

MUSKEGON COUNTY BOARD OF COMMISSIONERS

Ways & Means Committee

AGENDA

May 4, 2021
via Zoom

Kim Cyr, Chair
Doug Brown, Vice-Chair

Connect to Zoom from your computer, tablet or smartphone at:

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Phone: (312) 626-6799

Meeting ID: 994 3873 0182

Passcode: 196375

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MAC, at the bottom of the window on the right
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"Raise Hand"

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

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Minutes of April 13, 2021
- 4) Public Comment (on an agenda item)
- 5) Items for Consideration

WM21/04 - 46 (Finance – Beth Dick) To approve payment of the accounts payable of \$12,717,840.90 covering the period of April 2, 2021 through April 15, 2021 for checks and P Card and EFT payments for the period covering March 1 through March 31, 2021 as presented by the County Clerk.

WM21/04 – 47 (Land Bank – Tim Burgess) To approve the setting of the public hearing date to discuss the availability of \$55,274.51 in Community Development Block Grant program income funds for homeowner repair for income qualified families in Muskegon County in non-entitlement communities for May 18, 2021.

WM21/04 – 48 (Veterans – Michael Baauw) To Amend FY2021 DTE Test and Tune Budget (1010-0175) to increase expenditures by \$950,000 and revenues by \$1,020,000 to cover DTE funded projects through the end of the Fiscal Year.

WM21/04 – 49 (Administration – Mark Eisenbarth) To approve the revised committee and full board meeting calendar for July 2021.

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 the majority of the Commission.

WM21/04 – 50 (Airport – Bob Lukens) To reassign the ground lease for the hangar currently owned by Ellis One LLC to MPD Aviation LLC at a cost of \$0.26 per square foot with CPI increases every five (5) years for a term from 2021 to 2039, at which time the hangar will revert to County ownership and MPD Aviation will have the first right of refusal to lease the ground and hangar building from the County through 2049 and beyond, in 10-year increments.

6) Unfinished Business

WM21/03 – 39 was tabled on April 1, 2021, until May 4, 2021, to have more information provided by the IT Director. The motion read as follows:

To allow the County Information Technology Department to go out for a Request for Bids for up to 100 laptops/tablets pending future grant funding.

7) New Business

8) Public Comment

9) Final Board Comment

10) Adjourn (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

MUSKEGON COUNTY BOARD OF COMMISSIONERS
Ways & Means Committee

April 13, 2021
4:00 p.m. via Zoom

Kim Cyr, Chair
Doug Brown, Vice-Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Commissioner Cyr at 4:02 p.m.

ROLL CALL

Present: Doug Brown (Muskegon), Marcia Hovey-Wright (Muskegon), Susie Hughes (Muskegon), Zach Lahring (Muskegon), Charles Nash (Muskegon), Malinda Pego (Muskegon), Bob Scolnik (Norton Shores), Rillastine Wilkins (Muskegon), Kim Cyr (Muskegon)

Also Present: Mark Eisenbarth, County Administrator; Kathy Tharp, Administrative Coordinator

APPROVAL OF MINUTES

It was moved by Commissioner Nash, supported by Commissioner Hughes, to approve the minutes of the April 1, 2021, meeting as written.

Roll Call:

Yes: Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Bob Scolnik, Rillastine Wilkins, Doug Brown, Kim Cyr

No: None

Motion carried.

PRESENTATION: 2020 Audit

PUBLIC COMMENT - None

ITEMS FOR CONSIDERATION

WM21/04 - 41 It was moved by Commissioner Hughes, supported by Commissioner Hovey-Wright, to approve payment of the accounts payable of \$2,970,284.71 covering the period of March 19, 2021 through April 1, 2021 for checks as presented by the County Clerk.

Roll Call:

Yes: Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Bob Scolnik, Rillastine Wilkins, Doug Brown, Marcia Hovey-Wright, Kim Cyr

No: None

Motion carried.

WM21/04 - 42 It was moved by Commissioner Nash, supported by Commissioner Hughes, to approve the resolution adopting the 2021 equalized valuation for Muskegon County as determined and submitted by the Muskegon County Equalization Department.

It was moved by Commissioner Pego, supported by Commissioner Lahring, to postpone WM21/04 – 42 to full board on April 20, 2021.

Roll Call:

Yes: Bob Scolnik, Rillastine Wilkins, Doug Brown, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Kim Cyr

No: None Motion to postpone to full board carried.

WM21/04 - 43 It was moved by Commissioner Lahring, supported by Commissioner Wilkins, to waive the procurement policy and authorize DLZ to provide a facility condition assessment on County owned buildings and grounds for a not to exceed cost of \$50,000 and authorize the Board Chair to sign the agreement.

It was moved by Commissioner Lahring, supported by Commissioner Pego, to call the question on WM21/04 – 43.

Roll Call – Call the Question (2/3 required):

Yes: Malinda Pego, Robert Scolnik, Doug Brown, Zach Lahring, Kim Cyr

No: Charles Nash, Rillastine Wilkins, Marcia Hovey-Wright, Susie Hughes Motion failed.

Roll Call – 21/04 – 43:

Yes: Rillastine Wilkins, Doug Brown, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Robert Scolnik, Kim Cyr

No: Malinda Pego Motion carried.

WM21/04 - 44 It was moved by Commissioner Nash, supported by Commissioner Hughes, to allow the IT Department to renew TrendMicro AntiVirus software agreement for three years and authorize the Board Chair to execute the agreement.

Roll Call:

Yes: Robert Scolnik, Rillastine Wilkins, Doug Brown, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Charles Nash, Malinda Pego, Kim Cyr

No: None Motion carried.

UNFINISHED BUSINESS - None

NEW BUSINESS

Commissioner Hughes requested Administrator Eisenbarth look into some unexpected things with the airport. A former employees said that there are a lot of things that we are paying for that we didn't

think we were going to have to pay for like phones, email, VDI, BS&A, desktops, vehicles, and other stuff. She would like a report at the next meeting on what all the county is providing for them because she thought that they were going to come in and take over everything.

WM21/04 – 45 It was moved by Commissioner Pego, supported by, Commissioner Lahring, for Muskegon County to Adopt a Resolution Banning Social Passports (ex: Vaccine Passports) within the Boundaries of Muskegon County.

Roll Call:

Yes: Zach Lahring, Malinda Pego, Doug Brown, Kim Cyr

No: Charles Nash, Robert Scolnik, Rillastine Wilkins, Marcia Hovey-Wright, Susie Hughes

Motion failed.

Commissioner Lahring asked the County Administrator to report on the status of the sheriff's bond with the State. Commissioner Pego requested that the executors and administrators of the bond be included in the report.

PUBLIC COMMENT

10 citizens voiced their agreement in favor of the passport resolution.

Two citizens thanked the Board for extending the COVID-19 Emergency Order.

FINAL BOARD COMMENT

Commissioner Hughes requested corporate counsel to look into it and see if it is legal or against the rules to text during the meetings because she has had a couple people say they are being texted during meetings. She thinks that is against the rules.

Chairman Scolnik commented that we have no control over the national rules regarding passports; he thought he heard the president say he was against passports. He understands people are concerned. We have been assured that there won't be. He has received a lot of comments, phone calls and in person, text messages, Facebook messages asking him to stop this constant bringing stuff up at meetings -- they're calling it a circus -- and get back to what we're here for is county business and not running the federal government; and here we did it again. He spoke about the division of people who believe in the vaccine and the people who do not believe in the vaccine. Today was a protest against vaccines. He believes the people who don't believe in the vaccine are in a pretty large minority. Those calling in are very well orchestrated; many of them are reading scripts. This is what we call the beginning of tyranny of the minority. There are a lot of the public that have had enough of this and we're going to get a lot of phone calls.

Commissioner Lahring takes offense to Chairman Scolnik's comments. This is not a protest. This is called public debate. This is where this forum is contested in the public arena. This is how rights are attributed to people through debate, left or right, republican or democrat; it doesn't matter. This is where it has to happen. This is where the public engages their elected officials. It leads to a protest if

we try to squelch this public comment. He actually encourages more of this. He stated a lot of this board's problem is that they are missing their 6 o'clock tee off times or something. We need to be able to have these debates publicly, agree or disagree, and then we vote. He is completely in favor of as many callers who want to call in and state their opinions and make their voices heard. He spoke about the minority and the tyranny. He didn't know where Chairman Scolnik got the doctrine from. He would like to see his sources. That may be under the communist manifesto, but it is certainly not in the republican documents.

Commissioner Nash stated that Commissioner Scolnik is completely right. He thinks that our community is beginning to look at this as a serious clown show and they do not like the way that the board is conducting itself with these types of tactics. Any resolution that comes before this board should be something that we share with each other. We have to understand that words do matter, and even in a resolution those words are very important. And to not even have time to look them over; not to be able to determine if there is some misguided information or whatever it may be; I would just implore any commissioner if you're going to bring it forward try not to just spring it on us. Let's try to work this out. I'm not a huge fan of the passport issue, but I'm not going to support a resolution that I don't completely understand or may speak something against something that may not be realistic, true, or have real research behind it. Everyone is talking about their rights and abilities, but I would say look at this in a different way. You care about your health concerns and your right to choose and things of that sort. Remember that when you start thinking about a woman's right to choose when she decides what she wants to do with her body because of whatever conditions may be. We take these principles and we use them when we want to use them, but we don't use them when we don't want to use them. And I think that's hypocritical to use them when you like something that you favor, but you use them against someone else. So we really have to look at that, but I hope we can work more peaceful and working together. Sometimes we have to agree to disagree. Some of this kind of gets a little theatric and silly and our community is getting sick and tired of it.

Commissioner Hovey-Wright agreed that our meetings have become somewhat of a circus. I think we all need to learn the Board Rules and Robert's Rules. We need to follow those. Springing motions on us is not a way to run the county. This could have been done ahead of time. It's not respecting our need to look at it and think about it. I don't know how I feel about passports. I think that some of the concerns that people raised about medical problems, etc., are valid. As far as I know, it's only been businesses, sports teams, cruise lines, and what not that are requiring passports. I don't know of any governments that have done it. The first we heard about it was from those of you supporting this resolution. I'm not going to vote on anything that is sprung on us like this. Where I don't have a copy of it ahead of time and a chance to think about it, ask questions of the maker, etc., check the facts. She spoke about working together and how it may take a little more work. Some of these: the succession issue and the passports are sprung on us and not much thought is put into; facts aren't checked. It's really a distraction from what we need to be doing in the county. There are plenty of real problems that we need to address and we're not doing it because of these distractions.

Commissioner Lahring remarked that it seems to be a clown show when we pass a resolution, but when you pass welcoming resolutions that are hidden from everybody or you pass resolutions condemning a Trump rally on January 6th those aren't clown shows? But when we try to pass a resolution, those are clown shows. So, he just takes offense at your projections. Secondly,

Commissioner Nash's comment about a woman's right. He is totally in favor of a woman's rights, particularly the most vulnerable woman in our society that just happen to have their physical address in their mother's womb. Those are the rights he's most interested in. We are fundamentally or constitutionally denying a human beings constitutional right and their right to life, liberty, and the pursuit of happiness by ending their life in the very early developmental stages.

Commissioner Nash stated most of the places that were mentioned today regarding this passport are in other countries. There is no one in this country that is trying to make this happen. There was talk about that with private businesses, and they have even backed off of this issue. He just wanted to make that known.

Commissioner Cyr encouraged all of the board members to read the resolution and the attached documentation. He just read a USA Today news article from March 26 regarding passports. New York is the first with a vaccination proof system. St. Vincent is in another country, but they did not let people off the island that weren't vaccinated. Another article said that about 40% of a group of marines interviewed said they would not take a vaccine passport. He doesn't think this is a dead issue. He thinks it's a human rights issue. It's an issue that goes against our constitution and thinks we just need to get a little bit more informed and keep our eyes open.

ADJOURNMENT

There being no further business to come before the Ways & Means Committee, the meeting adjourned at 6:05 p.m.

Muskegon County Ways & Means Committee

Request for Board Consideration

Requestor: Beth Dick

Committee Date: 05/04/2021

Requesting Department: Finance

Full Board Date: 05/11/2021

Budget: Budgeted

Agenda Number: WM21/04 - 46

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



Move to approve payment of the accounts payable of \$12,717,840.90 covering the period of April 2, 2021 through April 15, 2021 for checks and P Card and Electronic Funds Transfer payments for the period covering March 1 through March 31, 2021 as presented by the County Clerk.

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

Expenditures for checks covering the period April 2, 2021 through April 15, 2021 and P Card and Electronic Funds Transfer (EFT) payments covering the period March 1 through March 31, 2021 totaled \$12,717,840.90 and included the following large or unusual items:

- 1) Payment to Lakeshore Museum Center for \$255,391.93 for pass through of current year property tax collections.
- 2) Payment to Muskegon Community College for \$2,024,937.27 for pass through of current year property tax collections.
- 3) Payment to Pioneer Resources for \$430,345.16 for HealthWest for room & board, personal care, Community Living Supports, rec club and autism contractual services.
- 4) Payment to Samaritas – LSSM for \$125,921.02 for HealthWest adult foster care home contract services.
- 5) Payment to the State of Michigan for \$667,871.25 for pass through of March state transfer taxes.
- 6) Payment to the State of Michigan for \$146,425.37 for March payroll withholding taxes.
- 7) Payments to Turning Leaf for \$120,971.02 for HealthWest room and board, personal care, and supervised apartments contractual services.
- 8) EFT payment to Michigan Finance Authority for \$3,684,372.25 for various Wastewater debt service payments.
- 9) EFT payment to the City of Muskegon for \$307,043.25 for transfer of for the transfer of accommodations tax funds to make the debt service payment on the convention center bonds.

Current and previous accounts payable detail may be viewed on the Accounting Services website at <https://www.co.muskegon.mi.us/Archive.aspx?AMID=36>

Kristen Wade, HR Director Analysis Required? No	Beth Dick, Finance Director/Management Analysis: ✓ 
Michael Homier, Corporate Counsel Analysis Required? No	Mark Eisenbarth, County Administrator Recommendation: ✓ 

COUNTY OF MUSKEGON
RECAP FOR ACCOUNTS PAYABLE

Total Checks Issued	04/02/21	through	04/15/21	\$	5,579,850.10
Total P-Card Purchases	03/01/21	through	03/31/21	\$	172,437.55
Total Electronic Fund Transfers	03/01/21	through	03/31/21	\$	6,965,553.25
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TOTAL ACCOUNTS PAYABLE				\$	12,717,840.90

Muskegon County Ways & Means Committee

Request for Board Consideration

Requestor: Tim Burgess

Committee Date: 05/04/2021

Requesting Department: Treasury/Land Bank

Full Board Date: 05/11/2021

Budget: Budgeted



Agenda Number: WM21/05 - 47

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

Move to approve the setting of the public hearing date to discuss the availability of \$55,274.51 in Community Development Block Grant program income funds for homeowner repair for income qualified families in Muskegon County in non-entitlement communities for May 18, 2021.

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

Establish the May 18, 2021, Ways & Means Committee for the public hearing of the announcement of \$55,274.51 in Community Development Block Grant program income funds for emergency repairs for income eligible homeowners in non-entitlement communities. Notice of this hearing will be announced through legal notice on MLive Muskegon. The purpose of the public hearing is notification to the public of funds available.

Kristen Wade, HR Director Analysis Required? No	Beth Dick, Finance Director/Management Analysis: ✓ 
Michael Homier, Corporate Counsel Analysis Required? No	Mark Eisenbarth, County Administrator Recommendation: ✓ 

Muskegon County Ways & Means Committee

Request for Board Consideration

Requestor: Michael Baauw

Committee Date: 05/04/2021

Requesting Department: Veterans

Full Board Date: 05/11/2021

Budget: Budgeted

Agenda Number: WM21/04 - 48

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

Move to Amend FY2021 DTE Test and Tune Budget (1010-0175) to increase expenditures by \$950,000 and revenues by \$1,020,000 to cover DTE funded projects through the end of the Fiscal Year.

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



Staff is requesting approval to increase the FY21 DTE Test and Tune Program Budget by an additional \$950,000 in expenses and \$1,020,000 in revenues to cover DTE funded projects through September, 2021.

Presently, we have DTE approved and funded projects and projects that will be completed and invoiced to us totaling \$842,026.00, with a Program Income amount of \$63,090.00. DTE and Consumers Energy Payments will pay for all of the projects currently invoiced and in process, along with the Program Income (\$905,116.00)

DTE monitors this program on the Calendar year, and as of April 15, 2021 we have spent \$1,498,906 of DTE's money in Calendar Year 2021 and we already have the commitments from DTE for the \$905,116 shown above.

We expect DTE to request us to spend additional funds in late August through Mid-September, which could be upwards of \$100,000 with approximately \$7,000 being program income.

Note: This program only has a positive effect on the General Fund Budget, and does not provide a negative impact on the General Fund nor the Veterans Department Budgets. This program is 100% funded by DTE and Consumers Energy Funded Programs.

Kristen Wade, HR Director Analysis Required? No	Beth Dick, Finance Director/Management Analysis: ✓ 
Michael Homier, Corporate Counsel Analysis Required? No	Mark Eisenbarth, County Administrator Recommendation: ✓ 

Muskegon County Ways & Means Committee

Request for Board Consideration

Requestor: Mark Eisenbarth

Committee Date: 05/04/2021

Requesting Department: Administration

Full Board Date: 05/11/2021

Budget:



Agenda Number: WM21/04 - 49

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

Move to approve the revised committee and full board meeting calendar for July 2021.

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

County offices will be closed on Monday, July 5, 2021. Customarily many staff, directors, and commissioners plan annual vacations during this holiday week. Also, the NACo Annual Conference and Exposition is also scheduled to take place both virtually as well as in-person in Maryland on July 9th through 12th, with July 8th necessary as a travel day. Administration is requesting that the Muskegon County Board of Commissions committee and full board calendar be revised according to the attached calendar rescheduling the Courts & Public Safety, Human Services, Ways & Means, and Public Works meetings.

Kristen Wade, HR Director Analysis Required? No	Beth Dick, Finance Director/Management Analysis: ✓ 
Michael Homier, Corporate Counsel Analysis Required? No	Mark Eisenbarth, County Administrator Recommendation: ✓ 

July 2021

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	W&M, C&PS and HS motions due @ noon			1 Public Works	2	3
4	5 <i>Independence Day</i>	6	7	8	9	10
NO MEETINGS					NACo Annual Conference & Exhibition In-Person and Virtual - Maryland	
11 NACo Annual Conference & Exhibition	12 <i>Agenda</i> CD-SP/ Trans/WM, motions due @ noon	13 Courts & Public Safety Human Services Ways & Means	14	15 Full Board	16	17
18	19	20 Community Dev Transportation Ways & Means	21	22	23 <i>Agenda</i>	24
25	26 W&M, C&PS and HS motions due @ noon	27 Full Board	28	29	30	31

Muskegon County Ways & Means Committee

Request for Board Consideration

Requestor: Robert M. Lukens

Committee Date: 05/04/2021

Requesting Department: Community Development
- Airport

Full Board Date: 05/11/2021

Budget: Budgeted

Agenda Number: WM21/05 - 50

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

Move to reassign the ground lease for the hangar currently owned by Ellis One LLC to MPD Aviation LLC at a cost of \$0.26 per square foot with CPI increases every five (5) years for a term from 2021 to 2039, at which time the hangar will revert to County ownership and MPD Aviation will have the first right of refusal to lease the ground and hangar building from the County through 2049 and beyond, in 10-year increments.

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



Ellis One LLC is selling their hangar to MPD Aviation and the ground lease needs to be reassigned.

The original ground lease with Ellis One began in 1999 and is a 30-year lease through 2029. The lease included CPI increases every 5 years and the current lease is at \$0.23 per sq. ft.

\$0.26 per sq. ft. is a fair market rent for similar properties at airports in the region including Kalamazoo, Traverse City, and Lansing. The next CPI increase is set for 2024. The property is 21,105 sq. ft. and the new ground lease would be \$5,487.30 annually. MPD Aviation would also enter into a new mortgage for the hangar, and in 2039 the hangar would revert to County ownership.

The lease reassignment proposed here calls for an adjustment to land rent currently at \$0.23 to a market rent of \$0.26 per sq. ft. annually for the ground lease, with a term from 2021 – 2039, at which time the hangar would revert to County ownership and the lessee, MPD Aviation, would have first right of refusal to renew the term of the lease for an additional ten year period with a market rent for the facility to be established by appraisal prior to the end of the then current term.

The lease is currently under review and revision by County Corporate Counsel and MPD Aviation counsel, and the primary terms have been agreed upon and will require approval subject to Corporate Counsel sign off.

<p>Kristen Wade, HR Director Analysis Required? No</p>	<p>Beth Dick, Finance Director/Management Analysis:</p> <p>✓ </p>
<p>Michael Homier, Corporate Counsel Analysis Required? Yes</p> <p><i>Scott Hogan</i></p>	<p>Mark Eisenbarth, County Administrator Recommendation:</p> <p>✓ </p>

Muskegon County Ways & Means Committee

Request for Board Consideration

Requestor: Ivan Phillips

Committee Date: 04/01/2021

Requesting Department: IT Department

Full Board Date: 04/06/2021

Budget: Non-Budgeted - Pending Future Grant Funding


Agenda Number: WM21/04 - 39

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

Move to allow the County Information Technology Department to go out for a Request for Bids for up to 100 laptops/tablets pending future grant funding.

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

Pending future grant funding, the Courts, Public Defender, Prosecutor, and Information Technology would like to put out a Request for Bids for laptops and tablets to promote consistent streamlined communications that will interface with the new technology that will be coming with the Courts' current Request for Proposal. These laptops will also allow select staff to work from home as well as their office.

Kristen Wade, HR Director Analysis Required? No	Beth Dick, Finance Director/Management Analysis: ✓ 
Michael Homier, Corporate Counsel Analysis Required? No	Mark Eisenbarth, County Administrator Recommendation: ➤ 