

KENT COUNTY BOARD OF COMMISSIONERS

*Thursday, September 22, 2005
Administration Building - Room 310*

Meeting called to order at 8:30 a.m. by Chair David J. Morren.

Present: Commissioners Agee, Boelema, Bulkowski, Hiddema, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Voorhees, Wahlfield, Chair Morren – 16.

Absent: Postmus, Tanis, Vonk – 3 (Excused).

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

PUBLIC COMMENT

Mona Sallie, 2321 Kent Blvd., Grand Rapids. Ms. Sallie will appear at every Board of Commissioners' meetings until there is an investigation into the death of mother, Annie Mae Sallie.

Christy Sallie, 2321 Kent Blvd., Grand Rapids. Repeated statements made at prior Board of Commissioners' meetings with regard to her mother's death and the Medical Examiner's handling of her case.

Chair Morren noted that County Administrator Daryl Delabbio will update the Board of Commissioners on the status of these complaints.

CONSENT AGENDA

- a) Approval of the Minutes of September 8, 2005 Meeting
- b) September 6, 2005 Finance Committee Meeting Minutes
(Reports of Claims and Allowances)
- c) Appointment:

Board of Canvassers Appointments – Bonnie Rae Bowers and Esther VanHammen

- d) Resolutions:

9-22-05-73 – SOLID WASTE MANAGEMENT PLAN – DETERMINATION OF
CONSISTENCY – PLUMMER'S ENVIRONMENTAL SERVICES /
PUBLIC WORKS

WHEREAS, Kent County has a Michigan Department of Environmental

Quality (MDEQ) approved Solid Waste Management Plan in accordance with Public Act 451, Part 115; and

WHEREAS, the Board of Public Works is the Designated Planning Agency for Plan preparation and implementation. Prior to implementation or licensing of new facilities in the County, the MDEQ requires a "Determination of Consistency" with the Plan; and

WHEREAS, Plummer's Environmental Services is required to have a Solid Waste Processing Facility license from the MDEQ for their liquid industrial waste treatment facility located in Byron Township. Public Works staff found the facility to be consistent with the Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves finding the Plummer's Environmental Services liquid industrial waste facility consistent with the County Solid Waste Management Plan as recommended by the Board of Public Works serving as the "Designated Planning Agency."

9-22-05-74 – ACCEPT GRANT FROM AREA COMMUNITY SERVICE EMPLOYMENT AND TRAINING / FRIEND OF THE COURT

WHEREAS, for at least the last ten years, the County has operated or been affiliated with the Work First (WF) program formerly known as Parents' Fair Share; and

WHEREAS, the objective of the WF program is to provide employment services for unemployed parents with child support obligations in Kent County; and

WHEREAS, the grant will continue to pay 100% of the salaries and benefits for three existing positions; and

WHEREAS, the contract period is October 1, 2005, to September 30, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners hereby accepts a grant from the Area Community Service Employment & Training agency, contingent upon award and execution of a contract; and

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

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

9-22-05-75 – ACCEPT A FY 2006 TITLE IV-D COOPERATIVE REIMBURSEMENT GRANT AND BUDGET AMENDMENT / FRIEND OF THE COURT

WHEREAS, the Michigan Department of Human Services provides funding to counties to operate a Cooperative Reimbursement Program designed to secure and enforce support orders; and

WHEREAS, the Friend of the Court's Cooperative Reimbursement Program will operate with 101 full-time positions plus 12 FTEs in support services from the Circuit Court – Family Division (Referees & clerical); and

WHEREAS, the anticipated grant period is October 1, 2005, to September 30, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the Kent County Board of Commissioners approve the Friend of the Court's request to accept an FY 2006 Title IV-

D Cooperative Reimbursement Grant from the Michigan Department of Human Services;
and

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

BE IT FURTHER RESOLVED that the Kent County Board of Commissioners appropriate \$66,924 in increased grant revenues from the State of Michigan to the Friend of the Court – Title IV-D Budget, contingent upon award and execution of a contract; and

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

9-22-05-76 – ACCEPT GRANT FROM THE MICHIGAN DEPARTMENT OF HUMAN SERVICES AND BUDGET AMENDMENT / FRIEND OF THE COURT

WHEREAS, the Michigan Department of Human Services Office of Child Support provides grant funding to the Friend of the Court to conduct medical support enforcement activities to reduce the use of Medicaid by children whose non-custodial parents have access to health insurance for dependents; and

WHEREAS, the grant pays 100 percent of the salary and benefits for approximately 3.36 FTEs, which is a 1.64 FTE reduction from the prior year. The grant offer is \$20,470 higher than originally estimated for the FY06 budget, but still slightly lower than previous years, resulting in the transfer of the 1.64 FTE to the IV-D Cooperative Reimbursement Budget; and

WHEREAS, the anticipated grant period is October 1, 2005, to September 30, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approve the Friend of the Court's request to accept an FY 2006 Medical Support Grant from the State of Michigan; and

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

BE IT FURTHER RESOLVED that the Kent County Board of Commissioners appropriate \$20,470 in increased grant revenues from the State of Michigan to the Friend of the Court – Medical Support Budget, contingent upon award and execution of a contract; and

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

9-22-05-77 – NETWORK 180 – METHAMPHETAMINE GRANT / HEALTH DEPARTMENT

WHEREAS, the Kent County Health Department has received notice that grant funds are available from Network 180 to fund a Methamphetamine grant; and

WHEREAS, the grant provides funding to complete a methamphetamine needs assessment for Kent County and requires that a methamphetamine task force be established. It also provides funding to hold trainings for substance abuse counselors on

the prevalence of methamphetamine addiction in Kent County, and to farmers about the importance of restricting access to agricultural materials used in the production of methamphetamine. Information will also be distributed to retailers about methamphetamine addiction and how to identify potential customers who are purchasing materials used to produce methamphetamine; and

WHEREAS, grant funds will be used to fund a .5 FTE Health Educator, a .1 FTE Program Supervisor, and a .08 FTE Clerk Typist II position. The cost of salary for these positions is \$32,846 and the cost of benefits is \$12,050. These positions are existing Kent County Health Department positions and were previously funded through a grant that has been eliminated; and

WHEREAS, grant funding also provides for the purchase of contractual services to obtain a needs assessment and the purchase of training equipment and supplies; and

WHEREAS, funding of \$72,600 is for the twelve month period covering October 1, 2004, through September 30, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approve the Health Department's request to accept funding of \$72,600 from Network 180 for a Methamphetamine Grant for the FY2005 Health Department Budget.

9-22-05-78 – CHERRY STREET HEALTH SERVICES – GRAND RAPIDS
HEALTHY COMMUNITIES ACCESS PROGRAM FUNDING /
HEALTH DEPARTMENT

WHEREAS, the Kent County Health Department has received notice that grant funds are available from Cherry Street Health Services through its United States Department of Health and Human Services Health Resources and Services Administration (HRSA) grant to fund a portion of the existing Program Supervisor for the Healthcare for People of Color initiative; and

WHEREAS, the grant funds approximately 95% of the total salary and benefit costs of \$72,607 for the Program Supervisor position; and

WHEREAS, the focus of this grant program is to coordinate the community planning effort to provide primary care services to low income residents of Kent County through the Task Force for Healthcare for People of Color. This effort includes planning for transportation services in support of these primary care services. In addition, the grant provides funding for staff to coordinate the Cultural Competency Training for Health Care Providers initiative and the Diabetes Screening in primary care clinics initiative; and

WHEREAS, the Program Supervisor position is currently funded with General Fund dollars to support the Board of Commissioner's directed Taskforce for Healthcare for People of Color program. The Cherry Street Health Services funding will result in a decrease to the Health Department's FY 2005 General Fund Appropriation of \$68,378 ; and

WHEREAS, in the event grant funding is eliminated or decreased, the position will be funded by general fund dollars as directed by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approve the Health Department's request to accept funding of \$68,378

from Cherry Street Health Services for the Grand Rapids Healthy Communities Access Program for the FY 2005 Health Department Budget.

9-22-05-79 – WOMEN, INFANT, AND CHILDREN (WIC) – BUDGET AMENDMENT / HEALTH DEPARTMENT

WHEREAS, the Health Department has received notice that the amount of funding per WIC participant has increased by \$9.72 for fiscal year 2005, raising the per participant amount to \$115.72, from \$106.00; and

WHEREAS, the WIC program is a free nutrition program for pregnant and breastfeeding women and children up to age five. WIC provides coupons for nutritious foods, education and immunizations to over 20,000 clients annually. Over the past several years, the Health Department has seen a significant increase in the demand for this program; and

WHEREAS, based on current caseload, the Health Department's WIC allocation will increase from \$2,114,561 to \$2,300,019.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners amend the 2005 Health Department budget for Women, Infant, and Children (WIC) Programming and appropriate an additional \$185,458 from the Michigan Department of Community Health (MDCH) to the FY 2005 Health Department Budget.

9-22-05-80 – QUITCLAIM DEEDS TO ROAD COMMISSION

WHEREAS, the Road Commission has proposed that the County convey various parcels identified by them as being used and controlled by them for several years, but the ownership of which has continued to remain in the name of the County of Kent; and

WHEREAS, the properties proposed to be transferred include seven gravel pits and two Road Commission maintenance facilities; and

WHEREAS, the Property Description and Mapping Division has reviewed the conveyances for current use, responsibility for maintenance, and ownership issues, and recommends that correction of ownership and transfer in favor of the Road Commission is in order; and

WHEREAS, the Civil Counsel has reviewed and approved the quitclaim deeds for execution; and

WHEREAS, the quitclaim of County properties in favor of Road Commission requires approval of the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves the execution of quitclaim deeds in favor of the Road Commission; and

BE IT FURTHER RESOLVED that the Chair, or Vice-chair, in his absence, be hereby authorized and directed to execute the quitclaim deeds for parcels listed in Exhibit A, and such other ancillary documents as may be necessary.

Motion by Commissioner Hiddema, seconded by Commissioner VanderMolen, to approve the consent agenda items.

Motion carried:

Yeas: Wahlfield, Rolls, Horton, Hiddema, Boelema, Voorhees, Agee, Mast, Morgan,

Vander Molen, Bulkowski, Vaughn, Koorndyk, Klein, Chair Morren – 15.
Nays: 0.

RESOLUTIONS

9-22-05-81 – REVISIONS TO HEALTH DEPARTMENT FEE SCHEDULE / HEALTH DEPARTMENT

WHEREAS, Public Act 368 of 1978 (the Public Health Code), as amended, allows a local government to “...fix and require the payment of fees for services authorized or required to be performed by the local health department.” Said fees should not be more than the reasonable cost of providing the service; and

WHEREAS, as required by County Fiscal Policy – Fees and Charges, departments are required to review their fees and charges annually and to forward recommended changes to the Board of Commissioners as part of the budget process; and

WHEREAS, the Health Department is recommending changes to 28 existing fees and the establishment of 5 new fees. The recommendations are detailed in a chart, a copy of which is on file in the Board of Commissioner’s Office; and

WHEREAS, a Public Hearing was held at the Health Department on August 24, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approve amendments to the Health Department’s fee schedule effective October 1, 2005.

Motion by Commissioner Voorhees, seconded by Commissioner Vander Molen that the resolution be adopted.

Motion by Commissioner Koorndyk, seconded by Commissioner Klein, to amend resolution to include “actual cost of drug”.

Motion to amend carried by voice vote.

Motion by Commissioner Agee, seconded by Commissioner Mast to postpone until October 13, 2005.

Yeas: Agee, Boelema, Bulkowski, Horton, Klein, Mast, Mayhue, Rolls, Vaughn, Chair Morren – 10.

Nays: Hiddema, Koorndyk, Morgan, Vander Molen, Voorhees, Wahlfield - 6.

9-22-05-82 – PURCHASE OF DEVELOPMENT RIGHTS OPTION, GRANT APPLICATION, BUDGET APPROPRIATION, AND PURCHASE AGREEMENT / KENT/MSU EXTENSION

WHEREAS, the Board of Commissioners approved the Purchase of Development Rights Ordinance on November 26, 2002, and on May 26, 2005, approved selection criteria for the purchase of development rights by the County, and authorized the Agricultural Preservation Board to accept applications from landowners to participate in the program; and

WHEREAS, the County Agricultural Preservation Board received 34 applications for more than 3,100 acres from 12 townships; 22 out of the 34 applications met criteria of the Michigan Agricultural Preservation Fund and the state program provides up to 75 percent of the cost of the development rights through a competitive

grant program. Applications to the state program are due on October 17, 2005; and

WHEREAS, as of August 29, 2005, the County has secured \$854,400 in local matching funds which are available for this grant cycle. In addition to the 25 percent share which is not eligible for state grant funding, the local grant funds are being used for appraisals, closing costs and option fees; and

WHEREAS, the Agricultural Preservation Board is recommending that options for the purchase of development rights be extended to five properties, based on their compliance with the state criteria, the County criteria, and the availability of matching funds; and

WHEREAS, the option agreement was drafted by County Counsel and has been reviewed and approved as to form.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves offering an option for the purchase of development rights on the following five parcels as recommended by the Agricultural Preservation Board: Wendy Robinson, 3119 14 Mile Rd, Sparta, MI 49345, (PPN 41-05-09-300-007, 41-05-09-300-005, 41-05-09-100-004); Linda Bradford, 11530 Peach Ridge, Sparta, MI 49345, (PPN 41-05-21-300-006); Joe Jakeway, 35 Hayes NE, Comstock Park MI 49321, (PPN 41-12-05-400-003, 41-12-05-400-002); Joe Jakeway, 35 Hayes NE, Comstock Park, MI 49321, (PPN 41-15-14-200-013); and Phillip Heffron, 7515 Lincoln Lake, Belding, MI 48809, (41-12-11-100-024, 41-12-10-226-003); and

BE IT FURTHER RESOLVED that the Board approves submission of a grant application for 75 percent of the cost of the development rights, and appropriates any state funds received to the Farmland Preservation Budget; and

BE IT FURTHER RESOLVED that the Board authorizes the exercise of the option and the purchase of the development rights on any of the above lands approved for funding by the Michigan Agricultural Preservation Fund and for which local match (including the local share of development rights, appraisals, closing costs and option fees) has been secured, in the order of ranking as established by the Agricultural Preservation Board (1-Robinson, 2-Bradford, 3-Jakeaway, 4-Jakeaway and 5-Heffron).

Motion by Commissioner Rolls, seconded by Commissioner Vaughn, that the resolution be adopted.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Wahlfield – 13.

Nays: Hiddema, Voorhees, Chair Morren – 3.

9-22-05-83 – SPARTA FOUNDATION GRANT APPLICATION AND BUDGET
AMENDMENT FOR APPROPRIATION FOR PURCHASE OF
DEVELOPMENT RIGHTS / KENT/MSU EXTENSION

WHEREAS, the Kent County Agricultural Preservation Board intends to apply to the Michigan Agricultural Preservation Fund requiring a local match; and

WHEREAS, two Purchase of Development Rights (PDR) eligible farms are located in Sparta Township and the Agricultural Preservation Board is recommending a grant application for the local match be submitted to the Sparta Community Foundation. These grant funds would be used for the required local match and associated program costs such as appraisal costs, easement monitoring, and closing costs; and

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves the Agricultural Preservation Board's request to apply to the Sparta Community Foundation for \$10,000, and appropriate any funds received to the Kent County Agricultural Preservation Fund with spending authorization limited to the actual amount received.

Motion by Commissioner Wahlfield, seconded by Commissioner Horton, that the resolution be adopted.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Voorhees, Wahlfield, Chair Morren – 15.

Nays: Hiddema – 1.

9-22-05-84 – 2006 BUDGET / GENERAL APPROPRIATION ACT/
ADMINISTRATOR'S OFFICE

WHEREAS, this resolution shall be known as the FY 2006 General Appropriation Act; and

WHEREAS, pursuant to MCLA 141.412 and 141.413, notice of a public hearing on the proposed budget was published in a newspaper of general circulation on August 28, 2005, and a public hearing on the proposed budget was held on September 8, 2005; and

WHEREAS, the Kent County Board authorized, by resolution no. 09-08-05-72, a general property tax levy on all real and personal property within the County upon the current tax roll of 2.8535 mills for County general operations; and voter authorized millages of 0.7893 mills for correctional facility operations and debt service, and 0.2444 mills for senior services; and

WHEREAS, the Kent County Finance and Physical Resources Committee has reviewed the Recommended 2006 Budget in detail; and

WHEREAS, estimated total revenues and appropriations for the various funds are recommended as follows:

<u>FUND</u>	<u>REVENUES</u>	<u>APPROPRIATIONS</u>
General Fund	\$152,509,386	\$160,154,378
Special Revenue Funds	123,106,489	106,206,700
Capital Project Funds	4,384,073	3,884,073
Internal Service Fund	20,896,496	20,873,966
Debt Service Funds	6,837,296	6,767,296
Component Unit Funds	59,802,296	59,702,296
Proprietary Funds	38,545,133	39,338,928

NOW THEREFORE BE IT RESOLVED, that the Kent County Board of Commissioners hereby adopts the FY 2006 Appropriation Act as the official budget for FY 2006; and

BE IT FURTHER RESOLVED, that County officials responsible for the appropriations authorized in the act may expend County funds up to, but not to exceed, the total appropriation authorized for each department or activity; and

BE IT FURTHER RESOLVED, that the Kent County Board adopts the

FY 2006 budgets for the various governmental funds by department or activity as follows:

**2006 General Appropriations Act
County of Kent, Michigan**

GENERAL FUND	2006
Estimated Revenues	
Taxes	\$80,302,273
Licenses & Permits	93,035
Intergovernmental	11,822,442
Charges for Services	20,495,115
Fines & Forfeitures	301,000
Investment Earnings	2,750,000
Reimbursements	8,632,640
Other	3,548,396
Transfers In	24,564,485
Total Estimated Revenues	152,509,386
Fund Balance Usage (Deposit)	1,544,992
Total Estimated Revenues & Other Sources	\$154,054,378
Appropriations	
Circuit Court	\$16,305,934
Clerk's Office	2,067,513
District Court	2,740,461
Drain Commission	627,027
Facilities Management	8,176,765
Fiscal Services	3,422,233
Information Technology	5,820,847
Policy/Administration	4,268,045
Sheriff's Department	54,268,325
Treasurer's Office	1,279,826
Parks Department	4,783,648
Probate Court – Mental & Estate Division	1,092,060
Intergovernmental	3,611,789
Bureau of Equalization	1,584,307
Human Resources	2,136,566
Prosecutor's – Criminal/Juvenile	5,472,053
Cooperative Extension Service	636,555
Medical Examiner	1,219,767
Soldiers & Sailors Relief	191,981
John Ball Zoological Gardens	3,899,737
Transfers Out	36,548,939
Total Appropriations	160,154,378
Estimated Appropriation Lapse	(6,100,000)
Estimated Expenditures	\$154,054,378

**2006 General Appropriations Act
County of Kent, Michigan**

SPECIAL REVENUE FUNDS	2006
Estimated Revenues	
Taxes	\$48,535,970
Licenses & Permits	1,370,300
Intergovernmental	34,162,783
Charges for Services	3,156,062
Fines & Forfeitures	571,609
Investment Earnings	1,439,175
Reimbursements	4,007,749
Other	452,575
Transfers In	29,410,266
Total Estimated Revenues	123,106,489
Fund Balance Usage (Deposit)	(16,899,789)
Total Estimated Revenues & Other Sources	\$106,206,700
Appropriations	
Fire Commission	\$358,328
Friend of the Court	8,191,452
Health Department	23,985,910
Lodging Excise Tax	6,166,175
Correction & Detention Millage	11,318,840
Senior Millage	5,047,207
Register of Deeds-Automation Fund	702,116
Community Development	2,755,420
Child Care	21,674,786
DHS Child Care	9,582,006
Revenue Sharing Reserve Fund	10,735,690
Veteran's Trust	30,582
Special Project – Circuit Court-Com Corrections Admin	2,236,391
Special Project – Circuit Court-Com Corrections Grant	228,100
Special Project – Circuit Court-Criminal Diversion	73,209
Special Project – Circuit Court-Family Counseling	73,000
Special Project – Circuit Court-JAIBG	53,610
Special Project – Drain Commission-Special Assessment	52,729
Special Project – Prosecutor's-Cooperative Reimbursement	1,517,076
Special Project – Remonumentation Program	380,000
Special Project – Sheriff-Drug Enforcement	89,442
Special Project – Sheriff-Gifts – DARE	200
Special Project – Sheriff-Gifts – Honor Camp	6,000
Special Project – Sheriff-Gifts – Jail	85,000
Special Project – Sheriff-Kent Narcotics	126,550
Special Project – Sheriff-Local Correction Officers Training	76,000
Special Project – Sheriff-Michigan Dispatch Training	9,000
Special Project – Sheriff-Michigan Justice Training	45,000
Special Project – Sheriff-Secondary Road Patrol	606,881
Total Appropriations	\$106,206,700

**2006 General Appropriations Act
County of Kent, Michigan**

CAPITAL PROJECT FUNDS		2006
Estimated Revenues		
Taxes		\$3,844,073
Intergovernmental		40,000
Investment Earnings		500,000
Total Estimated Revenues		4,384,073
Fund Balance Usage (Deposit)		(500,000)
Total Estimated Revenues & Other Sources		\$3,884,073
Appropriations		
Capital Improvement Program		\$3,884,073
Total Appropriations		\$3,884,073
INTERNAL SERVICE FUND		2006
Estimated Revenues		
Charges for Services		\$1,905,000
Investment Earnings		106,530
Reimbursements		18,859,966
Other		25,000
Total Estimated Revenues		20,896,496
Fund Balance Usage (Deposit)		(22,530)
Total Estimated Revenues & Other Sources		\$20,873,966
Appropriations		
Risk Management		\$20,873,966
Total Appropriations		\$20,873,966
DEBT SERVICE FUNDS		2006
Estimated Revenues		
Investment Earnings		\$500
Other		109,250
Transfers In		6,727,546
Total Estimated Revenues		6,837,296
Fund Balance Usage (Deposit)		(70,000)
Total Estimated Revenues & Other Sources		\$6,767,296
Appropriations		
Series A & B		\$962,170
Courthouse		4,568,528
Sheriff's Administration Building		788,303
Correction and Detention Facilities		319,340
Area Agency on Aging		128,955

Total Appropriations	\$6,767,296
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**2006 General Appropriations Act
County of Kent, Michigan**

COMPONENT UNIT FUNDS	2006
Estimated Revenues	
Intergovernmental	\$8,077,930
Charges for Services	48,507,131
Investment Earnings	715,000
Reimbursements	510,570
Other	1,261,698
Transfers In	729,967
Total Estimated Revenues	59,802,296
Fund Balance Usage (Deposit)	(100,000)
Total Estimated Revenues & Other Sources	\$59,702,296
Appropriations	
Housing Commission	\$3,562,080
Social Welfare	4,125,537
DPW Act 185 Bond Fund	1,531,350
DPW Administration & Finance	808,100
DPW Water & Sewer Division	4,209,100
DPW Solid Waste/Landfill Operations	8,066,450
DPW Waste-to-Energy Operations	37,399,679
Total Appropriations	\$59,702,296
PROPRIETARY FUNDS	2006
Estimated Revenues	
Taxes	\$2,595,000
Intergovernmental	4,200,000
Charges for Services	19,269,112
Fines & Forfeitures	8,000
Investment Earnings	1,009,500
Reimbursements	190,000
Other	11,273,521
Total Estimated Revenues	38,545,133
Fund Balance Usage (Deposit)	793,795
Total Estimated Revenues & Other Sources	\$39,338,928
Appropriations	
Aeronautics	\$34,888,633
Delinquent Tax Fund	4,450,295
Total Appropriations	\$39,338,928

BE IT FURTHER RESOLVED that appropriations made for the available balances and outstanding encumbrances at fiscal year end for grants are continued in full force and effect and shall carry over to successive fiscal years until the grants are completed or otherwise terminated.

BE IT FURTHER RESOLVED that appropriations made for the available balances and outstanding encumbrances at fiscal year end for capital projects are continued in full force and effect and shall carry over to successive fiscal years until the projects are completed or otherwise terminated.

BE IT FURTHER RESOLVED that appropriations made for the outstanding purchase orders and contractual encumbrances at fiscal year end in the operating funds are continued in full force and effect and shall carry over to successive fiscal years until the projects are completed or otherwise terminated.

BE IT FURTHER RESOLVED that the County Administrator/Controller shall provide the Kent County Finance and Physical Resources Committee, at the end of each fiscal quarter, a report of year to date revenues and expenditures compared to the budgeted amounts in the various funds of the County.

BE IT FURTHER RESOLVED that whenever it appears to the Kent County Administrator/Controller or the Kent County Board that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, or when it appears that expenditures will exceed an appropriation, the County Administrator/Controller shall present to the County Board recommendations to prevent expenditures from exceeding available revenues and reserves or appropriations for the budget year. Such recommendations may include proposals for reducing appropriations, increasing revenues or a combination thereof.

Motion by Commissioner Wahlfield, seconded by Commissioner Vander Molen, that the resolution be adopted.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Hiddema, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Voorhees, Wahlfield, Chair Morren – 16.

Nays: 0.

9-22-05-85 – LAND RELEASE AND SALE OF AIRPORT PROPERTY TO MDOT /
AERONAUTICS

WHEREAS, the Kent County Aeronautics Board has negotiated with the Michigan Department of Transportation to sell a parcel of Airport land needed as future right-of-way for the construction of 36th Street Interchange at I-96; and

WHEREAS, the Michigan Department of Transportation has agreed to purchase from Kent County 5.76 acres of Airport land for such purpose for the appraised price of \$133,000; and

WHEREAS, the Kent County Aeronautics Board has requested and received written approval of the Federal Aviation Administration to release this land; and

WHEREAS, the selling of Airport land in the name of Kent County requires prior approval of the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of

Commissioners approves the sale of 5.76 acres of Airport land for the 36th Street Interchange right-of-way for the appraised price of \$133,000; and

BE IT FURTHER RESOLVED THAT the Chair and the Clerk, or Vice-chair or Deputy Clerk, in their absence, are hereby authorized and directed to execute and deliver a deed to said land, and such other ancillary documents as may be necessary to consummate the transaction.

Motion by Commissioner Boelema, seconded by Commissioner Vander Molen, that the resolution be adopted.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Hiddema, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Voorhees, Wahlfield, Chair Morren – 16.

Nays: 0.

9-22-05-86 – APPROVAL OF SPECIAL ASSESSMENT ROLLS – BOSTWICK LAKE / DRAIN COMMISSION

WHEREAS, on November 7, 2003, in response to a petition received from the owners of properties fronting Bostwick Lake, the Kent County Circuit Court established a legal lake level for the lake; and

WHEREAS, the Kent County Drain Commissioner, acting as the designated authority, hired a contractor for a lake augmentation well to raise the water level of the lake to meet the established legal lake level. The estimated cost of the project which includes construction, engineering, legal services and contingencies has been calculated at \$355,000.00; and

WHEREAS, in accordance with the Lake Level Act, the cost must be levied against the properties in the established special assessment district; and

WHEREAS, on August 15, 2005, the Drain Commissioner held a hearing on the assessment roll, and having considered all objections to and comments regarding the roll, he approved and confirmed the roll.

WHEREAS, an excess of \$10,000 must be expended in 2005 to complete the Bostwick Lake augmentation well; and

WHEREAS, the Board of Commissioners is required to authorize any expenditure in excess of \$10,000 for maintenance of lake levels; and

WHEREAS, the cost of the improvement will be funded through a special assessment on all parcels within the court-established district.

NOW, THEREFORE, BE IT RESOLVED the Kent County Board of Commissioners does hereby authorize the Drain Commissioner to expend in excess of \$10,000 to complete the installation of the well/pump with associated costs recovered via a special assessment on all parcels within the court-established Bostwick Lake District.

Motion by Commissioner Wahlfield, seconded by Commissioner Vaughn, that the resolution be adopted.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Hiddema, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Voorhees, Wahlfield, Chair Morren – 16.

Nays: 0.

9-22-05-87 – APPROVAL OF SPECIAL ASSESSMENT ROLLS – LINCOLN LAKE / DRAIN COMMISSION

WHEREAS, the Inland Lake Level Act of 1961 mandates that dams and outlet structures within the County’s jurisdiction be regularly inspected and maintained; and

WHEREAS, in the case of Lincoln Lake, the Kent County Drain Commissioner, acting as the delegated authority, hired a contractor to grease the controls and actuate the gates in the dam; and

WHEREAS, the total cost incurred for repairs was \$2500; and

WHEREAS, pursuant to the Inland Lake Level Act of 1961, the cost must be levied against the properties in the established special assessment district; and

WHEREAS, the Drain Commissioner held a public hearing on the assessment roll on August 29, 2005, and since no objections were received, he then approved and confirmed the roll.

NOW, THEREFORE, BE IT RESOLVED that in accordance with MCL§324.20714(3) the County Board of Commissioners approves the special assessment roll relating to Lincoln Lake.

Motion by Commissioner Wahlfield, seconded by Commissioner Vaughn, that the resolution be adopted.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Hiddema, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Voorhees, Wahlfield, Chair Morren – 16.

Nays: 0.

9-22-05-88 – APPROVAL OF SPECIAL ASSESSMENT ROLLS – MYERS LAKE / DRAIN COMMISSION

WHEREAS, on March 11, 2004, in response to a petition received from the owners of properties fronting or with access to Myers Lake, the Kent County Board of Commissioners authorized the County Drain Commissioner to “... expend in excess of \$10,000 to investigate and install a well/pump...” for Myers Lake “... with associated costs (estimated \$150,000) recovered via a special assessment...”.

WHEREAS, since that time, acting as Kent County’s designated authority, the Drain Commissioner has contracted for lake augmentation well to raise the water level of the lake to meet the established legal lake level. However, after drilling test wells at five locations around the lake, the contractor was unable to find a location which would provide adequate flow to augment the lake level. Therefore, the Drain Commissioner has halted any further work on this project. The total cost expended to date on the project is \$74,600.00. This includes the cost of construction, engineering, legal services and contingencies; and

WHEREAS, in accordance with the Lake Level Act, the cost must be levied against the properties in the established special assessment district; and

WHEREAS, on August 22, 2005, the Drain Commissioner held a hearing on the assessment roll, and having considered all objections to and comments, he approved and

confirmed the roll.

NOW, THEREFORE, BE IT RESOLVED that in accordance with MCL§324.20714(3), the Kent County Board of Commissioners approves the special assessment roll relating to Myers Lake.

Motion by Commissioner Wahlfield, seconded by Commissioner Vaughn, that the resolution be adopted.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Hiddema, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Voorhees, Wahlfield, Chair Morren – 16.

Nays: 0.

9-22-05-89 – RESOLUTION AUTHORIZING EXECUTION OF A (NEW) CONTRACT OF LEASE FOR THE COURTHOUSE FACILITY REFUNDING BONDS ISSUANCE / FISCAL SERVICES

WHEREAS, the Board of Commissioners (the "Board") of the County of Kent, Michigan (the "County"), has established the Kent County Building Authority (the "Building Authority") pursuant to Act 31 of the Public Acts of Michigan of 1948 (First Extra Session), as amended, MCL 123.951, et seq. ("Act 31"); and

WHEREAS, the Building Authority previously issued its \$65,650,000 Building Authority Bonds, Series 1998 (the "1998 Bonds") pursuant to Act 31; and

WHEREAS, the Building Authority has determined to issue bonds pursuant to Act 31 (the "Refunding Bonds") to refund a portion of the outstanding principal of the 1998 Bonds because of a significant decline in interest rates since such 1998 Bonds were issued; and

WHEREAS, in connection with the issuance of the Refunding Bonds, it is necessary that the County and the Building Authority enter into a certain contract of lease (the "Lease Contract") substantially in the form of Exhibit A attached hereto; and

WHEREAS, the County desires to pledge its limited full faith and credit to meet its obligations under the Lease Contract.

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

1. That the Lease Contract substantially in the form presented is hereby approved and the Chair of the Board and County Clerk are hereby authorized and directed to execute such Lease Contract for and on behalf of the County in substantially the form approved with such changes as may be necessary or desirable, are not materially adverse to the County and as approved by bond counsel for the Refunding Bonds, for and on behalf of the County.
2. That the County hereby expressly and irrevocably pledges its full faith and credit, subject to existing statutory and constitutional limitations, to meet its obligations in the Lease Contract to the extent and as provided therein.
3. That the Chair of the Board, Vice Chair of the Board, County Clerk, County Treasurer, County Administrator and County Fiscal Services Director, or any of them, are hereby

authorized and directed to execute such additional certificates and other documents in a form approved by bond counsel for the Refunding Bonds in connection with the issuance of the Refunding Bonds.

4. That all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, rescinded.

EXHIBIT A

CONTRACT OF LEASE

THIS CONTRACT OF LEASE made and executed as of November 1, 2005 (the "Lease Contract"), by and between the **KENT COUNTY BUILDING AUTHORITY** (the "Building Authority"), a public body corporate organized and existing under the authority of Act 31 of the Public Acts of Michigan of 1948 (First Extra Session), as amended ("Act 31"), and **COUNTY OF KENT**, Michigan (the "County"), a Michigan municipal corporation organized and existing under the Constitution and laws of the State of Michigan.

WITNESSETH:

WHEREAS, the Building Authority has been incorporated by the County under and pursuant to the provisions of Act 31 for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and maintaining a building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefore, together with the appurtenant properties and facilities necessary or convenient for the effective use thereof, for use for any legitimate public purpose of the County and is authorized to issue bonds to finance the costs thereof; and

WHEREAS, the Building Authority has, pursuant to the provisions of Act 31, heretofore issued and sold its Building Authority Bonds, Series 1998 (the "1998 Bonds") dated September 1, 1998, in the aggregate principal sum of Sixty-Five Million Six Hundred Fifty Thousand Dollars (\$65,650,000) which have a current outstanding principal balance of Fifty-Nine Million Six Hundred Five Thousand Dollars (\$59,605,000) and which finally mature on June 1, 2026, and

WHEREAS, the proceeds of the 1998 Bonds were used to acquire, construct, furnish and equip a justice center facility including parking and other ancillary facilities to house (a) the judiciary and administrative functions of (i) the Civil, Criminal and Family Divisions of Kent County 17th Circuit Court, (ii) the Kent County Probate Court and (iii) the 61st District Court; (b) the County Prosecutor's Offices; (c) the offices of the Enforcement Division of the City of Grand Rapids (the "City") City Attorney; (d) the Court Division of the County Clerk; (e) the County Community Corrections offices; (f) the Legal and Bench Warrant Divisions of the County Friend of the Court; and (g) Kent County Sheriff's Department security offices to be located in the downtown area of the City at a site west of Ionia Avenue, east of Ottawa Avenue, north of Lyon Street and south of the Bank One Building (the "Project"); and

WHEREAS, since the issuance and sale of the 1998 Bonds the interest rates on tax-exempt municipal bonds have declined significantly so that, based on current interest rates, it is now in the best interest of the Building Authority and the County to consider the issuance and sale of refunding bonds (the "Refunding Bonds") at a lower interest rate to be used to refund the 1998 Bonds maturing on and after June 1, 2009, in the amount of Fifty-Four Million Three Hundred

Twenty-Five Thousand Dollars (\$54,325,000) and subject to optional redemption at par on June 1, 2008 (the "Refunded Bonds"); and

WHEREAS, the estimated remaining period of usefulness of the Project is determined to be at least twenty-one (21) years; and

WHEREAS, pursuant to a resolution adopted by the Building Authority Commission dated September 22, 2005 (the "Resolution"), the Building Authority has determined, in accordance with the authorization contained in Act 31 and its Articles of Incorporation, to issue the Refunding Bonds and to refund the Refunded Bonds; and

WHEREAS, the 1998 Bonds maturing on June 1, 2006, June 1, 2007, and June 1, 2008, in the principal amounts of \$1,680,000, \$1,760,000 and \$1,840,000, respectively are not subject to optional redemption and will not be refunded (the "Nonrefunded Bonds"); and

WHEREAS, as a prerequisite to the authorization and issuance of the Refunding Bonds, it is necessary for the parties hereto to enter into a lease contract whereby the Building Authority will continue to lease to the County and the County will continue to lease from the Building Authority the Project for a period extending at or beyond the last maturity date of the Refunding Bonds, but not to exceed a period of twenty-one (21) years.

IT IS THEREFORE AGREED BY AND BETWEEN THE PARTIES HERETO, for and in consideration of the agreements and covenants of each other, as follows:

Section 1. Amendment to 1998 Bonds Contract of Lease. This Lease Contract amends the Contract of Lease dated as of September 1, 1998 (the "1998 Lease Contract"), by and between the Building Authority and the County related to the issuance of the 1998 Bonds. To the extent of any conflict between the 1998 Lease Contract and this Lease Contract related to the Nonrefunded Bonds, the provisions of the 1998 Lease Contract shall apply. To the extent of any conflict between the 1998 Lease Contract and this Lease Contract related to the Refunding Bonds, the provisions of this Lease Contract shall apply.

Section 2. Lease of Project from Building Authority. In consideration of the rentals and other terms and conditions herein specified, the Building Authority does hereby continue to let and lease to the County, and the County does hereby continue to lease from the Building Authority the Project TO HAVE AND TO HOLD for a term commencing on the date hereof and ending on June 1, 2026, or such lesser period as may be authorized by the provisions of this Lease Contract. Possession of the Project shall vest in the County and to the City to whom the County has sublet a portion of the Project. When all of the Nonrefunded Bonds and the Refunding Bonds issued by the Building Authority to finance the Project have been retired the Building Authority shall convey to the County all of its right, title and interest in the Project and any lands, air space, easements or rights-of-way appertaining thereto. Upon such conveyance by the Building Authority to the County this Lease Contract and the leasehold term shall terminate and the Building Authority shall have no further interest in, or obligations with respect to, the Project.

Section 3. Rental Payments. The County promises to pay semi-annual cash rental payments (hereinafter referred to as the "Rental Payments") to the Building Authority on the dates and in the amounts set forth on Exhibit A attached hereto and made a part hereof; which payments are to be made on the same day principal of and interest on both the Nonrefunded Bonds and the Refunding Bonds is due in an amount equal to such principal and interest payments.

The Rental Payments herein required are in an amount sufficient to pay the annual principal payments on the Nonrefunded Bonds in the total principal sum of Five Million Two Hundred Eighty Thousand Dollars (\$5,280,000) plus semi-annual interest at the rate applicable to such Nonrefunded Bonds and on the Refunding Bonds in the total authorized principal sum of

_____ Dollars (\$ _____), plus semi-annual interest at the maximum rate of six percent (6.0%) per annum. In the event the rate of interest on the Refunding Bonds when sold is less than six percent (6.0%) per annum, this paragraph shall be deemed amended to require payment of principal of and actual interest necessary to pay the debt service requirements of the Refunding Bonds.

The County, in its sole discretion in any semi-annual period, may pay in advance any proportion of the Rental Payments in excess of the semi-annual requirement, in which event and except as provided below, the Building Authority shall credit the County with advance payments of the next succeeding Rental Payment to the extent of such advance payments.

In addition to the Rental Payments provided for in this Section 3, the County hereby agrees to pay or cause to be paid all expenses of the Building Authority related to the Refunding Bonds including expenses incidental to the issuance and payment of the Refunding Bonds to the extent such expenses are not paid from the proceeds of the Refunding Bonds. The obligations of the County to make or cause to be made such payments shall be general obligations of the County.

Section 4. Obligations of County. The County, pursuant to Act 31, establishes the obligations set forth herein as general obligations of the County and, further, by a majority vote of the elected members of its Board of Commissioners, hereby pledges its full faith and credit, as limited herein, to the payment of all sums, rates, fees, costs and the Rental Payments due hereunder.

The County hereby pledges its full faith and credit for the payment of the Rental Payments and agrees to include in its budget for each year during the term hereof an amount sufficient to pay when due the Rental Payments to the Building Authority and shall levy each year such *ad valorem* taxes in an amount which, together with other funds available for such purpose shall be sufficient for the payment of such annual Rental Payments, but not in an amount or at a rate exceeding that necessary to pay such contractual obligation, provided, however, that if the County has other available funds at the time prescribed by law for the making of any *ad valorem* tax levy, which have been set aside and earmarked for payment of its obligations hereunder for which an *ad valorem* tax levy would otherwise have to be made, then the tax levy shall be reduced by the amount of the other available funds. Any such tax levy is, however, subject to existing statutory and constitutional tax limitations.

Section 5. Operation and Maintenance. During the term of this Lease Contract, the County at its own expense or at the expense of itself and the City, as shall be mutually agreed, shall operate, maintain and keep in repair the Project, and the expenses in connection therewith shall be borne and paid by the County or by the County and the City, as shall mutually be agreed. The operation and maintenance of the Project or any part of the Project may be contracted for with a third party. Operation and maintenance shall include, but not be limited to, the providing of all personnel, security, equipment and facilities, all air conditioning, light, power, heat, telephone, water, sewage disposal, storm drainage and all other personnel, services, equipment and supplies, of whatever nature, as shall be necessary or expedient for the operation and maintenance of the Project.

Premiums for insurance required to be carried upon or with respect to the Project or the use thereof shall be deemed operation and maintenance expenses. The obligation of the County to pay or cause to be paid all costs and expenses of the operation and maintenance of the Project shall be a general obligation of the County.

The County shall include in its budget for each year during the term hereof, an amount sufficient to pay the operation, maintenance and administration costs of the Project as herein specified. A copy of each year's budget shall be made available to the Building Authority. The Building Authority shall have the right and privilege to communicate directly with the County Board

of Commissioners regarding any disputed items in said budget, and in any event the budget shall be reasonably adequate to cover the obligations of the County herein contained. In no event shall the amounts to be included by the County in its yearly budget for the operation, maintenance and administration of the Project be less than the amount required to reasonably maintain the Project. In no event shall the County's obligation in any such yearly budget be less than the amount required by law.

Section 6. Insurance. The County shall provide or cause to be provided, fire and extended coverage, malicious mischief and vandalism insurance in an amount which is at least equal to the amount of the Nonrefunded Bonds and the Refunding Bonds outstanding from time to time or to the amount of the full replacement cost of the Project if that amount be less than the amount of the Nonrefunded Bonds and the Refunding Bonds outstanding. Such insurance shall be payable to the County and the Building Authority as their interests may appear. In the event of the partial or total destruction of the Project or if the Project is for any reason made unusable, the Rental Payments as provided in Section 3 hereby shall continue unabated. The County shall have the option to use the proceeds of insurance, in the event of loss or damage to the Project, for the repair or restoration of the Project. If the County shall determine not to use the proceeds of insurance for the repair or restoration of the Project, the amount of such insurance proceeds shall be paid to the Building Authority and by it deposited in the bond and interest redemption fund and the County shall receive appropriate credits on future Rental Payments due. The County shall provide or cause to be provided adequate liability insurance or self insurance (at its sole discretion) protecting the County, the Building Authority and the members of the Commission of the Building Authority against loss on account of damage or injury to persons or property imposed by reason of the ownership, possession, use, operation or repair of the Project or resulting from any acts of omission or commission on the part of the County, the Building Authority, the members of the Commission of the Building Authority or their agents, officers or employees in connection therewith.

Section 7. Alterations to Project. The County may provide with respect to the Project such facilities, buildings and appurtenances, as it may desire, but shall not make any permanent alterations to the Project that will in any way adversely affect either the security of the Nonrefunded Bonds and the Refunding Bonds or the prompt payment of principal of or interest thereon.

Section 8. Compliance with Laws and Indemnification. The County covenants and agrees that it will not permit the use of the Project in any manner which will result in a violation of local, state or federal law, rules, regulations or ordinances, now or hereafter in force and applicable thereto. The County agrees to keep and hold the Building Authority and its officers, commissioners and agents harmless and indemnified at all times against any loss, cost, damage or expense by any accident, loss, casualty or damage resulting to any person or property through any use, misuse, or non-use of the Project, or by reason of any act or thing done or not done on, in, or about said Project or in relation thereto. The County further covenants and agrees that it will promptly, and at its own expense, make or cause to be made and pay or cause to be paid for any and all changes and alterations in or about the Project, which, during the term hereof, may be required to be made at any time by reason of local, state or federal laws, rules, regulations and ordinances and to save the Building Authority harmless and free from all cost or damage in respect thereto. The County shall be responsible for all costs of such changes and alterations.

Section 9. No Abatement of Rental Payments. There shall be no abatement of the Rental Payments required to be made by the County for any reason whatsoever. If, in the case of damage or destruction of the Project, the funds received from any insurance policies, or otherwise, shall, in the judgment of the Building Authority, be insufficient to make the damaged or destroyed

Project usable, the Building Authority shall hold and/or invest the funds paid to it by reason of such loss for the benefit of the holders of outstanding Nonrefunded Bonds and Refunding Bonds and when the proceeds of the insurance together with the Rental Payments are sufficient to pay the principal of, all premiums, if any, and interest on all outstanding Nonrefunded Bonds and Refunding Bonds, such moneys shall be held by the Building Authority in trust for the benefit of the holders of the outstanding Nonrefunded Bonds and Refunding Bonds and used to pay the principal of, interest and all premiums, if any, on said Nonrefunded Bonds and Refunding Bonds as they mature or as said Refunding Bonds become callable. Such moneys so held shall be invested in bonds, notes, bills and certificates of the United States of America or in such other investments as may be permitted by law, provided, however, if the Nonrefunded Bonds and/or Refunding Bonds are rated and are not secured by a policy of insurance, investment of such monies shall be in investments that carry ratings not less than the current ratings of the Nonrefunded Bonds or Refunding Bonds, whichever is higher.

Section 10. Assignment. The leasehold rights, duties and obligations of the County, as specified herein, shall not be assigned by the County without the prior written consent of the Building Authority during the term hereof or while any of the Nonrefunded Bonds and the Refunding Bonds are outstanding and unpaid, provided, however, that no assignment shall be made in violation of the terms hereof nor shall any assignment be made which would impair the security of the Nonrefunded Bonds and the Refunding Bonds or the rights of the holders thereof.

Section 11. Inspection of Records. The Building Authority, its agents, servants or employees, shall have the right at all times to inspect the books and records of the County pertaining to the Project and determine whether all of the terms, agreements, covenants and conditions herein contained are being complied with.

Section 12. Continued Obligations of County. The County covenants and agrees that it will continue to pay to the Building Authority, in accordance with the terms hereof, the Rental Payments herein specified. The County further covenants and agrees that it will continue to pay or cause to be paid the operation, maintenance and administration costs of the Project, without abatement or any cause or reason whatsoever, until the principal of and interest on the Nonrefunded Bonds and the Refunding Bonds are paid in full or the Nonrefunded Bonds and the Refunding Bonds are fully defeased.

Section 13. Remedies of Building Authority in Event of Default. The County covenants and agrees that if, before all the Nonrefunded Bonds and the Refunding Bonds have been retired or defeased, default shall at any time be made by the County in the payment of the Rental Payments or by the County in the operation, maintenance and administrative costs as herein required, the Building Authority shall have the right to use all the remedies provided by law to correct said default, including those specifically set forth in Act 31.

Section 14. Modification of and Compliance with Lease Contract. The Building Authority and the County each recognize that the holders from time to time of the Nonrefunded Bonds and the Refunding Bonds will have rights and interests herein, and it is, therefore, covenanted and agreed by each of them so long as any of the Nonrefunded Bonds and the Refunding Bonds shall remain outstanding, that the provisions hereof shall not be subject to any alteration or revision which would in any manner adversely affect either the security of the Nonrefunded Bonds and the Refunding Bonds or the prompt payment of principal of or interest thereon. The Building Authority and the County further covenant and agree that they will each promptly comply with their respective duties and obligations hereunder at the times and in the manner herein set forth, and will not suffer to be done any act which would in any way impair the Nonrefunded Bonds or the Refunding Bonds,

the security therefor, or the prompt payment of principal of and interest thereon.

Section 15. Proceeds of Project are a First Lien. The County and the Building Authority hereby covenant and agree that the proceeds of any sale or other liquidation of any interest of the County in the Project, including the site therefor, is hereby impressed with a first lien for the payment of any outstanding Nonrefunded Bonds and the Refunding Bonds until or unless the principal of and interest on the Nonrefunded Bonds and the Refunding Bonds are paid in full or the Nonrefunded Bonds and the Refunding Bonds are fully defeased.

Section 16. Bondholder Security. Inasmuch as this Lease Contract, and particularly the obligations of the County to make or cause to be made Rental Payments to the Building Authority, provides the security for payment of the principal of and interest on the Nonrefunded Bonds and the Refunding Bonds, it is hereby declared that this Lease Contract is made for the benefit of the holders of the Nonrefunded Bonds and the Refunding Bonds as well as for the benefit of the parties and that the holders shall have contractual rights herein. The parties further covenant and agree that they will not do or permit to be done any act, and that this Lease Contract will not be amended in any manner, which would impair the security of the Nonrefunded Bonds and the Refunding Bonds or the rights of the holders thereof. An amendment of this Lease Contract to authorize the issuance of additional bonds and providing for the payment of additional cash rentals for the payment thereof shall not be deemed to impair the security of the Nonrefunded Bonds and the Refunding Bonds or the rights of the holders thereof.

Section 17. Notice. Except as otherwise provided herein, the right to give any consent, agreement or notice herein required or permitted shall be vested, in the case of the County, in its Board of Commissioners, and in the case of the Building Authority, in its Commission. Any notice necessary or proper to be given to either of the parties hereto may be served in the following manner:

- (a) if to the Building Authority, by delivering the same to any member of the Commission thereof, and
- (b) if to the County, by delivering the same to the County Clerk.

Section 18. Term. This Lease Contract shall remain in full force and effect for a period to and through June 1, 2026, or until such lesser time as the Nonrefunded Bonds and the Refunding Bonds are paid in full or defeased. At the end of the term hereof or at such time within the term hereof when all of the Nonrefunded Bonds and the Refunding Bonds are paid or defeased, this Lease Contract shall terminate and title to the Project shall be conveyed to the County in the manner contemplated by Act 31.

Section 19. Quiet Enjoyment. The Building Authority covenants that the County, upon compliance with the terms hereof, shall and may peacefully and quietly have and hold and enjoy the Project during the term hereof.

Section 20. Successors and Assigns. This Lease Contract shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns.

Section 21. Failure to Issue Refunding Bonds. If for any reason the Refunding Bonds cannot be lawfully sold, this Lease Contract shall be of no force and effect, provided, however, that in no event shall this Lease Contract become null and void if the Refunding Bonds are sold and delivered by the Building Authority.

Section 22. Effect of Changes in Law. In the event changes occur in the Constitution or laws of the State of Michigan which shall affect the organization, territory, powers or status of the County, the terms and provisions hereof shall not be affected thereby and the rights, duties and obligations of the parties shall not be altered or affected thereby insofar as ownership, rights of

possession and the requirement for payment of the outstanding Nonrefunded Bonds and Refunding Bonds are concerned.

Section 23. Additional Financing. Nothing contained herein shall in any way be construed to prevent any additional financing under Act 31 or any other law for any of the purposes set out in Act 31 and the Articles of Incorporation of the Building Authority. Additional Bonds of equal standing with the Refunding Bonds may be issued for the purpose of making improvements or additions to the Project; provided, however, that no such bonds of equal standing may be issued unless this Lease Contract is amended or supplemented to provide for such issuance and for an increase in the Rental Payments required to be made by the County in amounts sufficient to permit payment of the principal of and interest on such additional bonds. Nothing in this Lease Contract shall prevent the Building Authority from issuing building authority bonds to finance other projects for lease to the County.

Section 24. Compliance with Internal Revenue Code. Both the Building Authority and the County agree to comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the Refunding Bonds in order that interest on the Refunding Bonds be, or continue to be, excluded from gross income for federal income tax purposes.

IN WITNESS WHEREOF, the Kent County Building Authority, by its Commission, and County of Kent, Michigan, by its Board of Commissioners, have both caused this Lease Contract to signed by its duly authorized officers as of the day and year first above written.

KENT COUNTY BUILDING AUTHORITY

Richard J. Rankin, Chairperson

Sean Fitzgerald, Secretary

COUNTY OF KENT

David Morren, Chairperson

Mary Hollinrake, County Clerk

LEASE CONTRACT

EXHIBIT A

Schedule of Rental Payments

Due Date	Amount
12/01/05	
06/01/06	
12/01/06	
06/01/07	
12/01/07	
06/01/08	
12/01/08	
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06/01/24
12/01/24
06/01/25
12/01/25
06/01/26

Motion by Commissioner Voorhees, seconded by Commissioner Wahlfield, that the resolution be adopted.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Hiddema, Horton, Klein, Koorndyk, Mast, Mayhue, Morgan, Rolls, Vander Molen, Vaughn, Voorhees, Wahlfield, Chair Morren – 16.

Nays: 0.

RECEIVE & FILE

Support of Eminent Domain Legislation – Eminent Domain Subcommittee Recommendation

Motion by Commissioner Klein, seconded by Commissioner Wahlfield, to receive and file letter of support re: Eminent Domain Legislation.

Motion carried:

Yeas: Agee, Boelema, Bulkowski, Hiddema, Horton, Klein, Koorndyk, Mast, Morgan, Rolls, Vander Molen, Voorhees, Wahlfield, Chair Morren – 14.

Nays: Mayhue, Vaughn - 2.

REPORTS

There were no reports.

MISCELLANEOUS

Interurban Transit Partnership

Commissioner Bulkowski announced an Interurban Transit Partnership Seminar regarding mass transit will take place on October 3, 2005, from 9:00 a.m. to 3:00 p.m.

Hurricane Katrina Victims

Commissioner Mayhue asked for an update on the victims of Hurricane Katrina which were sent to West Michigan. Mr. Britt responded 363 people have been placed in West Michigan. Kent County has asked FEMA for reimbursement for its services provided to the victims. Chair Morren thanked all those involved in the hurricane efforts.

United Growth

Commissioners Mast and Rolls attended a lunch for United Growth. Grand Rapids Public Schools Superintendent Bert Bleke spoke on land use and the Grand Rapids Public Schools pointing out how flight to suburbs harms the Grand Rapids Public Schools.

Amnesty Program for Friend of the Court

Commissioner Vaughn announced Attorney General Mike Cox is offering an amnesty program for the Friend of the Court which gives clients an opportunity to pay off arrears without penalty.

Bishop Burns

Commissioner Mayhue acknowledged Bishop Burn who is working on adoption issues.

ADJOURNMENT

At 9:25 a.m., Commissioner Hiddema moved to adjourn, subject to the call of the Chair, and to Thursday, October 13, 2005, Room 310, County Administration Building, at 8:30 a.m., for an Official Meeting. Seconded by Commissioner Klein. Motion carried.

David J. Morren, Chair

Mary Hollinrake, County Clerk