

# *M u s k e g o n   C o u n t y*

## *Board of Commissioners*

*James Derezinski, Chairman*

*Don Aley*

*Charles Buzzell*

*Lew Collins*

*Marvin Engle*

*Bill Gill*

*I. John Snider, Vice-Chairman*

*Kenneth Mahoney*

*Louis A. McMurray*

*Robert Scolnik*

*Roger C. Wade*

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

### **Regular Meeting**

**June 12, 2007**

**3:30 p.m.**

### **Chairman Derezinski, Presiding**

The Regular Meeting of the Board of Commissioners was called to order by Chairman Derezinski. The pledge of Allegiance was recited followed by the invocation given by Chairman Derezinski.

### **Roll Call**

Present: Aley, Buzzell, Collins, Derezinski, Engle, Gill, Mahoney, McMurray, Snider, Wade

Excused: Scolnik

Absent: None

### 2007-265    **APPROVE AGENDA**

Moved by Aley, seconded by Wade, to approve the Agenda, adding a resolution to New Business.

**Motion Carried**

### 2007-266    **APPROVE MINUTES OF THE REGULAR MEETING OF MAY 22, 2007**

Moved by Engle, seconded by Collins, to approve the minutes of the Regular Meeting of May 22, 2007.

**Motion Carried**

### 2007-267    **OPEN PUBLIC HEARING - RE: TRUTH IN TAXATION**

Moved by Engle, seconded by Snider, to open the Public Hearing regarding Truth in Taxation

(Continued)

2007-267 **OPEN PUBLIC HEARING - RE: TRUTH IN TAXATION**

Roll Call

Ayes: Buzzell, Collins, Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Derezhinski

Nays: None

**Motion Carried**

Beth Dick, Budget Manager, explained that Truth in Taxation requires a Public Hearing and publishing of the Public Hearing with wording of a Tax Increase, when, due to other funding sources, taxes will be maintained at the previous years rate.

Many Commissioners noted being contacted by constituents regarding the published notice of tax increase for Muskegon County. County Treasurer, Tony Moulatsiotis, addressed the Board stating his office received many calls regarding the publication and that it was confusing to most everyone.

2007-268 **CLOSE PUBLIC HEARING - RE: TRUTH IN TAXATION**

Moved by Aley, seconded by Engle, to close the Public Hearing re: Truth in Taxation.

**Motion Carried**

2007-269 **COMMUNICATIONS**

Moved by Engle, seconded by Collins, to receive and place on file the following Communications:

- A. City of Muskegon Public Hearing re: Resolution Approving Brownfield Plan Amendment
- B. City of Muskegon re: Application for Issuance of an Industrial Facilities Exemption Certificate
- C. City of Muskegon re: Planned Unit Development Amendment Request

**Motion Carried**

2007-269 **AUTHORIZE THE BOARD CHAIR TO ACCEPT THE FY 2007 HOMELAND SECURITY GRANT EMERGENCY MANAGEMENT PERFORMANCE GRANT**

CPS07/06 -22

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Collins, to authorize the Board Chair to accept the FY 2007 Homeland Security Grant Emergency Management Performance Grant from State of Michigan on behalf of the Muskegon County Sheriff Department/Emergency Services in the amount of \$32,061.

(Continued)  
2007-269 **AUTHORIZE THE BOARD CHAIR TO ACCEPT THE FY 2007 HOMELAND SECURITY GRANT EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Roll Call

Ayes: Collins, Engle, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Derezinski

Nays: Gill

**Motion Carried**

2007-270 **AUTHORIZE THE BOARD CHAIR TO SIGN THE AGREEMENT WITH WEST MICHIGAN HAZARDOUS MATERIALS ASSOCIATION**

CPS07/06-23

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Collins, to authorize the Board Chair to sign the agreement with West Michigan Hazardous Materials Association effective from October 1, 2007 to September 30, 2009.

Roll Call

Ayes: Collins, Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Derezinski

Nays: None

**Motion Carried**

2007-271 **AUTHORIZE THE PROSECUTOR TO APPLY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**

CPS07/06-24

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Collins, to authorize the Prosecutor to apply for the Edward Byrne Memorial Justice Assistance Grant (JAG) from the Office of Justice Programs, U.S. Department of Justice, for the purpose of continuing the community prosecution program, in the amount of \$75,564 and to affix the signature of the Chairman of the Board to the inter-local agreement between Muskegon County, the City of Muskegon and the City of Muskegon Heights.

Roll Call

Ayes: Collins, Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Derezinski

Nays: None

**Motion Carried**

2007-272 **APPROVE WAIVING THE HIRING FREEZE TO ALLOW THE PROSECUTOR TO MAKE AN APPOINTMENT TO THE POSITION OF CHIEF TRIAL LAWYER**

CPS07/06-25

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Collins, to approve waiving the hiring freeze to allow the Prosecutor to make an appointment to the position of Chief Trial Lawyer, X9001, effective immediately.

Roll Call

Ayes: Collins, Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Derezinski

Nays: None

**Motion Carried**

2007-273 **AUTHORIZE THE COMMUNITY MENTAL HEALTH DIRECTOR TO SIGN A 17-MONTH CONTRACT, EFFECTIVE MAY 1, 2007, THROUGH SEPTEMBER 30, 2008, WITH DEVELOPMENT CENTERS, INC.**

HR07/06-49

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Community Mental Health Director to sign a 17-month contract, effective May 1, 2007, through September 30, 2008, with Development Centers, Inc., 17421 Telegraph Road, Detroit, MI 48219, for the provision of authorized Outpatient Mental Health Services including Psychiatric Services for a Muskegon County youth, with varying rates not to exceed \$5,000 in total.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: None

**Motion Carried**

2007-274 **AUTHORIZE THE COMMUNITY MENTAL HEALTH DIRECTOR TO RELEASE A REQUEST FOR INFORMATION FOR COMMUNITY LIVING SUPPORTS**

HR07/06-50

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Community Mental Health Director to release a Request for Information for Community Living Supports to empanel all willing and qualified providers to deliver Community Living Support Services at the market value rate for Fiscal Year 2008, effective October 1, 2007 through September 30, 2008. Services at the market value rate for Fiscal Year 2008, effective October 1, 2007 through September 30, 2008.

(Continued)

2007-274 **AUTHORIZE THE COMMUNITY MENTAL HEALTH DIRECTOR TO RELEASE A REQUEST FOR INFORMATION FOR COMMUNITY LIVING SUPPORTS**

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: None

**Motion Carried**

2007-275 **AUTHORIZE THE COMMUNITY MENTAL HEALTH DIRECTOR TO SIGN THE SECOND AMENDMENT TO THE 2006/2007 CONTRACT WITH BEACON SPECIALIZED LIVING SERVICES INC.**

HR07/06-51

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Community Mental Health Director to sign the Second Amendment to the 2006/2007 Contract with Beacon Specialized Living Services Inc. (555 Railroad Street, Bangor, MI 49013), to include their two homes in the Traverse City area (Silverview AFC, 4024 Wyatt Road, Traverse City, MI and Mission Point AFC, 604 Ash Street, Kingsley, MI) at the current per diem of \$229.11 with no change in the annual cap.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: None

**Motion Carried**

2007-276 **AUTHORIZE THE HEALTH DEPARTMENT TO INCREASE THE FEE FOR CHLAMYDIA (CT) TESTING AND ESTABLISH A FEE FOR BOTH CHLAMYDIA (CT) AND GONORRHEA (GC) TESTING**

HR07/06-52

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Health Department to increase the fee for chlamydia (CT) testing from \$13.50 to \$32.00 and establish a fee of \$36.00 from both chlamydia (CT) and gonorrhea (GC) testing effective June 13, 2007.

Roll Call

Ayes: Engle, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: Gill

**Motion Carried**

2007-277 **AUTHORIZE THE HEALTH DEPARTMENT TO PILOT A SHARPS  
CONTAINER DISPOSAL AND EXCHANGE PROGRAM**

HR07/06-53

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Health Department to pilot a Sharps Container Disposal and Exchange program and establish a fee of \$20 per member per year to take effect July 1, 2007.

Roll Call

Ayes: Engle, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: Gill

**Motion Carried**

2007-278 **AUTHORIZE KEN KRAUS, DIRECTOR OF HEALTH AND COMMUNITY  
RESOURCES, TO SIGN THE RENEWAL OF THE CLEAN MICHIGAN  
INITIATIVE INLAND BEACH MONITORING GRANT**

HR07/06-54

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize Ken Kraus, Director of Health and Community Resources, to sign the renewal of the Clean Michigan Initiative Inland Beach Monitoring grant contract with the Michigan Department of Environmental Quality to provide funding in exchange for work to be performed for inland bathing beach monitoring effective from April 1, 2007 to October 31, 2007, with no effect on County General Funds.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: None

**Motion Carried**

2007-279 **WRITE-OFF THE RECEIVABLES FOR: LAVISTA TEX-MEX GRILL,  
MICHAEL'S II, HARBOR THEATRE, SHERMAN BOWLING CENTER AND  
TINA WRITE**

HR07/06-55

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to write-off the receivables for: Lavista Tex-Mex Grill - \$159.00, Michael's II - \$1,224.60, Harbor Theatre - \$160.50, Sherman Bowling Center - \$315.00 and Tina Write - \$38.48.

Roll Call

Ayes: Engle, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: Gill

**Motion Carried**

2007-280 **AUTHORIZE THE HEALTH DEPARTMENT TO COMMENCE THE BLUE BIKE PROGRAM**

HR07/06-56

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Health Department to commence the Blue Bike Program, establishing a \$5.00 annual registration fee and a refundable deposit of \$20.00, effective June 18, 2007.

Roll Call

Ayes: Engle, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: Gill

**Motion Carried**

2007-281 **AUTHORIZE THE HEALTH DEPARTMENT, TO ACCEPT \$6000 FROM MERCY GENERAL HEALTH PARTNERS STRATEGIC INITIATIVE**

HR07/06-57

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Health Department, to accept \$6000 from Mercy General Health Partners Strategic Initiative for the Poor for the purpose of administration of six complete tobacco treatment seminars, with no effect on County General Funds.

Roll Call

Ayes: Engle, Gill, Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Derezinski

Nays: None

**Motion Carried**

2007-282 **AMEND THE MUSKEGON COUNTY BOARD OF COMMISSIONERS RULE, NO. 1, SECTION II**

HR07/07-58

The Human Resources Committee recommends, moved by Buzzell, seconded by Engle, to move that the Notice of Proposed Amendment to Muskegon County Board Rule 1 be made a part of the official Board minutes.

Roll Call

Ayes: Mahoney, McMurray, Wade, Buzzell, Engle

Nays: Gill, Snider, Aley, Collins, Derezinski

**Motion Failed**

2007-283 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE COVERING THE PERIOD OF MAY 9, 2007 THROUGH MAY 30, 2007**

WM07/6-74

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to approve payment of the accounts payable of \$6,135,935.51 covering the period of May 9, 2007 through May 30, 2007, as presented by the County Clerk.

Roll Call

Ayes: Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Engle, Derezhinski

Nays: Gill

**Motion Carried**

2007-284 **WRITE OFF HUMAN RESOURCES BAD DEBTS IN THE INSURANCE FUND PLUS FINANCE CHARGES**

WM07/6-76

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to write off Human Resources bad debts in the Insurance fund (6770): Acct # 030430 (\$55.70), Acct. # 054950 (\$861.47), Acct # 080504 (\$1,143.36), Acct. # 220259 (\$38.84), Acct # 378565 (\$1,286.20), Acct # 530000 (\$196.56), Acct # 548000 (\$574.23) plus finance charges of \$3,587.00.

Roll Call

Ayes: Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Engle, Gill, Derezhinski

Nays: None

**Motion Carried**

2007-285 **AMEND THE TERM LOAN AGREEMENT AND PROMISSORY NOTE TO GOLD SHIELD SHUTTLE BY MOVING THE FIRST LOAN PAYMENT DATE FROM JANUARY 14, 2002, TO OCTOBER 14, 2002**

WM07/6-77

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to amend the term loan agreement and promissory note to Gold Shield Shuttle by moving the first loan payment date from January 14, 2002, to October 14, 2002 as prepared by Corporate Counsel and to have the Board Chairman sign the amendments.

Roll Call

Ayes: Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Engle, Gill, Derezhinski

Nays: None

**Motion Carried**



2007-286 **APPROVE A RESOLUTION TO APPOINT THE COUNTY ADMINISTRATOR AS THE SIGNATORY ON ALL FEDERAL TRANSIT GRANTS AND AWARDS**

WM07/6-78

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to approve a resolution to appoint the County Administrator as the signatory on all Federal Transit grants and awards.

Roll Call

Ayes: Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Engle, Gill, Derezinski

Nays: None

**Motion Carried**

2007-287 **APPROVE THE SUMMER TAX COLLECTION BOND FROM 7/1/07 THROUGH 3/31/08 WITH HARTFORD INSURANCE COMPANY**

WM07/6-79

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to approve the Summer Tax Collection Bond from 7/1/07 through 3/31/08 with Hartford Insurance Company in the amount of \$7,379.

Roll Call

Ayes: Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Engle, Gill, Derezinski

Nays: None

**Motion Carried**

2007-288 **ACCEPT THE 2007-2008 RENEWAL RATE FROM DELTA DENTAL PLAN OF MICHIGAN**

WM07/6-80

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to accept the 2007-2008 renewal rate from Delta Dental Plan of Michigan, which is \$55.03 for group 2993-001 (all eligible County employees) effective July 1, 2007.

Roll Call

Ayes: Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Engle, Gill, Derezinski

Nays: None

**Motion Carried**

2007-289 **APPROVE CHANGE ORDER #1 TO THE JUVENILE DETENTION CENTER WELL PROJECT**

WM07/6-81

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to approve Change Order #1 to the Juvenile Detention Center Well Project, in the amount of \$1,035.00, increasing the project total to \$69,035.

Roll Call

Ayes: Mahoney, McMurray, Snider, Wade, Aley, Buzzell, Collins, Engle, Gill, Derezinski

Nays: None

**Motion Carried**

2007-290 **APPROVE A \$3,500 CONTRIBUTION TO THE MUSKEGON AREA LABOR-MANAGEMENT COMMITTEE TO ASSIST WITH THE 30<sup>TH</sup> "TRIBUTE TO INDUSTRY & LABOR" DINNER**

WM07/6-82

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to approve a \$3,500 contribution to the Muskegon Area Labor-Management Committee to assist with the 30<sup>th</sup> "Tribute to Industry & Labor" dinner to be paid from the Miscellaneous Contingency budget (1010-0941-956.020)

Roll Call

Ayes: Mahoney, McMurray, Wade, Aley, Buzzell, Collins, Engle, Gill, Derezinski

Nays: Snider

**Motion Carried**

**CHAIR'S REPORT/COMMITTEE LIAISON REPORTS**

Chairman Derezinski noted the MAC Legislative Updates of May 25 and June 1, 2007

2007-291 **APPOINT KENNETH MAHONEY TO THE MUSKEGON AREA DISTRICT LIBRARY BOARD**

The Chairman recommends, moved by Aley, seconded by Snider, to appoint Kenneth Mahoney to the Muskegon Area District Library Board.

**Motion Carried**

2007-292 **APPOINT THE COUNTY ADMINISTRATOR TO FOREIGN TRADE ZONE**

The Chairman recommends, moved by Engle, seconded by Aley, to appoint the County Administrator to Foreign Trade Zone.

**Motion Carried**

2007-293 **APPOINT JUDY WISNIEWSKI TO JURY COMMISSION**

The Chairman recommends, moved by Engle, seconded by Snider, to appoint Judy Wisniewski to Jury Commission; term expiration of 4/30/2011.

Roll Call

Ayes: Snider, Aley, Buzzell, Engle, Derezinski

Nays: Wade, Collins, Gill, Mahoney, McMurray

**Motion Failed**

2007-294 **ADOPT THE EMPLOYMENT AGREEMENT BETWEEN THE COUNTY OF MUSKEGON AND JACK NIEMIEC**

The Chairman recommends, moved by Buzzell, seconded by Wade, approval to adopt the Employment Agreement between the County of Muskegon and Jack Niemiec and that the Chairman be authorized to sign the Agreement.

Discussion ensued regarding the fact that this agreement is the same as the previous Administrator's. It was further noted that, though Mr. Niemiec will get the same compensation, in addition to Administrator responsibilities, he will also continue much of his responsibilities of Director of Finance & Management Services. Discussion continued as to long-term costs to the County.

Roll Call

Ayes: Wade, Aley, Buzzell, Collins, Engle, Mahoney, Derezinski

Nays: Gill, McMurray, Snider

**Motion Carried**

**INTERIM ADMINISTRATOR'S REPORT**

2007-295 **APPOINT BETH DICK, BUDGET MANAGER, TO THE MUSKEGON COUNTY BUILDING AUTHORITY**

The Administrator recommends, moved by Engle, seconded by Snider, to appoint Beth Dick, Budget Manager, to the Muskegon County Building Authority effective immediately with a term expiration date of June 30, 2008.

**Motion Carried**

2007-296 **APPROVE OPERATING LEVIES**

The Administrator recommends, moved by Engle, seconded by Snider, to approve the operating levy of 5.6984 mills for Muskegon County to be levied in July 2007, the operating levy of 0.3221 mills for the Muskegon County Museum to be levied in December 2007, the operating levy of 0.0752 mills for the Department of Veteran's Affairs to be levied in December 2007, the operating levy of 0.3000 mills for Muskegon County Central Dispatch to be levied in December 2007 and the debt repayment levy of 0.3400 mills for the Quality of Life bond issuance to be levied in December 2007 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.

Roll Call

Ayes: Aley, Buzzell, Collins, Derezinski, Engle, Gill, Mahoney, McMurray, Snider, Wade

Nays: None

**Motion Carried**

**Old Business**

None.

**New Business**

2007-297

Moved by Gill, seconded by Snider, to prepare a resolution in recognition of Charles Johnson III, Chairman of SPX

**Public Participation**

John Jurkas addressed the Board regarding requests for public information and expressing disappointment in Board's lack of awareness the cost to promote Mr. Niemiec

Ted Davis, Muskegon Community Solidarity, addressed the Board requesting the right to review applications for the New Human Resources Director.

Adjourned at 4:32 p.m.

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Marianne L. Hathaway, Deputy County Clerk

MLH/jmp