

# MUSKEGON COUNTY BOARD OF COMMISSIONERS FULL BOARD

## AGENDA

June 15, 2021 - 4:00 p.m.  
Via Zoom or  
990 Terrace Street,  
Muskegon, MI 49442



Robert Scolnik, Chairman  
Charles Nash, Vice-Chairman

The Public may attend via Zoom - Connect to Zoom from your computer, tablet or smartphone at:  
<https://zoom.us/j/98503424983?pwd=MXITRDBwc2NCQ1I2OHlzMFhqV2EyQT09>

Phone: (312) 626-6799

Meeting ID: 985 0342 4983

Passcode: 241681

Cell phones may mute & unmute by dialing \*6  
Raise and lower hand to speak by dialing \*9

To raise your digital hand from your PC or  
MAC, at the bottom of the window on the right  
side of the screen, click the button labeled  
"Raise Hand"

View on Facebook at:

<https://www.facebook.com/MuskegonCountyMI>

The Muskegon County Board has ordered mandatory face coverings for attendance at Muskegon County Board meetings. 50% Boardroom Capacity as set by the fire marshal will be followed per MIOSHA and MDHHS guidelines. A total of 35 people, including staff, may attend the meetings in-person. If more than 35 people attend, the meeting will be recessed for 30 minutes to provide time for those who wish to attend to log onto the meeting virtually through the above means.

- 1) Call to Order
- 2) Invocation: Pastor Tim Cross
- 3) Pledge of Allegiance
- 4) Roll Call
- 5) Approval of Agenda
- 6) Presentation: Director of Public Health Kathy Moore – COVID-19
- 7) Approval of the Regular and Closed Session Minutes of May 25, 2021
- 8) Public Comment (on an agenda item)
- 9) Public Hearings:
  - A) Truth in Taxation Public Hearing
  - B) Timberland Charter Academy 501(c)(3) Bond Public Hearing
- 10) Committee/Board Reports
  - A) Courts and Public Safety
  - B) Ways & Means

### 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.

- 11) Chairman's Report/Committee Liaison Reports
- 12) Administrator's Report
  - A) Corporate Counsel and Administration - Consideration of Settlement Agreement Between the United States of America and the County of Muskegon, Michigan, which operates the Muskegon Area Transit System (MATS), Muskegon County's public transit system regarding paratransit service to ADA paratransit eligible person.
  - B) Board motion to approve the Resolution Approving, in Accordance with Section 147(f) of the Internal Revenue Code of 1986, as Amended, the Issuance of Bonds to Finance a Project for Campus Partners 1 (Timberlake Academy).
  - C) Administration American Rescue Plan Update.
- 13) Unfinished Business
- 14) New Business
- 15) Public Comment
- 16) Final Board Comments
- 16) Closed Session: I move that we enter into closed session to discuss with our attorney trial and/or settlement strategy in the pending lawsuit John Bulthouse v County of Muskegon et al Case No: 1:21-CV-281 because discussion on the open record will have a detrimental financial effect on the litigating or settlement position of Muskegon County. and also to discuss material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g), pursuant to MCL 15.268(e)(h).
- 17) Adjourn to the call of the Chair

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES  
The County of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting upon 24-hours' notice to the County of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the County of Muskegon by writing or calling: Administration, 990 Terrace Street, Muskegon, MI 49442 (231) 724-6520

*Courts & Public Safety Summary Sheet  
Chairman Malinda Pego*

The Courts & Public Safety Committee met on June 8, 2021, it was recommended and I move:

- CPS21/06 - 26      To purchase 10 Self Contained Breathing Apparatus (SCBA) from 5 Alarm Fire and Safety LLC for the proposal price of \$88,350.00 and to amend the budget accordingly if Homeland Security Grant funding is approved.
- CPS21/06 - 27      To apply and accept the FY2020-21 Hazardous Material Emergency Preparedness (HMEP) Grant for Muskegon County Local Emergency Planning Committee (LEPC).
- CPS21/06 - 28      To approve allocating \$7,320.99 of the Muskegon County Homeland Security portion of the Region 6 Homeland Security regional allocation to support the Law Enforcement Terrorist Prevention Act (LETPA) and Priority Area projects.
- CPS21/06 - 29      To approve the Sheriff to delete two hourly Sheriff Intake Clerk positions, G73201 and G73202, and create a Full Time Sheriff Intake Clerk position at Pay Table/Grade GU-00173, \$14.19/hr - \$20.27/hr, and appoint Gillian Bentz to this position at Step 9, \$20.27/hr, for no additional costs for FY2021 and amend the budget accordingly.
- CPS21/06 – 30      To approve the one-year extension of the agreement for the Partnership in Neighborhood Safety Program between Egleston Township, the Muskegon County Sheriff and the Board of Commissioners with the County’s share of the cost being 50% or \$64,471.00 and authorize the Board Chair and Sheriff to sign the document.
- CPS21/06 - 31      To approve the one-year extension of the agreement for the Partnership in Neighborhood Safety Program between Laketon Township, the Muskegon County Sheriff and the Board of Commissioners with the County’s share of the cost being 50% or \$51,547.00 and authorize the Board Chair and Sheriff to sign the document with an effective date of April 1, 2021 through March 31, 2022.
- CPS21/06 - 32      To approve the one-year extension of the agreement for the Partnership in Neighborhood Safety Program (PINS) between Fruitland Township, the Muskegon County Sheriff and the Board of Commissioners with the County’s share of the cost being 50% or \$59,681.50 and authorize the Board Chair and Sheriff to sign the document with an effective date of April 1, 2021 through March 31, 2022.

- CPS21/06 - 33 To approve acceptance of the FY2021 Strategic Traffic Enforcement Grant in the amount of \$56,079.00. (PT-21-32)
- CPS21/06 - 34 To approve the request to apply for \$200,200 from the Office of Community Corrections in Lansing for FY 2022.
- CPS21/06 – 35 To amend the Sheriff's Correction Officer Training budget (1010-0350) from \$59,652 to \$119,652 representing an increase of \$60,000 that will come from the General Fund restricted fund balance to cover invoices, salary and fringe benefits associated with this budget.
- CPS21/06 - 36 To authorize the Sheriff's Office to accept the Marine Safety Slow-No Wake Grant in the amount of \$72,000.00 for personnel and operating costs for the 2021 calendar year and amend the budget accordingly.

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*Ways & Means Summary Sheet  
Chairman Kim Cyr*

The Ways & Means Committee met on June 8, 2021. It was recommended and I move:

- WM21/06 - 55      To approve payment of the accounts payable of \$17,166,927.93 covering the period of May 7, 2021 through May 20, 2021 for checks and P Card and Electronic Funds Transfer (EFT) payments for the period covering April 1 through April 30, 2021 as presented by the County Clerk.
- WM21/06 - 56      To approve the resolution regarding the County Revenue Sharing Fund and restoration of lost funding.
- WM21/06 - 57      To approve the operating levy of 5.6601 mills for Muskegon County to be levied in July 2021, the operating levy of 0.3198 mills for the Lakeshore Museum Center to be levied in December 2021, the operating levy of 0.0746 mills for the Department of Veteran's Affairs to be levied in December 2021, the operating levy of 0.2979 mills for Muskegon County Central Dispatch to be levied in December 2021 and the operating levy of 0.4966 mills for PA 39 of 1976 (Activities or Services for Older Persons Act) to be levied December 2021 and to authorize the Muskegon County Clerk and the Chair of the Muskegon County Board of Commissioners to sign the associated forms required by the State of Michigan which will be submitted to the State of Michigan by the Muskegon County Equalization Department.
- WM21/06 - 58      To award the RFP 21-2420 Indirect and Allocated Cost Consulting Services to Maximus US Services, Inc. and authorize the Board Chair to execute the contract upon completion of corporate counsel review and approval.
- WM21/06 - 59      To award the contract for airfield beacon replacement (FAA Project No. B-26-0071-4721, MDOT Job No. 212766) at the Muskegon County Airport to the low bidder, Korthase and Sons Co. of Montague, MI. The project will be reimbursed at 100% with federal and state funds.
- WM21/06 – 60      To issue a Proclamation honoring Mr. Daniel Beckeman's retirement from Reeths-Puffer Schools.

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Motion to postpone to full board on June 29, 2021:

- WM21/06 – 61      To issue a Proclamation in support of the nomination for Muskegon County to be recognized by The National Parks Service as an American "World War II Heritage City"

# Muskegon County Full Board

## Request for Board Approval

**Requestor:** Mark Eisenbarth

**Full Board Date:** 6/15/2021

**Requesting Department:** Administration

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**Suggested Motion:** *(State the following exactly as it should appear in the minutes.)*

Move to approve the *Resolution Approving, in Accordance with Section 147(f) of the Internal Revenue Code of 1986, as Amended, the Issuance of Bonds to Finance a Project for Campus Partners 1.*

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**Summary of Request:** *(General description of financing, other operational impact, possible alternatives.)*

Campus Partners 1 ("CP1") a non-profit corporation organized and existing under the laws of the State of Michigan and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), which is exempt from federal taxation under Section 501(a) of the Code, has requested The Industrial Development Authority of The County of La Paz (the "Authority"), an Arizona nonprofit corporation designated a political subdivision of the State of Arizona, to issue its revenue bonds in one or more series pursuant to a plan of finance for the project within this jurisdiction described below in an aggregate principal amount not to exceed \$13,500,000, as part of a larger scale multi-state project. Proceeds from the sale of the Bonds will be loaned by the Authority to CP1 and its affiliates, all single member limited liability companies and disregarded entities of CP1 (collectively the "Borrower"), to be used to finance or reimburse all or a portion of the costs of a project that consists of the acquisition and improvement of approximately 70 public charter school facilities across the country for use in their school operations, along with the funding of any required reserves and the payment of the costs of issuance of the Bonds. The Borrower will lease the charter school facilities to qualified 501(c)(3) entities or governmental entities.

CP1 requested the Authority to issue the Bonds because the Authority has the ability to issue bonds for projects throughout the country and thus provides an efficient process and cost savings to the Borrower.

In order for the Bonds to be issued on a tax-exempt basis, section 147(f) of the Internal Revenue Code requires that the applicable elected representative of the governmental unit having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the net proceeds of such issue is located, approve the bond issue after a public hearing following reasonable public notice. The Board of Commissioners of the County of Muskegon is the applicable elected representative because net proceeds of the financing will be used to acquire and improve certain charter school facilities within the County. For this reason, we are asking the Board to hold a public hearing with respect to the Bonds and approve the attached resolution.

Muskegon County is not liable for, and has no obligation for, payments on the bonds.

<b>Kristen Wade, HR Director Analysis Required?</b> No	<b>Beth Dick, Finance Director/Management Analysis:</b> <input checked="" type="checkbox"/> 
<b>Michael Homier, Corporate Counsel Analysis Required?</b> Yes Approved, Scott Hogan	<b>Mark Eisenbarth, County Administrator Recommendation:</b> <input checked="" type="checkbox"/> 

**MUSKEGON COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION APPROVING, IN ACCORDANCE WITH  
SECTION 147(f) OF THE INTERNAL REVENUE  
CODE OF 1986, AS AMENDED, THE ISSUANCE  
OF BONDS TO FINANCE A PROJECT FOR  
CAMPUS PARTNERS 1**

At a meeting of the Board of Commissioners, Muskegon County, Michigan, held electronically on \_\_\_\_\_, 2021 at \_\_\_\_\_ p.m. pursuant to the County's \_\_\_\_\_, as amended.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following Resolution was offered by \_\_\_\_\_  
and seconded by \_\_\_\_\_.

**WHEREAS**, Campus Partners 1 (“CP1”); a nonprofit corporation organized and existing under the laws of the State of Michigan and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), which is exempt from federal taxation under Section 501(a) of the Code, has requested The Industrial Development Authority of the County of La Paz (the “Authority”), an Arizona nonprofit corporation designated a political subdivision of the State of Arizona, to issue its revenue bonds in one or more series pursuant to a plan of finance for the project described below within the County in an aggregate principal amount not to exceed \$13,500,000 (the “Bonds”) and to lend the proceeds thereof to CP1 and its affiliates, all single member limited liability companies and disregarded entities of CP1 (collectively, the “Borrower”) to be used to finance or reimburse all or a portion of the costs of a project (the “Project”) that consists of (1) the acquisition of and improvements to a public charter school facility (the “Charter School Facility”) identified below for use in its school operations at the location and in the estimated maximum principal amount listed below; (2) the funding of any required reserves; and (3) the payment of the costs of issuance of the Bonds. The Borrower will lease the Charter School Facility to qualified 501(c)(3) entities or governmental entities; and

<u>Charter School Facility</u>	<u>Location</u>	<u>Maximum Amount in location</u>
Timberland Charter Academy	2574 McLaughlin Avenue, Muskegon, MI 49442-4439	\$13,500,000

**WHEREAS**, Section 147(f) of the Code requires that the applicable elected representative of the governmental unit on behalf of which bonds are issued and of each governmental unit having jurisdiction over the area in which any facilities with respect to which financing is to be provided from the net proceeds of such bonds is located, approve bonds after a public hearing in order for a private activity bond to be a qualified bond under the Code; and

**WHEREAS**, in accordance with Section 147(f) of the Code, a public hearing was held by this Board on June 15, 2021 in connection with the issuance of the Bonds by telephone, following posting of a notice of such hearing on this County’s website and no one from the general public commented at such hearing; and

**WHEREAS**, the Muskegon County Board of Commissioners is the applicable elected representative of the governmental unit having jurisdiction over the area in which the Charter School Facilities are located.

**NOW, THEREFORE, BE IT RESOLVED**, by the County Board of Commissioners, Muskegon County, Michigan, as follows, that:

1. The County Board of Commissioners of Muskegon, pursuant to Section 147(f) of the Code, hereby approves the issuance by the Authority of the Bonds in an aggregate principal amount up to \$13,500,000 to finance the Project. The Bonds shall not be in any way a debt or liability of the County of Muskegon and the County of Muskegon shall not have any obligation with respect to the payment of the principal or redemption price of or interest on the Bonds.
2. The foregoing approval is for the purposes of the applicable provision of the Code as aforesaid, and does not constitute approval for any permit, license or zoning required for the construction or occupancy of any facilities to be financed or refinanced as part of the Project.
3. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

ADOPTED:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS OF  
MUSKEGON COUNTY

By: \_\_\_\_\_

Its: \_\_\_\_\_



STATE OF MICHIGAN                    )  
                                                  ) ss.  
COUNTY OF MUSKEGON                )

I, the undersigned, Clerk of the Board of County Commissioners of the County of Muskegon, Michigan, certify that: attached hereto is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of all members of the Board of County Commissioners at a meeting duly advertised, posted and held in accordance with law on the 15<sup>th</sup> day of June, 2021; said Resolution has been recorded in the minute books of the Board of County Commissioners; and said Resolution has not been amended, altered, modified or repealed as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the County of Muskegon, this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Clerk of the Board of County Commissioners of  
Muskegon County