

IONIA COUNTY BOARD OF COMMISSIONERS
April 23, 2019
Regular Meeting
7:00 p.m.

The Chair called the meeting to order and led with the Pledge of Allegiance followed by the Invocation.

Members present: Georgia Sharp, Jack Shattuck, Chris Bredice, Larry Tiejema, Scott Wirtz and David Hodges

Members absent: Jim Banks

Others present: Jack Elliott, Mitchell Boatman, Elisabeth Walden, Brian Simon, Carol Hanulcik, Kyle Butler, Carly Quinn, Heather Poland, Brent Denny, Jeff Montgomery, Gordon Love, Linda Holmes, Deb Steele, Erica McKellips, Betsey Roberts, Stephanie Fox and Janae Cooper

Approval of the Agenda

The Chair noted the following amendments to the agenda: Add a second Closed Session and switch the order of the Closed Session items. Moved by Wirtz, supported by Shattuck to approve the agenda as amended. Motion carried by voice vote.

Action on Consent Calendar

- A. Approve minutes of the previous meeting(s)
- B. Approve closed session minutes
- C. Approve per diem and mileage
- D. Approve payment of General Fund payroll and accounts payable for the month of March 2019 - \$1,029,304.27
- E. Approve payment of Health Fund bills for March 2019 - \$91,959.84

Hearing no objections, the Chair declared the Consent Calendar approved.

Unfinished Business

A. Animal Control Ordinance - Chair Hodges stated that there will be Public Comment session regarding discussion of this topic. In addition, this item will be discussed in Closed Session and the Board will consult with an Attorney before voting on this item.

Jack Elliott commented on Article 7 of the Constitution and corporations and that changes need to be made to the Ordinance.

Brian Simon stated that adjustments need to be made to the Animal Control Ordinance, specifically regarding his personal situation. Simon commented that he does not dispute that Quinn is doing a good job.

Bredice questioned the present attorneys (Prosecutor Kyle Butler and Gordon Love) regarding the authority that Animal Control has. Butler cited the Dog Law of 1919. This law primarily deals with licensing and control. Bredice asked if Ionia County's Ordinance is above and beyond the Dog law. Butler said yes and cited excerpts of the dog law.

Bredice asked if Animal Control not being deputized allows authority to enforce the law. Butler said yes and cited the Dog Law.

Shattuck asked Butler's opinion of a specific situation and Butler cited that is a multi-layered question and answer. Butler stated that there are two issues here:

1. What to do with Section 308
2. What to do with the Animal Control Officers and their authority and how that will be handled.

Tiejema questioned another specific situation. Butler indicated that there are numerous hypothetical situations that could be discussed. Reasonable cause versus probable cause are different. The law is anything but black and white, it is in fact very gray.

Sharp asked about the process for search warrants. Butler stated that Animal Control Officers cannot get a search warrant unless they are deputized. Butler explained the process of issuing a search warrant.

Sharp questioned if Ionia County Animal Control officers can issue citations. Butler said yes.

Bredice asked if the process is easier if an Animal Control Officer is deputized. Butler said yes.

Heather Poland gave her opinion that the shelter is run very well and that it is also an emotional job for the shelter workers. The shelter is a great thing in our community.

Linda Holmes commented on Animal Control taking her dogs from her. She did not know that when she signed a paper that she was signing her dogs away. A FOIA stated that her dogs were kenneled 24/7. She said Animal Control also contacted her daughters. Holmes stated that the reports were not accurate and that she did not abuse her dogs. Holmes wants her dogs back.

Chair Hodges stated that he spoke with Holmes on the phone.

Holmes stated that they took her whole family.

Sharp asked if a citation had been issued. Holmes said no and that she was not aware of what she was signing. She is not aware of what the complaint was.

Holmes is here because she wants her dogs back and no one will help her. She has not been allowed to see her dogs.

Jack Elliott commented on Butler's responses and stated that the county is subject to liability and that Quinn is not a sworn oath officer.

Tiejema asked Butler if the animal owner has any rights or regress. Butler stated that if she signed a contract then she has no recourse. Butler stated that a person needing legal help should consult with an attorney and that all commissioners should read the Dog Law. Butler cited sections of the law that the county can take for avenues to establish an ordinance different than the state law.

Holmes stated that she does not know what the complaint was in regards to. Simon stated that when Animal Control came onto his property that he asked to see the complaint and Animal Control said that they did not have it on them. Hodges stated that the Board it looking into this.

B. Appointments

1. Moved by Tiejema, supported by Bredice to appoint Ken Thompson to the Area Agency on Aging Advisory Council, one three-year term. Motion carried by voice vote.
2. Moved by Tiejema, supported by Wirtz to appoint Julianne Burns, Linda Willison and Bill Kavanagh to the EDC/BRA, three three-year terms. Motion carried by voice vote.
3. Moved by Tiejema, supported by Bredice to appoint Clare Colwell to the Land Bank Authority, one three-year term. Motion carried by voice vote.
4. Moved by Tiejema, supported by Wirtz to appoint Margaret Gregory to the Jury Board, one six-year term. Motion carried by voice vote.

New Business

- A. Moved by Bredice, supported by Tiejema to approve the 2019 Equalization Report. Motion carried by voice vote.
- B. Moved by Shattuck, supported by Wirtz to approve the Driveway Easement Agreement for property located at Central Dispatch with Partners in Animal Health, LLC and authorize appropriate signatures. Motion carried by voice vote.
- C. Moved by Wirtz, supported by Sharp to approve the FY 2020 Community Corrections Grant application as presented. Motion carried by voice vote. Sharp commended Ron Morseau on an excellent job on the grant application. Wirtz commented that Community Corrections is in the best shape that he has ever seen it.
- D. Moved by Tiejema, supported by Wirtz to approve the MDOT Budget Amendment for Commission on Aging. Motion carried by voice vote.
- E. Moved by Tiejema, supported by Shattuck to approve the Budget Amendment for additional AAAMW Funding for Commission on Aging. Motion carried by voice vote.
- F. Moved by Tiejema, supported by Shattuck to approve signature on the 2020-2022 Proposal to Provide Services under the Older Americans Act, administered by the Area Agency on Aging of Western Michigan. ICCOA will hand deliver to AAAMW. Motion carried by voice vote.

G. Carol Hanulick, COA Director, gave the Commission on Aging Annual Report (a full report is on file in the Clerk's Office). Deb Steele talked about the In-Home Services Department. Hodges and Tiejema both commended Carol Hanulick and COA on a job well done.

Chairperson's Report

Chair Hodges asked Commissioners to bring their Strategic Planning packets to the meeting. He would like to see the committees to meet regularly and give a report at the last meeting of every month. The following Strategic Planning topics were assigned to the following committees:

- Finance - Audit Committee
- HR - Personnel Committee
- Facilities - Facilities Committee
- Information Systems - Assign the Phone Systems to Facilities and I.T. to the Personnel Committee
- Elected Road Commissioner Positions - Personnel Committee
- Dissolve Tax Allocation Board - Audit Committee

Hodges announced that this Friday is the Lincoln Day Dinner.

Commissioner Reports

Sharp attended the Portland COA opening dinner.

Wirtz commended Community Corrections.

Bredice stated that the new Facilities Manager has been hired.

Tiejema attended the annual dinner for AAAM.

County Administrator Report

Stephanie Fox, County Administrator received 65 applications for positions in Administration and Bookkeeping/Payroll.

Central Dispatch / MSP will be combining shortly. A final walk through was completed the other day.

Public Comment

Jack Elliott commented that he would like the authority be cited for the Dog Ordinance.

Wirtz noted that his per diem needed amended. The Personnel Committee meeting on 3-26 should be amended from \$25 to \$50 and add \$50 to the 3-12 Personnel Committee meeting. Moved by Sharp, supported by Bredice to accept this change. Motion carried by voice vote.

Chair Hodges called for a brief recess at 8:47 p.m. and reconvened at 8:50 p.m.

Moved by Tiejema, supported by Bredice to enter into Closed Session to discuss the Attorney/Client Privilege Letter regarding the Dog Ordinance. Motion carried by the following roll call vote: yes-all.

Moved by Shattuck, supported by Tiejema to adjourn Closed Session and return to Open Session at 9:43 p.m. Motion carried by voice vote.

Moved by Shattuck, supported by Bredice to enter into Closed Session to discuss the Corrections Union Grievance. Motion carried by the following roll call vote: yes-all.

Moved by Shattuck, supported by Wirtz to adjourn Closed Session and return to Open Session at 9:57 p.m. Motion carried by voice vote.

Moved by Wirtz, supported by Shattuck to approve the Corrections Union Grievance Settlement as presented by the County Attorney Gordon Love. Motion carried by voice vote.

Adjourn

Moved by Shattuck, supported by Tiejema to adjourn the meeting at 10:00 p.m. Motion carried by voice vote.

David Hodges, Chair

Janae K. Cooper, County Clerk

Minutes approved on:
