

MUSKEGON COUNTY BOARD OF COMMISSIONERS  
MUSKEGON COUNTY, MICHIGAN

AGENDA

FULL BOARD

Hall of Justice

990 Terrace, Muskegon, MI  
December 8, 2011 - 3:30 PM

Kenneth Mahoney, Chair  
I. John Snider, II, Vice-Chair

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1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Approval of Meeting Minutes of November 17, 2011
7. Public Comment (on an agenda item)
8. Presentation
  - Tribute in Recognition of the Mona Shores Girls Golf Team
9. Communication/Information
  - A. Antrim County Resolution: Support of Statutory Exemption for Stormwater Runoff from Logging Roads
  - B. City of Farmington Hills Resolution: Opposition to House Bill 4936: Changing the Michigan Auto No-Fault Insurance Law
  - C. Lake County Resolution: Support of Statutory Exemption for Stormwater Runoff from Logging Roads
10. Committee Reports
  - A. Courts & Public Safety Committee (to be distributed)
  - B. Human Resources Committee (to be distributed)
  - C. Ways & Means Committee (Page 8)

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.

Full Board  
Agenda  
December 8, 2011

11. Chairman's Report/Committee Liaison Reports
  - DHS Board Appointment
12. Administrator's Report
  - A. Approve Contract Settlement with the Teamsters District Court and Authorize County Board Chair and County Clerk to Sign Labor Agreements
  - B. Approve Contract Settlement with the Teamsters General Employees Unit and Authorize County Board Chair and County Clerk to Sign Labor Agreements
  - C. Approve Contract Settlement with the Teamsters CMH Aide Unit and Authorize County Board Chair and County Clerk to Sign Labor Agreements
13. Old Business
14. New Business
15. Public Comment (on a new topic)
16. Adjournment

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



ANTRIM COUNTY  
BOARD OF COMMISSIONERS  
P.O. Box 520  
Bellaire, Michigan 49615  
Phone (231) 533-6353  
Fax (231) 533-6935  
Chairman: LAURA STANEK

November 23, 2011

At the November 10, 2011 meeting of the Antrim County Board of Commissioners the following Resolution was offered:

RESOLUTION #25-11 BY Michael Crawford, seconded by Jerroll Drenth

RESOLUTION SUPPORTING A STATUTORY EXEMPTION FOR STORMWATER RUNOFF FROM LOGGING ROADS.

WHEREAS, on August 17, 2010 the United States Court of Appeals for the Ninth Circuit held that a National Pollution Discharge Elimination System (NPDES) permit is required to stormwater runoff from logging roads; and

WHEREAS, the Clean Water Act (CWA) requires a national Pollution Discharge Elimination System (NPDES) permit for the discharge of any pollutant to any navigable water (AKA "water of the U.S.") from any point source. Since 1973, rules promulgated by the Environmental Protection Agency ("EPA") have distinguished between point source and non-point source pollution in the CWA. Non-point source pollution, which is not defined in the CWA, includes any source of water pollution not characterized as a point source discharge; and

WHEREAS, included in CWA rules is the so-called silvicultural Rule found at 40 C.F.R. 122.27 (b)(1), which has remained substantially in its current form since 1976. The Silvicultural Rule specifically defines timber "harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff" to be "non point source silvicultural activities," and thus, excluded from NPDES permitting requirements; and

WHEREAS, the Ninth Circuit disagreed with the Silvicultural Rule, holding that stormwater runoff that is collected and channeled in a system of ditches and culverts before being discharged into streams and rivers constitutes a point source, and that EPA lacks authority to promulgate a rule to the contrary. The Ninth Circuit stated that Congress has a history of providing specific statutory exemptions for certain categories of discharges. The court went on to say that federal courts have invalidated EPA regulations that provided similar regulatory exemptions; and

WHEREAS, the Court's decision has potentially sweeping implications. If broadly read, this opinion would require NPDES permits for every road in the country that is served by ditches or culverts that eventually discharge to natural surface waters and that is not already regulated by the CWA; and

WHEREAS, the court's opinion also leaves many critical questions unanswered. Even if the opinion were limited to logging roads, what constitutes a logging road? Contrary to the court's assumptions of fact, many forest roads, including the roads at issue in this case, are not dedicated just to logging. They are used for a variety of purposes, both public and private, beyond just logging. If this is the case, who is responsible for obtaining these required permits? The court did not address whether the permit obligation rests with the owner of the roads or very entity that transports logs on the roads, or even those using the roads to access the forest for recreation. This Adopted Policy is consistent with current NACo policy that states that stormwater from all roads, cutters, and ditches should not be considered a "water of the U.S." under the CWA; and

WHEREAS, if rural county owned roads, such as logging or forest roads, require federal NPDES permits, this will be an unfunded mandate and preemption on county governments.

BE IT RESOLVED, the Antrim County Board of commissioners supports legislation that enacts into law the Silvicultural Rule.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to Governor Snyder, Representative MacMaster, Senator Walker, and to the Boards of County Commissioners of the other counties of the state, who we urge to join us in supporting legislation that enacts into law the Silvicultural rule.

Yes - Drenth, Dawson, Bary, Boettcher, Howelman, Crawford, Stanek, Blackmore, Ricksgers;

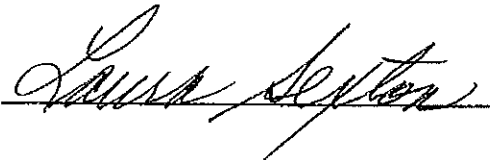
No - None;

Absent - None.

RESOLUTION 25-11 DECLARED ADOPTED.



ANTRIM COUNTY CLERK, BELLAIRE MI  
STATE OF MICHIGAN, COUNTY OF ANTRIM, ss  
I, Laura Sexton, Clerk of the County of Antrim, do  
certify the foregoing is a true and exact copy of the  
original record now remaining in this office.  
IN TESTIMONY WHEREOF, I have set my hand and  
official seal at the Village of Bellaire in said county  
this 23<sup>rd</sup> day of November, 2011.

 County Clerk

RESOLUTION BY THE CITY OF FARMINGTON HILLS  
OPPOSING HOUSE BILL 4936  
CHANGING THE MICHIGAN AUTO NO-FAULT INSURANCE LAW

WHEREAS, the City of Farmington Hills recognizes both the need to provide for comprehensive medical coverage for catastrophically injured individuals and the need to preserve the integrity of Michigan's model No-Fault Insurance System;

WHEREAS, House Bill 4936 would make major changes to the Michigan auto no-fault insurance law and, for practical purposes, would bring an end to the no-fault system as we know it;

WHEREAS, House Bill 4936 would result in the elimination of lifetime medical coverage for all reasonably necessary products and services, which would produce a substantial amount of unpaid medical expenses and a massive cost shift to Medicaid and Medicare, thus increasing the State and Federal tax burden for Michigan citizens;

WHEREAS, the under-funding of medical treatment for severely injured accident victims will result in thousands of lost jobs in the medical care industry and would lead to the closing of companies that provide rehabilitation and long-term care including several located in Farmington Hills;

WHEREAS, the new law does not guarantee any reduction in fees and most Michigan drivers would be forced to buy more liability insurance for unfunded medical expenses incurred by the victim of an at-fault accident;

WHEREAS, Michigan citizens would in many cases not receive the medical care, treatment, and rehabilitation they require in order to attain the highest level of recovery and many families would be financially ruined by medical expenses in excess of the insurance coverage they selected;

WHEREAS, the new law will result in increased litigation when auto accident victims are forced to sue at-fault drivers to recover unpaid medical costs, thereby causing a backlog in the court system.

NOW, THEREFORE, BE IT RESOLVED that the City of Farmington Hills opposes House Bill 4936 which would change the Michigan Auto No-Fault Insurance Law and would bring about adverse consequences for drivers, workers, and taxpayers in Michigan.

AYES: BATES, BRICKNER, BRIDGES, BRUCE, LERNER, MASSEY AND OLIVERIO

NAYS: NONE

ABSENT: NONE

ABSTENTIONS: NONE

RESOLUTION DECLARED ADOPTED NOVEMBER 14, 2011.

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF OAKLAND    )

I, the undersigned, the duly qualified and acting City Clerk of the City of Farmington Hills, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Farmington Hills at a regular meeting held on the 14th day of November, 2011.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 15th day of November, 2011.

\_\_\_\_\_  
Pamela B. Smith, City Clerk

**RESOLUTION SUPPORTING A STATUTORY EXEMPTION FOR STORMWATER  
RUNOFF FROM LOGGING ROADS  
Resolution #11/09/11 1259**

**WHEREAS**, on August 17, 2010 the United States Court of Appeals for the Ninth Circuit held that a National Pollution Discharge Elimination System (NPDES) permit is required for stormwater runoff from logging roads; and

**WHEREAS**, the Clean Water Act (CWA) requires a National Pollution Discharge Elimination System (NPDES) permit for the discharge of any pollutant to any navigable water (AKA "water of the U.S.") from any point source. Since 1973, rules promulgated by the Environmental Protection Agency ("EPA") have distinguished between point source and non-point source pollution in the CWA. Non-point source pollution, which is not defined in the CWA, includes any source of water pollution not characterized as a point source discharge; and

**WHEREAS**, included in the CWA rules is the so-called Silvicultural Rule found at 40 C.F.R. § 122.27(b)(1), which has remained substantially in its current form since 1976. The Silvicultural Rule specifically defines timber "harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff" to be "non-point source silvicultural activities," and thus, excluded from NPDES permitting requirements; and silvicultural activities," and thus, excluded from NPDES permitting requirements; and

**WHEREAS**, the Ninth Circuit disagreed with the Silvicultural Rule, holding that stormwater runoff that is collected and channeled in a system of ditches and culverts before being discharged into streams and rivers constitutes a point source, and that EPA lacks authority to promulgate a rule to the contrary. The Ninth Circuit stated that Congress has a history of providing specific statutory exemptions for certain categories of discharges. The court went on to say that federal courts have invalidated EPA regulations that provided similar regulatory exemptions; and

**WHEREAS**, the court's decision has potentially sweeping implications. If broadly read, this opinion would require NPDES permits for every road in the country that is served by ditches or culverts that eventually discharge to natural surface waters and that is not already regulated by the CWA; and

**WHEREAS**, the court's opinion also leaves many critical questions unanswered. Even if the opinion were limited to logging roads, what constitutes a logging road? Contrary to the court's assumptions of fact, many forest roads, including the roads at issue in this case, are not dedicated to just logging. They are used for a variety of purposes, both public and private, beyond just logging. If this is the case, who is responsible for obtaining these required permits? The court did not address whether the permit obligation rests with the owner of the roads or every entity that transports logs on the roads, or even those using the roads to access the forest for recreation. This Adopted Policy is consistent with current NACo policy that states that stormwater from all roads, gutters and ditches should not be considered a "water of the U.S." under the CWA; and

**WHEREAS**, if rural county owned roads, such as logging or forest roads, require federal NPDES permits, this will be an unfunded mandate and preemption on county governments.

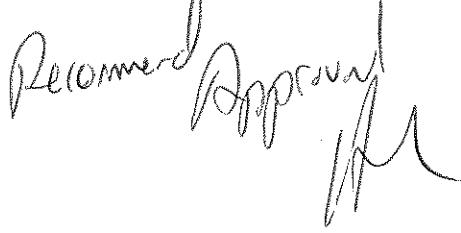


The Ways and Means Committee met on December 1, 2011, it was recommended, and I move:

- WM11/12 - 164 To approve payment of the accounts payable of \$4,135,051.89 covering the period of November 9, 2011 through November 23, 2011, as presented by the County Clerk.
- WM11/12 - 165 To adopt the amendment to the 2011 Apportionment Report as prepared and submitted by the Muskegon County Equalization Department.
- WM11/12 - 166 To award for the trade portion of the Sheriff's Office Community Corrections renovation to Dimension Four Painting, Belasco Electric and East Muskegon Roofing at a project cost of \$19,654.00.
- WM11/12 - 167 To adopt a tribute in recognition of the Fruitport Girls Volleyball Class B State Championship.



# REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE Full Board		BUDGETED    NON-BUDGETED    PARTIALLY BUDGETED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
REQUESTING DEPARTMENT Administration		COMMITTEE DATE December 8, 2011	REQUESTOR SIGNATURE	
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)				
Request approval of the tentative agreement between the County of Muskegon and the Teamsters CMH Aide Unit. This agreement has been ratified by the bargaining unit. (Please see attached information).				
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)				
Move to approve the contract settlement with the Teamsters CMH Aide Unit and authorize the County Board Chair and County Clerk to sign the labor agreement subsequent to signature being obtained from union representatives.				
ADMINISTRATIVE ANALYSIS (AS APPLICABLE)				
<u>HUMAN RESOURCES ANALYSIS:</u>  Recommend Approval of this agreement. Deborah Groeneveld		<u>FINANCE &amp; MANAGEMENT ANALYSIS:</u>  		
<u>CORPORATE COUNSEL ANALYSIS:</u>		<u>ADMINISTRATOR RECOMMENDATION:</u>		
AGENDA DATE:                      AGENDA NO.:                      BOARD DATE:                      PAGE NO.				

## Teamsters CMH Aide Unit Contract Provisions

Effective for Contract 12/8/11 – 9/30/14

<b>Benefit</b>	<b>Current Employees</b>	<b>New Hires after 9/1/10</b>
<b>Annual Leave</b>	Annual Leave accumulation accrual change	Annual Leave accumulation accrual change
<b>Sick Leave</b>	Donated Leave Policy	Donated Leave Policy
<b>Retirement</b>	The employee MERS defined benefit percentage contribution for B-3 increases from 2.36% to 3.86%. The Employer contribution decreases from 8.15% to 6.65% effective 10/1/11.	The employee MERS defined benefit percentage contribution for B-3 increases from 4.36% to 5.86%. The Employer contribution decreases from 8.15% to 6.65% effective 10/1/11.
<b>Medical Insurance</b>	Employee contribution increases from 7% to 15% of the premium equivalent effective January 1, 2012. Reduced Medical Plan and High Deductible Medical Plan will be made available.	Employee contribution increases from 7% to 15% of the premium equivalent effective January 1, 2012. Reduced Medical Plan and High Deductible Medical Plan will be made available.

### Wage Rate

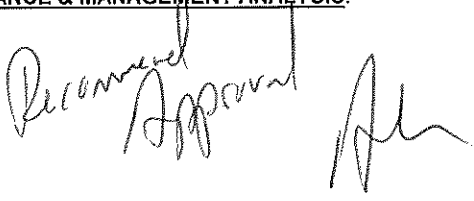
Effective October 1, 2011 - \$600 lump sum payment for full-time and \$300 for part-time employees.

Effective October 1, 2012 – Wage reopener

Effective October 1, 2013 – Wage reopener

This contract was ratified by the Teamsters Local 214 CMH Aide Unit. County Administration, the Human Resources Department recommends approval of this contract settlement and request authorization for appropriate County officials to sign the agreement subsequent to signatures from union representatives.

# REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE Full Board		BUDGETED    NON-BUDGETED    PARTIALLY BUDGETED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
REQUESTING DEPARTMENT Administration		COMMITTEE DATE December 8, 2011	REQUESTOR SIGNATURE	
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)				
Request approval of the tentative agreement between the County of Muskegon and the Teamsters District Court Unit. This agreement has been ratified by the bargaining unit. (Please see attached information).				
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)				
Move to approve the contract settlement with the Teamsters District Court Unit and authorize the County Board Chair and County Clerk to sign the labor agreement subsequent to signature being obtained from union representatives.				
ADMINISTRATIVE ANALYSIS (AS APPLICABLE)				
<u>HUMAN RESOURCES ANALYSIS:</u>  Recommend Approval of this agreement. Deborah Groeneveld		<u>FINANCE &amp; MANAGEMENT ANALYSIS:</u>  		
<u>CORPORATE COUNSEL ANALYSIS:</u>		<u>ADMINISTRATOR RECOMMENDATION:</u>		
AGENDA DATE:                    AGENDA NO.:                    BOARD DATE:                    PAGE NO.				

## Teamsters District Court Unit Contract Provisions

Effective for Contract 12/8/11 – 9/30/14

<b>Benefit</b>	<b>Current Employees</b>	<b>New Hires after 6/24/08</b>
<b>Annual Leave</b>	Annual Leave accumulation accrual change	Annual Leave accumulation accrual change
<b>Sick Leave</b>	Donated Leave Policy	Donated Leave Policy
<b>Retirement</b>	The employee MERS defined benefit percentage contribution for B-3 increases from 0% to 1.5%. The Employer contribution decreases from 13.9% to 12.4%.	Employee MERS defined contribution percentage contribution increases from 3% to 4.5%. The employer contribution remains at 3% of gross wages.
<b>Medical Insurance</b>	Employee contribution increases from 7% to 15% of the premium equivalent effective January 1, 2012. Reduced Medical Plan and High Deductible Medical Plan will be made available.	Employee contribution increases from 7% to 15% of the premium equivalent effective January 1, 2012. Reduced Medical Plan and High Deductible Medical Plan will be made available.

### Wage Rate

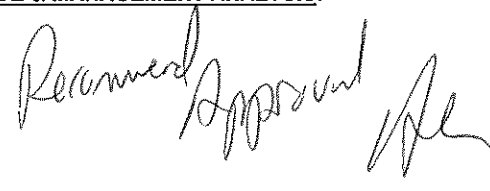
Effective October 1, 2011 - \$600 lump sum payment for full- time employees.

Effective October 1, 2012 – Wage reopener

Effective October 1, 2013 – Wage reopener

This contract was ratified by the Teamsters District Court Unit. County Administration, the Human Resources Department and District Court recommend approval of this contract settlement and request authorization for appropriate County officials to sign the agreement subsequent to signatures from union representatives.

# REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE Full Board		BUDGETED    NON-BUDGETED    PARTIALLY BUDGETED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
REQUESTING DEPARTMENT Administration		COMMITTEE DATE December 8, 2011	REQUESTOR SIGNATURE	
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)				
Request approval of the tentative agreement between the County of Muskegon and the Teamsters General Employees Unit. This agreement has been ratified by the bargaining unit. (Please see attached information).				
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)				
Move to approve the contract settlement with the Teamsters General Employees Unit and authorize the County Board Chair and County Clerk to sign the labor agreement subsequent to signature being obtained from union representatives.				
ADMINISTRATIVE ANALYSIS (AS APPLICABLE)				
<u>HUMAN RESOURCES ANALYSIS:</u>  Recommend Approval of this agreement. Deborah Groeneveld		<u>FINANCE &amp; MANAGEMENT ANALYSIS:</u>  		
<u>CORPORATE COUNSEL ANALYSIS:</u>		<u>ADMINISTRATOR RECOMMENDATION:</u>		
AGENDA DATE:                    AGENDA NO.:                    BOARD DATE:                    PAGE NO.				

## Teamsters General Employees Unit Contract Provisions

Effective for Contract 12/8/11 – 9/30/14

<b>Benefit</b>	<b>Current Employees</b>	<b>New Hires after 10/26/10</b>
<b>Annual Leave</b>	Annual Leave accumulation accrual change	Annual Leave accumulation accrual change
<b>Sick Leave</b>	Donated Leave Policy	Donated Leave Policy
<b>Retirement</b>	The employee MERS defined benefit percentage contribution for B-4 F55/25 increases from 2.34% to 3.84%. The Employer contribution decreases from 12.1% to 10.6% effective 10/1/11.	The employee MERS defined benefit percentage contribution for B-4 F55/25 increases from 4.5% to 6%. The Employer contribution decreases from 12.1% to 10.6% effective 10/1/11.
<b>Medical Insurance</b>	Employee contribution increases from 7% to 15% of the premium equivalent effective January 1, 2012. Reduced Medical Plan and High Deductible Medical Plan will be made available.	Employee contribution increases from 7% to 15% of the premium equivalent effective January 1, 2012. Reduced Medical Plan and High Deductible Medical Plan will be made available.

### Wage Rate

Effective October 1, 2011 - \$600 lump sum payment for full-time \$300 for part-time and \$200 for hourly employees.

Effective October 1, 2012 – Wage reopener

Effective October 1, 2013 – Wage reopener

This contract was ratified by the Teamsters Local 214 General Employees Unit. County Administration and the Human Resources Department recommends approval of this contract settlement and request authorization for appropriate County officials to sign the agreement subsequent to signatures from union representatives.

The Human Resources Committee met on December 6, 2011, it was recommended and I move:

- HR11/12 - 92 To authorize Community Mental Health to sign contracts with those service vendor/providers who have submitted written agreements to continue service provision at the current Fiscal Year 2010/2011 rates for the time period effective October 1, 2011 through September 30, 2012.
- HR11/12 - 93 To authorize Community Mental Health to accept the proposed rate changes by those vendors/providers listed on FY 2011/2012 Proposed Vendor Rate Changes, effective October 1, 2011 through September 30, 2012.
- HR11/12 - 94 To approve the contract between Community Mental Health and the Arc Muskegon to provide Employer of Record services to CMH consumers doing paper shredding at CMH offices at a rate of \$10.00 an hour, effective December 1, 2011 through September 30, 2012, with an annual cost not to exceed \$15,000.00.
- HR11/12 - 95 To authorize the Community Mental Health Chief Operating Officer to sign an amendment to the CMH lease agreement with American Red Cross to extend the lease of the lower 6,500 square feet of the building at 313 W. Webster Avenue, Muskegon, MI 49440 through March 31, 2012 at the current payment of \$2,725.00 per month.
- HR11/12 - 96 To authorize the Board Chair to sign the agreement between Public Health Muskegon County and Lakeshore Coordinating Council for substance abuse prevention services in the amount of \$103,331.00, effective from October 1, 2011 to September 30, 2012, with no effect on County General Fund.

The Courts/Public Safety Committee met on December 6, 2011, it was recommended and I move:

- CPS11/12 - 42 To authorize the Circuit Court to establish and fill the position of IV-E Coordinator in the Circuit Court, Family Division at a salary range of \$47,172 - \$59,789.
- CPS11/12 - 43 To approve the Corrections Services Deputy Director to enter into an agreement with the BizStream Company beginning February 1, 2012 through September 30, 2012 to provide the Youth Center web based case management system at a cost of \$399 per month.