

IONIA COUNTY BOARD OF COMMISSIONERS
Regular Meeting
April 23, 2013
7:00 p.m.

Vice Chair Banks called the meeting to order and led with the Pledge of Allegiance.

Members present: Lynn Mason, Larry Tiejema, Brenda Cowling-Cronk, Jim Banks, Scott Wirtz and Jack Shattuck

Members absent: Julie Calley

Others present: Doug DeVries, Jim Valentine, Bob Van Lente, Tom Thelen, Melissa Eldridge, Lynette Seiler, Ann Thompson, Mike Hickey, Chad Hickey, Judy Clark, Don Ransom, Lisa McCafferty, Stephanie Hurlbut and Tonda Rich

Vice Chair Banks, on behalf of the Board of Commissioners, thanked Doug DeVries for the hard work and dedication he has put forth concerning the flooding around the County.

Approval of Agenda

A. Consideration of additional items

The Vice Chair noted one additional item to be added under New Business. Moved by Cowling-Cronk, supported by Shattuck, to approve the amended agenda. Motion carried by voice vote.

Public Comment

Ann Thompson addressed the Board concerning the County's Pension Plan.

Consent Calendar

- A. Approve minutes of the previous meeting(s)
- B. Approve per diem and mileage
- C. Approve payment of General Fund payroll and accounts payable for the month of March 2013 - \$1,490,975.44
- D. Approve payment of Health Fund bills - \$139,146.58

County Clerk, Tonda Rich, requested a change to the April 9, 2013 board minutes. Per an email from Chair Calley, she requested to replace the word "tabled" with "postponed" concerning the County Clerk's additional staff request (Item H.).

Hearing no further objections, the Vice Chair declared the remaining items on the Consent Calendar approved.

Moved by Banks, supported by Shattuck, to approve the amended April 9, 2013 minutes as discussed. Motion carried by voice vote.

Unfinished Business

- A. Appointments
 - 1. Area on Aging of Western Michigan Advisory Council – Moved by Tiejema, supported by Mason, to appoint Ojar Smits to the Area on Aging of Western Michigan Advisory Council. Motion carried by voice vote.
 - 2. Commission on Aging Board – Moved by Mason, supported by Tiejema, to appoint Mike Jensen to the Commission on Aging Board. Motion carried by voice vote.
 - 3. Economic Development Corporation/Brownfield Redevelopment Authority – Moved by Tiejema, supported by Wirtz, to appoint Julianne Burns, Linda Willison and William Kavanagh to the Economic Development Corporation/Brownfield Redevelopment Authority. Motion carried by voice vote.
 - 4. Jury Board - Moved by Mason, supported by Cowling-Cronk, to appoint Margaret Gregory to the Jury Board. Motion carried by voice vote.
 - 5. Land Bank Authority – Moved by Wirtz, supported by Tiejema, to appoint Clare Colwell to the Land Bank Authority. Motion carried by voice vote.

New Business

- A. Moved by Shattuck, supported by Tiejema, to approve the CDBG Grant Agreement between Michigan State Housing Development Authority and Ionia County. Motion carried by voice vote.
- B. Moved by Tiejema, supported by Cowling-Cronk, to approve the Third Party Administrator Management Plan as part of the CDBG Grant Agreement. Motion carried by voice vote.
- C. Moved by Mason, supported by Wirtz, to approve the Contractual Agreement between Smith Housing Consulting (Marilyn Smith) and Ionia County as part of the CDBG Grant Agreement. Motion carried by voice vote.
- D. Central Dispatch Director, Jim Valentine, requested the Board to adopt the Resolution to Restore Surcharge Rate to 2008 Original Request Amount. Valentine stated that 22 counties filed an appeal concerning the \$1.90 surcharge that was approved by the County Commissions and the Michigan Public Service Commission reduced the surcharge to \$1.77. The 22 counties, including Ionia County, are requesting the established rate of \$1.90. Valentine stated that the Michigan Public Service Commission has entered into negotiations with attorney Van Essen to resolve this matter for all counties involved with a deadline of May 15th. Valentine explained that the adoption of the Resolution will meet the May 15, 2013 reporting deadline for the new surcharge rate with the State pending the outcome of the negotiations. Moved by Tiejema, supported by Mason, to adopt the Resolution to Restore Surcharge Rate to 2008 Original Request Amount. The Resolution was adopted by the following roll call vote: yes – all. The Resolution is as follows:

**RESOLUTION TO RESTORE SURCHARGE RATE TO
2008 ORIGINAL REQUEST AMOUNT
2013-7**

Whereas, the Ionia County ("County") Board of Commissioners ("Board") held the authority under 2007 PA 164, which amended Michigan's Emergency 9-1-1 Service Enabling Act, being MCL 484.1101 *et seq*, as amended ("9-1-1 Act") to set a default county 9-1-1 surcharge cap ("default surcharge cap") on all communications devices of residents within the County under Section 401e(1) and (2) of the 9-1-1 Act, being MCL §484.1401e(1) and (2) provided the Board acted before February 15, 2008 and the Michigan Public Service Commission ("MPSC") approved the rate set:

Whereas the Board and MPSC approved default surcharge cap set for July 1, 2008 may thereafter only be exceeded upon an authorization of the voters in the Count pursuant to Section 401b(1), being MCL §484.1401b(1);

Whereas the Board approved a default surcharge cap for the County prior to February 15, 2008 but the MPSC did not approve the rate and instead reduced that rate effective July 1, 2008;

Whereas, the Board timely appealed the MPSC's rejection and reduction of the County's default surcharge cap in the Michigan court system, resulting in a remand of the issue to the MPSC in February of 2013 by the Michigan Court of Appeals; surcharge payments that could have been assessed by the County between July 1, 2008 and July 1, 2013 (collectively referred to as the "Retroactive Surcharge";

Whereas, the residents of the County would have to pay the Retroactive Surcharge not the MPSC or State of Michigan and the County can avoid legal expenses and further delay in the implementation of its default surcharge rate if it accepts the MPSC staff's offer:

Whereas, the Board believes it is in the best interests of the County to expedite a resolution of the rate dispute with the MPSC thereby avoiding further delay and expense in the implementation of the Board set default surcharge rate and to avoid the burden on its citizens by the Retroactive Surcharge provided the dispute can be efficiently and expeditiously resolved, effective July 1, 2013;

Now, Therefore, Be It Resolved, that the Board accepts the MPSC staff's proposal and will waive and release its Retroactive Surcharge rights for denied surcharge between July 1, 2008 and July 1, 2013 provided that the MPSC approves the default surcharge rate set by the Board for July 1, 2008 by May 15, 2013, so that this rate becomes the County's default surcharge rate under the 9-1-1 Act, effective July 1, 2013;

Be It Further Resolved, that the County Clerk, Board Chairperson, 9-1-1 Director, legal counsel and/or any other county officials or representative are authorize to execute any settlement agreement or other documentation to memorialize the terms and conditions of the settlement

between the County and the MPSC and to implement the default 9-1-1 surcharge rate effective July 1, 2013.

- E. Moved by Shattuck, supported by Wirtz, to approve the Household Hazardous Waste Disposal Agreement Amendment. Melissa Eldridge with the Soil Conservation District, stated that collections are scheduled to start this upcoming Saturday. The agreement amendment is for an extension with no changes in pricing. Motion carried by voice vote.
- F. Moved by Mason, supported by Cowling-Cronk, to approve the Commission on Aging 2014-2016 Funding Proposal. Lynette Seiler, Commission on Aging Director, stated that this is continuation of funding for the same services the Commission on Aging has been doing. Motion carried by voice vote.
- G. Moved by Tiejema, supported by Mason, to approve the lease and maintenance agreement with Neopost for sixty months for the lease of a postage machine at a cost not to exceed \$162.98 per month. Motion carried by voice vote.
- H. Moved by Mason, supported by Cowling-Cronk, to adopt the Resolution for Membership in the West Michigan Regional Planning Commission. The Resolution was adopted by the following roll call vote: yes – all. The Resolution is as following:

**MEMBERSHIP IN THE
WEST MICHIGAN PLANNING COMMISSION RESOLUTION
2013-8**

WHEREAS, Ionia County is within the service area of the West Michigan Regional Planning Commission; and

WHEREAS, the Ionia County Board of Commissioners desires to become a member of the West Michigan Regional Planning Commission; and

WHEREAS, the Ionia County Board of Commissioners has received a copy of the most current Bylaws of the West Michigan Regional Planning Commission and agrees to comply with the Bylaws of the West Michigan Regional Planning Commission.

NOW THEREFORE BE IT RESOLVED that the Ionia County Board of Commissioners requests countywide membership in the West Michigan Regional Planning Commission.

- I. The Vice Chair acknowledged the filing of a PA 116 Farmland Agreement filed by Dan Heffron.
- J. Moved by Tiejema, supported by Cowling-Cronk, to approve the Friend of the Court budget amendment as presented. Motion carried by voice vote.

- K. Moved by Cowling-Cronk, supported by Tiejema, to adopt the Resolution for Dianne Shaeffer, who will be retiring on April 30, 2013. The Resolution was adopted by the following roll call vote: yes – all. The Resolution is as follows:

RESOLUTION

We gather here to pay tribute to Dianne Sheaffer who is retiring from the Ionia County Register of Deeds Office; and

WHEREAS, Dianne Sheaffer has served the Ionia County Register of Deeds Office and the citizens of Ionia County faithfully as an Abstractor; and

WHEREAS, Dianne Sheaffer has served the Ionia County Register of Deeds Office and the citizens of Ionia County with the highest degree of integrity and distinction for nearly forty-five years; and

WHEREAS, Dianne Sheaffer has positively impacted the youth of Ionia County through her dedicated leadership in County 4-H Clubs; and

WHEREAS, in recognition of her outstanding service to Ionia County, it is fitting and proper that Dianne Sheaffer be highly commended.

NOW, THEREFORE, BE IT RESOLVED, that the Ionia County Board of Commissioners, by this Resolution, expresses its deep appreciation to Dianne Sheaffer for her faithful and dedicated service and wishes her well in her retirement; and, that this Resolution be entered into the records of the Ionia County Board of Commissioners and a copy presented to Dianne Sheaffer.

Reports of Officers, Boards and Standing Committees

Doug DeVries, with Emergency Management, updated the Board on the status of the flooding in Ionia County.

Commissioner Banks updated the Board on the Personnel Committee stating they are in the process of reviewing the Personnel Policy and that this will be on the agenda for further discussion at the next meeting.

Public Comment

Chad Hickey, Ann Thompson and Mike Hickey, the family of the late Nancy Hickey, addressed the Board concerning the County Pension Plan.

The Vice Chair called for a recess at 7:54 p.m. and reconvened at 8:20 p.m.

Moved by Mason, supported by Tiejema, to enter into Closed Session to discuss an attorney opinion letter. Motion carried by the following roll call vote: yes – all.

Moved by Tiejema, supported by Wirtz, to adjourn Closed Session and return to regular session at 8:38 p.m. Motion carried by voice vote.

Moved by Shattuck, supported by Cowling-Cronk, to adjourn the meeting at 8:39 p.m. Motion carried by voice vote.

James L. Banks, Vice-Chair

Tonda Rich, Clerk

Minutes approved:
