Muskegon County
Board of Commissioners
Louis A. McMurray Conference Center
2624 Sixth Street
Muskegon Heights, MI 49444

Susie Hughes, Chairman
Marcia Hovey-Wright
Zach Lahring
Kenneth Mahoney
Charles Nash

Gary Foster, Vice Chair
Robert Scolnik
I. John Snider II
Rillastine R. Wilkins

Board Minutes may be found on the web at http://co.muskegon.mi.us/clerk

Full Board Meeting
Tuesday, April 16, 2019
3:30 p.m.

Vice Chairman Gary Foster, Presiding

The Full Board Meeting of the Board of Commissioners was called to order by Vice Chairman Gary Foster. The Invocation was given by Pastor Tim Cross, Living Word Church, 1551 Wood Street, Muskegon, MI 49442. The Pledge of Allegiance was led by Commissioner Wilkins and recited in unison.

Roll Call
Present: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins

Excused: Susie Hughes

Also Present: Mark E. Eisenbarth, Administrator
Nancy A. Waters, County Clerk
Jeanne Pezet, Deputy County Clerk
Doug Hughes, Corporate Counsel

2019-140 APPROVAL OF THE AGENDA

Moved by Commissioner Snider, seconded by Commissioner Lahring, to approve the agenda.

Voice vote Motion Carried

2019-141 APPROVE THE REGULAR AND CLOSED SESSION BOARD MINUTES OF MARCH 21, 2019

Moved by Commissioner Wilkins, seconded by Commissioner Snider, to approve the Regular and Closed Session Board Minutes of March 21, 2019.

Voice vote Motion Carried
PUBLIC COMMENT (on an agenda item)

Public Comment was heard from many citizens over a four plus hour period, both in support of and opposition to Motion HS19/04-08:

To give 90-days written notice to terminate the rental contract agreement with Planned Parenthood and reclaim the clinical space/rooms to expand STD/HIV services to high-risk residents in Muskegon County and to assure safe, confidential and sanitary operation for all nursing programs/services with the health department; with no change/increase in general fund appropriations.

COMMUNICATIONS

The following Communication item was provided to the Board for informational purposes:

- Jackson County Resolution: Reconsider Public Act 93 of 2013 and MCL780.993(17) Regarding the Operations of Local MIDC Offices (See attached)

COMMITTEE/BOARD REPORTS


CPS19/04-17
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Hovey-Wright, 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 $54,555.85 and authorize the Board Chair and Sheriff to sign the document.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes

Motion Carried

CPS19/04-18
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Hovey-Wright, to approve the one-year extension of the agreement for the Partnership in Neighborhood Safety Program between Fruitland Township, the Muskegon County Sheriff and the Board of Commissioners with the County’s share of the cost being 50% or $63,462.16 and authorize the Board Chair and Sheriff to sign the document.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes

Motion Carried


CPS19/04-19
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Hovey-Wright, 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 $60,741.96 and authorize the Board Chair and Sheriff to sign the document.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes

Motion Carried
2019-145  AUTHORIZE PUBLIC HEALTH TO RECLASSIFY ONE VACANT ENVIRONMENTAL HEALTH OFFICER II POSITION #G34302 AND ONE VACANT ENVIRONMENTAL PROTECTION OFFICER II #G34901 (TABLE GU-00280) TO ENVIRONMENTAL HEALTH OFFICER - UNIT LEADER POSITIONS (TABLE GU-00290) TO PROVIDE OVERSIGHT AND GUIDANCE OF DAILY WORK ACTIVITIES IN THE FOOD SERVICE SANITATION AND ENVIRONMENTAL QUALITY PROGRAMS WITH NO CHANGE TO GENERAL FUND

HS19/04-07
The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Scolnik, to authorize Public Health to reclassify one vacant Environmental Health Officer II position #G34302 and one vacant Environmental Protection Officer II #G34901 (table GU-00280) to Environmental Health Officer - Unit Leader positions (table GU-00290) to provide oversight and guidance of daily work activities in the Food Service Sanitation and environmental quality programs with no change to general fund.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

Abstain: Kenneth Mahoney due to conflict of interest

No: None

Excused: Susie Hughes  
Motion Carried
2019-146  GIVE 90-DAYS WRITTEN NOTICE TO TERMINATE THE RENTAL CONTRACT AGREEMENT WITH PLANNED PARENTHOOD AND RECLAIM THE CLINICAL SPACE/ROOMS TO EXPAND STD/HIV SERVICES TO HIGH-RISK RESIDENTS IN MUSKEGON COUNTY AND TO ASSURE SAFE, CONFIDENTIAL AND SANITARY OPERATIONS FOR ALL NURSING PROGRAMS/SERVICES WITHIN THE HEALTH DEPARTMENT; WITH NO CHANGE/INCREASE IN GENERAL FUND APPROPRIATION

The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Scolnik, to give 90-days written notice to terminate the rental contract agreement with Planned Parenthood and reclaim the clinical space/rooms to expand STD/HIV services to high-risk residents in Muskegon County and to assure safe, confidential and sanitary operations for all nursing programs/services within the health department; with no change/increase in general fund appropriation.

Discussion ensued.

Roll Call:

Yes: Zach Lahring, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: Marcia Hovey-Wright, Kenneth Mahoney

Excused: Susie Hughes  Motion Carried

MOTION TABLED UNTIL MAY 7th, 2019, HUMAN SERVICES COMMITTEE MEETING:

HS19/04-09 To approve 16 senior millage funding awards totaling $523,415 and 1 contract amendment (additional $10,000) as recommended by the Senior Activities Committee; and to authorize the designated Senior Millage Grants Administrator, Senior Resources (excluding the 2 awards granted to Senior Resources) to proceed with the administration of the programs.

2019-147  APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF $9,670,631.34, COVERING THE PERIOD OF MARCH 9, 2019 THROUGH APRIL 1, 2019 FOR CHECKS AND FEBRUARY 1, 2019 THROUGH FEBRUARY 28, 2019 FOR P-CARD AND EFT PAYMENTS, AS PRESENTED BY THE COUNTY CLERK

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to approve payment of the accounts payable of $9,670,631.34, covering the period of March 9, 2019 through April 1, 2019 for checks and February 1, 2019 through February 28, 2019 for P-Card and EFT payments, as presented by the County Clerk.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes  Motion Carried
2019-148  AUTHORIZE THE SELECTION OF MILLER CANFIELD, PADDOCK & STONE AS BOND COUNSEL AND THE NEGOTIATION OF A 3 YEAR CONTRACT WITH 2 OPTIONAL ONE (1) YEAR RENEWALS WITH THE EFFECTIVE DATE OF MAY 1, 2019

WM19/04-35
The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to authorize the selection of Miller Canfield, Paddock & Stone as bond counsel and the negotiation of a 3 year contract with 2 optional one (1) year renewals with the effective date of May 1, 2019.

Roll Call:
Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster
No: None
Excused: Susie Hughes  Motion Carried


WM19/04-36
The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to authorize the selection of PFM Financial Advisors as financial advisors and the negotiation of a 3 year contract with 2 optional one (1) year renewals to be effective upon the completion of the issuance of the 2019 delinquent tax notes.

Roll Call:
Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster
No: None
Excused: Susie Hughes  Motion Carried
2019-150  **APPROVE THE REQUEST FROM EQUALIZATION TO PURCHASE THE HP Z6 PLOTTER THROUGH ENGINEERING SUPPLY WITH THE ADDITIONAL 3-YEAR WARRANTY FOR A TOTAL OF $4,931.00 AND AMEND THE BUDGET ACCORDINGLY**

WM19/04-37

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to approve the request from Equalization to purchase the HP Z6 Plotter through Engineering Supply with the additional 3-year warranty for a total of $4,931.00 and amend the budget accordingly.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes  **Motion Carried**

2019-151  **ADD A FACILITIES MANAGEMENT SUPERVISOR POSITION PAY GRADE NX-00370 ($32.726/HR-$41.609/HR) APPOINT MICHAEL HYSSELL TO THAT POSITION EFFECTIVE IMMEDIATELY AT STEP 5 ($39.66/HR): AND RECLASSIFY THE BUILDING MAINTENANCE SUPERVISOR/MASTER ELECTRICIAN (GF12501) PAY GRADE GU-00290 ($22.54/HR-$28.39/HR) TO A BUILDING MAINTENANCE ELECTRICIAN POSITION PAY GRADE GU-00240 ($17.01/HR-$24.54/HR).**

WM19/04-38

The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to add a Facilities Management Supervisor position Pay grade NX-00370 ($32.726/hr-$41.609/hr) appoint Michael Hysell to that position effective immediately at Step 5 ($39.66/hr): and reclassify the Building Maintenance Supervisor/Master Electrician (GF12501) Pay Grade GU-00290 ($22.54/hr-$28.39/hr) to a Building Maintenance Electrician position Pay grade GU-00240 ($17.01/hr-$24.54/hr).

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes  **Motion Carried**
2019-152 APPROVE SUBRECIPIENT AGREEMENT AND RESOLUTION BETWEEN MUSKEGON COUNTY AND NORTHERN INITIATIVES FOR THE MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND PROGRAM AND AUTHORIZE THE CHAIR OF THE BOARD OF COMMISSIONERS TO SIGN THE AGREEMENT

WM19/04-39
The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to approve Subrecipient Agreement and Resolution between Muskegon County and Northern Initiatives for the Michigan Community Development Block Grant Revolving Loan Fund Program and authorize the Chair of the Board of Commissioners to sign the agreement.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes  Motion Carried

2019-153 AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES TO DETERMINE A NORMAL LAKE LEVEL UNDER PART 307 OF ACT 451 FOR WOLF LAKE

WM19/04-40
The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to authorize staff to issue a request for proposals for engineering services to determine a normal lake level under Part 307 of Act 451 for Wolf Lake.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes  Motion Carried
2019-154  APPROVE THE AWARD OF RFP 19-2328 FOR A ROUTE STUDY AND
COMPREHENSIVE OPERATIONAL ANALYSIS TO FOURSQURE INTEGRATED TRANSPORTATION PLANNING FOR THE SUM OF
$158,051.64, PENDING MDOT CONCURRENCE WITH THE AWARD, AND TO
AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN CONTRACT DOCUMENTS

WM19/04-41
The Ways and Means Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to approve the award of RFP 19-2328 for a Route Study and Comprehensive Operational Analysis to Foursquare Integrated Transportation Planning for the sum of $158,051.64, pending MDOT concurrence with the award, and to authorize the County Administrator to sign contract documents.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes  Motion Carried

CHAIRMAN’S REPORT/COMMITTEE LIAISON REPORTS

2019-155  APPOINT LEO EVANS TO THE CITY SLOT OF THE PUBLIC WORKS BOARD
– TERM THROUGH 12/31/19

The Vice Chairman recommends, moved by Commissioner Mahoney, seconded by Commissioner Wilkins, to appoint Leo Evans to the City Slot of the Public Works Board – term through 12/31/19.

Commissioner Nash asked if this was a new appointment or a reappointment. Administrator Eisenbarth stated this appointment was requested by the City of Muskegon due to restructuring, replacing LeighAnn Mikesell on the Public Works Board with Leo Evans.

Voice vote  Motion Carried

2019-156  REAPPOINT RANDY HOFFMEYER (DEMOCRAT SLOT) TO THE MUSKEGON COUNTY JURY BOARD, TERM THROUGH 4/30/25

The Vice Chairman recommends, moved by Commissioner Mahoney, seconded by Commissioner Nash, to reappoint Randy Hoffmeyer (Democrat Slot) to the Muskegon County Jury Board, term through 4/30/25.

Voice vote  Motion Carried
Vice Chairman Foster reminded everyone of the United Way of the Lakeshore Annual Celebration that will be held on Thursday, April 25th, 5 p.m. – 8 p.m. at the Holiday Inn & Conference Center.

Vice Chairman Foster reminded everyone that the USS LST 393 Veterans Museum opens for the Season – Saturday, April 27th.

Vice Chairman Foster invited everyone to the 7th Annual Earth Day Expo – Saturday, April 27th at the Muskegon Farmers Market.

**ADMINISTRATOR’S REPORT**

Administrator Mark Eisenbarth noted there was no new information on the Convention Center. The groundbreaking ceremony is scheduled and announcements will be sent out.


The Administrator recommends, moved by Commissioner Nash, seconded by Commissioner Wilkins, to authorize the reassignment of the Agreement between the County of Muskegon and Downtown Muskegon Now to the City of Muskegon and the Muskegon Downtown Development Authority for continued operation of the dog park located at 793 W. Western Avenue.

Roll Call:

Yes: Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Bob Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster

No: None

Excused: Susie Hughes Motion Carried

2019-158 **APPROVE THE EASEMENT AGREEMENT WITH THE MICHIGAN STATE POLICE AND KENT COUNTY TO GRANT THEM THE RIGHT TO CONSTRUCT AND MAINTAIN A TOWER AT MOORE PARK AND AUTHORIZE THE BOARD CHAIR TO SIGN SAME**

The Administrator recommends, moved by Commissioner Snider, seconded by Commissioner Mahoney, to approve the easement agreement with the Michigan State Police and Kent County to grant them the right to construct and maintain a tower at Moore Park and authorize the Board Chair to sign same.

Voice vote Motion Carried

**OLD BUSINESS**

There was no old business to come before the Board.
NEW BUSINESS

2019-159 RECOGNIZE APRIL AS CHILD ABUSE AND NEGLECT PREVENTION MONTH

Moved by Commissioner Mahoney, seconded by Commissioner Nash, to recognize April as child abuse and neglect prevention month.

Voice vote Motion Carried

PUBLIC COMMENT

There was no public comment.

2019-160 MOVED BY COMMISSIONER NASH, SECONDED BY COMMISSIONER WILKINS, TO ADJOURN.

Meeting adjourned at 8:45 p.m.

Nancy A. Waters, County Clerk

NAW/jmp

To Be Approved at Full Board Meeting on Tuesday, April 30, 2019
WHEREAS, The State of Michigan created Act 93 of 2013 Michigan Indigent Defense Commission Act, MCL 780.981, effective July 1, 2013, an act to create the Michigan Indigent Defense Commission (MIDC) and to provide for its powers and duties, to provide indigent defendants in criminal cases with effective assistance of counsel, to provide for the appointment of legal counsel, to provide for and limit certain causes of action and to provide for certain appropriations and grants; and

WHEREAS, MCL 780.993(6-7) and MCL 780.997(2) provide that the State of Michigan will pay for any increased funding that is necessary to meet minimum standards developed by the MIDC. The MIDC Act requires the state to provide grants to local delivery systems (trial court funding units), in order to comply with the new standards. A local system’s duty of compliance is dependent on this funding; and

WHEREAS, Jackson County was advised March 27, 2018 that the MIDC had approved it’s required compliance plan for the first four standards with approved funding from the State of Michigan in the amount of $1,244,032.74 for fiscal year 2018; and

WHEREAS, The Indigent Defense standards have the best intent of equitable treatment for defendants through providing fair and consistent indigent defense services throughout the State of Michigan; and

WHEREAS, The Board of Commissioners of Jackson County believe that MCL 780.993(17), which requires the collection and remittance of 20% of payments collected from partially indigent defendants with court appointed attorneys to the Department of Licensing and Regulatory Affairs (LARA), creates an unfunded mandate. Additional unfunded mandates include unfunded staff time at the court and prosecutor’s office; and

WHEREAS, Jackson County Commissioners believe that this is not the most efficient way to provide indigent defense services for defendants in the State of Michigan; and

WHEREAS, The Jackson County Board of Commissioners believes that the local MIDC offices would be more efficiently and equitably operated under the State of Michigan administration; and

WHEREAS, due to statutory requirements and LARA requirements, operations at the local level are burdensome, including data entry and collection, administrative oversight, monitoring and application of grant resources, which are driving up costs at the local level and increasing utilization of public resources; and

THEREFORE, BE IT RESOLVED, the Jackson County Board of Commissioners request that the State of Michigan reconsider the Public Act 93 of 2013 and MCL 780.993(17) regarding the operations of local MIDC offices.

THEREFORE, BE IT ALSO RESOLVED, the Jackson County Board of Commissioners request that legislation be created and passed, moving the administration and oversight of local MIDC offices to the State of Michigan.
Resolution 03-19.14

James E. Shotwell, Jr., Chairperson
Jackson County Board of Commissioners
March 19, 2019

STATE OF MICHIGAN

COUNTY OF JACKSON

I, Amanda L. Kirkpatrick, the duly qualified and acting Clerk of the County of Jackson, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the County Board of Commissioners at a Board meeting thereof held on the 19th day of March, 2019 the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have affixed my official signature this 19th day of March, 2019

Amanda L. Kirkpatrick, County Clerk