

**KENT COUNTY BOARD OF COMMISSIONERS**

*Thursday, May 13, 2004*

*Administration Building - Room 310*

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Meeting called to order at 8:35 a.m. by Chair David J. Morren.

Present: Commissioners Agee, Boelema, Bulkowski, Hiddema, Horton, Koorndyk, Kuipers, Mast, Mayhue, Morgan, Postmus, Rolls, Tanis, VanderMolen, Vaughn, Vonk, Voorhees, Wahlfield, Chair Morren – 19.

Absent: None.

Invocation: Commissioner Boelema gave the invocation.  
The Pledge of Allegiance followed.

MISCELLANEOUS

Introduction

Paul Ippel, Director of the Community Mental Health Authority, introduced new board chair John Lichtenberg, and thanked outgoing chair Hugh Hufnagel for his 7 years of service.

PUBLIC COMMENT

There was no public comment.

SPECIAL ORDER OF BUSINESS

Kent County Family & Children's Coordinating Council Update ("KCFCCC")

Diana Sieger, Chair of the KCFCCC, presented Commissioners with the Council's Action Plan for 2004-2006 (copy of which is on file in the Office of the County Clerk). Formed in 1991, the Council's goal is to coordinate and improve services for children, youth, and families in Kent County.

CONSENT AGENDA

- a) Approval of the Minutes of April 22, 2004 Meeting
- b) April 20 and May 4, 2004 Finance Committee Meeting Minutes  
(Reports of Claims and Allowances)
- c) Resolutions:

5-13-04-41 – APPROVE CONTRACT WITH KENT COUNTY FAMILY INDEPENDENCE

AGENCY AND AUTHORIZE BOARD CHAIR TO SIGN / COMMUNITY DEVELOPMENT

WHEREAS, HUD requires entities seeking funds for homelessness activities to prepare a Continuum of Care strategy detailing the needs and proposed responses to those needs as the basis of any funding application; and

WHEREAS, since December 1, 1999, a staff position at The Salvation Army has been responsible for providing the coordination and consultation needed to develop and write the Continuum of Care strategy; and

WHEREAS, this process involves more than 70 support service agencies, shelter providers and interested local government agencies; and

WHEREAS, needs and proposed responses are determined and ranked then the actual Continuum of Care strategy is written, reviewed, agreed upon and used as the basis for an annual funding application; and

WHEREAS, because the problems associated with homelessness would most likely increase in severity if funding from HUD was curtailed or lost, the Kent County Family Independence Agency (KCFIA) agreed to act in a fiduciary capacity to collect the funds needed to cost-share a staff position at The Salvation Army to provide the staff resource needed to develop and write the Continuum of Care strategy; and

WHEREAS, in addition to the \$7,500 of Kent County's Shelter Plus Care funds, the KCFIA would collect \$25,000 from the City of Grand Rapids and utilize a portion of the Current Unmet Needs funds allocated to the KCFIA by Kent County, creating the total needed to cover the continuing salary and fringe benefit costs of this position at The Salvation Army for a fifth year; and

WHEREAS, contracts (effective December 1, 1999, through November 30, 2000; December 1, 2000, through November 30, 2001; December 1, 2001, through November 30, 2002; and December 1, 2002, through December 31, 2003) have previously been approved by the Kent County Board of Commissioners to annually use \$7,500 of its Shelter Plus Care administrative funds to partially fund the position at The Salvation Army.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners approves Community Development's request to contract with Kent County Family Independence Agency; and

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

5-13-04-42 – KENT COUNTY 2004 REFUNDING BONDS (WYOMING WATER SUPPLY SYSTEM) / FISCAL SERVICES

WHEREAS, pursuant to the provisions of Act No. 185, Public Acts of Michigan, 1957, as amended ("Act 185"), the Board of Commissioners of the County of Kent (the "County") authorized and directed that there be established, maintained and operated a countywide system or systems of water and sewer improvements and services and designated the Board of Public Works of the County to be the agency of the County for the purposes set forth in Act 185; and

WHEREAS, pursuant to the provisions of Act 185, the City of Wyoming (the "City") and the County, acting through its Board of Public Works, have entered into the Wyoming Sewage Disposal and Water Supply System Additions 1995 Wyoming Water Supply System Improvements Contract, dated as of June 1, 1995 (said contract hereinafter referred to as the "Contract"); and

WHEREAS, pursuant to the Contract the County has issued its Kent County Water Supply Bonds – 1995 Wyoming Water Supply System Improvements (General Obligation Limited Tax), Series 1995, dated September 1, 1995 in the original principal amount of \$7,810,000 (which bonds are referred to herein as the "Prior Bonds"); and

WHEREAS, the Prior Bonds remain outstanding in the aggregate principal amount of \$5,745,000, mature in various principal amounts in the years 2004 through 2015 and bear interest at rates per annum which vary from 4.70% to 5.375%; and

WHEREAS, Part VI of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), authorizes the County to refund all or any part of its outstanding securities; and

WHEREAS, the County has received a proposal from Oppenheimer & Co. Inc. (the "Underwriter") to refund a portion of the outstanding Prior Bonds; and

WHEREAS, the governing body of the City has adopted a resolution requesting and authorizing the County to issue its refunding bonds for the purpose of refunding all or part of the Prior Bonds and paying the costs of issuing the refunding bonds and agreeing to continue to make payments to the County in accordance with the Contract in amounts sufficient to pay the principal of and interest on the refunding bonds and any of the Prior Bonds that are not refunded and all paying agency fees and other expenses and charges (including the Board of Public Work's administrative expenses) which are payable on account of the refunding bonds and those Prior Bonds that are not refunded; and

WHEREAS, it is in the best interests of the County and the City that bonds be sold to refund the Prior Bonds.

NOW, THEREFORE, BE IT RESOLVED, THAT THE KENT COUNTY BOARD OF COMMISSIONERS:

1. AUTHORIZATION OF BONDS - PURPOSE. Bonds of the County of Kent, aggregating the principal sum of not to exceed Five Million Seven Hundred Fifty Thousand Dollars (\$5,750,000) (the "Bonds") shall be issued and sold pursuant to the provisions of Act 185, Act 34, and other applicable statutory provisions, for the purpose of refunding all or part of the Prior Bonds.

2. BOND DETAILS. The Bonds shall be designated "Kent County 2004 Refunding Bonds (Wyoming Water Supply System)"; shall be dated as of such date as shall be approved by the Board of Public Works at the time of sale; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 6% per annum to be determined upon the sale thereof payable on such dates as shall be determined by the Board of Public Works at the time of sale; and shall mature in such principal amounts and on such dates and in such years as shall be determined by the Board of Public Works at the time of sale.

3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each Bond as shown on the registration books at the close of business on the fifteenth day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

4. PRIOR REDEMPTION. The Bonds shall be subject to redemption prior to maturity upon such terms and conditions as shall be determined by the Board of Public Works at the time of sale.

5. BOND REGISTRAR AND PAYING AGENT. The Board of Public Works shall designate, and may enter into an agreement with, a bond registrar and paying agent for the Bonds which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The Board of Public Works from time to time as required may designate a similarly qualified successor bond registrar and paying agent.

6. BOOK-ENTRY SYSTEM. Initially, one fully-registered Bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "Participants") in the book-entry-only transfer system of DTC. In the event the County determines that it is in the best interest of the County not to continue the book-entry system of transfer or that the interests of the holders of the Bonds might be adversely affected if the book-entry system of transfer is continued, the County may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of certificates evidencing the Bonds. In such event, the bond registrar and paying agent shall deliver, transfer and exchange such certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this Bond Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the County and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the County may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the County shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the County and the bond registrar and paying agent shall be obligated to deliver certificates evidencing the Bonds in accordance with the procedures established by this Bond Resolution. In the event such certificates are issued, the provisions of this Bond Resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the County and the bond registrar and paying agent to do so, the County and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Bonds to any Participant having Bonds certified to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

Notwithstanding any other provision of this Bond Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on such Bonds and all notices with respect to the Bonds shall be made and given, respectively, to DTC as provided in the Blanket Issuer Letter of Representations between the County and DTC. The Chairman or Secretary of the Board of Public Works is authorized to sign the Blanket Issuer Letter of Representations on behalf of the County, in such form as the Chairperson or Secretary of Public Works deems necessary or appropriate in order to accomplish the issuance of the Bonds in accordance with law and this Bond Resolution.

7. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The Bonds shall be executed in the name of the County by the facsimile signatures of the Chairperson of the Board of Commissioners and the County Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the County (or a facsimile thereof) shall be impressed or imprinted on the Bonds. After the Bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the County Treasurer to the Underwriter upon receipt of the purchase price. Additional Bonds bearing the facsimile signatures of the Chairperson of the Board of Commissioners and the County Clerk and upon which the seal of the County (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of the Bonds. The bond registrar and paying agent shall indicate on each Bond the date of its authentication.

8. EXCHANGE AND TRANSFER OF BONDS. Any Bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond.

Each Bond shall be transferable only upon the books of the County, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such Bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Bond, the bond registrar and paying agent on behalf of the County shall cancel the surrendered Bond and shall authenticate and deliver to the transferee a new Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond. If, at the time the bond registrar and paying agent authenticates and delivers a new Bond pursuant to this section, payment of interest on the Bonds is in default, the bond registrar and paying agent shall endorse upon the new Bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is \_\_\_\_\_."

The County and the bond registrar and paying agent may deem and treat the person in whose name any Bond shall be registered upon the books of the County as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes, and all payments made to any

such registered owner, or upon his order, in accordance with the provisions of Section 3 of this Bond Resolution shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the bond registrar and paying agent shall be affected by any notice to the contrary. The County agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of Bonds, the County or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange Bonds or portions of Bonds which have been selected for redemption.

9. FORM OF BONDS. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF KENT  
KENT COUNTY 2004 REFUNDING BOND  
(WYOMING WATER SUPPLY SYSTEM)

INTEREST RATE                      MATURITY DATE    DATE OF ORIGINAL ISSUE                      CUSIP

Registered Owner

Principal Amount

The County of Kent, State of Michigan (the "County") acknowledges itself indebted to, and for value received hereby promises to pay to, the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at \_\_\_\_\_ the bond registrar and paying agent, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolutions, and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal

Amount from \_\_\_\_\_, 200\_\_ or such later date through which interest has been paid until the County's obligation with respect to the payment of such Principal Amount is discharged, at the rate

per annum specified above. Interest is payable on the first days of \_\_\_\_\_ and \_\_\_\_\_ in each

year, commencing on \_\_\_\_\_, 200\_\_\_. Principal and interest are payable in lawful money of the United States of America.

This bond is one of a series of bonds aggregating the principal sum of \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_\_) issued by the County under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 185, Public Acts of 1957, as amended, and Act No. 34, Public Acts of 2001, as amended) and resolutions adopted by the Board of Commissioners of the County and the Board of Public Works of the County (the "Resolutions") for the purpose of refunding the outstanding Kent County Water Supply Bonds – 1995 Wyoming Water Supply System Improvements (General Obligation Limited Tax), Series 1995, dated September 1, 1995 maturing in the years \_\_\_\_\_ through \_\_\_\_\_. The bonds of this series are issued in anticipation of, and the principal of and interest on the bonds are payable from, moneys to be received by the County from the City of Wyoming (the "City") in payment of its obligations under a Contract dated June 1, 1995 between the County and the City. The full faith and credit of the City have been pledged for the making of payments to the County in amounts sufficient to pay the principal of and interest on the bonds of this series when due. As additional security for the payment of the principal of and interest on the bonds of this series the full faith and credit of the County have been pledged. Taxes imposed by the City and the County are subject to constitutional tax limitations.

This bond is transferable, as provided in the Resolutions, only upon the books of the County kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolutions, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

Bonds maturing prior to \_\_\_\_\_, \_\_\_\_\_, are not subject to redemption prior to maturity. Bonds maturing on and after \_\_\_\_\_, \_\_\_\_\_, are subject to redemption prior to maturity at the option of the County, in such order as shall be determined by the County, on any one or more interest payment dates on and after \_\_\_\_\_, \_\_\_\_\_. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus interest to the date fixed for redemption and a premium as follows:

\_\_\_\_\_ % of the par value if called for redemption on or  
after \_\_\_\_\_, \_\_\_\_\_, but prior to \_\_\_\_\_,  
\_\_\_\_\_;

\_\_\_\_\_ % of the par value if called for redemption on or  
after \_\_\_\_\_, \_\_\_\_\_, but prior to \_\_\_\_\_,  
\_\_\_\_\_;

Not less than thirty days but not more than sixty days notice of redemption shall be given to the registered owners of bonds called to be redeemed by mail to each registered owner at the registered address. Bonds or portions of bonds called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of said County, including the series of bonds of which this bond is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the County of Kent, Michigan, by its Board of Commissioners, has caused this bond to be executed in its name by facsimile signatures of the Chairperson of the Board of Commissioners and the County Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

COUNTY OF KENT

(SEAL)

By: \_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Chairperson,  
Board of Commissioners

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolutions.

\_\_\_\_\_  
Bond Registrar and Paying  
Agent

By: \_\_\_\_\_

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ (please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

End of Bond Form

10. SECURITY. The Bonds shall be issued in anticipation of payments to be made by the City pursuant to the Contract. The Bonds shall be secured primarily by the full faith and credit pledge made by the City in the Contract. As additional and secondary security, the full faith and credit of the County are hereby pledged for the prompt payment of the principal of and interest on the Bonds as the same shall become due. If the City shall fail to make payments to the County which are sufficient to pay the principal of and interest on the Bonds as the same shall become due, then an amount sufficient to pay the deficiency shall be advanced from the general fund of the County.

11. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, or any portion thereof, shall have been deposited in trust, this Bond Resolution shall be defeased with respect to such Bonds and the owners of such Bonds shall have no further rights under this Bond Resolution except to receive payment of the principal of, premium, if any, and interest on such Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

12. PRINCIPAL AND INTEREST FUND. There has been established for the

Prior Bonds a Principal and Interest Fund which shall be kept in a separate bank account. From the proceeds of the sale of the Bonds there shall be set aside in the Principal and Interest Fund any accrued interest received from the Underwriter at the time of delivery of the same. All payments received from the City pursuant to the Contract are pledged for the payment of the principal of and interest on the non-refunded Prior Bonds and the Bonds and expenses incidental thereto and as

received shall be placed in the Principal and Interest Fund. The Board of Public Works shall transfer moneys in the Principal and Interest Fund to the bond registrar and paying agent for the Prior Bonds and the bond registrar and paying agent for the Bonds as necessary for the payment of the principal of and interest on the non-refunded Prior Bonds and the Bonds.

13. PAYMENT OF ISSUANCE EXPENSES - ESCROW FUND. The remainder of the proceeds of the Bonds shall be used to pay the issuance expenses of the Bonds and to establish an escrow fund for the Prior Bonds that are refunded (the "Refunded Bonds"). After the issuance expenses have been paid or provided for the remaining proceeds shall be used, together with available funds of the City, if any, to establish an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing and used to pay the principal of, interest on and redemption premiums, if any, on the Refunded Bonds. The Escrow Fund shall be held by a trustee (the "Trustee") in trust pursuant to an escrow agreement (the "Escrow Agreement"), which irrevocably shall direct the Trustee to take all necessary steps to pay the interest on the Refunded Bonds when due and to call the Refunded Bonds for redemption at such time as shall be determined in the Escrow Agreement. The Board of Public Works is authorized to select the Trustee and enter into the Escrow Agreement on behalf of the County. The amounts held in the Escrow Fund shall be such that the cash and the investments and the income received thereon will be sufficient without reinvestment to pay the principal of, interest on and redemption premiums, if any, on the Refunded Bonds when due at maturity or call for redemption as required by the Escrow Agreement.

14. APPROVAL OF DEPARTMENT OF TREASURY. The issuance and sale of the Bonds shall be subject to permission being granted therefor by the Department of Treasury of the State of Michigan pursuant to Act 34. The County and the City have each obtained qualified status from the Department of Treasury in accordance with Act 34.

15. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The Board of Public Works is authorized to determine which of the Prior Bonds shall be refunded and shall determine the principal amount of Bonds to be sold. The Board of Public Works shall enter into a Bond Purchase Agreement with the Underwriter to sell the Bonds to the Underwriter at a price to be determined by the Board of Public Works in accordance with the laws of this State and to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Bonds in accordance with the provisions of this Bond Resolution; provided however, that the foregoing authorization of the Board of Public Works enter into a Bond Purchase Agreement with the Underwriter is subject to the condition that, unless otherwise determined by the Board of Public Works to be in the best interests of the County at the time of the sale of the Bonds, the present value of the savings (net of issuance costs) to be realized by the issuance of the Bonds shall be equal to or greater than five percent (5%) of the principal amount of the Refunded Bonds.

16. REPLACEMENT OF BONDS. Upon receipt by the Board of Public Works

of proof of ownership of an unmatured Bond, of satisfactory evidence that the Bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Board of Public Works, the Board of Public Works may authorize the bond registrar and paying agent to deliver a new executed Bond to replace the Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Bond is lost, apparently destroyed or wrongfully taken, the Board of Public

Works may authorize the bond registrar and paying agent to pay the Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement Bond. The bond registrar and paying agent, for each new Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the County in the premises. Any Bond delivered pursuant to the provisions of this Section 16 in lieu of any Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Bond in substitution for which such Bond was delivered.

17. TAX COVENANT. The County covenants to comply with all applicable requirements of the Internal Revenue Code of 1986, as amended necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes. The Board of Public Works and other appropriate County officials are authorized to do all things necessary (including the making of such covenants of the County as shall be appropriate) to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes.

18. OFFICIAL STATEMENT. The Board of Public Works is authorized to cause the preparation of an official statement for the Bonds for the purpose of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"), and to do all other things necessary to enable compliance with the Rule. After the award of the Bonds, the County will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the Underwriter to enable the Underwriter to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

19. CONTINUING DISCLOSURE. The County Treasurer is hereby authorized to execute and deliver in the name and on behalf of the County (i) a certificate of the County to comply with the requirements for a continuing disclosure undertaking of the County pursuant to subsection (b)(5) of the Rule and (ii) amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. The remedies for any failure of the County to comply with and carry out the provisions of the Continuing Disclosure Certificate shall be as set forth therein.

20. CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

WHEREAS, the Health Department Renovation project is scheduled to begin in June 2004 and will be completed in December 2004; and

WHEREAS, the Health facility was originally scheduled to have the PBX Phone System installed during FY 2005; and

WHEREAS, it would be more efficient and cost effective to have the PBX system installed while the Health facility is under reconstruction rather than doing additional construction in FY 2005 for the PBX system; and

WHEREAS, the completion of this project is necessary and is part of the County's long range strategy to switch from Centrex to PBX.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the transfer of \$300,000 from the Health Fund to the Health Department Renovations project in the CIP Fund.

5-13-04-44 – GRANDVILLE AVENUE CORRIDOR FINANCIAL LITERACY PROGRAM  
GRANT APPROVAL AND BUDGET AMENDMENT / KENT / MSU  
COOPERATIVE EXTENSION

WHEREAS, Kent/MSU Cooperative Extension's Grandville Avenue Corridor Financial Literacy Program originated in 2003 in partnership with the Poverty Reduction Initiative sponsored by the Delta Strategy. The program provides Spanish language budgeting and financial management classes in the area in and around the Grandville Avenue Corridor in the City of Grand Rapids. The project is 100 percent grant funded; and

WHEREAS, Kent/MSU Cooperative Extension has received continuation grant funding for the program from Bank One (\$7,500), Fifth Third Bank (\$3,500), and State Farm Companies (\$5,000), and has received new funding from Standard Federal Bank (\$1,000). If approved, these funds will be used by Kent/MSU Cooperative Extension to continue to fund a part-time class instructor.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves Kent/MSU Cooperative Extension's receipt of grant funding for the Grandville Avenue Corridor Financial Literacy Program from Bank One, Fifth Third Bank, State Farm Companies, and Standard Federal Bank, and appropriates an additional \$17,000 to the Kent/MSU Cooperative Extension budget for the project.

5-13-04-45 – ACCEPT AN EMERGENCY MANAGEMENT PERFORMANCE GRANT /  
SHERIFF

WHEREAS, the Federal Emergency Management Agency (FEMA) provides federal funds for state and local emergency management programs; and

WHEREAS, the Michigan Department of State Police is the designated grantee for Emergency Management Performance Grant funding in Michigan and its Emergency Management Division enters into grant agreements with the local emergency management programs each year; and

WHEREAS, normally, this grant would have been awarded in September or October 2003; and

WHEREAS, given the uncertainty of the federal appropriation, the State chose not to award the grant until it received notification of the final grant award; and

WHEREAS, the grant will pay approximately 40 percent of the salary and fringe

benefit costs for the County's existing Emergency Management Coordinator position; and

WHEREAS, the grant period is October 1, 2003, to September 30, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners accepts an Emergency Management Performance Grant from the Michigan Department of State Police; and

BE IT FURTHER RESOLVED, that the Kent County Board of Commissioners authorizes the County Administrator/Controller to sign all grant documents.

Motion by Commissioner Boelema, supported by Commissioner Mast, to approve the consent agenda items.

Motion carried:

Yeas: Vonk, Wahlfield, Morgan, Rolls, Horton, Tanis, Hiddema, Boelema, Voorhees, Agee, Mast, VanderMolen, Postmus, Bulkowski, Mayhue, Vaughn, Koorndyk, Kuipers, Chair Morren – 19.

Nays: 0.

### RESOLUTIONS

#### 5-13-04-46 – CUSTOMER SERVICE INFORMATION CENTER / BOARD OF

#### COMMISSIONERS / ADMINISTRATOR'S OFFICE

WHEREAS, the City of Grand Rapids has funded and operated the Customer Service Information Center (CSIC) in the Monroe Lobby of the City Hall/County Administration Building Complex since September 1999; and

WHEREAS, the CSIC has assisted over 235,000 citizen requests for both City and County services; and

WHEREAS, statistics compiled by the CSIC, indicate that approximately 30 percent of all assistance provided and 60 percent of the walk-in customers seek County direction or information; and

WHEREAS, the cost to operate the CSIC is approximately \$107,000 annually; and

WHEREAS, the City of Grand Rapids has approached the County about assisting in funding the CSIC, proposing that 40 percent (\$42,695) of the CSIC be funded by the County; and

WHEREAS, staff has reviewed the proposal, which also includes a provision for the CSIC to answer the County's main telephone line, thereby enabling support staff in the Board and Administrator's Offices to concentrate on providing support work in those areas, and is recommending that the County consider partnering with the City to fund this operation, effective July 1, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners directs the County Administrator/Controller to enter into an agreement with the City of Grand Rapids to fund 40 percent of the Customer Service Information System located in the Monroe Lobby of the City Hall/County Administration Building Complex; and

BE IT FURTHER RESOLVED that \$21,348 be appropriated from the County's unreserved/undesignated General Fund to Other Contractual Services – Administrator's Office budget.

Motion by Commissioner Vaughn, supported by Commissioner VanderMolen, that the resolution be adopted.

Motion carried:

Yeas: Vonk, Wahlfield, Morgan, Rolls, Horton, Tanis, Hiddema, Boelema, Voorhees, Agee, Mast, VanderMolen, Postmus, Bulkowski, Mayhue, Vaughn, Koorndyk, Kuipers, Chair Morren – 19.

Nays: 0.

5-13-04-47 - ACCEPT REPORT / RECOMMENDATIONS OF THE JOHN BALL

ZOOLOGICAL GARDEN RECLAMATION TASK FORCE / BOARD OF COMMISSIONERS / ZOO

WHEREAS, in January 2004, the John Ball Zoological Garden Reclamation Task Force was created, and included representatives from the County (Commissioners Bulkowski and Postmus, Chair Morren and Administrator/Controller Daryl Delabbio, Interim Zoo Director Brenda Stringer), City of Grand Rapids, community members, and other interested parties to study potential uses of the John Ball Zoological Garden and make recommendations to the County for consideration on potential uses of the John Ball Zoological Garden if the millage vote for the Wildlife Park proved successful and the John Ball Zoo would cease to exist in its present form, specifically the 17-acres that the current zoo facility is located; and

WHEREAS, the Task Force met on three occasions and established a subcommittee, which met once, to discuss the use of the Zoo property; and

WHEREAS, a report of the subcommittee was reviewed by the Task Force at its meeting on March 30, 2004, and the Task Force voted to recommend the report to the Board of Commissioners for consideration; and

WHEREAS, the Task Force Report was formally presented to Chair Morren at the March 30, 2004, meeting of the Task Force.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the general concepts outlined in the John Ball Zoological Garden Reclamation Task Force Report; and

BE IT FURTHER RESOLVED that Administrator/Controller Daryl Delabbio be directed to begin the process to develop and identify specific plans to implement recommendations contained in the report, subject to review and approval at regular intervals by the Finance & Physical Resources Committee and, if necessary, the Board of Commissioners.

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

Motion carried by voice vote.

5-13-04-48 – JOHN BALL ZOOLOGICAL GARDEN RECLAMATION TECHNICAL

ASSISTANCE / ADMINISTRATOR'S OFFICE

WHEREAS, in developing its report and recommendations, the John Ball

Zoological Gardens Reclamation Task Force requested that the County explore contracting with the Project for Public Spaces (PPS) to provide technical assistance in further developing the reclamation plan; and

WHEREAS, PPS is a nationally recognized nonprofit organization with expertise in helping communities to revitalize and develop public places providing technical assistance, education, and research regarding how to implement a community's vision for a public space, including small-scale, doable improvements that can be phased in quickly; and

WHEREAS, Kent County has been awarded \$9500 from the Urban Cooperation Board to contract with PPS for technical assistance services, contingent on receiving the final report from PPS by July 15, 2004; and

WHEREAS, grant funds will be used for contracting fees and expenses related to bringing in PPS to tour the site of the current John Ball Zoological Gardens, review the findings and recommendations of the John Ball Zoological Gardens Reclamation Task Force, conduct an onsite community participation workshop, and develop a final report and recommendations.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves the John Ball Zoological Garden's receipt of grant funding from the Urban Cooperation Board for technical assistance related to the John Ball Zoological Gardens Reclamation Task Force recommendations, and appropriates an additional \$9,500 to the John Ball Zoological Garden budget for the project.

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

Motion carried by voice vote.

5-13-04-49 – THIRD AMENDMENT TO AGREEMENT FOR CONSTRUCTING, OPERATING, MAINTAINING AND FINANCING BUILDING TO BE USED BY AREA AGENCY ON AGING / FISCAL SERVICES

WHEREAS, the County entered into a "Construction, Maintenance and Financing Agreement" with the Kent County Building and the Area Agency on Aging on June 30, 1991; and

WHEREAS, this agreement was amended on June 6, 1991 and again on August 15, 1992; and

WHEREAS, this agreement provides for the occupancy of a building and site improvements located at 1279 Cedar Street N.E., for which Area Agency on Aging makes rental payments to the County in the amount of \$109,200 per year with a lease term which expires, August 31, 2008; and

WHEREAS, the County is currently making debt service payments through the Kent County Building Authority on bonds issued to construct this facility; and

WHEREAS, the bonds outstanding include annual principal maturities extended through June 1, 2016; and

WHEREAS, it is in the best interest of the County, the Kent County Building Authority, and the Area Agency on Aging that occupancy and a schedule of tenant lease payments be continued through a date which coincides with the final maturity of the current bond indebtedness; and

WHEREAS, the Amendment deletes reference to "...upon expiration of said term, the Agency (AAA) shall vacate the project..." and replaces it with "...the County shall convey its interest in the project to the Agency by Quit – Claim Deed for \$1.00."

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners does hereby approve a third amendment to a Construction, Maintenance and Financing Agreement between the Kent County Building Authority and Area Agency on Aging through June 1, 2016; and

BE IT FURTHER RESOLVED that the Chair of the Board of Commissioners be authorized to execute said lease agreement for and on behalf of the County of Kent.

Motion by Commissioner VanderMolen, supported by Commissioner Mast, that the resolution be adopted.

Motion carried:

Yeas: Vonk, Wahlfield, Morgan, Rolls, Horton, Tanis, Hiddema, Boelema, Voorhees, Agee, Mast, VanderMolen, Postmus, Bulkowski, Mayhue, Vaughn, Koorndyk, Kuipers, Chair Morren – 19.

Nays: 0.

### REPORTS

#### Finance & Physical Resources Committee

Commissioner Morgan announced that at the May 4, 2004, Finance Committee meeting, it voted not to fund the Property Development Rights program at this time.

### MISCELLANEOUS

#### Salaries

Commissioner Mayhue asked why the Officers Compensation Commission salary recommendations are not on the agenda. He does not think that elected officials should get raises during these hard economical times.

Commissioner Horton disagreed by saying that, if the vote were taken today, he would vote in favor of the recommendations, which in his opinion were very conservative and in the case of the five countywide officials, probably too low.

#### Introduction

Administrator Delabbio introduced and welcomed the new Information Technology Director, Craig Paull.

#### Subcommittee

Chair Morren announced the formation of the Education Renewal Zone Act Subcommittee to be chaired by Commissioner Koorndyk and includes: Commissioners Morgan, Agee, Hiddema, Boelema, Postmus and Vaughn.

### ADJOURNMENT

At 9:22 a.m., Commissioner Boelema moved to adjourn, subject to the call of the Chair, and to

Thursday, May 27, 2004, Room 310, County Administration Building, at 8:30 a.m., for an Official Meeting. Seconded by Commissioner VanderMolen. Motion carried.

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David J. Morren, Chair

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Mary Hollinrake, County Clerk