDGETED

x

DATE
March 5, 2019

REQUESTOR SIGNATURE
Michael Baauuw

SUMMARY OF REQUEST (PRIMARY DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)

County Department of Veterans Affairs Staff is requesting approval from the Board of Commissioners to approve the Veterans Millage Renewal Proposal to be included on the August, 2019 primary election ballot.

On November 27, 2018 the Veterans Advisory Committee voted unanimously to have County Staff work with the County Administrator and have the Veterans Millage (renewal) on either the August or November, 2019 ballot. The minutes from that meeting are attached.

On January 8, 2018 Corporate Counsel provided legal opinion regarding the millage renewal. In summary, Corporate Counsel Opinion is that the County must levy a tax for the Veterans’ Affairs either by a specific veterans’ tax or by adopting a general fund budget. The Corporate Counsel legal opinion is attached.

Our Department is funded under the current millage through December 31, 2019.

We are asking for a 10 year renewal with no changes to the proposal language.

The current millage is 1/13th of a mill which results in $.077 per $1,000 on assessed property valuation. The citizens voted for this 5 year millage in 1994, then renewed it as a 10 year millage in 1998 and again in 2008 for 10 additional years. Under the existing millage all Department of Veterans Affairs administrative costs, Soldier and Sailors Relief costs for War-time Era Veterans only, Burial Assistance costs, Burial marker costs, and a portion of the Veterans Memorial Park maintenance costs are covered. Additionally, any funds remaining at the end of each fiscal year are to remain in the Department of Veterans’ Affairs account to be used for Veterans.

SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)

Move to authorize the County of Muskegon Department of Veterans Affairs staff to provide the Muskegon County Clerk with the following Veterans Millage Renewal language to be included on the August, 2019 primary election ballot:

Shall the millage approved by Muskegon County voters in 1994 and renewed in 1998 and 2008 for the purpose of providing funds to equip, operate, maintain and defray debt service and provide support and assistance to Veterans through a County Department of Veteran Affairs be renewed and continued (and the limitation continue be maintained) by an amount not to exceed 1/13th mill ($0.077 per $1,000) on taxable value on all property in the County of Muskegon, for an additional period of ten (10) years, being 2019 through 2028, inclusive, resulting in an annual estimated revenue of $330,534 for 2019?

ADMINISTRATIVE ANALYSIS (AS APPLICABLE)

HUMAN RESOURCES ANALYSIS:

FINANCE & MANAGEMENT ANALYSIS:

CORPORATE COUNSEL ANALYSIS:

ADMINISTRATOR RECOMMENDATION:

If motion originates from a Statutory Board, Authority or Advisory Committee, please provide the date the motion was approved by that Board/Authority/Committee

AGENDA DATE: 3/5/19

AGENDA NO: H5/19/03-05

BOARD DATE: 3/12/19

PAGE NO.

Revised 2/21/19
# Muskegon County Department of Veterans Affairs 2019 Millage Proposed Budget

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<th>Millage Revenues</th>
<th>1/13th of a Mill</th>
<th>$323,592.00</th>
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</thead>
<tbody>
<tr>
<td>Veterans Millage</td>
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## Millage Appropriations

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<tr>
<th>Program</th>
<th>Code</th>
<th>Amount</th>
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<tr>
<td>Veterans Affairs Building</td>
<td>2930-8939-xxx.xxx</td>
<td>$51,891.00</td>
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<td>Veterans Affairs Administration</td>
<td>2930-8940-xxx.xxx</td>
<td>$167,865.00</td>
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<tr>
<td>Veterans Burial</td>
<td>2930-8941-xxx.xxx</td>
<td>$42,000.00</td>
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<td>Soldiers Sailors Relief</td>
<td>2930-8942-xxx.xxx</td>
<td>$40,000.00</td>
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<tr>
<td>Veterans Assistance (peace)</td>
<td>2930-8943-xxx.xxx</td>
<td>$19,000.00</td>
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Projected end balance: $2,836.00

## Other Revenues

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<th>Source</th>
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<tr>
<td>State of Michigan County Veterans Sen 2019 award</td>
<td>$95,000.00</td>
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<tr>
<td>Projected annual CVS Grant 2020 and beyond</td>
<td>$50,000.00</td>
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</table>

Various Donations to the Veterans Assistance Fund:
Various Donations to the Veterans Memorial Park Fund:

As of 3/1/19:
- $11,234 has been donated since 10/1/18
- $1,224 has been donated since 10/1/18

## Personnel Breakout - Paid Positions for 2019 Millage Proposal

<table>
<thead>
<tr>
<th>Position</th>
<th>Wage (top end)</th>
<th>Fringe Benefits</th>
<th>Salary/Fringe Total</th>
<th>Hourly Range (not including Fringes)</th>
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<tr>
<td>Manager (Mike Baauw)</td>
<td>$65,000.00</td>
<td>$39,392.00</td>
<td>$104,392.00</td>
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<tr>
<td>Veterans Resource Specialist (Decenthia Hatcher)</td>
<td>$39,000.00</td>
<td>$22,492.77</td>
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<td>$18.75</td>
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<td>Total (top end) Expenses</td>
<td>$104,000.00</td>
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<td>$165,884.77</td>
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VETERANS ADVISORY COMMITTEE MEETING MINUTES

Meeting Description: Veterans' Advisory Committee

Meeting Date: Tuesday, November 27, 2018
Time: 10:00 am
Location: 165 E. Apple Ave, Bldg F - Veterans Service Center, 1st floor conference room

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<th>Present</th>
<th>Excused</th>
<th>Absent</th>
<th>Representatives</th>
<th>Present</th>
<th>Excused</th>
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<tr>
<td>Lupe Alviar, Chairman</td>
<td>x</td>
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<td></td>
<td>Michael Baauw, County Department of Veterans Affairs</td>
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<td>Leo Smith, Vice Chairman</td>
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<td>Gary Foster, Commissioner</td>
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<td>Susie Hughes, Commissioner</td>
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<tr>
<td>Robert Scolnik, Commissioner</td>
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<tr>
<td>Robert Carter, Member</td>
<td>x</td>
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<td>Orville Sydnor, Member</td>
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<tr>
<td>Jill Matthews, Member</td>
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AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Minutes
6. Approval of Veterans Claims and Burials
7. Old Business
   A. Veterans Millage, request to have on ballot August 2019 with no changes.
   B. Veterans Advisory Committee By-Laws
8. New Business
   A. Recognition for Jackson-Merkey
9. Committee Reports
   A. Veterans Park (Lupe Alviar)
   B. Veterans Court (Mike Baauw)
   C. WINC (Jill Matthews)
10. Directors Report
11. Adjourn

MINUTES

1. Lupe Alviar called the meeting to order at 10:00am.
2. Mike Baauw lead the Committee in the Pledge of Allegiance.
3. Mike Baauw performed roll call. Six Committee members present, two absent.
4. Susie Hughes motioned to approve the Agenda. Bob Carter seconded the motion. Motion passed unopposed.

5. Bob Carter motioned to approve the Minutes. Susie Hughes seconded the motion. Motion passed unopposed.

6. Leo Smith motioned to approve the Veterans Claims and Burials. Bob Carter seconded the motion. Motion passed unopposed.

7. Old Business:
   a. Mike Baauw informed the Committee that if we have the Veterans Millage renewal as a proposal on the August or November 2019 ballot we could have between $40,000 and $80,000 in cost share as per the County Clerks’ office. The County Clerks’ office is not certain as to how many proposals will be on the August or November ballots; however, is certain that there will be proposals on both ballots. As per the County Clerks’ office, if we have our proposal language to them in May, 2019 we can choose to either be on the August or November ballot based on what our cost share may be. We presently have approximately $150,000 in Fund Equity that could be used to cover the costs if needed.
   b. Bob Carter motioned to allow Mike Baauw to work with the County Administrator and have the Veterans Millage (renewal) on either the August or November, 2019 ballot. Susie Hughes seconded the motion. Motion passed unopposed. It was discussed that Mike Baauw present the Veterans Millage renewal to the County Board in February, 2019.
   c. Mike Baauw provided the Committee with the Veterans Advisory Committee By-Laws that have been in the draft process for the past 9 months. The By-Laws were reviewed by Lupe Alviar, Bob Carter and Mike Baauw during the week of 11/21.
   d. Bob Carter motioned to accept the By-Laws and allow Mike Baauw to present them to the County Board for approval. Susie Hughes seconded the motion. Motion passed unopposed.
   e. A brief discussion regarding the Medal of Honor plaques that Max Riekse would like to have at the County properties was held. It was suggested that Mr. Riekse might want to work with the local VFW’s in Muskegon County and potentially have the plaques displayed at a VFW.

8. New Business:
   a. Lupe Alviar informed the Committee that he would like to donate two (2) plaques to recognize those who have contributed to the bridges in Veterans Memorial Park.
   b. Leo Smith motioned to allow two (2) plaques to be made and placed on the newly restored bridges at the Veterans Memorial Park, acknowledging those who contributed to the bridges as long as the plaques are to be donated. Susie Hughes seconded the motion. Motion passed unopposed.
   c. Lupe Alviar informed the Committee of all of the donated labor and materials provided to the restoration of Veterans Memorial Park by Steve Jackson and Gary Merkey of Jackson-Merkey. In particular, he informed the Committee of the roughly $35,000 in donated materials and labor for the new 70ft flagpole and the new flagpole base.
   d. Susie Hughes motioned to have a brass plaque made and placed at the flagpole in recognition of Steve Jackson and Gary Merkey of Jackson Merkey for all that they have done for the Veterans Memorial Park. Gary Foster seconded the motion. Motion passed unopposed.
   e. Susie Hughes also stated that the County Board could provide a Proclamation of Appreciation from the County to Steve Jackson and Gary Merkey of Jackson-Merkey.
   f. Gary Foster mentioned to the Committee that Bob Scnlnik did a tremendous job speaking at the Veterans Day ceremony at Veterans Memorial Park. He also mentioned that Mike Baauw did well as the Master of Ceremonies.
   g. Lupe Alviar informed the Committee that although Jackson-Merkey provided the labor and materials for the new flagpole and base, there will be a cost that we will need to absorb for the rental of the cranes from Erickson. Erickson did donate the labor for the project, but the rental cost for the cranes will be approximately $5,000. There is money available in the
Community Foundation Veterans Park Fund as well as the Park Donations Fund at the County to cover this cost.

h. Bob Scolnik motioned to have the Muskegon County Department of Veterans Affairs pay for the crane rental using either Community Foundation funds or Donated funds for Veterans Memorial Park. Gary Foster seconded the motion. Motion passed unopposed.

9. Committee Reports:
   a. Veterans Park – Lupe informed the Committee that West Michigan Shoreline Regional Development Corp is planning on raising a few more areas in the Spring. Mike Baauw informed the Committee that the Modern Warrior Monument should be ready to install in the Spring as well.
   b. Veterans Court – Mike Baauw informed the Committee that an informal Veterans Court was held the day before Thanksgiving. He also informed the Committee that Veterans Court will be the 2nd and 4th Thursdays of December, then in January the days will be the 2nd and 4th Wednesdays of each month.

10. Directors report.
   a. Mike Baauw provided the financial information and general ledger reports pertaining to the Veterans funds through October 31, 2018, as well as a breakdown of all donated items and funds for the month of November, 2018.
   b. Bob Scolnik asked about the staffing and hours in the Veterans Center. Mike Baauw informed the Committee that the two (2) county staff are there 8am-5pm Monday through Friday, and that the other agencies providing services are there throughout the week but with varying schedules. The Committee requested that Mike Baauw provide some form of a calendar showing when each of the other agency members are in the office to provide services. Mike Baauw will work on that in the coming month.
   c. Susie Hughes motioned to have the next Veterans Advisory Committee meeting on January 29, 2019. Bob Carter seconded the motion. Motion passed unopposed. Bob Carter agreed to sign the burial applications in December, 2018.
   d. Lupe Alviar provided a heartfelt thank you to each of the Committee members for their support over the past year.

11. Susie Hughes motioned to adjourn the meeting at 10:50am. Gary Foster seconded the motion. Motion passed unopposed.

Next Veterans Advisory Committee meeting is January 29, 2019 at 10:00am.
Mr. Mark Eisenbarth, Administrator  
County of Muskegon  
990 Terrace Street  
Muskegon, Michigan 49442

Re: County of Muskegon Veterans' Funds

Dear Mr. Eisenbarth:

The question is whether the County of Muskegon Department of Veterans' Affairs ("Veterans' Affairs") may be funded by a veterans' tax or by adopting a general fund budget for the Veterans Affairs.

First, according to the Michigan Veterans Relief Fund Act ("Act"), "[t]he county board of commissioners of each county shall annually levy a tax . . . for the purposes of creating a fund for the relief of honorably discharged indigent members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and women's auxiliaries and the indigent spouses, minor children, and parents of each indigent or deceased member who served during a period of war. . . ." (MCL 35.21). Therefore, under this Act, the County of Muskegon must fund the Veterans' Affairs by levying a tax, and the Veterans' Affairs must use these funds for the purposes stated in the statute.

One Michigan case addresses this portion of the Act. (Lee v. Macomb Co. Bd. Comm'r's, 464 Mich. 726 (2001)). In this case, several individuals sought to compel the Macomb County Government to levy a tax to establish the veterans' relief fund under the Act. Ultimately, the Michigan Supreme Court dismissed the case because the plaintiffs lacked standing to bring the suit. However, the Court routinely emphasized the mandatory language of the statute: "As can be seen, this section requires that the board of commissioners create a soldiers' relief fund by a tax levy." (Id. at 729).

In summary, the Veterans' Affairs must be funded by a tax (not exceeding 1/10 of a mill on each dollar) based on the authority of the Veterans' Relief Fund Act.
Second, the alternative question is whether the County may adopt a general fund budget for the Veterans' Affairs. The County has the authority to tax those funds authorized by law. (MCL 46.11(e)). The funds for the Veterans' Affairs are authorized by law under the Act as discussed above. The Act authorizes those funds expressly by levying a tax for the purposes of veterans' relief. However, it is arguable that because the funds are authorized, the funds may be collected through a general tax and then allocated to the Veterans' Affairs (as long as the funds do not exceed 1/10 of a mill on each dollar).

In summary, the County most likely may adopt a general fund budget for the Veterans' Affairs.

One final statutory section of the Act should be addressed. (MCL 35.26). That statutory sections states:

In cases where moneys have heretofore been raised by any city or township under the provisions of the acts hereinafter repealed, the balance of such moneys unexpended on the first day of April, 1900, may, by vote of the common council or township board, be transmitted to, and made a part of the general fund of such city or township, as the case may be. (MCL 35.26).

This statutory section means that if a city or township raises money under the Act, and then subsequently the Act is repealed or cancelled, then that fund balance may, by vote, be made part of the County general fund.

In conclusion, the County must levy a tax for the Veterans' Affairs either by a specific veterans' tax or by adopting a general fund budget. Should you have any additional questions regarding the Veteran's Affairs, please contact my office.

Sincerely,

Douglas M. Hughes for
Williams Hughes, PLLC
Muskegon County Corporate Counsel
Direct Dial: (231) 727-2119
E-Mail: douughughes@williamshugheslaw.com

DMH/mg

cc: Mr. Mike Baauw
# REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

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<tr>
<th>REQUESTING DEPARTMENT</th>
<th>COMMITTEE DATE</th>
<th>REQUESTOR SIGNATURE</th>
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<tbody>
<tr>
<td>Public Health</td>
<td>March 5, 2019</td>
<td>Kathy Moore</td>
</tr>
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**SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)**

Public Health is requesting authorization to participate in the WIC Project FRESH Program as the state authorized WIC Market Master again this year, serving as the fiscal agent between the Michigan Department of Health and Human Services and the farmer. We are also requesting authorization to enter into individual agreements with each of the approximately 15 local farmers and to reimburse the participating farmers for Project FRESH coupons redeemed. Public Health will receive approximately $17,000 in coupons, redeemable for fresh fruits and vegetables, which will be issued to local WIC clients who qualify for the program. Coupons are valid from June 1, 2019 through October 31, 2019. All payments made to the participating farmers will be reimbursed in full by the Michigan Department of Health and Human Services, with no change in the general fund appropriation.

**SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)**

Move to authorize Public Health to participate in the WIC Project FRESH Program as the state authorized WIC Market Master, and to enter into agreements with the participating farmers; further authorize the Public Health Director to sign Market Master and related Project Fresh agreements, with no change in the general fund appropriation.

**ADMINISTRATIVE ANALYSIS (AS APPLICABLE)**

**HUMAN RESOURCES ANALYSIS:**

**FINANCE & MANAGEMENT ANALYSIS:**

\[\text{Signature}\]

**CORPORATE COUNSEL ANALYSIS:**

**ADMINISTRATOR RECOMMENDATION:**

\[\text{Signature}\]

If motion originates from a Statutory Board, Authority or Advisory Committee, please provide the date the motion was approved by that Board/Authority/Committee.

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<th>AGENDA NO.:</th>
<th>BOARD DATE:</th>
<th>PAGE NO.</th>
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<td>3/5/19</td>
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Revised 2/25/19
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
FARMERS’ MARKET NUTRITION PROGRAM (WIC PROJECT FRESH)
WIC MARKET MASTER AGREEMENT AND CERTIFICATION

WIC Market Master Name (Legal Name):
Public Health – Muskegon County – Kathy Moore

Name of Business/Market: Muskegon Farmer’s Market

Market Address: 242 W Western Avenue
Muskegon, MI 49440

Mailing Address: 209 E Apple Avenue
Muskegon, MI 49442

Primary Phone: 231-724-6246 Alternate Phone: 231-722-3251

Primary E-Mail: mooreka@co.muskegon.mi.us Alternate E-Mail: muskfarmermkt@shorelinecity.com

County/L.A: Muskegon Fed Id/Soc. Security Number: 38-6006063

This agreement by and between the Michigan Department of Health and Human Services, having a mailing address of Lewis Cass Building, 320 S. Walnut St., 6th Floor, Lansing MI 48913, hereinafter referred to as the Department and the above named WIC Market Master, is effective and ends December 31, 2021, subject to any amendments prescribed by the Department or until terminated by either party according to the terms of this agreement.

I. PURPOSE:

The Farmers’ Market Nutrition Program (FMNP), also known as WIC Project FRESH, was enacted July 2, 1992 as Public Law 102-314. This document, upon signature by the WIC Market Master and the Department, is an agreement for the purpose of providing an authorized source from which qualifying clients can obtain eligible, locally grown, fresh, unprepared fruits and vegetables in accordance with the Farmers’ Market Nutrition Program rules and regulations, and to expand the awareness and use of farmers’ markets, as well as increase sales at such markets.

II. PROGRAM OVERVIEW:

The Department will distribute WIC Project FRESH coupons to qualified clients who will then exchange those coupons for eligible, locally grown, fresh, unprepared fruits and vegetables at authorized farmers’ markets and roadside stands. The amount of assistance for which each client is eligible is $25.00 per year.

Participation in this program requires that a representative of the farmers’ market or roadside stand must enter into this written agreement with the Department and ensure full compliance with its provisions. This agreement must be signed by a fiscally responsible, duly authorized representative of the farmers’ market or roadside stand who has legal authority to obligate the farmers’ market or roadside stand. This person shall be known as the “WIC Market Master.” Each farmer must enter into a written contract (provided by the Department) with a WIC Market Master who will act as the fiscal agent between the Department and the farmer. Individual farmers may contract with the department as a WIC Market Master.
WIC MARKET MASTER AGREEMENT AND CERTIFICATION

Farmers are expected to accept coupons throughout a given market day. The farmer may submit these coupons to the WIC Market Master for reimbursement at the end of the day. WIC Market Masters may submit the redeemed coupons to the Department for reimbursement at the end of the week.

The coupons have an expiration date of October 31, by which time they must be redeemed. The WIC Market Master must submit his/her final reimbursement request and any remaining coupons to the Department by November 15th. Failure to comply may result in non-payment of coupons.

III. DEFINITION OF ELIGIBLE FOODS:

The definition of eligible foods shall be as follows:

Eligible, locally grown, fresh, unprepared fruits and vegetables for human consumption and herbs including, but not limited to, Basil, Chives, Cilantro, Dill, Lemon Grass, Marjoram, Mint, Oregano, Parsley, Rosemary, Sage, Summer Savory, Sorrel, Tarragon and Thyme.

Locally grown shall mean produce grown only within the borders of Michigan or in those counties of Indiana, Ohio and Wisconsin which directly border the state of Michigan.

The foods shall not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. Ineligible foods for the purpose of the Farmers’ Market Nutrition Program in Michigan include, but are not limited to: herbs (except the list above), honey, maple syrup, cider, nuts, seeds, eggs, cheese, meat, seafood and any produce grown outside of the United States or its territories.

IV. TERMS OF THE AGREEMENT:

A. THE WIC MARKET MASTER SHALL:

1. Enter into a written agreement with each eligible farmer within the farmers’ market who wants to participate in the WIC Project FRESH Program. The department will provide the WIC Market Master with a sample agreement form which includes sanctions for program violations similar to the ones outlined in this agreement. The WIC Market Master may use the sample agreement form or, design and use his/her own agreement form. If the WIC Market Master uses his/her own agreement form, it must, at a minimum, contain all of the provisions contained in the sample agreement form. Any additional language included in the agreement must be reviewed and signed off on by the farmer, prior to execution of the agreement.

2. Provide such information as the Department requires for its periodic reports to the United States Department of Agriculture.

3. Attend scheduled training as required.

4. Provide training to participating farmers and any employees and ensure that all WIC Project FRESH procedures are followed, including the following:
   a. Assure availability of a variety of eligible locally grown fresh fruits and vegetables.
   b. Provide eligible fruits and vegetables at the current price or less than the current price charged to other market customers.
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(c) Permit coupons to be redeemed only for eligible fruits and vegetables, as defined by the Department, according to federal guidelines.

d. Accept WIC Project FRESH coupons within the dates of their validity and submit these coupons for payment by **November 15th**.

e. Offer WIC Project FRESH clients the same courtesies as other market customers.

f. Not limit WIC Project FRESH participants in their choices of eligible fruits and vegetables.

g. Not substitute non-eligible fruits and vegetables for eligible fruits and vegetables.

h. Not substitute non-food items for eligible fruits and vegetables.

i. Not redeem WIC Project FRESH coupons for cash or allow the return of WIC Project FRESH foods in exchange for cash.

j. Not allow the return of WIC Project FRESH foods in exchange for other foods.

k. Not provide WIC Project FRESH clients with rain checks, credit slips, due bills or other similar receipts for eligible fruits and vegetables not obtained at the time of the transaction.

l. Clearly mark the price of eligible fruits and vegetables on the container shelf or sign.

m. Display the "Project FRESH Coupons Accepted Here" sign in a prominent place.

n. Not collect sales tax on WIC Project FRESH coupon purchases.

5. Disseminate program materials to participating farmers.

6. Assure that each farmer eligible to accept WIC Project FRESH coupons is a grower of some of the produce he/she sells. A grower is defined as an individual or group that has a plot of land or garden that is wholly or partially dedicated for growing produce.

7. Maintain a list of farmers, their addresses and assigned farmer number (a unique identifying number not to exceed three (3) digits). The list must be forwarded to the Department each year.

8. Assure that each farmer accepting WIC Project FRESH coupons have entered his/her assigned individual farmer number on the coupons in the designated space prior to submission to the WIC Market Master.

9. In accordance with the procedures established by the Department, stamp each transacted coupon with the unique WIC Market Master number and then batch the coupons under the WIC Market Master's identifying number prior to transmittal to the Department for payment.
10. Keep accurate records of all WIC Project FRESH transactions in accordance with the instructions in the most recent publication of the “WIC Market Master’s Guidebook.”

11. Agree to be monitored for compliance with WIC Project FRESH requirements.

12. Be accountable for actions of farmers or employees in the provision of eligible fruits and vegetables to WIC Project FRESH clients and immediately report any program violations to the Department.

13. Assure that the farmer has eligible, locally grown, fresh, unprepared fruits and vegetables available for WIC Project FRESH clients. Michigan considers produce to be locally grown if it is grown within the borders of the state of Michigan or in those counties of the states of Ohio, Indiana and Wisconsin which directly border the state of Michigan. Each WIC Market Master and farmer must be able to prove, upon request, that all produce he/she provides in exchange for WIC Project FRESH Coupons is eligible, locally grown produce.

14. Pay the Department for any coupons transacted in violation of this agreement.

15. Comply with the nondiscrimination provisions of USDA regulations and ALL other state, federal and program regulations.

16. Notify the Department when the farmers’ market or roadside stand ceases operation.

17. Be considered an independent contractor and not an employee or agent of the Department in carrying out the terms of this contract.

18. Be responsible for securely storing coupons once they are received from the farmers.

19. Be responsible for the cost of mailing or delivering coupons to the Department. The WIC Market Master also shall be responsible for the security of the coupons until received by the Department. Any lost or stolen coupons shall not be redeemed by the Department.

20. Reimburse each farmer for properly redeemed coupons within 30 days from the time the farmer turns coupons into the WIC Market Master. This period of time should not exceed 30 days.

21. Report any violations of WIC Project FRESH program rules and regulations to the Department.

B. THE WIC MARKET MASTER SHALL NOT:

1. Collect sales tax on WIC Project FRESH coupon purchases.

2. Seek restitution from WIC Project FRESH clients for coupons not reimbursed for by the Department.
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3. Issue cash change for purchases that are in an amount less than the value of the WIC Project FRESH coupon(s). If a purchase is less than $5.00 or the face value of multiple coupons, authorized farmers may only make up the difference in eligible produce. If the price of the produce exceeds the value of the coupon, the WIC Project FRESH client may make up the difference with an alternate form of payment.

C. THE DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVES:

1. Shall provide necessary training to the WIC Market Master regarding the eligibility of foods and the coupon redemption procedures.

2. May perform periodic on-site visits to each market or roadside stand to monitor the WIC Market Master's and farmers' compliance with the program regulations and to identify problems or deficiencies.

3. May deny payment to the WIC Market Master for any coupons transacted in violation of this agreement.

4. Shall provide the coupons to be used in this program.

5. May terminate the agreement and disqualify a WIC Market Master for program abuse with a minimum of 21 days advance written notification.

V. PAYMENT SCHEDULE:

Coupon reimbursement is as follows:

1. Daily or weekly; (Never to exceed 30 days.) Farmers are reimbursed by the WIC Market Master for coupons collected.

2. Weekly; (Never to exceed 30 days.) The WIC Market Master consolidates coupons received into batches and submits them to the Department for reimbursement.

The Department shall reimburse the WIC Market Master based on properly submitted coupons. The WIC Market Master shall batch coupons according to accounting procedures as described in the most recent publication of the “WIC Market Master’s Guidebook” before submitting them to the Department for reimbursement. The WIC Market Master should expect an initial delay in receiving the initial reimbursement check from the Department.
VII. GENERAL REQUIREMENTS:

The WIC Market Master agrees to comply with all applicable state and federal regulations and legislation involving civil rights, equal opportunity and affirmative action including but not limited to Title VII of the Civil Rights Act of 1964, and Act No. 453, Michigan Public Acts of 1976.

Neither the Department nor the WIC Market Master has an obligation to renew the agreement. Either the Department or the WIC Market Master may terminate the agreement for cause, after providing advance written notification of no less than 21 days.

A WIC Market Master or farmer who commits fraud or abuse is liable to prosecution under applicable federal, state or local laws.

The agreement may be terminated by the Department if the WIC Market Master or his/her farmer(s) fail to comply with any of the provisions of this agreement.

The State of Michigan, its officers, agents and employees shall not, in any manner, be liable for any loss or damage connected to or resulting from any work done under this agreement. This includes any loss or damage to any materials, equipment or other property that may be used or employed in connection herewith, and also to any damages to any person whether an employee of the WIC Market Master or any of their farmers.

This contract is in effect for the period indicated on page 1. Expiration of this contract shall not be subject to appeal.

If any provision of this agreement or any provision of any document attached to or incorporated by reference is waived or held to be invalid, such waiver or invalidity shall not affect other provisions of this agreement.

VIII. SANCTIONS FOR PROGRAM VIOLATIONS AND ABUSE:

A. WIC Market Masters/Farmers who commit the following violations outlined below are subject to termination of their WIC Market Master Agreement and a three year period of disqualification.

1. Charging WIC Project FRESH clients more than the current price charged to other customers.

2. Allowing WIC Project FRESH coupons to be redeemed for non-food items.

3. Collecting sales tax on WIC Project FRESH purchases.

4. Failure to allow and/or in any manner hinder or impede authorized local, state or federal officials to monitor or investigate the market for compliance with WIC Project FRESH Program requirements.

5. Providing cash or credit in exchange for WIC Project FRESH Coupons.

6. Refusal to allow a WIC Project FRESH client to purchase eligible foods for the full dollar amount specified on the coupon.

7. Redeeming WIC Project FRESH coupons from unauthorized sources.
WIC MARKET MASTER AGREEMENT AND CERTIFICATION

8. Charging the WIC Project FRESH Program for food not received by the client.

9. Failure by the WIC Market Master to account for and/or reimburse farmers for WIC Project FRESH coupons turned over by farmer(s) to the WIC Market Master for submission to the Department.

10. Allowing the return of fruits and vegetables purchased with WIC Project FRESH coupons in exchange for cash or for non-food items.

B. WIC Market Masters/Farmers who commit the following violations will receive a warning letter for the first complaint of a violation. After receipt of the warning letter, a pattern of two (2) violations will result in the termination of the agreement and a two year period of disqualification.

1. Providing ineligible produce or processed food in exchange for WIC Project FRESH Coupons.

2. Giving cash change to WIC Project FRESH clients for purchases that are in an amount less than the value of the coupon.

3. Allowing a farmer(s) who does not grow some of the produce he/she sells to accept WIC Project FRESH coupons.

4. Not growing some of the produce he/she sells.

C. WIC Market Masters/Farmers who commit the following violations will receive a warning letter for the first complaint of a violation. After receipt of the warning letter, a pattern of two (2) violations will result in the termination of the agreement and a one year period of disqualification.

1. Failure to have a written agreement with a farmer who accepts WIC Project FRESH coupons.

2. Failure to have the client sign the coupon and/or failure to verify that the participant’s signature on the WIC Project FRESH coupon matches the signature appearing on the client’s coupon booklet cover.

3. Not displaying a sign, provided by the Department, stating “WIC Project FRESH Coupons Accepted Here”.

4. Failure to display the prices of all authorized fruits and vegetables.

5. Failure to notify the Department of a farmer who violates program requirements.

6. Failure to attend training as required by the Department.

7. Failure by the WIC Market Master to maintain records as required by the Department.

D. WIC Market Masters/Farmers may be subject to denial of their application and/or termination for the following violations.

1. Providing false information on the application for WIC Project FRESH authorization.

2. Failure to comply with the rules, regulations and contract terms of the WIC Project FRESH Program.
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IX. APPEAL RIGHTS:

The WIC Market Master has the right to appeal the denial of an application to participate or, a termination or disqualification action by the Department. Warning letters are not subject to appeal.

A farmer has the right to appeal the denial of an authorization to participate or a termination or disqualification action. Warning letters are not subject to appeal.

X. SPECIAL CERTIFICATION:

The WIC Project FRESH Market Master, through signature on following page, accepts all terms of this agreement. This agreement becomes valid only upon signature of an authorized representative of the Department and receipt by the WIC Market Master of an executed copy, along with a WIC Market Master’s identifier number.
WIC MARKET MASTER AGREEMENT AND CERTIFICATION

XL SIGNATURES:

WIC MARKET MASTER: ___________________________  
Kathy Moore  
Name (type or print)  
Signature  

RECOMMENDED BY: ___________________________  
Lissa Smith  
Name  
Signature  

MDHHS WIC PROGRAM: ___________________________  
Brittany LaRue  
Name  
Signature  

MDHHS BUREAU OF GRANTS & PURCHASING: ___________________________  
Jeanette Hensler  
Name  
Signature  

Public Health Director  
Title  
Date  

WIC Department Analyst  
Title  
Date  

WIC Project FRESH Coordinator  
Title  
Date  

Director, Grants Division  
Title  
Date  

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To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

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