

ALLEGAN COUNTY BOARD OF COMMISSIONERS

INDEX

AUGUST 26, 2021 SESSION

JOURNAL 69

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MORNING SESSION

AUGUST 26, 2021 SESSION – PLEDGE OF ALLEGIANCE, ROLL CALL

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on August 26, 2021 at 9:03 A.M. in accordance with the motion for adjournment of August 20, 2021, and rules of this board; Chairman Storey presiding.

The Deputy Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1	DEAN KAPENGA	DIST #5	TOM JESSUP
DIST #2	JIM STOREY	DIST #6	GALE DUGAN
DIST #3	MAX THIELE	DIST #7	RICK CAIN
DIST #4	MARK DeYOUNG		

PRESERVE ORDER OF AGENDA

2/ Moved by Commissioner Thiele, seconded by Commissioner DeYoung to preserve the order of the agenda as presented. Motion carried by roll call vote. Yeas: Storey, Thiele, DeYoung, Dugan and Cain. Nays: Kapenga and Jessup.

CLOSED SESSION: WRITTEN ATTORNEY OPINION – (FAILED)

3/ Moved by Commissioner Dugan, seconded by Commissioner Thiele to recess to closed session to discuss the written attorney opinion. Motion failed by roll call vote. Yeas: Storey, Thiele, DeYoung and Dugan. Nays: Kapenga, Jessup and Cain. (WRITTEN ATTORNEY OPINION REQUIRES 2/3 VOTE)

CLOSED SESSION: ALLEGATIONS OF MISCONDUCT OF A PUBLIC OFFICIAL

4/ Moved by Commissioner Dugan, seconded by Commissioner Thiele to recess to closed session to discuss allegations of misconduct of a public official. Motion carried by roll call vote. Yeas: Storey, Thiele, DeYoung, Jessup, Dugan and Cain. Nays: Kapenga.

RECONVENE/ROLL CALL

5/ Upon reconvening at 10:53 P.M., the following Commissioners were present: Kapenga, Storey, Thiele, DeYoung, Jessup, Dugan and Cain.

PUBLIC PARTICIPATION – COMMENTS

6/ Chairman Storey opened the meeting to public participation and the following individuals offered comments:

1. Steve McNeal of Holland read a statement to the board and noted a FOIA request will be submitted to the board

HAVE GONE

We understand that you will ~~probably be going~~ into Closed Session to review a written Legal Opinion from your County Attorney. We believe you should know **what is going to happen**, before you review that orchestrated opinion so that you have a fuller understanding of the county's position.

There are more than 1,600 members of a parents group in Allegan County that are clearly opposed to your Mask Mandate, for hundreds of reasons you have been made aware of. In addition, there are more than **500 parents** that have signed up to support lawsuits against Allegan County... **after only one day** of signing up being available. **Experienced Constitutional Law attorneys** are being retained to sue Allegan County, not with only one lawsuit, **but with hundreds of lawsuits...** because **weaponized** mask mandates from unelected bureaucrats, affect each family differently and uniquely.

A GoFundMe page is being established. If Marlina's can receive more than \$400,000 from a GoFundMe page, **certainly** hundreds of families, being **viciously attacked** by a couple of unelected bureaucrats, will receive **far more** contributions, especially because conservative commentators such as Fox New's Tucker Carlson, will be enthusiastically welcomed to report of this completely **unsubstantiated attack** on Allegan County families, and especially their children!

Its this simple. **This body will be the focus of every action going forward.** Your unelected bureaucrats are protected by the county administrator and this Board. **You** are at a crossroad that will not come again.

Either rescind the mask mandate, without more "secret meetings" and obviously overblown threats and mandates being issued against our citizens, or you will be sued by hundreds of families with **ironclad legal standing, undeniable psychological and physical damages, and determination to protect their children like you have NEVER seen!**

Pick your side.... Today.

Thank you for your kind attention.

2. Adalynn Emelander who attends Hopkins Elementary addressed the board opposing the mask mandate
3. Justin Bodine of Otsego - opposes the mask mandate
4. Gabriella Emelander of Hopkins - opposes the mask mandate

AGENDA ADDITIONS

7/ Chairman Storey asked if there were any additions or changes to the agenda. Commissioner Kapenga asked to add discussion item #4 for discussion on the administrator's meeting that took place with school administrators on August 24, 2021.

Moved by Commissioner Kapenga, seconded by Commissioner Jessup to adopt the changes to the meeting agenda as requested. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

AGENDA - ADOPTED AS AMENDED

8/ Moved by Commissioner Kapenga, seconded by Commissioner Dugan to adopt the meeting agenda as amended. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

DISCUSSION ITEMS:**DRAFT 2022 BUDGET & DRAFT 2022 CAPITAL PRESENTATION**

9/ Moved by Commissioner Dugan, seconded by Commissioner Cain to have the draft of the 2022 Budget emailed to the board for review and hold a special session if requested by the Board on a future agenda.

Moved by Commissioner DeYoung, seconded by Commissioner Dugan to amend the resolution to also have the draft of the 2022 Capital presentation to be emailed to the board along with the 2022 Budget. Motion amendment carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

Original motion as amended carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

ADMINISTRATIVE UPDATE

10/ Administrator Rob Sarro noted his written report was submitted to Commissioners. Highlights included employment opportunities; courthouse construction; broadband action workgroup; storm damage from August 10th and 11th; animal shelter project updates; scrap tire collection update; parks activities; tourist council Heritage Trail update; and environmental health service delivery update.

ADMINISTRATORS MEETING WITH LOCAL SCHOOL ADMINISTRATORS

11/ There was a meeting held on Tuesday August 24, 2021 on exploring how to help the schools comply with the order issued by the Health Officer and how to return local control to the schools. The meeting was organized by the County Administrator. Attendance of the meeting included Chairman Storey, Commissioner Dugan, Administrator Sarro, Health Office Joynes and Administrator's from local private and public schools along with representatives of their Board of Education. No conclusions were gathered from the meeting.

PUBLIC PARTICIPATION - NO COMMENTS

12/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

ADJOURNMENT UNTIL SEPTEMBER 9, 2021 AT 9:00 A.M.

13/ Moved by Commissioner Thiele, seconded by Commissioner Jessup to adjourn until September 9, 2021 at 9:00 A.M. The motion carried by roll call vote and the meeting was adjourned at 11:40 A.M. Yeas: 7 votes. Nays: 0 votes.

AFTERNOON SESSION

AUGUST 26, 2021 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL

14/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on August 26, 2021 at 1:01 P.M. in accordance with the motion for adjournment of August 20, 2021, and rules of this Board; Chairman Storey presiding.

The invocation was offered by District #5 Commissioner Jessup.

The Deputy County Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

- | | | | |
|---------|--------------|---------|-----------------------------|
| DIST #1 | DEAN KAPENGA | DIST #5 | TOM JESSUP - Left at 3:32PM |
| DIST #2 | JIM STOREY | DIST #6 | GALE DUGAN |
| DIST #3 | MAX THIELE | DIST #7 | RICK CAIN - Left at 3:32PM |
| DIST #4 | MARK DeYOUNG | | |

PUBLIC HEARING - MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT

15/ Chairman Storey opened the meeting for the public hearing at 1:07 P.M.

Attached is the Notice of Public Hearing on the Michigan Community Development Block Grant (CDBG) Funding for CDBG Cares Funding that was published in the Allegan County News on August 19, 2021.

**COUNTY OF ALLEGAN
 NOTICE OF CLOSEOUT PUBLIC HEARING
 FOR MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR CDBG CARES
 FUNDING PROJECT**

The Board of Commissioners of the County of Allegan will hold a closeout public hearing on Thursday, August 26, 2021 at 1:00PM at the County Services Building, 3283—122nd Avenue, Allegan, Michigan for the purpose of affording citizens an opportunity to submit comments and receive a final report on the completion of the CDBG CARES funding project CDBG grant.

The CDBG grant provided funding of \$129,252 to assist preventing, preparing for, and responding to the Coronavirus. Activities included disinfecting public spaces, protecting the public during elections, providing thermometer kiosks for public use, setting up of testing sites, and performing contact tracing. This was intended to benefit Allegan County residents based on urgent need, zero persons were displaced as a result of this project.

Interested parties are invited to comment on the project in person at the public hearing or in writing through Tuesday, August 24, 2021, to administration@allegancounty.org.

Citizens' views and comments on the CDBG project are welcome.

The County will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the public hearing upon one (1) week notice. Individuals requiring auxiliary aids or services should contact the following in writing or by telephone:

Robert J. Sarro,
 County Administrator,
 3283 – 122nd Avenue,
 Allegan, Michigan, 49010
 269-673-0239

Chairman Storey opened the meeting for public input. The following individual offered comment:

1. Nevin Cooper Keel of Monterey Township addressed the board on other uses the CDBG funds could be used for

Chairman Storey closed the public hearing at 1:13 P.M.

COMMUNICATIONS

16/ Deputy Clerk Tien noted to the board that they received the following resolutions:

1. Missaukee County and Lake County resolution regarding the American Rescue Plan Act and the Coronavirus Local Fiscal Recovery Fund
2. Lake County resolution supporting realignment of the Circuit and District Courts of Lake, Mason, Newaygo, and Oceana Counties
3. Lake County resolution supporting American Rescue Plan State Match Programs
4. Mackinac County resolution in support of Delta County's Resolution of Management of Wolves in Michigan

AUGUST 12, 2021 SESSION MINUTES – ADOPTED

17/ Moved by Commissioner Kapenga, seconded by Commissioner Thiele to approve the minutes for the August 12, 2021 session as distributed. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

PUBLIC PARTICIPATION – COMMENTS

18/ Chairman Storey opened the meeting to public participation and the following individuals offered comments:

1. Matt Williamson of Shelbyville - requested the removal of the Administrator and the Health Officer from office
2. Laura Judge of Laketown Twp - supports mask mandate
3. Nevin Cooper Keel of Monterey Twp - opposes mask mandate
4. Nicole Stafford of Hopkins - parents have right of choice
5. Mike Phillips of Hamilton - opposes mask mandate
6. Adaline Hambley of Laketown Twp - supports mask mandate
7. Jeff Koon of Dorr Twp - opposes mask mandate
8. Andrea Stegeman of Kalamazoo - opposes mask mandate
9. Holly Marshall of Martin Twp - opposes mask mandate
10. Laren David Sargent of Fennville - requested removal of Angelique Joynes and Lindsay Maunz from office

11. Stephen Sission of Otsego read a memo on a mask study that pertains to children
12. Ken Vitman of Hamilton - opposes mask mandate
13. Donny Good of Wayland - opposes mask mandate
14. Renee Beckwith - Otsego School bus driver - concerns with masks on children
15. Steve Esman of Allegan County - opposes mask mandate
16. Lee Clark of Kalamazoo provided a recording from an immunologist
17. Megan Good of Wayland - opposes mask mandate
18. Marla Webber of Heath Twp - requested termination of Angelique Joynes if the mask order is not rescinded
19. Andrew Wolf of Otsego - opposes mask mandate
20. James Clark of Kalamazoo - opposes mask mandate
21. Maria Prindle of Wayland - opposes mask mandate
22. Teri Bielby of Plainwell - opposes mask mandate
23. Samantha Berens of Dorr - opposes mask mandate
24. Jamie Schmidt of Watson Twp - opposes mask mandate
25. Steve McNeal of Holland - opposes mask mandate
26. Rachel Garnet of Plainwell - opposes mask mandate
27. Gabriella Emelander of Hopkins - opposes mask mandate
28. John Berens of Hamilton - opposes mask mandate
29. W. Scott Webber - opposes mask mandate
30. Ashley Smith of Otsego - opposes mask mandate

BREAK - 2:33 P.M.

19/ Upon reconvening at 2:39 P.M., the following Commissioners were present: Commissioner Kapenga, Storey, Thiele, DeYoung, Jessup, Dugan and Cain. Absent: None.

AGENDA - ADDITIONS

20/ Chairman Storey asked if there were any additions or changes to the agenda. Commissioner Dugan asked to add discussion on the information received today and find a path for the board as discussion item #4.

Moved by Commissioner Dugan, seconded by Commissioner Thiele to adopt the changes to the meeting agenda as requested. Motion carried by roll call vote. Yeas: Kapenga, Storey, Thiele, DeYoung, Dugan and Cain. Nays: Jessup

AGENDA - ADOPTED AS AMENDED

21/ Moved by Commissioner Thiele, seconded by Commissioner Cain to adopt the meeting agenda as amended. Motion carried by voice vote. Yeas: Kapenga, Storey, Thiele, DeYoung, Dugan and Cain. Nays: Jessup.

FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS

22/ WHEREAS, Administration has compiled the following claims for August 20, 2021 and August 27, 2021; and

WHEREAS, the following claims, which are chargeable against the County, were audited in accordance with Section 46.61 to 46.63, inclusive, M.C.L. 1970 as amended and resolutions of the Board; and

WHEREAS, said claims are listed in the 2021 Claims folder of the Commissioners' Record of Claims.

August 20, 2021

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	138,980.76	138,980.76	
Park/Recreation Fund - 2080	1,655.11	1,655.11	
Central Dispatch/E911 Fund - 2110	1,445.86	1,445.86	
Friend of the Court Fund – 2150	908.39	908.39	
Friend Of The Court Office - 2151	100.80	100.80	
Health Department Fund – 2210	25,169.47	25,169.47	
Solid Waste – 2211	52,625.52	52,625.52	
Transportation Grant – 2300	4,136.44	4,136.44	
Indigent Defense – 2600	2,620.97	2,620.97	
CDBG Loan Repayment – 2771	1,520.00	1,520.00	
Grants – 2790	2,495.00	2,495.00	
Wayland Township – 2806	1,027.41	1,027.41	
Child Care-Circuit/Family – 2921	33,056.76	33,056.76	
Senior Millage – 2950	169,656.02	169,656.02	
Delinquent Tax Revolving Fund - 6160	62,610.81	62,610.81	
Fleet Management Fund - 6612	213.64	213.64	
Self-Insurance Fund - 6770	14,165.30	14,165.30	
Drain Fund - 8010	17,434.57	17,434.57	
TOTAL AMOUNT OF CLAIMS	\$529,822.83	\$529,822.83	

August 27, 2021

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	95,478.81	95,478.81	
Park/Recreation Fund - 2080	1,894.62	1,894.62	
Central Dispatch/E911 Fund - 2110	6,650.20	6,650.20	
Central Dispatch CIP – 2118	8,774.46	8,774.46	
Friend Of The Court Office - 2151	87.09	87.09	
Health Department Fund – 2210	7,565.09	7,565.09	
Solid Waste – 2211	4,459.96	4,459.96	
Transportation Grant – 2300	323.87	323.87	
Capital Improvement Fund - 2450	71,771.51	71,771.51	
Animal Shelter - 2550	6,438.00	6,438.00	
Register of Deeds Automation Fund - 2560	201.70	201.70	
Indigent Defense – 2600	19,500.88	19,500.88	
Palisades Emergency Planning Facility Up - 2630	1,880.72	1,880.72	
Drug Law Enforcement Fund-Prosecutor - 2651	504.32	504.32	
Child Care-Circuit/Family – 2921	1,703.98	1,703.98	

Soldiers Relief Fund - 2930	357.00	357.00	
Senior Millage – 2950	971.76	971.76	
Delinquent Tax Revolving Fund - 6160	5,125.12	5,125.12	
Tax Reversion - 6200	127.97	127.97	
Drain Equip Revolving – 6390	72.06	72.06	
Fleet Management Fund - 6612	177.70	177.70	
Self-Insurance Fund - 6770	4,076.36	4,076.36	
TOTAL AMOUNT OF CLAIMS	\$238,143.18	\$238,143.18	

THEREFORE BE IT RESOLVED that the Board of Commissioners adopts the report of claims for August 20, 2021 and August 27, 2021.

Moved by Commissioner Thiele, seconded by Commissioner Dugan to adopt the report of claims for August 20, 2021 and August 27, 2021. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

DISCUSSION ITEMS:

PAYMENT IN LIEU OF TAXES ALLOCATION (8/12/21 TABLED) – AMEND 2021 BUDGET POLICY #211

23/ Moved by Commissioner Dugan, seconded by Commissioner Thiele to take the discussion on Payment in Lieu of Taxes Allocation off the table. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

Moved by Commissioner Thiele, seconded by Commissioner Kapenga to take immediate action and approve the resolution as presented.

Moved by Commissioner Thiele, seconded by Commissioner Kapenga to amend the resolution on the third WHEREAS to read “consisted of three” and on the fourth WHEREAS to distinguish that the Medical Care Community which is a County Government Agency and the Conservation District which is not a County Government Agency. Motion amendment carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

WHEREAS, the Match-E-Be-Nash-She-Wish Wayland Township Area Local Revenue Sharing Board determined the payment in lieu of taxes (PILT) to the County; and

WHEREAS, on July 14, 2011, the Board of Commissioners (Board) approved, upon receipt of PILT funds, an allocation to each County-Wide Millage(L-4029) as a percentage of total County Millage; and

WHEREAS, at that time, the County’s millages consisted of three, Veterans, Roads, and Senior Services which are all recognized as County Government agencies; and

WHEREAS, the County now has two more millages: Medical Care Community which is a County Government Agency and the Conservation District which is not a County Government Agency.

THEREFORE BE IT RESOLVED the Board approves the following to be added to the Budget Policy:

The CAO is authorized, upon receipt of PILT funds, to direct an allocation to be made to each County Government Agency that has a

County-Wide Millage as shown on the BOC approved L-4029, as a percentage of the total County-wide millage, minus any non-County Government Agency millages; and

BE IT FINALLY RESOLVED that this Board action shall supersede any previous resolution.

Moved by Commissioner Thiele, seconded by Commissioner Kapenga to take immediate action and approve the resolution as amended during discussions. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

POLICY ON DOWNTOWN DEVELOPMENT AUTHORITIES

24/ On June 28, 2007 the Board of Commissioners adopted a resolution establishing a policy on tax sharing agreements. Administrator Sarro shared a draft version of a resolution with the board for further discussion.

WHEREAS, on June 28, 2007, the Board of Commissioners (Board) adopted a resolution establishing a policy on tax sharing agreements; and

WHEREAS, the resolution established in 2007 that "the County will not permit the capture of county property tax revenues in any new or amended development districts unless the Allegan County Board of Commissioners has approved a tax sharing agreement with the affected Downtown Development Authority and/or Local Development Finance Authority and the affected municipality"; and

WHEREAS, since the time of said resolution the County has progressed as a resource and facilitator for economic development of the County through numerous initiatives including but not limited to, conducting a county-wide study on economic development needs, creating an Economic Development Commission, providing centralized data as a county-wide support, establish County personnel as liaisons for development discussions, and maintaining a contract for economic development services (currently \$55,000 per year paid by the County); and

WHEREAS, the County's general operating funds through its operating millage and special revenue funds supported by dedicated millage serve to provide mandated and necessary county-wide services to the benefit of all citizens without limitation to a specific location within the County; and

WHEREAS, the County generally supports localized projects by providing local units the option of utilizing the County's full faith and credit and beneficial bond rating when advantageous.

THEREFORE BE IT RESOLVED the Board authorizes the County Administrator to incorporate the following into the Budget Policy with regard to DDA captures, which reflects the elimination of tax sharing agreements from policy as the County now provides numerous supports to economic development in other ways:

"the County will not permit the capture of county property tax revenues in any new or amended development districts or plans thereof"

BE IT FINALLY RESOLVED that this Board action shall supersede any previous resolution.

Moved by Commissioner Thiele, seconded by Commissioner Cain to approve the draft resolution as amended during discussions for immediate action. Motion carried by roll call vote. Yeas: Kapenga, Storey, Thiele, DeYoung, Jessup and Cain. Nays: Dugan.

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HOPKINS DDA TAX SHARING AGREEMENT (8/12/21 Tabled)

25/ Moved by Commissioner Dugan, seconded by Commissioner Cain to take the discussion on the Hopkins DDA Tax Sharing Agreement off the table. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

Moved by Commissioner Thiele, seconded by Commissioner Dugan to direct the Administrator to send a letter to Hopkins Township outlining the deliberations over the tax sharing agreements and subsequent changes to the county policy. Motion carried by voice vote. Yeas: 7 votes. Nays: 0 votes.

MEETING WITH SCHOOL SUPERINTENDENTS

26/ Administrator Sarro updated the board regarding the purpose of the meeting that was held on August 24, 2021 with local school superintendents.

PUBLIC PARTICIPATION - COMMENTS

27/ Chairman Storey opened the meeting to public participation and the following individual offered comment:

1. Mike Vandenberg of Gun Plain Township questioned the school superintendents meeting

FUTURE AGENDA ITEMS

28/ Commissioner Kapenga requested the County Administrator and the Health Director to do an assessment of the children who have been affected by this mandate; have County Administrator examine the facts that have been presented for accuracy; and seek legal counsel for the assessment of the liability from potential litigation.

Commissioner Storey requested inviting the Health Director, Mental Health Director, and legal counsel to answer the above three questions that Commissioner Kapenga requested.

After discussions Administrator Sarro will do a FAQ analysis from the testimony provided during the August 20, 2021 and August 26, 2021 board sessions to the factual basis of the claims presented by residents.

ROUNDTABLE

29/ Commissioner Dugan noted that the decision on the mandates is a legislative issue.

ADJOURNMENT UNTIL SEPTEMBER 9, 2021 AT 1:00 P.M.

30/ Moved by Commissioner Thiele, seconded by Commissioner Kapenga to adjourn until September 9, 2021 at 1:00 P.M. The motion carried by roll call vote and the meeting was adjourned at 4:11 P.M. Yeas: 5 votes. Nays: 0 votes. Absent: 2 votes.



Deputy Clerk



Board Chairperson

Minutes approved during the 09/09/2021 Session

August 26, 2021 Session