

KENT COUNTY BOARD OF COMMISSIONERS

*Thursday, October 25, 2001
Administration Building - Room 310*

Meeting called to order at 8:31 a.m. by Chair Steven R. Heacock.

Present: Commissioners Boelema, Buege, Hiddema, Horton, Koorndyk, Kuhn, Kuipers, Mayhue, McGuire, Morgan, Morren, Postmus, Sak, Vaughn, Vonk, Wahlfield, Chair Heacock – 17.

Absent: Mast, Smoke – 2 (Excused).

Invocation: Commissioner Wahlfield introduced Commissioner Hiddema who gave the invocation.
The Pledge of Allegiance followed.

PUBLIC COMMENT

1. Bruce Neckers, 34 Bel Air Drive NE, Grand Rapids – A trial lawyer who has participated in almost every aspect of the Kent County judicial system over the last 30 years supports the appointment of two new circuit court judges. 15 years ago, convinced that there were troubles at the Kent County Circuit Court based on the burgeoning case load brought about by increased population, he looked at statistics to realize that Kent County was significantly under judged. In the criminal area, 50 trials are scheduled weekly about only 3 - 6 actually can be tried. That means that victims and witnesses come to the Kent County Circuit Court to try to help with the administration of justice and go home frustrated and cynical about our system of justice.
2. Michele Gillespie, 9084 Costner NE, Caledonia – She has been involved with an application to move the boundary lines back in the Village of Caledonia so that the Glen Valley Estate Subdivision is out of those boundary lines. They believe there are duplicative governmental services or a lack of governmental services at the village level. She filed an application with the County based on information that she received from the County and her attorney, but was given an incorrect date for the “annual” board meeting. Therefore, the application was not timely filed. They are very disappointed. They had the correct number of signatures and everything else was in place. However, they do look at it as an opportunity to allow the Commissioners to look at that law and develop protocols for next year. They will file the application next year. The wording sent to her stated “because the petition was filed to late for the October 11th annual session of the board, it must be rejected by the board as untimely filed.” She understands that if the Board did otherwise it would be in violation of the statute. A motion should be made to reject the petition on the grounds that it was untimely filed in accordance with MCLA 74.22. She asked that the word “application”, not “petition”, be used per the law. She will be back next year and thanked the Commissioners for their time and she distributed a package of information.

3. Sharon Steffens, 6690 Walker NW, Comstock Park – A trustee from Alpine Township, she also serves on the Agricultural Preservation Fund Board and, most importantly, is an apple grower. Here today to talk about the urban sprawl report and congratulate the committee for taking on the difficult task of considering this complex issue. Supportive of both the transfer of Development Rights (“TDR”) and Purchase of Development Rights (“PDR”) because these are the only tools that can permanently preserve land. She urged Commissioners to support the concept of TDR’s because approaching it from the county level is the most effective way and for most townships the only viable way. Kent County has always been a leader and needs to continue that leadership by supporting TDR and PDR before it is too late to preserve the prime, unique and valuable agricultural land that still exists here.
4. Jim May, Alpine Township – As president of the Kent County Farm Bureau, he is here today to address the concerns of the agricultural industry as they relate to the ability of that industry to remain viable in Kent County and how the County Commissioners can help to ensure that viability. The 1997 agricultural statistics estimated the market value of agricultural products in Kent County at over \$121 million annually. A key component of this important industry is the land on which the crops and livestock are raised. On behalf of the 1,141 farm families in the Kent County Farm Bureau, he strongly urged Commissioners to support the recommendations of the Urban Sprawl Committee related to farmland preservation.
5. Bruce Courtade, Rhoades McKee, 600 Waters Building, Grand Rapids – A practicing attorney in Grand Rapids for the past 13 years is in favor of the resolution for the additional two new judges. He stated that right now in Kent County, the citizens do not have equal access to justice because we are under judged. His clients, individuals in small businesses, do not have the ability to get to the courts and it is not that the judges aren’t doing their job. Statistically, Kent County Circuit Court judges are handling more cases than their brethren throughout the state. The simple matter is we have too many cases for the current judges to handle.
6. Brad Glazier, Box & Glazier, 300 Ottawa Avenue NW, Suite 800, Grand Rapids – Practicing attorney spoke on behalf of the motion to add two additional judgeships to the county. From his perspective, the problem has gotten worse since legislation was passed requiring that a family court be created segregating judges that handle only “family” matters. From his perspective, there is about an 18-month delay from the time that the complaint is filed until a case is set for trial. And just because a case is set for trial in 18 months doesn’t mean that the case actually goes to trial. Often cases are scheduled simultaneously with the hope that one of two or three cases settles and so, sometimes, it ends up to be 2 years or longer. This is just unacceptable for individuals and businesses in general civil litigation. Also, unlike in the federal system where litigants can sit down and talk with a judge to help schedule cases in pretrial conferences and before a settlement conference is scheduled, our judges simply do not have the time to do that and, consequently, there are some inefficiencies in the system because our judges don’t have enough hands-on time with the lawyers to create a plan to resolve cases expeditiously. He supports the motion to add two judgeships.
7. Jerry Felix, Grand Valley Metropolitan Council, 40 Pearl NW, Grand Rapids - Executive Director of the Grand Valley Metro Council spoke in favor of the Urban Sprawl Committee

report and its adoption. As most present know, the Metro Council has been very active in promoting issues relating to sprawl and how to rein them in. This is both an urban issue and a rural issue. There are many partners involved – the private sector, public sector, cities and townships. The Metro Council is absolutely pleased that the county has taken the time to look at its role in the issue and debate and is very, very pleased with the committee's recommendations. They endorse the report and urge the County's continued involvement.

CONSENT AGENDA

- a) Approval of the Minutes of October 11, 2001 Meeting
- b) October 16, 2001 Finance Committee Meeting Minutes
(Reports of Claims and Allowances)
- c) Appointments to the Board of Canvassers – Esther VanHammen & Bonnie Rae Bowers
- d) Appointment to the Family Independence Agency Board – Wayman Britt
- e) Resolutions:

10-25-01-145 – APPROVE CONTRACT WITH GRAND RAPIDS CENTER FOR INDEPENDENT LIVING AND AUTHORIZE BOARD CHAIR TO SIGN / COMMUNITY DEVELOPMENT

WHEREAS, this would be the ninth year that Community Development Department has utilized the services of Grand Rapids Center for Independent Living, Inc., (GRCIL); and

WHEREAS, GRCIL will develop and maintain a list of handicap- accessible properties, provide accessibility modification designs to participating residential properties, and assist participants in obtaining resources to fund accessibility; and

WHEREAS, the contract period is September 1, 2001, to August 31, 2002.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners contract with Grand Rapids Center for Independent Living, Inc.; and

BE IT FURTHER RESOLVED, that the Kent County Board of Commissioners authorizes the Board Chair to sign the agreement.

10-25-01-146 – APPROVE CONTRACT WITH HOME REPAIR SERVICES OF KENT COUNTY, INC. AND AUTHORIZE BOARD CHAIR TO SIGN / COMMUNITY DEVELOPMENT

WHEREAS, the Community Development Department has used the services of Home Repair Services of Kent County, Inc., (HRS) for the provision of an Emergency Minor Home Repair Service Program for sixteen years; and

WHEREAS, the U. S. Department of Housing and Urban Development has recognized HRS, a not-for-profit agency, as a sole provider of these services; and WHEREAS, the new contract, if approved, will continue the Emergency Home Repair (\$60,000), Builder's Abundance (\$18,000), Accessibility Modifications (\$27,000), Tool Lending Library (\$1,000),

and Volunteer Coordination (\$4,000) programs; and

WHEREAS, the contract period is September 1, 2001, to September 30, 2002.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners contract with Home Repair Services of Kent County, Inc., and

BE IT FURTHER RESOLVED, that the Kent County Board of Commissioners authorizes the Board Chair to sign the agreement.

10-25-01-147 – APPROVE CONTRACT WITH FAIR HOUSING CENTER OF GREATER GRAND RAPIDS (FHC) AND AUTHORIZE BOARD CHAIR TO SIGN / COMMUNITY DEVELOPMENT

WHEREAS, as a recipient of Community Development Block Grant (CDBG) funds, the County is committed to fair housing in its service area; and

WHEREAS, Fair Housing Center of Greater Grand Rapids' (FHC) mission is to promote equal housing opportunity throughout the Grand Rapids metropolitan area; and

WHEREAS, this is the eighteenth year that the Community Development Department will use the services of FHC; and

WHEREAS, FHC is the sole provider of fair housing services in Kent County; and

WHEREAS, the contract period is October 1, 2001, to September 30, 2002.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners entering into a contract with Fair Housing Center of Greater Grand Rapids; and

BE IT FURTHER RESOLVED, that the Kent County Board of Commissioners authorizes the Board Chair to sign the agreement.

10-25-01-148 – APPROVE SUBMISSION OF A SECONDARY ROAD PATROL GRANT APPLICATION / SHERIFF'S DEPARTMENT

WHEREAS, the County has received Secondary Road Patrol (SRP) funds for the past 23 years; and

WHEREAS, the SRP program provides supplemental funding for road patrol and accident prevention on secondary roads; and

WHEREAS, the grant funds, if approved, will continue to pay for seven sworn officers as well as the equipment and operating costs necessary for the officers to perform their duties; and

WHEREAS, the grant pays all staff costs including fringe benefits and requisite equipment; and

WHEREAS, in the event grant funding is eliminated or decreased, the position(s) will be eliminated unless continuation funding is approved pursuant to the Fiscal Policy on Grants; and

WHEREAS, the anticipated date of the grant award is October 1, 2001.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners approval to submit an application for a Secondary Road Patrol and Traffic Accident Prevention Program Grant from the Michigan Office of Highway Safety Planning; and

BE IT FURTHER RESOLVED that the Kent County Board of Commissioners authorizes the Board Chair to sign all grant documents.

10-25-01-149 – AMEND THE 2001 BUDGET FOR THE KCH-BOILER PLANT OPERATION / FACILITIES MANAGEMENT

WHEREAS, the cost of electricity and natural gas for the KCH-Boiler Plant Operation has increased substantially over the original projections for 2001; and

WHEREAS, Facilities Management staff have aggressively pursued pricing practices to maintain the lowest possible cost to the steam customer; and

WHEREAS, the current year's budget has virtually been expended; and

WHEREAS, this adjustment will increase the Utilities-Gas expense budget by \$150,000 and the Utilities-Electric expense budget to \$200,000; and

WHEREAS, the additional cost will be offset by an increase in revenues through reimbursement from the KCH, Health Department, State Police Laboratory and the Sheriff's Work Release.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby appropriates \$350,000 in estimated additional revenues to the 2001 KCH-Boiler Plant Operation with \$150,000 for the Utilities-Gas and \$200,000 for the Utilities-Electric budgets, respectively.

10-25-01-150 – ASSET CAPITALIZATION POLICY / FISCAL SERVICES

WHEREAS, a team representing a cross section of County Departments was assembled to review the accounting requirements of Government Accounting Standards Board (GASB) 34. The Team consisted of Bill Anstey, Finance Division Director-Health; Robin DeYoung, Financial Supervisor-Community Mental Health; Dan Kendall, Finance Division Director-Public Works; Paula Taylor, Financial Manager-Circuit Court; Francine Farrington, Accounting Manager-Fiscal Services; and Robert Kreps, Financial Manager-Aeronautics; and

WHEREAS, the policy being recommended covers all purchases including General Fixed Assets, Infrastructure Assets and Capital Improvements; and

WHEREAS, all discretely presented component units and enterprise funds are excluded from this policy. These organizations may request an amendment to this policy to be included in it. These organizations shall adopt and submit their capitalization policy to the Board of Commissioners for approval.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners adopts the Asset Capitalization Policy.

10-25-01-151 – DESIGNATION OF ROAD COMMISSION AS ENFORCING AGENCY FOR ADMINISTRATION AND ENFORCEMENT OF THE SOIL EROSION AND SEDIMENTATION CONTROL ACT / ADMINISTRATOR'S OFFICE

WHEREAS, the County is required by law to administer a program to reduce the amount of soil erosion and sedimentation caused by earth moving activities in order to maintain and increase water quality, and to impose fines and other penalties on violators of the law; and

WHEREAS, the law provides for the County to designate a "County enforcing agency" to administer this program and to set the fees for permitting and plan reviews, should it choose to do so; and

WHEREAS, in 1982 the Board of Commissioners designated the Kent County Road Commission as the County's enforcing agent for the Soil Erosion and Sedimentation

Control Act; and

WHEREAS, the resolution making the designation referred to Public Act 347, which underwent substantial amendment in 2000; and

WHEREAS, the current regulations for soil erosion and sedimentation control are covered under Part 91 of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994) as amended by Public Act 504 of 2000 and related Administrative Rules; and

WHEREAS, the Road Commission has requested re-designation as the County's enforcing agent with reference to the amended statute; and

WHEREAS, the Road Commission has the staff in place to undertake these duties and has historically carried out this activity with no expense to the general fund.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners designate the Kent County Road Commission as the enforcing agency of the Soil Erosion and Sedimentation Control Act, pursuant to Public Act 451 of 1994, as amended.

Commissioner Kuhn requested that resolution 10-25-01-147 be removed from the consent agenda.

Motion by Commissioner Wahlfield, supported by Commissioner Koorndyk, to approve the remaining consent agenda items.

Motion carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morren, Morgan, McGuire, Mayhue, Kuipers, Kuhn, Koorndyk, Horton, Hiddema, Buege, Boelema, Chair Heacock – 17.

Nays: 0.

10-25-01-147 – APPROVE CONTRACT WITH FAIR HOUSING CENTER OF GREATER GRAND RAPIDS (FHC) AND AUTHORIZE BOARD CHAIR TO SIGN/ COMMUNITY DEVELOPMENT

WHEREAS, as a recipient of Community Development Block Grant (CDBG) funds, the County is committed to fair housing in its service area; and

WHEREAS, Fair Housing Center of Greater Grand Rapids' (FHC) mission is to promote equal housing opportunity throughout the Grand Rapids metropolitan area; and

WHEREAS, this is the eighteenth year that the Community Development Department will use the services of FHC; and

WHEREAS, FHC is the sole provider of fair housing services in Kent County; and

WHEREAS, the contract period is October 1, 2001, to September 30, 2002.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners entering into a contract with Fair Housing Center of Greater Grand Rapids; and

BE IT FURTHER RESOLVED, that the Kent County Board of Commissioners authorizes the Board Chair to sign the agreement.

Motion by Commissioner Koorndyk, supported by Commissioner McGuire, that the resolution be adopted.

(Commissioner Kuhn indicated that she will abstain voting on this as she serves on this board.)

Motion carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morren, Morgan, McGuire, Mayhue, Kuipers, Koorndyk, Horton, Hiddema, Buege, Boelema, Chair Heacock – 16.

Nays: 0.

Abstain: Kuhn – 1.

RESOLUTIONS

10-25-01-152 – URBAN SPRAWL SUBCOMMITTEE REPORT / ADMINISTRATOR'S OFFICE

WHEREAS, Chair Heacock established the Urban Sprawl Subcommittee in January 2000 and the Subcommittee developed the following mission: To learn how county government can impact urban sprawl and to recommend a position regarding urban sprawl to the County Board of Commissioners; and

WHEREAS, Subcommittee members spent considerable time gathering input from a broad range of individuals and organizations; and

WHEREAS, the Subcommittee has developed the following recommendations:

- 1) The County should work closely with the GVMC Blueprint II Initiative.
- 2) Establishment of a Green Space Preservation Program including three specific recommendations:
 - a) Establish Purchase of Development Rights (PDR) Program
 - b) Support State legislative efforts on the concept of Transfer of Development Rights (TDR) programs to be established at a countywide level
 - b.1 When state legislation is proposed that would allow counties to create TDR programs, the Board should appoint a task force to review the proposed legislation and to make a recommendation to the Legislative and Human Resources Committee on whether to support passage of this legislation. The task force should include, but not be limited to, County officials and representation from the local units, Home and Building Association of Greater Grand Rapids, Greater Grand Rapids Association of Realtors, Kent County Farm Bureau, Grand Valley Metro Council, and Kent County/Michigan State University Cooperative Extension.
 - c) Work with local units in which land is purchased for regional parks to achieve higher residential density around the parks.
- 3) Engage in educating the community regarding sprawl issues
- 4) Support initiatives to establish countywide storm drainage and septage standards
- 5) Adopt a resolution of support for United Growth for Kent County

NOW, THEREFORE BE IT RESOLVED that the Kent County Board of Commissioners hereby accepts the report of the Urban Sprawl Subcommittee and authorizes the Administrator / Controller to implement the recommendations contained therein, including to recommend funding as each recommendation requiring funding is brought forward for approval.

Motion by Commissioner Postmus, supported by Commissioner Horton, that the resolution be adopted.

Motion carried by voice vote.

10-25-01-153 – 2001 APPORTIONMENT REPORT / BUREAU OF EQUALIZATION

WHEREAS, the Finance and Physical Resources Committee has reviewed the supporting documents setting forth the necessary millage required by the several taxing jurisdictions in the County of Kent, townships, local school districts, intermediate school districts and community colleges; and

WHEREAS, the Committee has further examined the dollar requirements necessary to fund the assessments for drains and rejected taxes and finds them in proper order.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby certify the millage rates of these governmental jurisdictions and directs that the millage rates of the County of Kent, townships, local school districts, intermediate school districts and community colleges, and the dollar amounts for the drains and rejected taxes be spread on the respective township and city rolls; and

BE IT FURTHER RESOLVED, that the Board of Commissioners does hereby authorize and direct the Chair and the Clerk of the Board to sign the millage rate certificates.

Motion by Commissioner Wahlfield, supported by Commissioner Sak, that the resolution be adopted.

Motion carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morren, Morgan, McGuire, Mayhue, Kuipers, Kuhn, Koorndyk, Horton, Hiddema, Buege, Boelema, Chair Heacock – 17.

Nays: 0.

10-25-01-154 – APPROVAL OF TWO ADDITIONAL JUDGESHIPS FOR CIRCUIT COURT

WHEREAS, the State Court Administrative Office has recommended the addition of two Circuit Court Judges for Kent County; and

WHEREAS, the Circuit Court has requested the Board of Commissioners accept the recommendation and seek State legislation to add the additional judgeships; and

WHEREAS, the addition of any judgeship requires the allocation of additional General Fund resources for staff support which may range from \$140,000 to \$285,000 annually per judgeship, as well as an appropriation for one-time costs associated with technology and equipment for the positions; and

WHEREAS, the Fiscal Policy – Annual Budget and associated procedures and practices prescribe a process for review and evaluation of new County positions and associated costs; and

WHEREAS, the County believes the efficiency and economy of the Court operations may be positively impacted by the Court's use of video reporting, expanded use of technology, careful monitoring of case assignment patterns, and a review of charges and user fees; and

WHEREAS, the Legislative and Human Resources Committee of the Board of Commissioners has reviewed the report provided by State Court Administrative Office and recommends two additional judgeships.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves the addition of two Circuit Court judges, and requests the State Legislature to create two additional judgeships for the 17th Circuit Court serving the County of Kent; and

BE IT FURTHER RESOLVED that the Board of Commissioners directs the Administrator/Controller to work with representatives of Circuit Court Administration, County Clerk, County Prosecutor, and the Sheriff to review potential impacts of video reporting, rates and fees for service, expanded use of technology, staffing and assignment patterns, performance measurement and other factors and develop a recommendation regarding the additional resources required for effective and efficient support for the expanded Court to be included in the 2003 Circuit Court Budget following the County's Fiscal Policy – Annual Budget and associated procedures and practices; and

BE IT FURTHER RESOLVED that the Board of Commissioners and the Court enter into a written agreement regarding an approach to these items prior to inclusion of such costs in the 2003 budget; and

BE IT FURTHER RESOLVED that the Board of Commissioners requests the State Court Administrative Office to review judicial resource needs again in two years.

Motion by Commissioner Wahlfield, supported by Commissioner Morgan, that the resolution be adopted.

Motion by Commissioner Kuhn, supported by Commissioner Sak, to amend the resolution by changing the 7th paragraph to read (changes in bold):

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves the addition of two Circuit Court judges, and requests the State Legislature to create two additional judgeships **of** the 17th Circuit Court **to be assigned to the Family Court Division** serving the County of Kent; and

Motion to amend failed by voice vote.

Motion to adopt resolution 10-25-01-154 carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morren, Morgan, McGuire, Mayhue, Kuipers, Koorndyk, Horton, Hiddema, Buege, Boelema, Chair Heacock – 16.

Nays: Kuhn - 1.

(Chair Heacock left the meeting at this time.)

Village of Caledonia Petition

Motion by Commissioner Sak, supported by Commissioner McGuire, to reject the petition for removal of property from the Village of Caledonia, on the grounds that the petition was untimely filed under MCLA 74.22.

Motion to reject petition carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morren, Morgan, McGuire, Mayhue, Kuhn, Kuipers, Koorndyk, Horton, Hiddema, Buege, Boelema – 16.

Nays: 0.

REPORTS

There were no reports.

MISCELLANEOUS

Sympathy

Commissioner Morren announced that Colleen Friske, wife of former County Commissioner Carl Friske, passed away.

ADIJOURNMENT

At 9:25 a.m., Commissioner Wahlfield moved to adjourn, subject to the call of the Chair, and to Thursday, November 8, 2001, Room 310, County Administration Building, at 8:30 a.m., for an Official Meeting. Seconded by Commissioner Koorndyk. Motion carried.

Steven R. Heacock, Chair

Sonya Dean, Chief Deputy County Clerk