

## ALLEGAN COUNTY BOARD OF COMMISSIONERS

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JUNE 25, 2020 SESSION

JOURNAL 68

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## AFTERNOON SESSION

**JUNE 25, 2020 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met remotely online connecting through a Zoom webinar on June 25, 2020 at 1:00 P.M. in accordance with the motion for adjournment of June 11, 2020, and rules of this Board; Chairman Storey presiding.

The invocation was offered by District #6 Commissioner Dugan.

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-arrived 1:29PM	DIST #5	TOM JESSUP
DIST #2	JIM STOREY	DIST #6	GALE DUGAN
DIST #3	MAX THIELE	DIST #7	RICK CAIN
DIST #4	MARK DeYOUNG		

**COMMUNICATIONS**

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

1. Ingham County resolution to declare racism as a public health crisis
2. Muskegon County resolution to support "Love Lives Here"

**JUNE 11, 2020 SESSION MINUTES - ADOPTED**

3/ Moved by Commissioner Thiele, seconded by Commissioner Cain to approve the minutes for the June 11, 2020 session as distributed. Motion carried by voice vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

**PUBLIC PARTICIPATION - COMMENTS**

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

1. Scott Beltman of 3110 130<sup>th</sup> Ave, Hopkins addressed the board regarding establishing an ORV ordinance at the county level

**AGENDA - ADOPTED AS PRESENTED**

5/ Moved by Commissioner Thiele, seconded by Commissioner DeYoung to adopt the meeting agenda as presented. Motion carried by roll call vote. Yeas: 6 votes. Nays: 0 votes. Absent: 1 vote.

**INFORMATIONAL SESSION: PROBATE COURT**

6/ Probate Administrator Jonathan Blair addressed the board with Probate Court's 2019 Annual Report.

# 2020 ANNUAL REPORT



# ALLEGAN COUNTY PROBATE COURT



*Hon. Michael L. Buck  
Jonathan K. Blair  
Amy Cornell  
Jennifer Callaway  
Jennifer White*

## Meet the Probate Staff



**Honorable Michael L. Buck**  
Probate Judge



**Amy Cornell**  
Judicial Secretary/Court Recorder



**Jennifer White**  
Deputy Probate Register



**Jennifer Callaway**  
Deputy Probate Register



**Jonathan K. Blair**  
Probate Administrator

## Mission Statement

The mission of the Allegan County Probate Court is to administer justice with fairness, equality, and integrity, to resolve matters before the court in a timely manner, and to provide courteous and prompt service in a manner that inspires trust and confidence.

## Goals

- To process all matters within the time guidelines set by the State Court Administrative Office
- To ensure the compliance of Court-appointed fiduciaries with statutes and courts rules, in order to safeguard protected individuals and their property
- To efficiently process and adjudicate all matters before the Court
- To provide excellent customer service to all those with business before the Court

## Probate Court Authority

Article VI Section 15 of the Michigan Constitution provides that “the jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law.” Through the promulgation of the Estates and Protected Individuals Code (EPIC), the Mental Health Code, and other acts, the legislature has conferred jurisdiction to the Probate Court over:

- Decedent Estate Proceedings
- Civil Actions
- Trust Proceedings
- Minor Guardianship Proceedings
- Guardianships of Incapacitated Individuals
- Protective Orders
- Conservatorships
- Guardianships of Individuals with Developmental Disabilities
- Involuntary Commitments of Mentally Ill Persons
- Drain Appeals
- Delayed Registration of Foreign Births

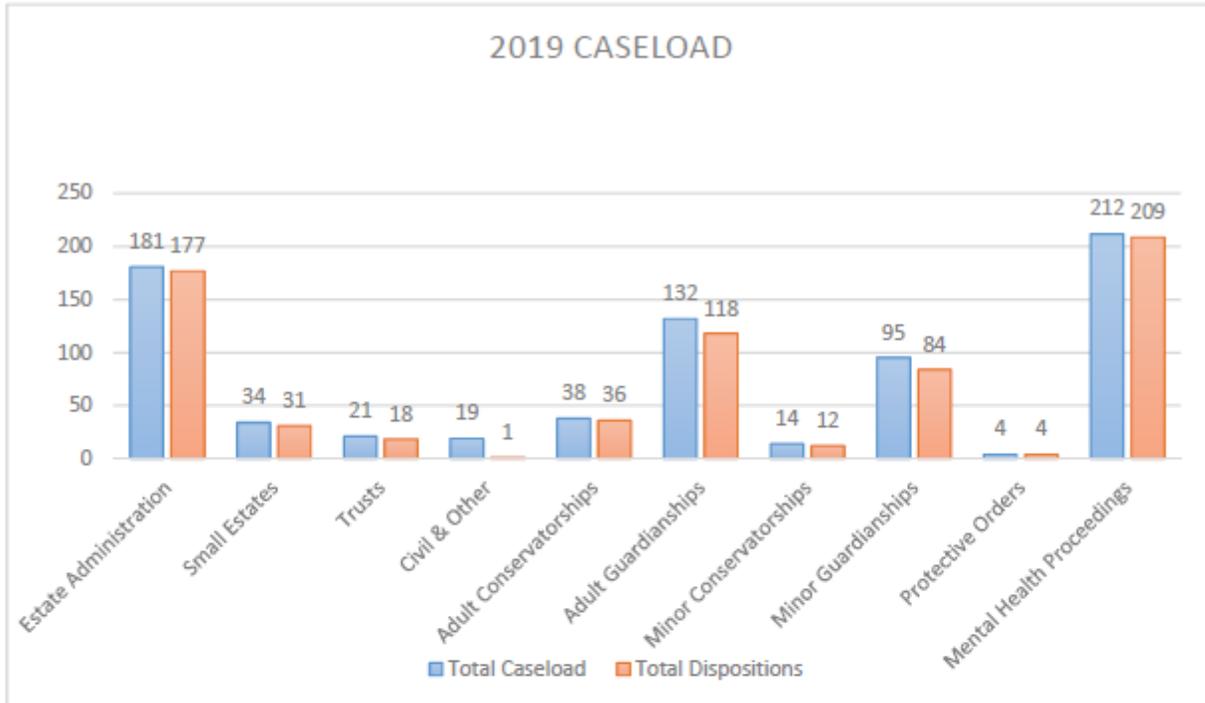
## Changes at the Court



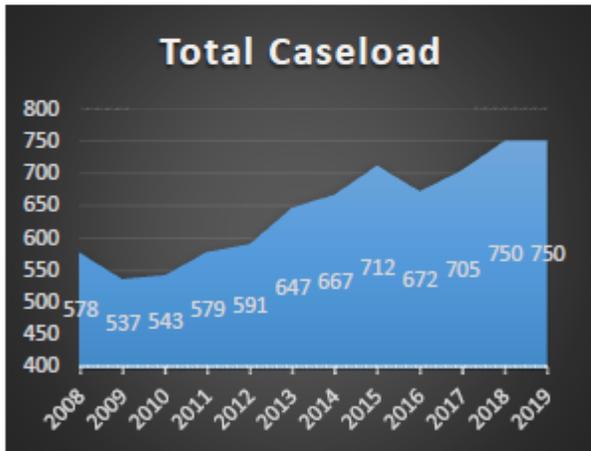
In November of 2019, Avery Rose left his position as Probate Administrator and Register to accept the Probate Administrator position for the Kent County Probate Court. Avery gave years of dedicated service to the Allegan Probate Court, Circuit Court, Family Court, and was an invaluable asset to the community as a whole. The Court is sincerely grateful for the years of service and incredible kindness Avery showed this community.

Avery was replaced by Jonathan K. Blair in November of 2019. At the time Jonathan was an assistant prosecutor with the Allegan Prosecutor’s office, had previously owned his own practice, and had clerked for the 48<sup>th</sup> Circuit Court.

## Probate Court Caseload



In 2019 there were a total of 750 new and pending cases handled by the Probate Court, the majority of which were comprised of decedents' estates (181), mental health proceedings (212), adult guardianships (132), and minor guardianships (95).



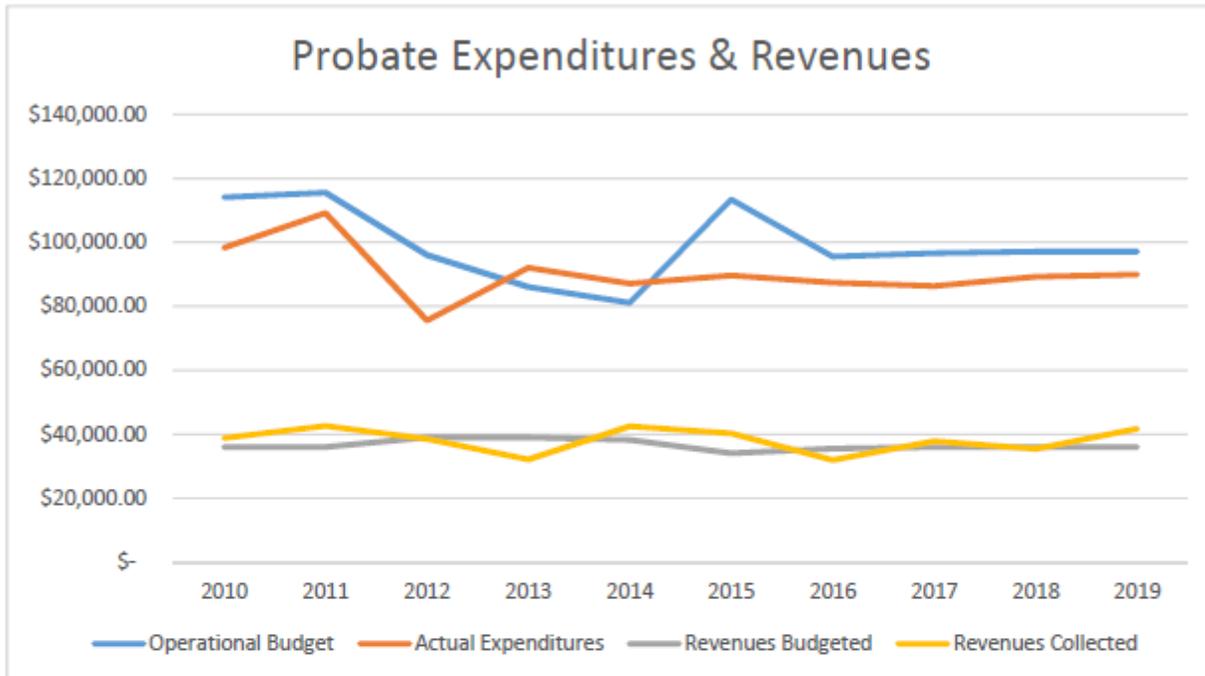
## Caseload Trends

2018 and 2019 had the same case load numbers. In prior years, the caseload had been consistently rising (notwithstanding the decreases in overall caseload in 2009 and 2016). There were 578 new and pending cases handled by the Court in 2008 and 750 in 2018 and 2019, which represents a 30% increase in overall caseload. Most notably, since 2011 the number of adult guardianship cases handled by the Court has increased from 70

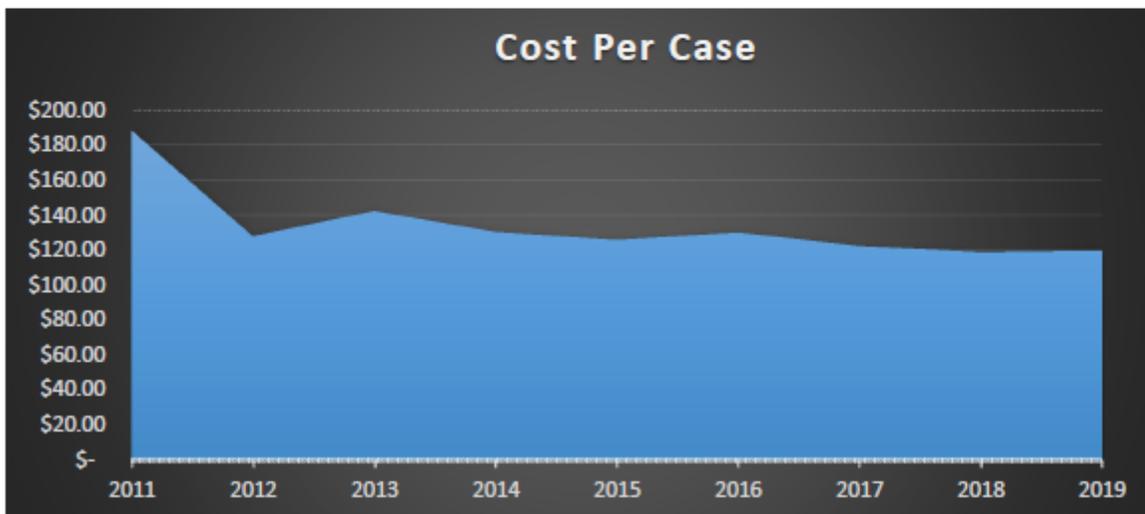
to 132, a 47% increase. During the same time new mental health filings have increased by 42%.

## Expenditures

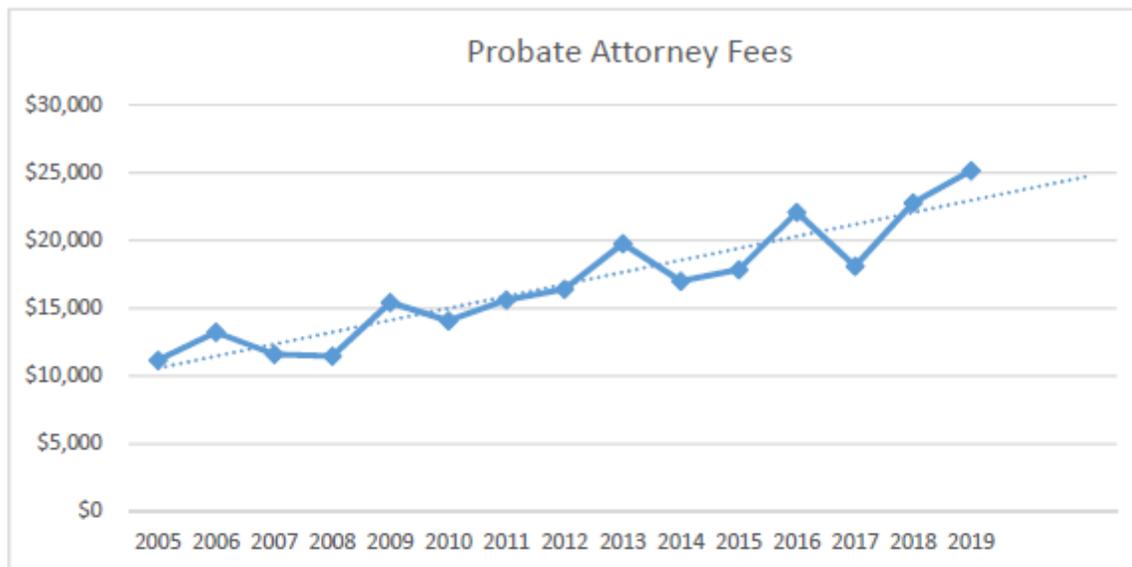
Below is a chart showing the allocated operational budget for the Probate Court, actual expenditures, revenues budgeted, and the actual revenues collected from 2010 to 2019. Since 2010, the Court was allocated an average annual operational budget of \$99,281. During that same period, the Court spent an average of \$90,481 per year.



During the same period, since 2010, the cost per case has decreased from \$181 per case to \$119.87 per case.



## Attorney and GAL Fees



Attorney fees continue to be the single largest expenditure for the Court. In 2010 the Court expended \$14,068 on attorney and GAL fees. In 2019 that cost was \$25,154 – a 79% increase. However, the services provided by the GALs and attorneys are invaluable to the Court and public. The Court could not function without these individuals and often they provide necessary services to the community's most at-risk individuals. While the overall cost is high, the amount paid to each individual is relatively low.

## Attorney Fee Recovery for Mental Health Proceedings

Last year the Court began utilizing a free online accounting tool geared toward small businesses called *Wave*. This website has assisted the Court in generating and tracking invoices for reimbursement of the attorney fees it pays in connection with mental health proceedings. The Court successfully collected a total of \$4,053.25 in 2018 and \$4,623.42 in 2019. However, for 2020 collections have slowed due to the COVID-19 Pandemic.

## Revenues

Most of the Probate Court's revenues are dependent on filing fees and requests for copies, during the past five years the Court has collected an average of \$38,151.32 per year, and exceeded the average amount it has budgeted for revenue collection over that period of time, which was \$36,638.89.

<b>PROBATE REVENUES</b>						
<b>Year</b>	<b>Misc Fees</b>	<b>Probate Court Fees</b>	<b>Petition Fee</b>	<b>Certified Copies</b>	<b>Budgeted</b>	<b>Amount Collected</b>
2010	5,024.07	23,163.37	5,500.00	5,083.00	36,000.00	38,770.44
2011	4,335.29	27,996.60	5,357.40	4,924.00	36,000.00	42,613.29
2012	5,657.72	22,858.40	5,198.80	4,760.40	39,000.00	38,475.32
2013	708.52	21,061.18	4,916.04	5,419.60	39,000.00	32,105.34
2014	5,131.04	25,608.96	5,800.99	5,985.38	38,250.00	42,526.37
2015	1,438.00	28,021.11	5,910.60	4,864.35	34,000.00	40,234.06
2016	811.45	22,853.84	4,638.22	3,587.00	35,500.00	31,890.51
2017	338.18	27,412.05	5,195.45	4,833.75	36,000.00	37,779.43
2018	4,085.49	22,832.18	4,122.00	4,351.00	36,000.00	35,390.67
2019	7,893.42	24,805.65	4,358.20	4,670.50	36,000.00	41,727.77
<b>Average</b>	<b>3,542.32</b>	<b>24,661.33</b>	<b>5,099.77</b>	<b>4,847.90</b>	<b>36,638.89</b>	<b>38,151.32</b>

## **Court's professional guardian reimbursement program.**

Since 2017 the Court and community have benefited from the funding the County provides for its professional guardian reimbursement program. This allows guardians to be reimbursed up for \$60 per month per ward for services provided. Without these services professional guardians (and thus any guardian) would be unavailable for a number of wards. In 2019 six guardian services were able to use the program to provide for 42 wards. This has increased to 45 in 2020.

## **Probate and the Pandemic**

Although this report's focus is on 2019, it would be a disservice to the Court's staff not to address the 2020 COVID-19 Pandemic. Since the Pandemic struck, the Court has thankfully remained open for business. The Court has continued to manage an almost complete caseload with some minimal understandable delays.

The Court's continued operation is due to the dedication and work ethic of its staff. Staff has rotated at-home work with necessary in-office work while limiting exposure to other staff and the public. Thankfully all Probate Court staff have stayed healthy, but plans are in place for any eventuality. The flexibility and absolute commitment that the Probate staff has shown during these hard times is remarkable. The citizens of Allegan County benefit from their commitment.

## 2018 Public Satisfaction Survey

Every two years the Probate Court distributes a public satisfaction survey to the public, in coordination with the Circuit and District Courts. The survey is developed by the State Court Administrative Office, and assists the Probate Court in identifying its strengths, providing positive feedback to employees, and targeting areas for improvement.



In the Court's last survey, 100% of court users agreed or strongly agreed that they were treated with courtesy and respect by court staff. Court users also overwhelmingly indicated that they

were able to get their business done in a reasonable amount of time and that their cases were handled fairly.

Below are a sample of comments the Court received from members of the public in the 2018 public satisfaction survey:

***“Very fast and efficient.”***

– Family/friend of party to case

***“Work well with Probate Judge & staff.”***

– Agency Worker

***“Fast and friendly.”***

– Personal Representative of an Estate

The results of the survey, notes from the public and other feedback indicate that the Probate Court continues to maintain high levels of public satisfaction. The Court had planned to administer another public satisfaction survey in 2020, but the effects of the COVID-19 Pandemic have put these plans on hold.

## Current Information and Key Contacts

**Allegan County Probate Court**  
113 Chestnut Street  
Allegan, MI 49010  
Phone: (269) 673-0250  
Fax: (269) 686-5157  
<http://cms.allegancounty.org/sites/Office/Probate>

**Hon. Michael L. Buck**  
Chief Probate Judge  
[mbuck@allegancounty.org](mailto:mbuck@allegancounty.org)  
(269) 673-0532

**Amy Cornell**  
Judicial Secretary/Court Recorder  
[acornell@allegancounty.org](mailto:acornell@allegancounty.org)  
(269) 673-0532

**Jonathan K. Blair**  
Probate Register/Court Administrator  
[jblair@allegancounty.org](mailto:jblair@allegancounty.org)  
(269) 686-4633

**Jennifer Callaway**  
Deputy Probate Register  
[jcallaway@allegancounty.org](mailto:jcallaway@allegancounty.org)  
(269) 686-4624

**Jennifer White**  
Deputy Probate Register  
[jwhite@allegancounty.org](mailto:jwhite@allegancounty.org)  
(269) 673-0250



**ADMINISTRATIVE REPORTS:**

7/ Administrator Rob Sarro noted his written report was submitted to Commissioners. Highlights included roofing projects, mechanical updates, audit extension approval and medical examiner services.

**FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS**

8/ **WHEREAS**, Administration has compiled the following claims for June 19, 2020 and June 26, 2020; 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 2020 Claims folder of the Commissioners' Record of Claims.

**June 19, 2020**

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	46,576.03	46,576.03	
Park/Recreation Funs – 2080	4,175.79	4,175.79	
Central Dispatch/E911 Fund – 2110	49,558.30	49,558.30	
Friend of Court Office – 2151	2,780.23	2,780.23	
Health Department Fund – 2210	749.03	749.03	
Solid Waste – 2211	44,922.95	44,922.95	
Transportation Grant – 2300	382,476.07	382,476.07	
Capital Improvement Fund - 2450	340,361.14	340,361.14	
Indigent Defense - 2600	44,624.76	44,624.76	
Grants – 2790	3,429.06	3,429.06	
Child Care-Circuit/Family – 2921	10,002.03	10,002.03	
Soldiers Relief Fund – 2930	2,805.46	2,805.46	
Senior Millage – 2950	476.69	476.69	
800 MHZ Radio Debt - 3603	638,121.39	638,121.39	
Otsego Water/Sewer Refunding Bond - 3669	250.00	250.00	
Self-Insurance Fund - 6770	15,282.74	15,282.74	
Drain Fund - 8010	11,319.76	11,319.76	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$1,597,911.43</b>	<b>\$1,597,911.43</b>	

**June 25, 2020**

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	71,708.21	71,708.21	
Park/Recreation Funs – 2080	1,528.08	1,528.08	
Central Dispatch/E911 Fund – 2110	3,293.86	3,293.86	
Central Dispatch CIP – 2118	853.34	853.34	
Friend of Court Office – 2151	849.25	849.25	

Health Department Fund – 2210	11,417.01	11,417.01	
Solid Waste – 2211	9,677.82	9,677.82	
Transportation Grant – 2300	2,976.29	2,976.29	
Capital Improvement Fund - 2450	22,328.35	22,328.35	
Animal Shelter – 2550	4,410.00	4,410.00	
Indigent Defense - 2600	237.35	237.35	
Grants – 2790	11,528.40	11,528.40	
Child Care-Circuit/Family – 2921	3,434.81	3,434.81	
Senior Millage – 2950	142,411.17	142,411.17	
Delinquent Tax Revolving Fund -6160	568.75	568.75	
Tax Reversion - 6200	65.52	65.52	
Fleet Management - 6612	278.02	278.02	
Self-Insurance Fund - 6770	552.16	552.16	
Drain Fund - 8010	10,904.00	10,904.00	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>299,022.39</b>	<b>299,022.39</b>	

**THEREFORE BE IT RESOLVED** that the Board of Commissioners adopts the report of claims for June 19, 2020 and June 26, 2020.

Moved by Commissioner Thiele, seconded by Commissioner Kapenga to adopt the report of claims for June 19, 2020 and June 26, 2020. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

**DISCUSSION ITEMS:**

**FACILITIES MGMT - COURTHOUSE PLANNING/RELEASE REQUEST FOR PROPOSAL**

**9/ WHEREAS**, on June 13, 2019, the Board of Commissioners (Board) authorized County Administration to engage the County's architectural and engineering firm (GMB) to design and provide cost estimates on various components of the Courthouse e.g. entrance, sally port; and

**WHEREAS**, on August 22, 2019, the Board authorized the County Administrator to proceed in the design of a central security entrance for the courthouse entitled "New Main Central Entry", additional holding cells and the improvement of existing holding cells to ensure appropriate security, separation and sanitary conditions and proceed with the design of a sally port located at the north side of the building of the courthouse; and

**WHEREAS**, on June 25, 2020, GMB (architect) presented design plans that would be used to release a request for proposal to complete the construction at the Courthouse as directed by the Board.

**THEREFORE BE IT RESOLVED** that the Board authorizes GMB to release a request for proposal under the direction of the County Administrator; and

**BE IT FURTHER RESOLVED** that the final award be brought back to the Board for approval.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the resolution as presented. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup, Dugan and Cain. Nays: Thiele.

**FACILITIES MGMT - AWARD PUMP HOUSE RECONSTRUCTION BID**

**10/ WHEREAS**, the Allegan County Board of Commissioners (Board) appropriated \$50,000 for a 2020 capital project to reconstruct Pump House #1; and

**WHEREAS**, consistent with the Purchasing Policy, a request for proposal was issued to solicit bids from which the Project Team is recommending an award to DV Engineered Construction.

**THEREFORE BE IT RESOLVED** that the Board hereby awards the bid to reconstruct Pump House #1 to DV Engineered Construction, 5680 Glenn Mar Court, Coopersville, Michigan, 49404, for a bid amount of \$68,691; and

**BE FURTHER RESOLVED** that the Board authorizes an additional \$25,000 to be appropriated from capital fund balance for an overall project amount of \$75,000; and

**BE IT FURTHER RESOLVED** in the event project contingency is needed, the request shall be submitted to the County Administrator for internal approval; and

**BE IT FINALLY RESOLVED** that the County Administrator and/or the Board Chairperson are authorized to sign the necessary documents on behalf of the County and that the Executive Director of Finance is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner Thiele, seconded by Commissioner Cain to approve the resolution as presented. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

**ANIMAL SHELTER - BUDGET ADJUSTMENT/KENNEL REPLACEMENT PROJECT**

**11/ WHEREAS**, at the time of construction of the current Animal Shelter certain kennels were utilized from the old facility; and

**WHEREAS**, said kennels have further deteriorated due to age and recent moves resulting from renovations; they have been determined to be in need of replacement.

**THEREFORE BE IT RESOLVED**, that the Allegan County Board of Commissioners hereby authorizes an amount of up to \$6,500 be appropriated from the Animal Shelter Fund Balance (Fund 2550) for Facilities Management to purchase, and oversee the installation of, new kennels; and

**BE IT FURTHER RESOLVED**, the Executive Director of Finance is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner Kapenga, seconded by Commissioner Dugan to approve the resolution as presented. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

**PUBLIC PARTICIPATION - COMMENTS**

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

1. Scott Beltman of 3110 130<sup>th</sup> Ave, Hopkins asked the Commissioners to add an ORV ordinance as an agenda item at the next board meeting

**FUTURE AGENDA ITEMS**

13/ Commissioner Kapenga asked to add discussion during the July 23, 2020 board meeting for an ORV ordinance for the County.

Moved by Commissioner Thiele, seconded by Commissioner Kapenga to hold the July 9, 2020 and July 23, 2020 board meeting via Zoom. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

**ADJOURNMENT UNTIL JULY 9, 2020 AT 1:00 P.M.**

14/ Moved by Commissioner Kapenga, seconded by Commissioner Dugan to adjourn until July 9, 2020 at 1:00 P.M. The motion carried and the meeting was adjourned at 2:42 P.M.



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Deputy Clerk

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Board Chairperson

Minutes approved during the 00/00/2020 Session