

**Muskegon County
Board of Commissioners**
*Hall of Justice, 990 Terrace, 4th Floor
Muskegon, MI 49442*

*Benjamin E. Cross, Chairman
Marvin Engle
Gary Foster
Susie Hughes
Kenneth Mahoney*

*Charles Nash, 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, January 31, 2017
3:30 p.m.

Chairman Benjamin E. Cross, Presiding

The Full Board of Commissioners meeting was called to order by Chairman Cross. The invocation was given by Rev. Regina Miles of the Lamb of God Sanctuary. The Pledge of Allegiance was led by Commissioner Mahoney and recited in unison.

Roll Call

Present: Benjamin E. Cross, Marvin Engle, Gary Foster, Susie Hughes,
Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II,
Rillastine R. Wilkins

Also Present: Mark E. Eisenbarth, Administrator
Nancy A. Waters, County Clerk
Marcia L. Wilkes, Chief County Clerk Deputy
Susan M. Franklin, Corporate Counsel

2017-30 **APPROVAL OF THE AGENDA**

Moved by Commissioner Hughes, seconded by Commissioner Wilkins, to approve the agenda.

Voice vote

Motion Carried

2017-31 **APPROVE THE MINUTES OF THE ORGANIZATIONAL MEETING OF
JANUARY 4, 2017 AND THE FULL BOARD MEETING OF JANUARY 17, 2017**

Moved by Commissioner Engle, seconded by Commissioner Snider, to approve the minutes of the Organizational Meeting of January 4, 2017 and the Full Board Meeting of January 17, 2017.

Voice vote

Motion Carried

PUBLIC COMMENT (on an agenda item)

Bob Kittle from Munetrix, one of the companies who submitted a bid to perform a 5 year financial forecast of the County's general fund, addressed the Board to ask that they reconsider the award to Municipal Analytics. (See 2017-41).

COMMITTEE/BOARD REPORTS

2017-32 **AUTHORIZE THE LAKESHORE MUSEUM CENTER TO ACQUIRE THE PROPERTY LOCATED AT 444 AND 448 W. CLAY AVENUE FOR THE PURPOSE OF FUTURE GROWTH AND USE(S) BY THE MUSEUM**

CD/SP17/01-01

The Community Development/Strategic Planning Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to authorize the Lakeshore Museum Center to acquire the property located at 444 and 448 W. Clay Avenue for the purpose of future growth and use(s) by the Museum.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-33 **AUTHORIZE THE LAKESHORE MUSEUM CENTER TO CHANGE ITS FISCAL YEAR FROM OCTOBER THROUGH SEPTEMBER TO THE CALENDAR YEAR, JANUARY THROUGH DECEMBER BEGINNING JANUARY 2018**

CD/SP17/01-02

The Community Development/Strategic Planning Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Mahoney, to authorize the Lakeshore Museum Center to change its fiscal year from October through September to the calendar year, January through December beginning January 2018.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-34 **APPROVE THE RESOLUTION OF THE MUSKEGON COUNTY BOARD AND ACCEPT ESTABLISHING AN INLAND LAKE LEVEL FOR WOLF LAKE, AND TO DIRECT CORPORATE COUNSEL TO WORK WITH THE MUSKEGON COUNTY DRAIN COMMISSIONER AND ENGINEERING STAFF TO MOVE FORWARD WITH THE APPROPRIATE ACTION IN THE MUSKEGON COUNTY CIRCUIT COURT FOR THE ESTABLISHMENT OF A LEGAL LAKE LEVEL FOR WOLF LAKE**

BPW-17-016

The Public Works Board recommends, moved by Commissioner Hughes, seconded by Commissioner Snider, to approve the Resolution of the Muskegon County Board and accept establishing an inland lake level for Wolf Lake, and to direct Corporate Counsel to work with the Muskegon County Drain Commissioner and engineering staff to move forward with the appropriate action in the Muskegon County Circuit Court for the establishment of a legal lake level for Wolf Lake.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-35 **APPROVE CONTRACT MODIFICATION NO. 5 TO MDOT CONTRACT #61192-126324 (AIP PROJECT #3-26-0071-3915) FOR PROJECT CLOSE-OUT ITEMS IN THE AMOUNT OF \$2,086.85, WITH THE COUNTY'S 2.5% SHARE TO BE \$52.17**

TR17/01-01

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Commissioner Engel, to approve Contract Modification No. 5 to MDOT Contract #61192-126324 (AIP Project #3-26-0071-3915) for project close-out items in the amount of \$2,086.85, with the County's 2.5% share to be \$52.17.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-36 **APPROVE STAFF ISSUING A REQUEST FOR STATEMENT OF QUALIFICATIONS AND CONDUCTING A QUALIFICATION BASED SELECTION PROCESS TO HIRE A CONSULTANT TO PERFORM AIRPORT ENGINEERING SERVICES FOR FISCAL YEARS 2017 THROUGH 2019 WITH TWO ADDITIONAL 1-YEAR EXTENSIONS POSSIBLE**

TR17/01-02

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Commissioner Engel, to approve staff issuing a *Request for Statement of Qualifications* and conducting a qualification based selection process to hire a consultant to perform airport engineering services for fiscal years 2017 through 2019 with two additional 1-year extensions possible.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-37 **AUTHORIZE THE MUSKEGON TROLLEY COMPANY PROGRAM TO PURCHASE A 2015 SUPREME TROLLEY BUS FROM SPECIALTY VEHICLES, INC. FOR THE PRICE OF \$89,000 PLUS APPLICABLE FEES AND TRANSPORTATION COSTS AND TO ADD THE VEHICLE TO THE EXISTING FLEET**

TR17/01-03

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Commissioner Engel, to authorize the Muskegon Trolley Company program to purchase a 2015 Supreme Trolley Bus from Specialty Vehicles, Inc. for the price of \$89,000 plus applicable fees and transportation costs and to add the vehicle to the existing fleet.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-38 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$11,779,636.43 COVERING THE PERIOD OF DECEMBER 17, 2016, THROUGH JANUARY 12, 2017, AS PRESENTED BY THE COUNTY CLERK**

WM17/01-04

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Engel, to approve payment of the accounts payable of \$11,779,636.43 covering the period of December 17, 2016, through January 12, 2017, as presented by the County Clerk.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-39 **APPROVE THE REVISIONS (OF JANUARY 24, 2017) TO THE LETTER OF UNDERSTANDING BETWEEN THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD REGARDING BROOKHAVEN MEDICAL CARE FACILITY AND AUTHORIZE THE BOARD CHAIR TO SIGN THE AGREEMENT**

WM17/01-05

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Engel, to approve the revisions (of January 24, 2017) to the Letter of Understanding between the Muskegon County Board of Commissioners and the Department of Health and Human Services Board regarding Brookhaven Medical Care Facility and authorize the Board Chair to sign the agreement. (see attached)

Commissioner Nash asked if the language was finalized on this Letter of Understanding. Administrator Eisenbarth stated that the language was not finalized. Commissioner Hughes asked if a motion was needed to place WM17/01-05 on hold and remove it from this meeting.

2017-40 **MOVED BY COMMISSIONER HUGHES AND SECONDED BY COMMISSIONER NASH, THAT WM17/01-05 BE PLACED ON HOLD AND REMOVED FROM THIS MEETING.**

Discussion continued. Commissioner Mahoney said that this Board should be sending Brookhaven an end, not a moving target. This was agreed to by Commissioner Snider. Commissioner Nash stated that they also had to look at the financial end.

Commissioner Nash withdrew his second to the above motion. Commissioner Hughes withdrew her motion.

VOTE ON 2017-39

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-41 **APPROVE ENTERING INTO A CONTRACT WITH MUNICIPAL ANALYTICS FOR \$26,300 TO PERFORM A 5 YEAR FINANCIAL FORECAST OF THE COUNTY'S GENERAL FUND AND AUTHORIZE THE BOARD CHAIR TO SIGN THE CONTRACT**

WM17/01-06

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Engel, to approve entering into a contract with Municipal Analytics for \$26,300 to perform a 5 year financial forecast of the County's general fund and authorize the Board Chair to sign the contract.

Commissioner Scolnik asked if Beth Dick would explain how Municipal Analytics was selected. Commissioner Mahoney stated that he was also on that committee and that it was a unanimous decision. Beth Dick addressed the board and stated that Municipal Analytics was rated by far the highest and that references were checked.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS

2017-42 **APPROVE THE RECOMMENDED COMMISSIONER LIAISON APPOINTMENTS**

The Chairman recommends, moved by Commissioner Engle, seconded by Commissioner Snider, to approve the recommended Commissioner Liaison Appointments.

- Lakeshore Sports Commission (term through 12/31/18)
Commissioner I. John Snider II
- Michigan Port Collaborative [Alternate Slot] (term through 12/31/18)
Commissioner I. John Snider II
- Senior Activities Committee (terms through 12/31/18)
Commissioner Susie Hughes
Commissioner Kenneth Mahoney
Commissioner Rillastine R. Wilkins

Voice vote

Motion Carried

2017-43 **APPROVE THE RECOMMENDED CITIZEN APPOINTMENTS**

The Chairman recommends, moved by Commissioner Hughes, seconded by Commissioner Nash, to approve the recommended Citizen Appointments.

- Public Health Advisory Committee Reappointment (term through 12/31/19)
Dr. James Donley [Licensed or Certified by the State of Michigan as Health Care Practitioner slot]
- Veterans Advisory Committee Appointment (term through 12/31/20)
Robert Carter [Undesignated slot]
Jill R. Mathews [Undesignated slot]

Voice vote

Motion Carried

2017-44 **APPROVE THE RECOMMENDED STAFF LIAISON APPOINTMENTS**

The Chairman recommends, moved by Commissioner Hughes, seconded by Commissioner Mahoney, to approve the recommended Staff Liaison Appointments.

- Stormwater Technical Policy Committee (terms through 12/31/18)
Drain Commissioner Brenda Moore [Drain Commissioner slot]
Director of Public Works Matt Farrar [Alternate slot]

Voice vote

Motion Carried

Commissioner Engle stated that the Fair Board was starting up with their new schedule.

ADMINISTRATOR'S REPORT

- A. Hemlock Woolly Adelgid Confirmed in County. Matt Farrar, Director of Public Works, addressed the Board concerning the problem with the Hemlock Woolly Adelgid. Bob Lukens, Community Development Director, has also been involved in reviewing this problem. These insects cannot be treated by spraying and they must be treated on a tree to tree basis. They are looking into possible solutions. Commissioner Snider suggested that they involve the Soil Conservation District as well.
- B. Investment Committee. Kristin Wade, Human Resources Director, addressed the Board regarding setting up an Investment Committee to act on behalf of the employees concerning the funds which have been placed in Lincoln Financial. At the present time the Committee consists of County Clerk Waters, Human Resources Director Wade, and Finance Director/Assistant County Administrator Dick. They are looking for one or two Commissioners to also be involved on this Committee. Commissioners should submit their name, just like for any other committee.

This committee will establish policies, meet once or twice per year, and will be acting on behalf of the county employees and for their benefit, not necessarily for the benefit of the County. Administrator Eisenbarth said that County Clerk Waters has been a very big part of this idea.

- C. Strategic Planning. Administrator Eisenbarth asked the Commissioners to save the dates of Tuesday, April 18, 2017 from 11:00 a.m. to 3:00 p.m. and Wednesday, April 19, 2017, from 1:00 p.m. to 5:00 p.m. to attend a Proposal for Facilitation of the Strategic Planning Process for Muskegon County.

Administrator Eisenbarth stated that the paperwork for WMSRDC Homeland Security Grant Program Intergovernmental Agreement needed to be completed in order for Muskegon County to receive their share of the funds.

2017-45 **MOVE TO ACCEPT THE 2016 HOMELAND SECURITY GRANT PROGRAM INTERGOVERNMENTAL AGREEMENT BETWEEN THE WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION (WMSRDC) AND THE MUSKEGON COUNTY ON BEHALF OF THE MUSKEGON COUNTY EMERGENCY SERVICES AND DIRECT THE BOARD CHAIR TO SIGN.**

The Administrator recommends, moved by Commissioner Hughes, seconded by Commissioner Nash, to accept the 2016 Homeland Security Grant Program Intergovernmental Agreement between the West Michigan Shoreline Regional Development Commission (WMSRDC) and the Muskegon County Board of Commissioners on behalf of the Muskegon County Emergency Services and direct the Board Chair to sign.

Voice vote.

Motion Carried

Administrator Eisenbarth stated that this Board needed to get the Emergency Manager back under the County Board and that they needed to appoint an Interim Director. Administrator Eisenbarth said that he had also reached out to Fire Chief Lague of North Muskegon regarding acting as the Deputy Interim Emergency Management Coordinator. Discussion continued outlining the fact that the law states that in the absence of an Emergency Manager the position is granted to the County Board Chair.

2017-46 **APPOINT BENJAMIN E. CROSS, CHAIRMAN OF THE BOARD, AS THE INTERIM EMERGENCY MANAGEMENT COORDINATOR.**

Moved by Commissioner Hughes, seconded by Commissioner Nash, to appoint Benjamin E. Cross, Chairman of the Board, as the Interim Emergency Management Coordinator.

Discussion continued. Sheriff Poulin addressed the Board. He stated that he had temporarily appointed himself as the Emergency Manager. Sheriff Poulin will be happy to continue in that capacity until the proper replacement is appointed.

Commissioner Hughes inquired about the previous Emergency Manager to which Sheriff Poulin responded that perhaps the group would like to go into executive session to continue this discussion.

Several Commissioners expressed concern about the Emergency Manager being a person in law enforcement.

Administrator Eisenbarth suggested substituting the following language for the motion made by Commissioner Hughes (no vote was taken on Commissioner Hughes' motion):

2017-47 **AUTHORIZE THE APPOINTMENT OF SHERIFF MICHAEL POULIN TO THE POSITION OF INTERIM EMERGENCY MANAGEMENT COORDINATOR AND CHIEF STEVEN LAGUE, NORTH MUSKEGON FIRE DEPARTMENT, TO THE POSITION OF EMERGENCY MANAGEMENT DEPUTY COORDINATOR FOR THE COUNTY OF MUSKEGON**

Moved by Commissioner Snider, seconded by Commissioner Mahoney, to authorize the appointment of Sheriff Michael Poulin to the position of Interim Emergency Management Coordinator and Chief Steven Lague, North Muskegon Fire Department, to the position of Emergency Management Deputy Coordinator for the County of Muskegon.

Roll Call:

Yes: Marvin Engle, Gary Foster, Kenneth Mahoney, Charles Nash, Robert Scolnik,
 I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: Susie Hughes

Motion Carried

OLD BUSINESS

There was no old business to come before the Board.

NEW BUSINESS

There was no new business to come before the Board.

PUBLIC COMMENT

Eric Stevens, Circuit Court/Family Court Administrator, asked the Board to consider including an employee on the Investment Committee.

Brenda Moore, Drain Commissioner, gave the Board an update on the status of drain projects and an update on the assessments and who will be paying for them.

Kristen Wade, Human Resources Manager, stated that she agreed with Mr. Stevens, and that they do plan to have a subcommittee which would include employees. However, the Investment Committee members will be acting as fiduciaries and as such could be sued. She stated that we do not want to put our employees in that position.

Commissioner Hughes introduced Undersheriff Ken Sanford, who was in the audience. He is the former Police Chief for Muskegon Charter Township.

2017-48 **MOVED BY COMMISSIONER SCOLNIK, SECONDED BY COMMISSIONER HUGHES, TO ADJOURN**

Voice vote.

Motion Carried

Meeting adjourned at 4:18 p.m.

Nancy A. Waters, County Clerk

NAW/mlw

Approved at the Full Board Meeting on Tuesday, February 14, 2017

AMENDED
LETTER OF UNDERSTANDING BETWEEN
MUSKEGON COUNTY BOARD OF COMMISSIONERS
AND
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD
REGARDING BROOKHAVEN MEDICAL CARE FACILITY

RECITALS

- Muskegon County, through its elected County Board of Commissioners, owns a Medical Care Facility known as the Brookhaven Medical Care Facility (Brookhaven);
- Pursuant to Michigan law, both County Elected Board of Commissioners, and County appointed Department of Health and Human Services (DHHS) Board are concerned, and involved with the operation and management of said Facility;
- County Board of Commissioners and DHHS Board desire to memorialize understandings with regard to the operation and management of the Brookhaven Facility, so as to avoid potential conflicts in the future;
- To such end, and in an effort to memorialize County Board of Commissioners and DHHS Board understanding with regard to such matters, said Boards agree as follows:

(1) County and DHHS Board, shall, to the extent practicable, utilize an approach similar to that utilized by the County elected Board of Commissioners and the County appointed Community Mental Health Board in conducting matters. Consistent therewith:

(a) DHHS Board shall have the ultimate authority for hiring of the Director of the Brookhaven Medical Care Facility. ~~A vacancy in said position shall, with the concurrence of both DHS Board and County Board of Commissioners, be filled on an interim basis by the current Assistant to the Director. Thereafter, DHS Board shall request that the County Human Resources Department conduct a public advertisement for the filling of such vacancy. County EEO Officer shall assist in efforts. A review committee, consisting of a DHS Board Member, the County Human Resources Director, the Chairperson or his or her designee of the County Board of Commissioners and the County Administrator shall, with concurrence of both Boards, be assigned to assist in employment screening and interview process; thereafter, however, DHS Board, in accordance with the Open Meetings Act, shall conduct final interviews. DHS Board shall have ultimate authority to select a new Director. However, such ultimate appointment shall be subject to concurrence by the County Board of Commissioners. Thereafter, DHHS Board may request that the County Human Resources Department conduct a public advertisement for the filling of such vacancy. County EEO Officer may assist in efforts if requested by DHHS Board.~~

(b) DHHS Board may, should it elect, develop a contract between the DHHS Board and the new Director. County Corporate Counsel shall assist in such effort. Such contract shall, at a minimum, set forth basic terms and conditions of employment, shall address provisions for termination and shall recite, ~~pursuant to the concurrence of both Boards, that the new Director shall be subject to the day to day supervision from County Administrator but that only DHS Board can fire or suspend Director, in accordance with the current County Board of Commissioners' Rules. Such ultimate contract shall be subject to direct approval by both DHS~~

~~Board and County Board of Commissioners.~~ that the new Director shall report directly to the DHHS Board.

(2) All contracts or expenditures of money by Brookhaven staff shall, ~~in accordance with County Purchasing Policies, be subject to initial review and approval by the DHS Board. Thereafter, assuming approval, contracts and/or requests for expenditures of money shall be forwarded to the Human Resources Committee for review and ultimate County Board of Commissioners approval by the County Board of Commissioners; This procedure shall be the same as is currently utilized by the County Board of Commissioners with regard to concurring on action items requests made by the County Community Mental Health Board.~~ be subject to review and approval by the DHHS Board and in accordance with the County Purchasing Policies. Upon such approval, requests for expenditures of money shall be forwarded to the County for payment.

(3) Proposed annual budgets for Brookhaven shall be subject to initial review and approval by the DHHS Board; thereafter, such budgets shall be subject to review, and ultimate ratification and/or approval by the County Board of Commissioners, ~~in the same fashion as is currently utilized in connection with the review and ultimate approval of budgets from the County Community Mental Health Board.~~

(4) ~~Both parties recognize that utilizing an approach which provides the DHHS Board with authority over its own Director and its contracts and expenditure requests, has proved to be a model which has worked effectively in maintaining positive relationships between the County Community Mental Health Board and the County elected Board of Commissioners. Recognizing same,~~ It is understood and agreed that the intent of this Letter of Understanding is to ensure that DHHS Board is treated no better, nor no worse, insofar as its dealings with the County elected Board of Commissioners is concerned than is the County Community Mental Health Board.

(5) Hiring of Brookhaven employees other than the Director shall be at the discretion of the Director, subject to any applicable collective bargaining agreements. The Director shall advertise for, screen, interview and process applicants for employment at Brookhaven consistent with state and federal law. County will coordinate and process payroll and benefit documents with regard to Brookhaven employees. If the County should be in a hiring freeze, documentation related to the new hire shall be sent to the County Administrator, who shall sign and approve the hire.

(6) The parties hereto acknowledge and understand that this Letter of Understanding, while designed to ensure positive working relationship between the County for an indefinite period of time, may, upon initiative of either DHHS or elected County Board of Commissioners, be terminated by either Board, by vote of a majority of its members, upon providing ninety (90) days written notice.

IN WITNESS WHEREOF, this Letter of Understanding has been executed as between the two Boards above reference as of the dates reflected below.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES BOARD

Dated: _____, 2017

By: _____
_____, its Chairperson

As approved by the DHHS Board on _____, 2017.

MUSKEGON COUNTY BOARD OF
COMMISSIONERS

Dated: _____, 2017

By: _____
Benjamin Cross, its Chairperson

As approved by the Muskegon County Board of Commissioners on _____, 2017.