

**KENT COUNTY BOARD OF COMMISSIONERS**

*Thursday, August 26, 2004  
Administration Building - Room 310*

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Meeting called to order at 8:30 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 Bulkowski introduced Qais Anani, President of the Arab-American Association of Western Michigan, who gave the invocation.

PUBLIC COMMENT

There was no public comment.

SPECIAL ORDER OF BUSINESS

10K-A-Day – Chair Morren/Mayor Heartwell

The results are in! The City of Grand Rapids defeated the County in the 10K-A-Day challenge. Mayor Heartwell presented to Chair Morren a T-shirt with the city logo and the words “10K-A-Day Champs.”

Millennium Park Update

Chair Morren presented two national awards for Millennium Park from the National Association of County Parks and Recreational Officials (affiliate of the National Association of Counties): 1) Peter Secchia received the Outstanding Contributor Award in recognition of his nearly 5 year dedication to the development of Millennium Park; and, 2) Roger Sabine, Director of Parks, accepted on behalf of the Parks Department, an environmental award for Millennium Park.

GFOA Award – Robert White, Fiscal Services Director

For the fourth year, the County has been awarded the Distinguished Budget Presentation Award by the Government Finance Officers Association. Bob White, Fiscal Services Director, presented the award to Chair Morren acknowledging Mary Swanson, Assistant County Administrator; Bethanie Archbold, former Management Analyst; and Marvin VanNortwick, Budget Administration Manager for their hard work.

CONSENT AGENDA

a) Approval of the Minutes of July 20 Work Session and July 22, 2004 Meeting

b) July 20 and August 3 & 19, 2004 Finance Committee Meeting Minutes  
(Reports of Claims and Allowances)

c) Establish Public Hearing Date and Time – September 9, 2004, 7:00 p.m.  
re: Proposed 2005 millage rates and 2005 budget

d) Resolutions:

8-26-04-71 – FAMILIES IN TOUCH GRANT APPROVAL, CONTRACT, AND BUDGET  
AMENDMENT APPROVAL / KENT/MSU COOPERATIVE EXTENSION

WHEREAS, on June 25, 1998, the Board of Commissioners approved Cooperative Extension's request to apply to Spectrum Health for a Families in Touch Grant. Since then, continuation funding has been awarded and approved annually; and

WHEREAS, the Families in Touch Program provides education in financial management, parenting and nutrition to under-served families in five Grand Rapids schools. Parents are referred to the program by school health aides and other school staff; and

WHEREAS, the Program is eligible for an additional year of funding from Spectrum Health. MSU will continue to be the employer of record for the positions. No County staff positions or funds are involved.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners accepts funding from Spectrum Health for the Families In Touch Program, amends the Memorandum of Agreement with Cooperative Extension for the performance of the grant, and appropriates an additional \$54,075 in grant funding to the Kent MSU Cooperative Extension Budget for the program.

8-12-04-72 – FIRE COMMISSION BUDGET APPROPRIATION / FISCAL SERVICES /  
FIRE  
COMMISSION

WHEREAS, this is a Special Revenue Fund program that is equally funded by the County General Fund and the townships within the County; and

WHEREAS, in the FY 2004 budget, the Fire Commission Fund has incurred additional insurance costs of \$6,000 over budget, or 4.6 percent higher than anticipated as a result of increased insurance rates; and

WHEREAS, for the FY 2004 budget, the Fire Commission Fund has an undesignated budget balance of \$1,325 with five months remaining in the fiscal year; and

WHEREAS, an additional \$8,000 is required to cover the remaining expenditures for the FY 2004 budget; and

WHEREAS, funds are available in the Fire Commission Fund Balance to cover the remaining shortfall, this represents a change in the total appropriation from \$371,890 to \$379,890.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners recommends the appropriation of an additional \$8,000 from the Fire Commission Fund Balance to the FY 2004 Fire Commission budget.

8-26-04-73 – ACCEPT A SHELTER PLUS CARE RENEWAL GRANT FROM HUD AND BUDGET AMENDMENT / COMMUNITY DEVELOPMENT

WHEREAS, Community Development has administered a Shelter Plus Care program for the past ten years; and

WHEREAS, the program targets homeless and ADA-eligible individuals and provides assistance in obtaining and maintaining housing; and

WHEREAS, the Department of Housing and Urban Development (HUD) has recently announced the availability of funds to provide funding for an additional year after the current Shelter Plus Care grant expires on November 27, 2004; and

WHEREAS, the Shelter Plus Care grant application is contained within the overall Supportive Housing Program application that has been submitted to HUD by the Housing Continuum of Care, which is a subcommittee of the County's Emergency Needs Task Force; and

WHEREAS, the Community Development Block Grant pays the administrative costs associated with the program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approve the Community Development Department's request to accept a Shelter Plus Care Renewal Grant from the Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, that the Kent County Board of Commissioners hereby appropriate \$1,190,400 from HUD to the Shelter Care Plus Grant budget within the Community Development Block Grant budget, contingent upon award and execution of a contract.

8-26-04-74 – ACCEPT DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT / COMMUNITY DEVELOPMENT

WHEREAS, the US Department of Housing and Urban Development (HUD) has annually funded 100% of the salary and fringe benefits for the County's two full-time equivalent Family Self-Sufficiency (FSS) Coordinator positions; and

WHEREAS, the FSS Coordinator positions provide guidance and referrals to remove barriers to employment or increased employability that are encountered by those families receiving a rental subsidy pursuant to the Section 8 Housing Choice Voucher Program; and

WHEREAS, the existing FSS caseload is currently 146 families; and

WHEREAS, in the event grant funding is eliminated or decreased, the positions will be eliminated unless continuation funding is approved pursuant to the Fiscal Policy on Grants.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the Community Development Department's request to accept a grant from the Department of Housing and Urban Development.

8-26-04-75 – APPROVAL OF COMPREHENSIVE PLANNING AND BUDGETING CONTRACT (CPBC) FOR FY05 / HEALTH DEPARTMENT

WHEREAS, the Comprehensive Planning and Budgeting Contract (CPBC) is an annual agreement between the State and the County, and the primary funding vehicle for

required services (immunization, infectious disease, sexually transmitted disease, hearing and vision screening, and food protection), as well as several other state-funded grant programs; and

WHEREAS, funding for CPBC activities is relatively consistent with last year's levels. Budget items of note include a decrease in the laboratory funding of \$160,094 as a result of the elimination of a certain HIV/AIDS laboratory testing program; and

WHEREAS, revenues and expenses related to the CPBC Agreement were used to prepare the Health Department's 2005 budget request.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approve the Health Department's Comprehensive Planning and Budget Contract (CPBC) for FY05.

8-24-04-76 – FY2004 CHILD CARE BUDGET AMENDMENT / CIRCUIT COURT

WHEREAS, the Child Care Fund accounts for revenues and expenses associated with the care of children who are delinquent or child protective wards; costs associated with placement or in-home care that avoid placement are shared 50/50 with the State. In some programs the County pays 100 percent and is reimbursed by the State; for care in State Institutions, the County is required to pay the 50 percent share to the State; and

WHEREAS, in putting together the budget for FY2004, staff overestimated State grant revenue by including reimbursement for expenditures associated for care in State Institutions. Although expenditures for care in State Institutions is less than anticipated, the net additional General Fund allocation required is \$824,022. The Circuit Court has identified \$630,000 (a combination of higher than anticipated revenues and lower than anticipated expenditures) available in its General Fund budget to cover the shortfall, and Court and Fiscal Services staff recommend that the remaining \$194,022 be taken from the General Fund Unreserved /Undesignated Fund Balance; and

WHEREAS, in addition, as part of a recent audit of Kent County FIA cases by the Federal government, it was determined that certain foster care cases that were assigned to a Federal Title IV-E program which paid 100 percent of the cost of care were not eligible for that program. As a result, those cases have been reassigned to the Child Care Fund requiring the County to pay for 50 percent of the cost of those cases. The FIA has determined a need for an additional \$400,000 appropriation to provide for the 67 foster care cases which have now been reassigned from Federal funding to County/State funding. The additional \$400,000 expenditure will be funded 50 percent by State grant funds and 50 percent by the County, requiring an appropriation of \$200,000 from the Unreserved/Undesignated General Fund Balance.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves the reduction in Child Care Fund appropriation of \$580,000, the reduction of estimated inter-governmental revenues by \$1,604,022 and an increase in General Fund appropriation to be transferred to the Child Care Fund in the amount of \$1,024,022 to provide for support of ongoing County obligations through the end of the current fiscal year, and

BE IT FURTHER RESOLVED that General Fund appropriations be increased by \$394,022, revenue estimates be increased by \$290,000 and the Circuit Court budget be reduced by \$340,000 to support the additional transfer of \$1,024,022 to the Child Care Fund.

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

Motion carried:

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

Nays: 0.

## RESOLUTIONS

8-26-04-77 – LAW CLERK / LEGAL ANALYST JOB CLASSIFICATION

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### ADMINISTRATOR'S OFFICE

WHEREAS, Civil Counsel requested that an audit be performed for the Senior Administrative Specialist (MPP 16), providing support for Civil Counsel; and

WHEREAS, the functions performed by the position are comparable to those performed by junior attorneys and law clerks; and

WHEREAS, there is no existing position classification which properly documents a position with the functions and requirements for this position; and

WHEREAS, creation of the classification "Law Clerk/Legal Analyst" (MPP 23) will enable the position to be correctly classified and compensated; and

WHEREAS, the additional FY 2004 salary cost for the position, \$6,505 will be funded by unexpended salary allocations from unfilled vacancies in the Administrator's Office, and funds are included in the proposed 2005 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves creation of the job classification "Law Clerk/Legal Analyst" (MPP 23) to properly classify positions providing legal services not requiring admission to the Bar; and reclassification of one Senior Administrative Specialist (MPP 16) to Law Clerk/Legal Analyst.

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

Motion carried:

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

Nays: 0.

8-26-04-78 – PURCHASE OF DEVELOPMENT RIGHTS SELECTION CRITERIA AND APPLICATION CYCLE FOR 2004-05 / ADMINISTRATOR'S OFFICE

WHEREAS, the PDR ordinance adopted by the Board of Commissioners in November of 2002 established procedures for the administration of the PDR program. By ordinance, the Kent County Agricultural Preservation Board is responsible for much of the program administration, with certain items presented to the Board of Commissioners for approval; and

WHEREAS, the Agricultural Preservation Board has prepared 2004-05 selection criteria to be used to rank and prioritize PDR applications. Per ordinance, the Board of

Commissioners must approve the criteria; and

WHEREAS, this year's selection criteria continues to focus on preservation efforts in areas with large blocks of agricultural land and considers factors such as soil type, parcel size, proximity to sewer and water, and nearby development activity. Changes from the 2003-04 application include a revision to the scoring criteria to add consideration for the amount of road frontage and number of consecutive years applicant has applied to the PDR program, and to change the way development activity is evaluated. The criteria values have also been slightly re-weighted; and

WHEREAS, once the selection criteria are established and approved, all necessary components will be in place to proceed with an application cycle. The Board of Commissioners may hold an annual application cycle at its discretion. All applications need to proceed through the County process in order to be eligible for submittal in spring 2005 for Federal Farm Bill funding. It is recommended that the County application cycle be from September 1 – November 30, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves the Purchase of Development Rights (PDR) selection criteria and authorizes the application cycle of September 1 – November 30, 2004, for Spring 2005 USDA NRCS Federal Farm & Ranch Land Program grant application submission.

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

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Bulkowski, Postmus, VanderMolen, Mast, Agee, Boelema, Tanis, Horton, Rolls, Morgan, Wahlfield, Vonk, Chair Morren – 17.

Nays: Voorhees, Hiddema - 2.

8-26-04-79 – RESOLUTION AUTHORIZING THE ISSUANCE OF KENT COUNTY

CAPITAL IMPROVEMENT BONDS, SERIES 2003A & 2003B / FACILITIES MANAGEMENT

WHEREAS, the Board of Commissioners of Kent County (the "County") has determined to (a) acquire the building, a portion of which it currently leases, located at 80 Ionia Avenue, N.W., and an adjacent parking structure located at 78 Ionia Avenue, N.W. (Permanent Parcel Nos. 41-13-25-287-001 and 41-13-25-287-02), (b) acquire three vacant parcels of property located at 511, 519 and 525 Monroe Avenue, N.W. (Permanent Parcel Nos. 41-13-24-431-013, 41-13-24-431-014 and 41-13-24-431-015) to provide surface parking for utilization by the County or for other public use, and (c) a portion of property acquisition costs for the County Courthouse located at 180 Ottawa Avenue, N.W. (collectively, the "Property Acquisitions"); and

WHEREAS, the County is authorized to issue bonds under Section 517 of Act 34 of the Public Acts of Michigan of 2001, as amended, MCL 14.2101, et seq. ("Act 34"), and use the proceeds of the sale of such bonds to pay all or part of the cost of the Property Acquisitions; and

WHEREAS, the County Board of Commissioners has determined that it is in the best interest of the County to issue bonds under Section 517 of Act 34 for the purpose of paying the costs of the Property Acquisitions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Kent as follows:

Section 1. Necessity of Improvements; Useful Life. It is or was necessary for the public health, safety and welfare of the County to undertake or to have undertaken the Property Acquisitions and issue general obligation limited tax bonds of the County therefore pursuant to Section 517 of Act 34 to pay for the costs of the Property Acquisitions. The period of usefulness of the Property Acquisitions is estimated to be not less than 21 years.

Section 2. Bonds Authorized; Security. The County shall issue bonds entitled "General Obligation Limited Tax Capital Improvement Bonds" (the "Bonds") in one or more series identified by the year of issuance and a sequential letter of the alphabet in the aggregate principal sum of not to exceed \$10,500,000 to pay for the Property Acquisitions and the cost of issuance of the Bonds. The Bonds shall be limited tax general obligations of the County. The full faith and credit of the County are pledged for the prompt payment of the principal of and interest on the Bonds as the same shall become due. Each year the County shall include in its budget as a first budget obligation an amount sufficient to pay such principal and interest as the same shall become due. The ability of the County to raise funds to pay such amounts is subject to applicable constitutional and statutory limitations on the taxing power of the County.

Section 3. Continuance of Security for Bonds. The security pledged for the Bonds pursuant to this resolution shall continue until payment in full of the principal of and interest on all the Bonds or, until the Bonds are defeased as provided in Section 15 hereof.

Section 4. Bond Details. Bonds shall be issued in one or more series in fully registered form without coupons as serial and/or term bonds and substantially in the form set forth in Section 11 hereof. The interest rate or rates on the Bonds shall not exceed an average net interest rate of 5.0% per annum. The Bonds shall have maturities not exceeding 21 years and may have an optional redemption premium or premiums not exceeding 2.0% of the principal amount of any Bonds to be redeemed. The underwriter's discount on the Bonds shall not exceed .545% of the principal amount thereof and the Bonds may have a composite original issue discount not exceeding 2.00%. Within the limitations of applicable law and this resolution (including specifically this Section 4) the County's Administrator/Controller is hereby authorized, with respect to each series of the Bonds to approve the date, principal amount, maturities, interest payment date, interest rates, discounts, premiums, optional or mandatory redemption, the place of delivery and payment and other matters and procedures necessary to complete the issuance and sale of each of the series of the Bonds as permitted by law.

Section 5. Notice of Optional and Mandatory Redemption. If less than all of the Bonds of a certain maturity within a series of Bonds shall be subject to optional or mandatory redemption, the Bonds of such maturity to be redeemed shall be determined by lot.

Notice of the call of any Bonds subject to optional or mandatory redemption shall be given by first-class mail by the Bond Registrar/Paying Agent (identified in Section 9 hereof) not less than

30 days prior to the date fixed for redemption, to the registered owners of record of the Bonds or portions thereof to be redeemed, at the address shown on the registration books of the County kept by the Bond Registrar/Paying Agent; provided, however, that failure to give such notice by mail, or any defect in the notice mailed to the owner of any Bonds, shall not affect the validity of the proceedings for the redemption of any other Bonds. The notice of redemption shall specify the

Bonds to be redeemed, the redemption date and the place or places where amounts due upon such redemption will be payable and, if less than all of the Bonds of a series are to be redeemed, the numbers of such Bonds to be so redeemed, and, in the case of Bonds to be redeemed in part only, such notice shall also specify the respective portions of the principal amount thereof to be redeemed. Bonds so called for redemption shall not bear interest after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Bond Registrar/Paying Agent to redeem said Bonds.

Section 6. Payment of Bonds and Record Date. The principal of the Bonds shall be payable by the County to the holder thereof in lawful money of the United States of America upon delivery and surrender of the Bonds at the designated office of the Bond Registrar/Paying Agent (identified in Section 9 hereof). Interest on the Bonds shall be paid when due by check or draft drawn on the Bond Registrar/Paying Agent by first class mail to the registered owners thereof at the addresses shown on the registration books of the County kept by the Bond Registrar/Paying Agent as of the close of business on the 15th day of the month preceding the month a payment of interest on the Bonds is due, provided, however, that if such day is a Saturday, Sunday or legal holiday in the State of Michigan (the "State"), then to the registered owners at the addresses shown on the registration books as of the close of business on the day next preceding such 15th day of the month which is not a Saturday, Sunday or legal holiday in the State (the "Record Date").

Section 7. Denomination and Numbering. The Bonds shall be issued within a series in the denomination of \$5,000 or any multiple thereof within a single maturity, not exceeding the principal amount of the Bonds maturing in such year. Each Bond shall be numbered by the Bond Registrar/Paying Agent (identified in Section 9 hereof) in such a fashion as to reflect the fact that it is one of the Bonds of that series, and to identify the owner thereof on the bond register of the County kept by the Bond Registrar/Paying Agent.

Section 8. Book-Entry System. Initially, for each series of Bonds 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/Paying Agent (identified in Section 9 hereof), whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the Bond Registrar/Paying Agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this 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/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/Paying Agent shall be obligated to deliver bond certificates in accordance with the procedures established by this resolution. In the event bond certificates are issued, the provisions of this 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/Paying Agent to do so, the County and the Bond Registrar/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 credited 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 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 DTC and the County.

Section 9. Bond Registrar and Paying Agent. The Bank of New York Trust Company, N.A., is hereby appointed to act on behalf of the County as registrar and paying and transfer agent (the "Bond Registrar/Paying Agent") with respect to the Bonds. The County's Administrator/Controller is hereby authorized to enter into an agreement on behalf of the County with the Bond Registrar/Paying Agent upon such terms and conditions as are consistent with the terms of this resolution. All reasonable fees and expenses of the Bond Registrar/Paying Agent shall be paid by the County. The County's Administrator/Controller from time to time may designate, and enter into an agreement with, a new paying and transfer agent and bond registrar that is qualified to act in such capacity under the laws of the United States of America or the State.

Section 10. Execution, Authentication and Delivery of Bonds. The Chairperson of the County Board of Commissioners and County Clerk shall sign said Bonds manually or, to the extent authorized by law, by facsimile, for and on behalf of the County and shall cause the seal of the County (or a facsimile thereof) to be affixed thereto or printed thereon. The Bonds, when executed, shall be delivered to the Bond Registrar/Paying Agent for authentication and delivery by it to the purchaser thereof upon receipt of the purchase price therefor. The Bond Registrar/Paying Agent shall indicate on each Bond the date of its authentication. Additional Bonds bearing the manual or facsimile signatures of the Chairperson of the County Board of Commissioners and County Clerk and upon which the seal of the County (or a facsimile thereof) is affixed thereto or imprinted thereon may be delivered to the Bond Registrar/Paying Agent for authentication and delivery in connection with the exchange and transfer of Bonds. The Bond Registrar/Paying Agent shall authenticate and deliver the Bonds as directed by the County. The Chairperson of the County Board of Commissioners, County Clerk, County Treasurer, County Administrator/ Controller and County Fiscal Services Director are hereby authorized to execute such certificates, affidavits or other documents or instruments as may be required in connection with the issuance, sale and delivery of the Bonds.

Section 11. Form of Bonds; Exchange and Transfer of Bonds. The Bonds shall be substantially in the form attached hereto as Exhibit A. In the event that the Bonds are not in book-entry-only form, any individual Bond, at the option of the registered owner thereof, shall be transferable on the bond register of the County upon the surrender of the individual Bond together with an assignment executed by the Registered Owner or its duly authorized attorney in

form satisfactory to the Bond Registrar/Paying Agent. Upon receipt of a properly assigned Bond, the Bond Registrar/Paying Agent shall authenticate and deliver a new bond or bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees. Any individual bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Bond being exchanged. Such exchange shall be effected by surrender of the individual Bond to be exchanged to the Bond Registrar/Paying Agent with written instructions

signed by the registered owner of the individual Bond or its attorney in form satisfactory to the Bond Registrar/Paying Agent. Upon receipt of an individual Bond with proper written instructions the Bond Registrar/Paying Agent shall authenticate and deliver a new bond or bonds to the registered owner of the Bond or its properly designated transferee or transferees or attorney.

If, at the time the Bond Registrar/Paying Agent authenticates and delivers a new Bond pursuant to this Section 11, payment of interest on the Bonds is in default, the Bond Registrar/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/Paying Agent may deem and treat the person in whose name any Bond shall be registered upon the Bond Register 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, premium, if any, and interest on such Bond and for all other purposes, and all payments made to any such Registered Owner, or upon its order, in accordance with the provisions of Section 6 of this 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/Paying Agent shall be affected by any notice to the contrary. The County agrees to indemnify and save the Bond Registrar/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 the Registered Owner.

For every exchange or transfer of Bonds the County or the Bond Registrar/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 the exchange or transfer, which sum or sums shall be paid by the person requesting the exchange or transfer as a condition precedent to the exercise of the privilege of making the exchange or transfer.

The Bond Registrar/Paying Agent shall not be required to transfer or exchange Bonds or portions of Bonds which have been selected for redemption.

Section 12. Debt Service Fund. There shall be established and maintained on the books of the County Treasurer a separate fund to be designated the "GENERAL OBLIGATION LIMITED TAX CAPITAL IMPROVEMENT BONDS DEBT SERVICE FUND, SERIES 2004\_\_" (the "Debt Service Fund") for each series of Bonds. The Debt Service Fund for each series of Bonds shall be maintained at a bank or trust company designated by the County. Into said Debt Service Fund for a series of Bonds there shall be placed the accrued interest for such series of Bonds received at the time of delivery of said series of Bonds. All payments made by the County pursuant to Section 2 of this resolution are pledged for the payment of principal of

and interest on the Bonds and as made shall be placed in the Debt Service Fund for each series of Bonds without priority of one Debt Service Fund over the other. The principal of and interest on the Bonds of a series when due shall be paid directly out of the Debt Service Fund related to such series of Bonds.

Section 13. Improvement Fund. Prior to delivery and sale of the Bonds, there shall be established and maintained on the books of the County Treasurer a separate account to be designated the "GENERAL OBLIGATION LIMITED TAX CAPITAL IMPROVEMENT

BONDS IMPROVEMENT FUND, SERIES 2004\_\_" (the "Improvement Fund") for each series of Bonds. The Improvement Fund for each series of Bonds shall be maintained at a bank or trust company designated by the County. After deducting a sum equal to the amount of any accrued interest, if any, from the date of the Bonds of each series to the date of delivery thereof, which sums shall be deposited in the respective Debt Service Fund, the balance of the proceeds of the Bonds of each series shall be deposited into the respective Improvement Fund. The moneys on deposit in each Improvement Fund from time to time shall be used solely for the purpose for which the related series of Bonds were issued. Any unexpended balance shall be used for such purposes as allowed by law. After completing the Property Acquisitions and disposition of remaining proceeds of the Bonds of each series, if any, pursuant to the provisions of this Section 13, the respective Improvement Fund of a series of Bonds shall be closed.

Section 14. Refunding Bonds. The County shall have the power to issue refunding bonds pursuant to all applicable law to refund all or part of each series of Bonds for purposes authorized by law.

Section 15. 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 and interest on a series of the Bonds, shall have been deposited in trust, this resolution shall be defeased with respect to such series of Bonds and the owners of such series of Bonds shall have no further rights under this resolution except to receive payment of the principal of and interest on such series of Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

Section 16. Replacement of Bonds. Upon receipt by the Bond Registrar/Paying Agent of proof of ownership of an unmatured Bond and satisfactory evidence that the Bond has been lost, apparently destroyed or wrongfully taken and upon receipt of security or indemnity which complies with applicable law and is satisfactory to the Bond Registrar/Paying Agent, the Bond Registrar/Paying Agent shall 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 Bond Registrar/Paying Agent may pay the Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Bond Registrar/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/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, tenor and series and be secured in the same manner as the Bond in substitution for which such Bond was delivered.

Section 17. Investment of Moneys. Moneys in the respective Improvement Funds and the Debt Service Funds may be invested in United States Government obligations, obligations the principal of and interest on which are guaranteed by the United States Government or other investments permitted by law. Any moneys so invested shall be in obligations or deposits maturing prior to the estimated date that such moneys will be needed for the purposes of the fund in which such moneys invested have been deposited.

Section 18. State Tax Exemption. The Bonds are authorized by the Constitution of the State, the statutes of the State and, in particular, Section 517 of Act 34 and are exempt from any and all taxation whatsoever by the State or by any taxing authority within the State, except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

Section 19. Tax Covenant. The County covenants to comply with all 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.

Section 20. Additional Security. The County's Fiscal Services Director is hereby authorized to negotiate and arrange, as and to the extent he shall deem necessary, for insurance on the Bonds as additional security to assure timely payment of principal of and interest on the Bonds.

Section 21. Negotiated Sale. The County's Administrator/Controller is authorized to negotiate the sale of the Bonds with Oppenheimer & Co. Inc. (the "Underwriter") in accordance with the provisions of this resolution and to execute a bond purchase agreement with the Underwriter evidencing the terms of such negotiated sale. A negotiated sale of the Bonds will permit the County to sell the Bonds at the appropriate time and to structure the issue to assure the lowest interest rate on the Bonds.

Section 22. Report of Sale of Bonds. The County's Fiscal Services Director, prior to the issuance of the Bonds, shall file a report with the County Board of Commissioners with respect to the sale of the Bonds. Such report shall include (a) the date of issue, principal amount and the manner of sale of each series of the Bonds, (b) the interest rate or rates on the Bonds of each series, (c) the optional and mandatory redemption provisions related to the Bonds of each series, (d) the use and disposition of the proceeds of the Bonds of each series, and (e) the extent of the use of any bond insurance to secure payment of the Bonds of each series.

Section 23. Sale, Issuance and Delivery of Bonds; Preparation and Use of Official Statement. The Chairperson of the County Board of Commissioners, County Clerk, County Treasurer, County Administrator/Controller and County Fiscal Services Director are authorized to do all things necessary to effectuate the sale, issuance and delivery of the Bonds in accordance with the provisions of this resolution.

The County's Fiscal Services Director is hereby authorized to cause the preparation of an official statement for the Bonds for purposes of 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 comply 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 purchaser to enable such purchaser to comply with paragraph (b)(4) of

the Rule and the rules of the Municipal Securities Rulemaking Board. The County's Fiscal Services Director is authorized to enter into such agreements as may be required to enable the purchaser to comply with the Rule.

Section 24. Continuing Disclosure. The County's Fiscal Services Director is authorized to execute and deliver in the name and on behalf of the County a continuing disclosure certificate to comply with the requirements for a continuing disclosure undertaking by the County pursuant to paragraph (b)(5) of the Rule, and 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 the provisions of the Continuing Disclosure Certificate.

Section 25. Approval of Michigan Department of Treasury. The issuance and sale of the Bonds is subject to approval being granted therefor by the Department of Treasury of the State ("Treasury") in accordance with Act 34. The County has previously filed a qualifying statement with Treasury, and subsequent thereto the County has been granted qualified status by Treasury, all as provided in Act 34.

Section 26. Severability. If any section, paragraph, clause or provision of this resolution shall be held invalid, the invalidity of such paragraph, section, clause or provision shall not affect any of the other provisions of this resolution.

Section 27. Prior Resolutions. All resolutions or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

Section 28. Headings. The section headings in this resolution are furnished for convenience of reference only and shall not be considered to be part of this resolution.

Section 29. Effective Date of Resolution. This resolution shall become effective immediately upon its passage.

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

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Postmus, VanderMolen, Mast, Agee, Boelema, Hiddema, Tanis, Horton, Rolls, Morgan, Wahlfield, Vonk, Chair Morren – 17.

Nays: Bulkowski, Voorhees - 2.

**EXHIBIT A**

R-\_\_

**UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF KENT  
GENERAL OBLIGATION LIMITED TAX  
CAPITAL IMPROVEMENT BONDS,  
SERIES 2004\_\_**

<b>INTEREST RATE</b>	<b>MATURITY DATE</b>	<b>DATE OF ORIGINAL ISSUE</b>	<b>CUSIP</b>
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**REGISTERED OWNER:** Cede & Co.  
P.O. Box 20  
Bowling Green Station  
New York, New York 10274  
Tax I.D. No. 13-2555119

**PRINCIPAL AMOUNT:** Dollars (\$\_\_\_\_\_)

**KNOW ALL MEN BY THESE PRESENTS** that Kent County, Michigan (the "County"), acknowledges itself indebted and, for value received, hereby promises to pay on the Maturity Date, specified above, unless redeemed prior thereto as hereinafter provided, to the Registered Owner, specified above, or registered assigns shown as the Registered Owner of record of this Bond on the books of the County kept by The Bank of New York Trust Company, N.A., Detroit, Michigan, as bond registrar/paying agent (the "Bond Registrar/Paying Agent") the Principal Amount, specified above, in lawful money of the United States of America, upon presentation and surrender of this Bond at the designated office of the Bond Registrar/Paying Agent, or at

such successor bond registrar and paying agent as may be designated pursuant to the Resolution (as hereinafter defined), together with interest thereon (computed using a 360-day year consisting of twelve 30-day months) from the date hereof until paid at the Interest Rate per annum specified above, payable on \_\_\_\_\_, 200\_, and semi-annually thereafter on the \_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_ of each year by check or draft drawn on the Bond Registrar/Paying Agent to the Registered Owner by first-class mail at the address shown on the registration books of the County on the Record Date. The Record Date shall be the close of business each \_\_\_\_\_ and \_\_\_\_\_ with respect to the payments due each \_\_\_\_ and \_\_\_\_\_, respectively, provided that if such day is a Saturday, Sunday or legal holiday in the State of Michigan (the "State"), the Record Date shall be as of the close of business on the day next preceding such 15th day of the month which is not a Saturday, Sunday or legal holiday in the State.

This Bond is one of a series of bonds of even date and like tenor except as to principal amount, date of maturity and interest rate, aggregating the principal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) (the "Bonds") issued in accordance with the provisions of Section 517 of Act 34 of the Public Acts of Michigan of 2001, as amended, and a bond authorizing resolution adopted by the Board of Commissioners of the County (the "Resolution") to finance the cost of \_\_\_\_\_.

The Bonds are a limited tax general obligation of the County. The full faith and credit of the County are pledged for the prompt payment of principal of and interest on the Bonds as the same shall become due. Each year the County will include in its budget as a first budget obligation an amount sufficient to pay such principal and interest as the same shall become due. The ability of the County to raise funds to pay such amounts is subject to applicable constitutional and statutory limitation on the taxing power of the County.

This Bond is transferable, as provided in the Resolution, only upon the books of the County kept for that purpose by the Bond Registrar/Paying Agent, upon the surrender of this Bond together with a written instrument of transfer satisfactory to the Bond Registrar/Paying Agent duly executed by the Registered Owner or its 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 Resolution, 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/Paying Agent shall not be required to transfer or exchange bonds or

portions of bonds which have been selected for redemption.

MANDATORY PRIOR REDEMPTION

Bonds maturing in the year \_\_\_\_\_ are subject to mandatory prior redemption at par and accrued interest as follows:

Redemption Date	Principal Amount of Bonds To Be Redeemed
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\*

\*Final maturity.

(Repeat as necessary)

Bonds or portions of Bonds to be redeemed by mandatory redemption shall be selected by lot.]

OPTIONAL PRIOR REDEMPTION

Bonds maturing in the years \_\_\_\_ through \_\_\_\_, both inclusive, shall not be subject to redemption prior to maturity. Bonds maturing in the years \_\_\_\_ through \_\_\_\_, both inclusive, shall be subject to redemption prior to maturity at the option of the County, in whole or in part in multiples of \$5,000 within a single maturity in such order of maturity as the County shall determine and within a single maturity by lot, on any date on or after \_\_\_\_\_ at par.

NOTICE OF REDEMPTION

Notice of the call of any Bonds for redemption shall be given by first-class mail not less than 30 days prior to the date fixed for redemption to the registered owners of record of the Bonds or portions thereof to be redeemed. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Bond Registrar/Paying Agent to redeem said Bonds.

It is hereby certified and recited that all acts, conditions and things required by law, precedent to and in the issuance of this Bond, exist and have been done and performed in regular and due time and form as required by law and that the total indebtedness of the County, including this Bond, does not exceed any constitutional or statutory limitation.

**IN WITNESS WHEREOF**, the County has caused this Bond to be executed in its name by facsimile signature of the Chairperson of the County Board of Commissioners and County Clerk and its seal (or a facsimile thereof) to be impressed or printed hereon and to be manually authenticated by the Paying Agent/Bond Registrar, as the County's authenticating agent, all as of the original issuance date set forth above.

**KENT COUNTY, MICHIGAN**

(Seal)

\_\_\_\_\_  
David Morren, Chairperson

\_\_\_\_\_  
Mary Hollinrake, County Clerk

**CERTIFICATION OF AUTHENTICATION**

This Bond is one of the Bonds described in the within mentioned Resolution.

THE BANK OF NEW YORK TRUST  
COMPANY, N.A., as Bond Registrar/  
Paying Agent

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

\_\_\_\_\_  
Authorized Representative

8-26-04-80 – PARK LAND ACQUISITION – LOWELL TOWNSHIP (KUIPER PROPERTY)

/

PARKS DEPARTMENT

WHEREAS, for the past several years the Parks Department has been purchasing land in Lowell Township with the goal of establishing a regional park. Three previous purchase totaling 235 acres have been completed, and the County holds a right of first refusal on another 180; and

WHEREAS, this parcel will provide road frontage and access points, as well as recreational opportunities as part of future park development; and

WHEREAS, the purchase price is supported by an appraisal.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves the purchase of 35.5 acres of land (parcel number 412023100003) from Beatrice Kuiper et al at a cost of \$401,100.

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

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Bulkowski, Postmus, VanderMolen, Mast, Agee, Voorhees, Boelema, Tanis, Horton, Rolls, Morgan, Wahlfield, Vonk, Chair Morren – 18.

Nays: Hiddema - 1.

8-26-04-81 - PARK LAND ACQUISITION – LOWELL TOWNSHIP (TIMPSON PROPERTY)

/ PARKS DEPARTMENT

WHEREAS, for the past several years the Parks Department has been purchasing land in Lowell Township with the goal of establishing a regional park. Three previous purchase totaling 235 acres have been completed, and the County holds a right of first refusal on another 180; and

WHEREAS, this parcel will provide road frontage and access points, as well as recreational opportunities as part of future park development; and

WHEREAS, the purchase price is supported by an appraisal.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves the purchase of 38.25 acres of land (parcel number 412023100015) from John Timpson at a cost of \$382,500.

Motion by Commissioner Vander Molen, supported by Commissioner Vonk, that the resolution be adopted.

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Bulkowski, Postmus, VanderMolen, Mast, Agee, Voorhees, Boelema, Tanis, Horton, Rolls, Morgan, Wahlfield, Vonk, Chair Morren – 18.

Nays: Hiddema - 1.

## REPORTS

### Education Renewal Zone Act Subcommittee

Commissioner Koorndyk reported that the Education Renewal Zone Act Subcommittee held it's

fourth meeting and will give its report to the Legislative & Human Resources Committee on September 14, 2004.

### PDR Funding Subcommittee

Commissioner Tanis reported that he, Commissioners VanderMolen and Vaughn were appointed to a Finance and Physical Resources Committee subcommittee to look over a request from Commissioner Postmus on PDR funding.

## MISCELLANEOUS

### Statement

Commissioner Mayhue read a statement (copy of which is on file in the Office of the County Clerk) requesting the Prosecutor to investigate racial incidents at the Gerald R. Ford International Airport.

### Board Appointments

Commissioner Koorndyk announced that resumes are being taken for county boards and committees. Forms are available through the Board of Commission office and/or the County's website.

### Central 911 Dispatch

Chair Morren asked that if Commissioners have comments on the Central 911 Dispatch report they get them to Daryl Delabbio today or tomorrow.

## ADJOURNMENT

At 9:27 a.m., Commissioner Bulkowski moved to adjourn, subject to the call of the Chair, and to Thursday, September 9, 2004, Room 310, County Administration Building, at 7:00 p.m., for an Official Meeting. Seconded by Commissioner Koorndyk. Motion carried.

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David J. Morren, Chair

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Mary Hollinrake, County Clerk