Muskegon County Board of Commissioners
Full Board Meeting

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

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

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

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

Full Board Meeting
Tuesday, February 11, 2020
3:30 p.m.

Chairman Susie Hughes, Presiding

The Full Board Meeting of the Board of Commissioners was called to order by Chairman Susie Hughes. An invocation was given by Pastor Doug MaLear, Hope Lighthouse Ministries, 2731 Peck Street, Muskegon, MI 49444. The Pledge of Allegiance was led by Commissioner Scolnik and recited in unison.

Roll Call

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

Also present: Mark Eisenbarth, County Administrator
Nancy A. Waters, County Clerk
Linda Schutter, Deputy County Clerk
Michael D. Homier, Corporate Counsel
Beth Dick, Finance Director/Assistant County Administrator
Kathy Tharp, Administrative Coordinator

2020-44 APPROVE THE AGENDA

Moved by Commissioner Wilkins, seconded by Vice-Chair Foster to approve the agenda.

Voice vote

Motion Carried
2020-45 **APPROVE THE REGULAR AND CLOSED BOARD MINUTES OF JANUARY 28, 2020**

Moved by Vice-Chair Foster, seconded by Commissioner Mahoney, to approve the Regular and Closed Board Meeting Minutes of January 28, 2020.

Voice vote **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

Dave Versluis, Michael Haueisen, Sandra Kempf, Sandy Glore, Mary Lou Nitz, Rosie Balberde, Anna Durouin, Gary Meyers, Rachelle Meyers, Michael Kempf, Karl Nitz, Larry Hardman, Alene Miller, Billie Picklesimer, LeRoy McClain, and Christine VanDyke all spoke in support of becoming a 2nd Amendment Sanctuary County.

Tony Barnes, Dalton Township Supervisor, addressed the Board that he supports the 2nd Amendment, but that he has not heard anything where the County Commissions are taking away constitutional rights to take away the 2nd Amendment. He said it is a federal and state protected right.

Richard Houtteman, Community Affairs Manager, Consumers Energy, spoke regarding shoreline erosion.

**COMMUNICATION**

A. Cheboygan County Board of Commissioners Resolution declaring Cheboygan County to be a “Second Amendment Sanctuary County.”

B. Mackinac County Board of Commissioners Resolution declaring Mackinac County to be a “Second Amendment Sanctuary County.”

C. Menominee County Board of Commissioners Resolution Requesting the Great Lakes Shoreline be declared a disaster area and seeking assistance.

D. Sanilac County Board of Commissioners Resolution Affirming the Second Amendment of the United States Constitution.
COMMITTEE/BOARD REPORTS

2020-46  APPROVE THE PROSECUTOR TO ACCEPT THE INNOVATION IN SUPERVISION INITIATIVE GRANT AND AMEND THE BUDGET ACCORDINGLY

CPS20/02-08
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to approve the Prosecutor to accept the Innovation in Supervision Initiative Grant and amend the budget accordingly.

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

2020-47  APPROVE THE PROSECUTOR TO ACCEPT THE INNOVATION IN SUPERVISION INITIATIVE GRANT AND AMEND THE BUDGET ACCORDINGLY

CPS20/02-09
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to approve the Prosecutor to accept the Innovation in Supervision Initiative Grant and amend the budget accordingly.

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

2020-48  AUTHORIZE THE PUBLIC DEFENDER’S OFFICE TO MAKE POSITION LABOR CHANGES IN ACCORDANCE WITH THE MIDC GRANT FUNDING AS PRESENTED IN THE TABLE ABOVE AND AMEND THE BUDGET ACCORDINGLY. EFFECTIVE JANUARY 5, 2020

CPS20/02-10
The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to authorize the Public Defender’s Office to make position labor changes in accordance with the MIDC grant funding as presented in the table above and amend the budget accordingly, effective January 5, 2020.

Roll call:
Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes
No: None  Motion Carried
2020-49  APPROVE THE FUNDING INCREASE IN THE AMOUNT OF $31,800.00 WITH THE COUNTY’S TOTAL ALLOCATION FOR FY2020 BEING $166,950.00 FROM THE OFFICE OF HIGHWAY SAFETY PLANNING FOR THE SECONDARY ROAD PATROL PROGRAM AND TO AMEND THE BUDGET ACCORDINGLY

CPS20/02 – 11

The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to approve the funding increase in the amount of $31,800.00 with the county’s total allocation for FY2020 being $166,950.00 from the Office of Highway Safety Planning for the Secondary Road Patrol Program and to amend the budget accordingly.

Roll call:

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

No: None

Motion Carried

2020-50  APPROVE THE SHERIFF’S OFFICE TO ACCEPT THEIR PORTION OF THE INNOVATIONS IN SUPERVISION INITIATIVE GRANT AND AMEND THE BUDGET ACCORDINGLY

CPS20/02 – 12

The Courts and Public Safety Committee recommends, moved by Commissioner Snider, seconded by Commissioner Wilkins, to approve the Sheriff’s Office to accept their portion of the Innovations in Supervision Initiative Grant and amend the budget accordingly.

Roll call:

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

No: None

Motion Carried
2020-51  AUTORIZE STAFF TO ADD J&T INSTALLERS AS AN AUTHORIZED VENDOR FOR THE 2020 AND 2021 DTE TEST AND TUNE-UP PROGRAM

HS20/02 – 03
The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to authorize staff to add J&T Installers as an authorized vendor for the 2020 and 2021 DTE Test and Tune-Up program.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes
No: None

Motion Carried

2020-52  AUTHORIZE THE COUNTY ADMINISTRATOR TO PROVIDE A LETTER OF AUTHORIZATION AND APPROVAL, ON COUNTY LETTERHEAD, TO MR. RIEKSE, STATING THAT THE COUNTY OF MUSKEGON WILL ACCEPT ONE BRONZE PLAQUE FOR PLACEMENT ON THE ISLAND, NEAR THE FLAGPOLE, AT VETERANS MEMORIAL PARK UNDER THE CONDITIONS THAT THE PLAQUE, THE MOUNT, AND THE PLACEMENT OF THE PLAQUE ARE AT NO COST TO MUSKEGON COUNTY

HS20/02 – 04
The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to authorize the County Administrator to provide a letter of authorization and approval, on County letterhead, to Mr. Riekse, stating that the County of Muskegon will accept one bronze plaque for placement on the island, near the flagpole, at Veterans Memorial Park under the conditions that the plaque, the mount, and the placement of the plaque are at no cost to Muskegon County.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Zach Lahring, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes
No: None

Motion Carried
2020-53  AUTHORIZE THE RECLASSIFICATION OF THE VETERANS RESOURCE SPECIALIST POSITION #N86101 TO VETERANS RESOURCE ANALYST, NO-00290 WITH A WAGE RANGE FROM $22.982-$28.961 PER HOUR, AND TO RETAIN DECENTHIA HATCHER AS THE VETERANS RESOURCE ANALYST, WITH AN EFFECTIVE PAY START DATE OF MARCH 1, 2020

The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to authorize the reclassification of the Veterans Resource Specialist position #N86101 to Veterans Resource Analyst, NO-00290 with a wage range from $22.982-$28.961 per hour, and to retain Decenthia Hatcher as the Veterans Resource Analyst, with an effective pay start date of March 1, 2020.

Roll call:

Yes:  Gary Foster, Marcia Hovey-Wright, Zach Lahrning, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes

No:  None

Motion Carried

2020-54  ACCEPT THE 2020 COUNTY VETERANS SERVICE FUND GRANT AND TO AUTHORIZE THE COUNTY BOARD CHAIR TO SIGN THE AGREEMENT BETWEEN THE STATE OF MICHIGAN AND MUSKEGON COUNTY AND AMEND THE BUDGET ACCORDINGLY

The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to accept the 2020 County Veterans Service Fund Grant and to authorize the County Board Chair to sign the agreement between the State of Michigan and Muskegon County and amend the budget accordingly.

Roll call:

Yes:  Gary Foster, Marcia Hovey-Wright, Zach Lahrning, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes

No:  None

Motion Carried
2020-55

AUTHORIZE THE BOARD CHAIR TO SIGN THE 2020 MEDICAL MARIHUANA OPERATION AND OVERSIGHT GRANT WITH THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS IN THE AMOUNT OF $34,837 EFFECTIVE JANUARY 1, 2020 TO SEPTEMBER 15, 2020

The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to authorize the Board Chair to sign the 2020 Medical Marihuana Operation and Oversight Grant with the Michigan Department of Licensing and Regulatory Affairs in the amount of $34,837 effective January 1, 2020 to September 15, 2020

Roll call:

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

No: None

Motion Carried

2020-56

TO APPROVE ADJUSTING FY20 SENIOR MILLAGE AWARDS FOR MUSKEGON COMMUNITY COLLEGE/LAKESHORE FITNESS CENTER – NEXT STEPS PROGRAM TO $60,000; FRUITPORT LIONS SENIOR POWER OF PRODUCE TO $30,000; HEALTH PROJECT SERVICE NAVIGATION TO $58,471; AGEWELL SERVICES SENIOR CENTER ACTIVITIES TO $100,000; AND ORCHARD VIEW COMMUNITY EDUCATION SENIOR CENTER ACTIVITIES TO $18,000 EFFECTIVE OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020; AND TO AUTHORIZE THE DESIGNATED SENIOR MILLAGE GRANTS ADMINISTRATOR, SENIOR RESOURCES TO PROCEED WITH THE ADMINISTRATION OF THE PROGRAMS

The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to approve adjusting FY20 senior millage awards for Muskegon Community College/Lakeshore Fitness Center – Next Steps Program to $60,000; Fruitport Lions Senior Power of Produce to $30,000; Health Project Service Navigation to $58,471; AgeWell Services Senior Center Activities to $100,000; and Orchard View Community Education Senior Center Activities to $18,000 effective October 1, 2019 through September 30, 2020; and to authorize the designated Senior Millage Grants Administrator, Senior Resources to proceed with the administration of the programs

Roll call:

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

No: None

Motion Carried
APPROVE TO VET ADJUSTING FY20 SENIOR MILLAGE AWARDS FOR AGEWELL SERVICES ELDER ABUSE PREVENTION TO $222,235 EFFECTIVE OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020 AND SUBMIT A WRITTEN PROPOSAL FOR #HS20/02-09 TO THE NEXT WAYS & MEANS COMMITTEE MEETING ON FEBRUARY 18, 2020

The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to approve to vet adjusting FY20 senior millage awards for AgeWell Services Elder Abuse Prevention to $222,235 effective October 1, 2019 through September 30, 2020 and submit a written proposal for #HS20/02-09 to the next Ways & Means committee meeting on February 18, 2020.

Roll call:

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

No: None

Motion Carried

APPROVE ADJUSTING FY20 SENIOR MILLAGE AWARDS FOR CITY OF MUSKEGON MAJOR HOME REPAIRS TO $200,000; CITY OF MUSKEGON HEIGHTS MAJOR HOME REPAIRS TO $337,500; AND TRINITY VILLAGE MAJOR HOME REPAIRS TO $91,000 EFFECTIVE OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020; AND TO AUTHORIZE THE DESIGNED SENIOR MILLAGE GRANTS ADMINISTRATOR, SENIOR RESOURCES TO PROCEED WITH THE ADMINISTRATION OF THE PROGRAMS

The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to approve adjusting FY20 senior millage awards for City of Muskegon Major Home Repairs to $200,000; City of Muskegon Heights Major Home Repairs to $337,500; and Trinity Village Major Home Repairs to $91,000 effective October 1, 2019 through September 30, 2020; and to authorize the designed Senior Millage Grants Administrator, Senior Resources to proceed with the administration of the programs.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: Zach Lahring

Motion Carried
2020-59  AUTHORIZE PUBLIC HEALTH TO ACCEPT SPECIAL FUNDING IN THE AMOUNT OF $5,000 EFFECTIVE OCTOBER 1, 2019 TO JUNE 30, 2020; AND AUTHORIZE THE PUBLIC HEALTH DIRECTOR TO SIGN THE RELATED CONTRACT AGREEMENT WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Human Services Committee recommends, moved by Commissioner Nash, seconded by Commissioner Snider, to authorize Public Health to accept special funding in the amount of $5,000 effective October 1, 2019 to June 30, 2020; and authorize the Public Health Director to sign the related contract agreement with the Michigan Department of Health and Human Services.

Roll call:

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

No: None

Motion Carried

2020-60  APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF $25,620,032.00, COVERING THE PERIOD OF JANUARY 11, 2020 THROUGH JANUARY 24, 2020 FOR CHECKS AND DECEMBER 1, 2019 THROUGH DECEMBER 31, 2019 FOR P-CARD AND EFT PAYMENTS, AS PRESENTED BY THE COUNTY CLERK

The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to approve payment of the accounts payable of $25,620,032.00, covering the period of January 11, 2020 through January 24, 2020 for checks and December 1, 2019 through December 31, 2019 for P-Card and EFT payments, as presented by the County Clerk.

Roll call:

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

No: None

Motion Carried
APPROVE THE LICENSE AGREEMENT BETWEEN THE COUNTY OF MUSKEGON AND THE BURNING FOOT BEER FESTIVAL/MICHIGAN BREWERS GUILD TO HOST THE BURNING FOOT BEER FESTIVAL AT HERITAGE LANDING AUGUST 29, 2020, TO ALLOW ON-SITE FESTIVAL CAMPING AT THE FACILITY PER THE AGREEMENT, AND TO AUTHORIZE THE CHAIRPERSON OF THE COUNTY BOARD TO EXECUTE THE AGREEMENT

WM20/02 – 09
The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to approve the license agreement between the County of Muskegon and the Burning Foot Beer Festival/Michigan Brewers Guild to host the Burning Foot Beer Festival at Heritage Landing August 29, 2020, to allow on-site festival camping at the facility per the agreement, and to authorize the Chairperson of the county Board to execute the agreement.

Roll call:

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

No:  None

Motion Carried

APPROVE AND ENACT THE MUSKEGON COUNTY MONUMENTATION & REMONUMENTATION PLAN 2020 AS PRESENTED BY THE MUSKEGON COUNTY SURVEYOR

WM20/02 – 10
The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to approve and enact the Muskegon County Monumentation & Remonumentation Plan 2020 as presented by the Muskegon County Surveyor.

Roll call:

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

No:  None

Motion Carried
2020-63    DISCONTINUE THE MUSKEGON 25, THE ECONOMIC DEVELOPMENT INCENTIVE PARTNERSHIP WITH THE CITY OF MUSKEGON COUNTY
WM20/02 – 11
The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to discontinue the Muskegon 25, the economic development incentive partnership with the City of Muskegon County.

Roll call:

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

No:    None

Motion Carried

2020-64    AUTHORIZING RENEWING THE CONTRACT WITH CHERRY HEALTH FOR A TERM OF ONE (1) YEAR BEGINNING MARCH 31, 2020 WITH A 3% INCREASE IN THE SQUARE FOOT RENT
WM20/02 – 12
The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to authorize renewing the contract with Cherry Health for a term of one (1) year beginning March 31, 2020 with a 3% increase in the square foot rent.

Roll call:

Yes:  Gary Foster, Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes

No:    Zach Lahring

Motion Carried

2020-65    AUTHORIZING RENEWING THE CONTRACT WITH MIEDEMA AUCTIONEERING, INC. TO PROVIDE SURPLUS EQUIPMENT AUCTION SERVICES FOR A TERM OF ONE (1) YEAR STARTING SEPTEMBER 24, 2019 PER THE TERMS STATED IN THE CONTRACT
WM20/02 – 13
The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to authorize renewing the contract with Miedema Auctioneering, Inc. to provide surplus equipment auction services for a term of one (1) year starting September 24, 2019 per the terms stated in the contract.

Roll call:

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

No:    None

Motion Carried
2020-66  AUTHORIZE STAFF TO ISSUE A REQUEST FOR QUALIFICATIONS FROM ENGINEERING/ARCHITECTURAL FIRMS TO PERFORM A SPACE NEEDS AND FACILITY CONDITION ASSESSMENT ON COUNTY FACILITIES AND EVALUATE SPACE ALTERNATIVES

WM20/02 – 14
The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to authorize staff to issue a request for qualifications from engineering/architectural firms to perform a space needs and facility condition assessment on County facilities and evaluate space alternatives.

Roll call:

Yes:  Gary Foster, Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes

No:  Zach Lahring

Motion Carried

2020-67  AUTHORIZE THE ADOPTION OF THE ATTACHED RESOLUTION TO WAIVE THE MONTHLY INTEREST CHARGE OF 1% AND THE ADMINISTRATIVE FEE OF 4% FOR THE PERIOD MARCH 1ST TO APRIL 30TH FOR 2019 DELINQUENT TAXES (FIRST YEAR OF DELINQUENCY) FOR A SENIOR CITIZEN, PARAPLEGIC, HEMIPLEGIC, QUADRIPLEGIC, ELIGIBLE SERVICEMAN, ELIGIBLE VETERAN, ELIGIBLE WIDOW, TOTALY AND PERMANENTLY DISABLED PERSON, OR BLIND PERSON IN ACCORDANCE WITH SECTIONS 211.59 AND 211.51 OF THE GENERAL PROPERTY TAX ACT 206 OF 1893, AS AMENDED

WM20/02 – 15
The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to authorize the adoption of the attached resolution to waive the monthly interest charge of 1% and the administrative fee of 4% for the period March 1st to April 30th for 2019 delinquent taxes (first year of delinquency) for a senior citizen, paraplegic, hemiplegic, quadriplegic, eligible serviceman, eligible veteran, eligible widow, totally and permanently disabled person, or blind person in accordance with sections 211.59 and 211.51 of the General Property Tax Act 206 of 1893, as amended.

Roll call:

Yes:  Gary Foster, Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes

No:  Zach Lahring

Motion Carried
AUTHORIZE THE ADOPTION OF THE ATTACHED RESOLUTION ALLOWING THE COUNTY OF MUSKEGON TREASURER TO BORROW UP TO TWELVE MILLION DOLLARS ($12,000,000) AGAINST THE ANTICIPATED 2019 DELINQUENT REAL PROPERTY TAXES

WM20/02 – 16

The Ways & Means Committee recommends, moved by Commissioner Scolnik, seconded by Vice-Chair Foster, to authorize the adoption of the attached resolution allowing the County of Muskegon Treasurer to borrow up to twelve million dollars ($12,000,000) against the anticipated 2019 delinquent real property taxes.

Roll call:

Yes: Gary Foster, Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine Wilkins, Susie Hughes

No: Zach Lahring

Motion Carried

CHAIRMAN’S REPORT/COMMITTEE LIAISON REPORTS

APPROVE COMMITTEE APPOINTMENTS/REAPPOINTMENTS

Public Health Advisory Committee – term through 12/31/2022
  • Vondie Woodbury (General Public / well-informed)

Solid Waste Planning Committee – term through 12/31/2021
  • Scott Huebler (appointment – city slot)

The Chairman recommends, moved by Commissioner Mahoney, seconded by Vice-Chair Foster, to approve the above committee appointments/reappointments.

Voice Vote

Motion Carried

- Every Wednesday through February 26th at 6:00 p.m., enjoy “Ice Breaker Wednesdays” at the Muskegon Winter Sports Complex, 462 Scenic Drive, N. Muskegon. Learn how to skate and cross-country ski for free (rink/trail pass required $5.00, rental equipment available $5.00).
- February 12th at 5:00 p.m., celebrate Black History Month at the Muskegon Community College’s free film festival in the Stevenson Center Room 1300 at 221 Quarterline Road.
- Two days, twice a year, families and friends can enjoy a free fishing weekend. The 2020 Free Fishing Weekend falls on February 15-16.
- Public information session tonight, Tuesday, February 11, 2020, at 7:00 p.m. at the Norton Shores Library, 705 Seminole Road, regarding the possible Nugent Sand development.
Public meetings regarding MATS route study on Wednesday, February 19, 2020, from 11:00 a.m. – 2:00 p.m., at the Herman Ivory Terminal at 351 Morris, and also from 6:00 p.m. – 7:00 p.m. at MCC’s Sturrus Technology Center, 288 W. Clay Ave.

COMMITTEE LIAISON REPORT

None.

ADMINISTRATOR’S REPORT

2020-70 APPROVE THE MICHIGAN DEPARTMENT OF TRANSPORTATION REVISED PROJECT AUTHORIZATION 2017-0104-P15/R1 FOR FY2020 TO PROVIDE ADDITIONAL STATE FUNDING IN THE AMOUNT OF $76,679 AND AUTHORIZE THE BOARD CHAIR TO SIGN

The Administrator recommends, moved by Commissioner Mahoney, seconded by Commissioner Wilkins, to approve the Michigan Department of Transportation Revised Project Authorization 2017-0104-P15/R1 for FY2020 to provide additional state funding in the amount of $76,679 and authorize the Board Chair to sign.

Discussion ensued.

Roll call:

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

No: None

Motion Carried

OLD BUSINESS

None
NEW BUSINESS

Commissioner Lahring moved, seconded by Vice-Chair Foster, to bring to the Courts and Public Safety Committee a resolution declaring Muskegon County a 2nd Amendment Sanctuary County.

Discussion ensued.

Roll call:

Yes: Zach Lahring, Gary Foster, Robert Scolnik

No: Marcia Hovey-Wright, Kenneth Mahoney, Charles Nash, I. John Snider II, Rillastine Wilkins, Susie Hughes

Motion Failed

PUBLIC COMMENT

Elenore Cantor, Stacy Roberson, Donna Iberson, Amanda Rupert, Kathy McIntyre, Darma Canter, Murone Ali, Latoya Pevy, Al Green, Michael Haueisen, David Strandt all spoke against changes presented in MATS route study.

Larry Hardman, Rosie Balberde, Rashelle Meyers, Billie Picklesimer, Malinda Pego, Gary Meyers, and Dave Versluis spoke for 2nd Amendment rights.

FINAL BOARD COMMENT

Commissioner Lahring brought to the Board’s attention that there is an issue with hat-wearing during the meetings when it is a MAGA hat, but when other residents come up during public comment there is no issue. Commissioner Lahring wondered why some hats were allowed and some hats weren’t, he disagrees with the favoritism shown.

Commissioner Snider indicated that he was tempted to bring up the issue, but under the circumstances, decided not to today. He said he would be bringing it up in the future. Commissioner Lahring asked what those circumstances were and that a precedence was set today.

Commissioner Nash commented on the Board’s taking an oath to support the constitution which supports 2nd Amendment rights, so there’s no need to reaffirm that oath. He further stated that regarding the hat issue, there are laws and statutes that prohibit Board members from wearing political propaganda and the Board cannot pick and choose what laws they are going to abide by.

Vice-Chair Foster indicated that there would have been no harm in sending the resolution to declare Muskegon County a 2nd Amendment Sanctuary County to Committee.
2020-71 GO INTO CLOSED SESSION REGARDING TWO ITEMS:  A) PURSUANT TO MCL 15.268(E) TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH PENDING LITIGATION ON ANTOL, ET AL V DENT, ET AL; CASE NO. 1:17-CV-00613; AND B) PURSUANT TO MCL 15.268(H) TO DISCUSS MATERIAL EXEMPT FROM DISCLOSURE UNDER THE ATTORNEY-CLIENT PRIVILEGE, MCL 15.243(1)(G)

Moved by Commissioner Snider, seconded by Commissioner Mahoney, to go into Closed Session regarding two items:

    A) Pursuant to MCL 15.268(e) to consult with its attorney regarding trial or settlement strategy in connection with pending litigation on Antol, et al v Dent, et al, Case No. 1:17-cv-00613; and
    B) Pursuant to MCL 15.268(h) to discuss material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g).

Roll call:

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

No: None Motion Carried

Went into closed session at 4:52 p.m.

The doors were opened to the public at 5:06 p.m.

2020-72 MOVED BY COMMISSIONER NASH, SECONDED BY COMMISSIONER MAHONEY TO RETURN TO OPEN SESSION

Returned to open session at 5:06 p.m.

Voice vote Motion Carried

2020-73 MOVED BY COMMISSIONER SCOLNIK, SECONDED BY COMMISSIONER MAHONEY, TO ACCEPT THE RECOMMENDATION OF CORPORATE COUNSEL

Roll call:

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

No: None Motion Carried
2020-74 MOVED BY COMMISSIONER NASH, SECONDED BY COMMISSIONER MAHONEY TO ADJOURN

Meeting adjourned at 5:10 p.m.

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Nancy A. Waters, County Clerk

NAW/Iss

To Be Approved at Full Board Meeting on Tuesday, February 25, 2020.
RESOLUTION FOR THE DEFERMENT OF TAXES
PAID BEFORE MAY 1ST AND WAIVING THE MONTHLY INTEREST CHARGE OF 1%
AND THE COUNTY ADMINISTRATIVE FEE OF 4% FOR THE PERIOD MARCH 1ST TO APRIL 30TH
AS PROVIDED BY SECTIONS 211.59 AND 211.51 OF
THE MICHIGAN GENERAL PROPERTY TAX ACT 206 OF 1893, AS AMENDEND.

WHEREAS, the General Property Tax Act Sections 211.59 and 211.51 provide that a "County" may pass a resolution for the deferment of taxes paid before May 1st (in the first year of delinquency), whereby waiving the monthly interest charge of 1% and the administrative fee of 4% for the following individuals; a senior citizen, paraplegic, hemiplegic, quadriplegic, eligible serviceman, eligible veteran, eligible widow, totally and permanently disabled person, or blind person.

WHEREAS, the individual(s) also meet the income guidelines of section 211.51

WHEREAS, an application will be required and approved by the County Treasurer, County Deputy Treasurer or the Treasurer of any Village, City or Township within its jurisdiction.

NOW THEREFORE BE IT RESOLVED BY THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS
Approve to waive the monthly interest charge of 1% and the administrative fee of 4% for the period March 1st to April 30th for 2019 delinquent taxes (first year of delinquency) for a senior citizen, paraplegic, hemiplegic, quadriplegic, eligible serviceman, eligible veteran, eligible widow, totally and permanently disabled person, or blind person.
COUNTY OF MUSKEGON  
STATE OF MICHIGAN  

RESOLUTION TO BORROW  
AGAINST ANTICIPATED  
DELINQUENT 2019 TAXES

WHEREAS, the Board of Commissioners of Muskegon County (the “County”) has adopted a resolution establishing a Muskegon County delinquent tax revolving fund (the “100% Tax Payment Fund” or “Tax Payment Fund” or “Fund”) pursuant to Section 87b of Act No. 206 of the Public Acts of 1893, as amended, and it appears desirable to borrow to fund part of the Fund for the 2019 Delinquent Taxes (the “Funded Taxes”); and

WHEREAS, the purpose of the Fund is to allow the County Treasurer (the “Treasurer”), to pay from the Fund any or all delinquent taxes which are due and payable to the County, school districts, intermediate school districts, community colleges, cities, townships, special assessment or drain districts, the State of Michigan SET tax, or any other political unit or county agency (the “Taxing Units”) for which delinquent tax payments are due on settlement day with the county, city or township treasurer; and

WHEREAS, it is necessary that the County borrow not to exceed TWELVE MILLION DOLLARS ($12,000,000) and issue its notes (the “Notes”) in anticipation of the collection of the Funded Taxes for deposit into the Fund.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The County, pursuant to Sections 87(c), 87(d) and 89 of the aforesaid Act No. 206, shall borrow TWELVE MILLION DOLLARS ($12,000,000) or any part thereof not exceeding the total of the actual amount of the Funded Taxes outstanding on March 1, 2020, exclusive of interest, fees and penalties, and issue its “General Obligation Limited Tax Notes,

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Series 2019", payable from the collection of the Funded Taxes outstanding and unpaid on March 1, 2020 or such later date as the Treasurer shall fix. The proceeds of the Notes representing the Funded Taxes shall be placed in the Fund and used as the whole or part of the 2019 Tax Payment Account of the County as hereinafter provided, and the establishment of said Fund is hereby ratified and confirmed. Regardless of any provisions in this resolution to the contrary, the Treasurer shall have the authority, in reducing the amount of Notes to be sold, to fix or eliminate the provisions for call of Notes prior to maturity or to pledge for payment of the Notes an amount of Funded Taxes less than that outstanding on March 1, 2020, as may be determined by him to be necessary or desirable in order to better structure the Notes and/or to obtain the best advantage for the County in issuing the Notes, and the Treasurer shall further be authorized to take all actions in the course of issuing the Notes as shall be consistent with such fixing or elimination.

2. The Notes shall be dated as of the date of their delivery, or such other date as the Treasurer may fix, and shall be either bearer or registered as to principal and/or interest, in minimum denominations of $5,000 or integral multiples of $5,000 up to the amount of a single maturity, numbered as determined by the Treasurer or the transfer agent, callable as determined by the Treasurer and payable annually or semiannually on such dates the Treasurer shall determine, the last maturity being no later than six years after the date of issue of the Notes. Although the provisions, terms and forms in this resolution relate to fully registered Notes, the Treasurer is authorized to make such changes as may be necessary to issue bearer Notes or to have the Notes issued in book entry form through a securities depository company.

The Notes shall bear interest at a rate or rates determined on sale thereof, not exceeding the maximum rate permitted by law, payable semiannually on the same date as principal payments are due and at six month intervals from such date, the first interest payment date to be
not later than twelve months after the date of issue, by check drawn on the transfer agent mailed to the registered owner at the registered address, as shown on the registration books of the County maintained by the transfer agent. Interest shall be payable to the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the County to conform to market practice in the future. The principal of the Notes shall be payable at such bank or trust company as may be named as transfer agent by the Treasurer, and the transfer agent may be changed by the Treasurer as provided herein.

3. There is hereby established in the Fund a 2019 General Obligation Limited Tax Note Collection Account (the “Account”) effective as of March 1, 2020, into which Account the Treasurer shall allocate on his books and records all payments received on account of the Funded Taxes as returned to him by any Taxing Unit to be used solely for payment of principal and interest on the Notes.

4. All collections of the Funded Taxes, including all interest and penalties thereon, as well as all County property tax administration fees and any amounts received by the County from the Taxing Units as chargebacks or otherwise by reason of uncollectibility of delinquent taxes (the “Pledged Funds”), are hereby pledged for the prompt payment of the principal of and interest on the Notes and shall be used for no other purpose until such amounts are paid in full, except as hereinafter provided.

5. The Notes shall also be a general obligation of the County, secured by its full faith and credit, which shall include the County’s limited tax obligation, within applicable constitutional and statutory limits, and its general funds. The County budget shall provide that if
the pledged delinquent taxes and any other pledged amounts are not collected in sufficient amounts to meet the payments of principal and interest due on the Notes, the County, before paying any other budgeted amounts, will promptly advance from its general funds sufficient money to pay that principal and interest as a first budget obligation. The County may thereafter reimburse itself from surplus Pledged Funds not currently needed to pay principal of and interest on the Notes.

6. The Treasurer, pursuant to Section 87b, subsection 2, of Act No. 206 is hereby designated as Agent for the County.

7. The Treasurer shall use the proceeds of the Notes to continue payment of the 2019 delinquent taxes from the Fund to the Taxing Units, as provided by law, and to pay the expenses of the borrowing, unless the same are paid from administration fees before application to debt service.

8. The Treasurer shall execute the Notes on behalf of the County by means of his manual or facsimile signature and shall cause to be imprinted thereon or by facsimile the seal of the County. No Note of this series shall be valid until authenticated by an authorized officer of the transfer agent. The Notes shall be delivered to the transfer agent for authentication and shall then be delivered to the purchaser in accordance with instruction from the Treasurer upon payment of the purchase price for the Notes in accordance with the bid therefor when accepted. Executed blank Notes for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping.

Any Note may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of the Note for cancellation, accompanied by delivery of a duly executed written
instrument of transfer in a form approved by the transfer agent. Whenever any Note or Notes shall be surrendered for transfer, the transfer agent shall authenticate and deliver a new Note or Notes, for like aggregate principal amount. The transfer agent shall require the payment by the noteholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

9. The Notes shall be in substantially the following form:
NO. ___

UNITED STATES OF AMERICA
STATE OF MICHIGAN

COUNTY OF MUSKEGON

GENERAL OBLIGATION LIMITED TAX NOTE, SERIES 2019

Interest Rate

Date of Maturity

Date of Original Issue

CUSIP

______, 2020

Registered Owner:

Principal Amount: ________________ Dollars

The County of Muskegon, State of Michigan (the “Issuer”), acknowledges itself to owe and for value received hereby promises to pay, to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, with interest thereon from the Date of Original Issue or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on December 1, 2020 and semiannually thereafter. Principal of this note is payable at the principal office of ________________, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the Registered Owner hereof not less than sixty (60) days prior to any interest payment date (the “Transfer Agent”). Interest on this note is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the payment date as shown on the registration books of the Issuer maintained by the Transfer Agent, by check or draft mailed to the Registered Owner at the registered address.

The notes of this issue are payable primarily from the collections of delinquent real property taxes for the year 2019, together with interest and penalties thereon and certain administration fees, levied by the State of Michigan, the Issuer and political subdivisions therein, which taxes are payable to the County Treasurer. The Issuer, in the resolution authorizing the notes, has pledged the collections of the 2019 delinquent taxes to the payment of the notes and the interest thereon. As additional security for payment of the notes, the Issuer, by resolution of its Board of Commissioners, has pledged its full faith and credit for the prompt payment of the principal of and interest thereon, and in case of insufficiency of the funds primarily pledged, the Issuer is obligated to pay this note from its general funds, including collections of any taxes which it may levy within applicable constitutional or statutory limitations, as a first budget obligation.

The note is one of the total authorized issue of notes of even Date of Original Issue, aggregating the principal sum of $12,000,000, issued pursuant to a resolution duly adopted by the Board of Commissioners of the Issuer on February 11, 2020, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Sections 87(c), 87(d) and 89 of Act 206, Public Acts of Michigan, 1893, as amended, for the purpose of providing the whole or part of a fund for payment of delinquent taxes on real property to the State of Michigan, the County and political subdivisions therein. For a complete statement of the funds from which and the conditions under which this note is payable, and the general covenants and provisions pursuant to which this note is issued, reference is made to the above described resolution.

Notes of this issue shall not be subject to redemption prior to maturity.

This note is transferable only upon the books of the Issuer kept for that purpose at the office of the Transfer Agent by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this note together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the

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Registered Owner or his attorney duly authorized in writing, and thereupon a new registered note or notes in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing the notes, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this note, and the series of which this is one, have been done and performed in regular and due time and form as required by law.

This note is not valid or obligatory for any purpose until the Transfer Agent’s Certificate of Authentication on this note has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the County of Muskegon, State of Michigan, by its Board of Commissioners, has caused this note to be signed in the name of said County by the facsimile signature of the County Treasurer and a facsimile of the corporate seal of said County to be imprinted hereon, all as of the Date of Original Issue.

COUNTY OF MUSKEGON

By _______________________
County Treasurer

(SEAL)

[FORM OF TRANSFER AGENT’S CERTIFICATE OF AUTHENTICATION]

Certificate of Authentication

This note is one of the notes described in the within-mentioned resolution.

__________________________
Transfer Agent

By _______________________
Authorized Signatory

Date of Authentication: _____________
10. The Treasurer be and is authorized to sell the Notes at private or public sale, and if at public sale, to make any appropriate revisions to the following Official Notice of Sale and, fix a date for sale of the Notes, publish the Official Notice of Sale therefor as required by law in the Bond Buyer of New York, New York, a publication printed in the English language and circulated in this state, which carries as a part of its regular service notices of sale of municipal bonds. The Treasurer is authorized to sell the Notes at a negotiated sale if, in the judgment of the Treasurer, in order to achieve interest rate and cost of issuance savings, it is appropriate to sell the Notes on a negotiated basis. The Treasurer shall further be authorized to arrange for additional security for the Notes, including the purchase of insurance or other credit enhancement, to receive bids, award sale of the Notes and take all other steps necessary and desirable for issuance and delivery of the Notes. The notice of sale, if employed, shall be in substantially the following form:
OFFICIAL NOTICE OF SALE

$12,000,000

COUNTY OF MUSKEGON, STATE OF MICHIGAN

GENERAL OBLIGATION LIMITED TAX NOTES, SERIES 2019

SEALED BIDS for the purchase of the above notes will be received by the undersigned at the
oxof the Muskegon County Treasurer located in the County Building, Muskegon, Michigan 49440, on
______________, the ___ day of __________, 2020, until ___ o'clock ___ m., prevailing Eastern Time, at
which time and place said bids will be publicly opened and read. Sealed bids will also be received on the
same date and until the same time at the office of the Municipal Advisory Council of Michigan, 26211
Central Park Blvd., Suite 508, Southfield, Michigan, 48076, where they will be publicly opened and read.
The Notes will be awarded to the successful bidder no later than 5:00 o'clock p.m., on that date.

FAXED BIDS: Signed bids may be submitted by fax to the County at fax number
(231) 724-6549, Attention: Mr. Tony V. Moulos pivot, or to the MUNICIPAL ADVISORY COUNCIL
OF MICHIGAN at (313) 963-0943; provided that faxed bids must arrive before the time of sale, the
bidder bears all risks of transmission failure and the GOOD FAITH DEPOSIT MUST BE MADE AND
RECEIVED as described in the section captioned "GOOD FAITH" below.

ELECTRONIC BIDS: Electronic bids will also be received on the same date and until the same
time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity,
including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT
SERVICES, 1359 Broadway, Second Floor, New York, New York 10018, (212) 849-5021. IF ANY
PROVISION OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED
BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES,
THIS NOTICE OF SALE SHALL CONTROL.

Bidders may choose any means or location to present bids but a bidder may not present a bid in
more than one location or by more than one means.

DISCLOSURE: The County will supply disclosure documentation in connection with the notes
in accordance with Securities and Exchange Commission Rule 15c2-12 and the Interpretive Release
thereunder, unless advised by note counsel that it is exempted therefrom. The purchaser of the notes may
be required to provide certain certifications to note counsel to establish such exemption.

If not exempted from the above requirements, the County will provide a preliminary official
statement that the County deems to be final as of its date, except for the omission of information
permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission. Such preliminary
official statement may be obtained from the undersigned at the address listed under SEALED BIDS above
(telephone (231) 724-6261). The County will furnish, upon request of the successful bidder, copies of the
final Official Statement relating to the above described issue within seven days from the date of sale
specified above, in sufficient amounts to permit the successful bidder to comply with Rule 15c2-12 of the
Securities and Exchange Commission. The first 50 copies will be delivered at the expense of the County.
Additional copies will be supplied upon the bidder’s agreement to pay the reasonable copying charges of
the County for those copies. Any such request for additional copies should be made to the undersigned
within 24 hours of the date and time of the sale, and should set forth the number of copies requested and
the person and place to whom the final Official Statements should be delivered.

Miller, Canfield, Paddock and Stone, P.L.C.
NOTE DETAILS: Said notes will be registered notes of the denomination of $5,000 or integral multiples thereof up to the amount of a single maturity, dated as of the date of delivery thereof, numbered in order of authentication, and will bear interest from their date payable on December 1, 2020, and semiannually thereafter.

The notes will mature on the first day of December and June, as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 1, 2020</td>
<td>$__,000</td>
</tr>
<tr>
<td>June 1, 2021</td>
<td>--__,000</td>
</tr>
<tr>
<td>December 1, 2021</td>
<td>--__,000</td>
</tr>
</tbody>
</table>

PRIOR REDEMPTION: The Notes shall not be subject to redemption prior to maturity.

INTEREST RATE AND BIDDING DETAILS: The notes shall bear interest at a rate or rates not exceeding 10% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The net interest cost shall not exceed 10% per annum. The interest on any one note shall be at one rate only. All notes maturing on the same date must carry the same interest rate. The difference between the highest and lowest interest rate on the notes shall not exceed five percent (5%). No proposal for the purchase of less than all of the notes at a price less than 100% of their par value will be considered.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at , Michigan, or such other transfer agent as the Treasurer of the County may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any interest payment date. Interest shall be paid by check mailed to the owner as shown by the registration books of the County on the fifteenth day of the month prior to any interest payment date. The notes will be transferable only upon the registration books of the County kept by the transfer agent.

PURPOSE AND SECURITY: The notes are issued under the provisions of Act 206, Public Acts of Michigan, 1893, as amended, and pursuant to resolution duly adopted by the Board of Commissioners of the County for the purpose of establishing a fund to pay the 2019 delinquent taxes on real property to the State of Michigan, the County and political subdivisions therein.

The notes are issued in anticipation of, and are payable primarily from the 2019 delinquent taxes described above, including interest and penalties thereon and certain administration fees, which amounts the County has pledged for payment of principal and interest on the notes.

As additional security for the payment of the notes and the interest thereon, the County has pledged its full faith and credit for the prompt payment thereof, and, should funds primarily pledged be insufficient for payment, the County is obligated to make such payment from general funds, including the collection of any taxes which it may levy within applicable statutory or constitutional limitations, as a first budget obligation, to the extent provided by law.

The rights and remedies of the holders of the notes may be affected by bankruptcy and other laws and equitable remedies of general application now existing or hereafter enacted relating to or affecting the enforcement of the rights and remedies of creditors.

TAX MATTERS: In the opinion of note counsel, the notes will be exempt from taxation by the State of Michigan or by any taxing authority within the State of Michigan, subject to certain exceptions

Miller, Canfield, Paddock and Stone, P.L.C.
described in note counsel’s opinion, BUT THE INTEREST THEREON WILL BE SUBJECT TO FEDERAL INCOME TAX.

GOOD FAITH: A good faith deposit in the form of a certified or cashier’s check drawn upon an incorporated bank or trust company, or wire transfer, in the amount of $____ payble to the order of the Treasurer of the County will be required of the successful bidder. The successful bidder is required to submit its good faith deposit to the County not later than Noon, Eastern Daylight Time, on the next business day following the sale. The good faith deposit will be applied to the purchase price of the notes. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the County. No interest shall be allowed on the good faith check. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the notes shall be made at the closing.

AWARD OF NOTES—TRUE INTEREST COST: The notes will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single rate interest rate (compounded on December 1, 2020 and semi annually thereafter) necessary to discount the debt service payments from their respective payment dates to ______, 2020, in an amount equal to the bid price, excluding accrued interest.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the notes at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C., for services rendered in connection with such approving opinion may be paid from note proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above notes, Miller, Canfield, Paddock and Stone, P.L.C., has made no inquiry as to any financial information, statements or materials contained in the Official Statement or otherwise relating to the notes and has not independently verified any such financial information, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the notes, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial information, statements or materials.

DELIVERY OF NOTES: The County will furnish notes ready for execution at its expense. Notes will be delivered without expense to the purchaser through DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the notes, will be delivered at the time of delivery of the notes. If the notes are not tendered for delivery by Noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the notes, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the County shall promptly return the good faith deposit. Payment for the notes shall be made in Federal Reserve Funds.

CUSIP NUMBERS: CUSIP identification numbers will be printed on the notes, but neither the failure to print the number nor any error with respect thereto shall constitute cause for refusal by the purchaser to accept delivery of the notes. All expenses in relation to the printing of CUSIP numbers shall be paid for by the issuer except that the CUSIP Service Bureau charge for the assignment of numbers shall be the responsibility of and paid for by the purchaser.

INFORMATION: Additional information concerning the note issue may be obtained from the County’s financial advisor, PFM Financial Advisors LLC, 555 Briarwood Circle, Suite 333, Ann Arbor, Michigan 48108, Telephone (734) 994-9700, Fax (734) 994-9710, or from the County Treasurer at the address listed above (telephone 231-724-6261).

Miller, Canfield, Paddock and Stone, P.L.C.
THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked “Proposal for Notes”.

TONY V. MOULOTSIO TIS
Treasurer, County of Muskegon
11. The Treasurer is authorized to retain Miller, Canfield, Paddock and Stone, P.L.C., Attorneys of Detroit, Michigan, to assist in the issuance and delivery of the Notes.

12. The Treasurer shall employ the chargeback provisions set out in said Act No. 206, in the manner determined by him to best provide for the payment and security of the Notes.

13. The Treasurer is authorized to make such additional changes in the form of Note and in the form of Notice of Sale authorized by the Resolution as in his judgment he deems necessary or expedient to issue the Notes, and the Treasurer is also authorized to take all other necessary or desirable action in order to issue the Notes within the parameters of this resolution, should he determine such action to be advisable.

14. The County Administrator, Director of Finance and the Treasurer are each authorized to file any documentation necessary to issue the Notes with the Michigan Department of Treasury, if necessary, including filing for an exemption from the rating requirement, and are each further authorized to take all other steps necessary and desirable for issuance and delivery of the Notes.

15. The County shall keep full and complete records of all deposits to and withdrawals from each of the funds and accounts in the Fund and of all other transactions relating to the funds and accounts and of all investments of moneys in such accounts and the interest and gain derived therefrom.

16. The County covenants to comply with Securities Exchange Commission Rule 15c23-12 (the "Rule") respecting continuing disclosure undertakings and appoints the County Treasurer or his or her designee as its Disclosure Representative in connection with the notes.

17. Since the Treasurer is acting on behalf of the County in the sale and delivery of the notes, the County hereby appoints the Treasurer as its agent to make any amendments,
deletions or additions to the foregoing covenant and undertaking as may be determined by the Treasurer, the County or advisors to either to be desirable or necessary to comply with the Rule and to successfully market the Notes. Any such amendments, deletions or additions shall be binding upon the County without further action by the County, but the Treasurer shall promptly notify the County of any such amendments, deletions or additions.

18. The Treasurer shall set out the final statement of the foregoing undertaking and covenant of the County under the Rule as binding upon the County in his Order awarding the Notes to the successful bidder, and the Treasurer shall further cause to be set out in the Official Statement for the Notes appropriate provisions relative to continuing disclosure and the covenant and undertaking of the County to meet the requirements of the Rule.

19. Whenever used in this resolution, the term “Treasurer” or “County Treasurer” shall mean the Treasurer of the County of Muskegon, Michigan, or in the event of his absence or disability, his Chief Deputy.

20. All resolutions and parts of resolutions conflicting with this resolution are hereby repealed.

AYES: Members

NAYS: Members

RESOLUTION DECLARED ADOPTED.

County Clerk
I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners of the County of Muskegon, State of Michigan, at a regular meeting held on February 11, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

__________________________
County Clerk

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