

KENT COUNTY BOARD OF COMMISSIONERS

Thursday, May 11, 2000

Administration Building - Room 310

Meeting called to order at 7:32 a.m. by Chair Steven R. Heacock.

Present: Commissioners Boelema, Buege, Hiddema, Horton, Kooiman, Kuhn, Kuipers,
Malone, Mast, McGuire, Morren, Postmus, Rekeny, Sak, Smoke, Talen, Turner, Wahlfield, Chair Heacock – 19.

Absent: None.

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

MINUTES

Motion by Commissioner Morren, supported by Commissioner Malone, that the minutes of the Finance Committee (reports of Claims and Allowances) of May 2, 2000, be received, concurred in and filed.

Motion carried:

Yeas: Buege, Malone, Horton, Rekeny, Morren, Hiddema, Boelema, McGuire, Wahlfield, Postmus, Smoke, Mast, Kuhn, Kooiman, Turner, Talen, Chair Heacock – 17.

Nays: 0.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

a) Approval of the Minutes of April 27, 2000 Meeting

b) 5-11-00-55 – CONVEYANCE OF BOWNE TOWNSHIP SANITARY SEWER SYSTEM SITE TO BOWNE TOWNSHIP

WHEREAS, in 1972, the County acquired a parcel of real property in Bowne Township; and

WHEREAS, during the 1970s, the Alto Sanitary Sewer Drain was financed and subsequently constructed on the site by the Drain Commissioner as a Chapter 4 drain project; and

WHEREAS, in April 1997, the bonds issued to finance the Drain were paid in full, and the Drain Commissioner transferred the Drain to the Township; and

WHEREAS, since the transfer, the Township has operated the Drain as the Bowne Township Sanitary Sewer System through an arrangement with the Kent County Department of

Public Works; and

WHEREAS, in 1999, while investigating the financing and construction of improvements to the System, the Township discovered that the site had not been conveyed to it when the Drain was transferred, and is still owned by the County; and

WHEREAS, in order to secure financing for improvements, the Township must hold title to the site; and

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves the conveyance of the site for the sum of \$1.00 by quitclaim deed in the form attached hereto, and the Chair, or Vice-Chair in his absence, is authorized and directed to execute said instrument on behalf of the County and deliver same to Bowne Township.

c) 5-11-00-56 – RECLASSIFICATION OF THE UAW POSITIONS WITHIN THE TREASURER’S OFFICE

WHEREAS, upon the request of the Treasurer’s Office, a study was completed of classified positions within the department; and

WHEREAS, the job audit report supports reclassification of one (1) Account Clerk II (UAW range 19) to a Tax Auditor (UAW range 21).

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby creates the classification of Tax Auditor (UAW Range 21), and approves the conversion of one Account Clerk II position (UAW Range 19) to the Tax Auditor classification.

Motion by Commissioner Smoke, supported by Commissioner Kuhn, to approve the Consent Agenda as presented.

Motion carried by voice vote.

(Commissioner Kuipers entered the meeting at this time.)

RESOLUTIONS

(Commissioner Sak entered the meeting at this time.)

Motion by Commissioner Malone, supported by Commissioner Mast, to meet in closed session: 1) pursuant to Section 8 (e) to consult with legal counsel regarding litigation or settlement strategy in connection with the Schestag & Barringer lawsuit, as an open meeting would have a detrimental financial effect on the litigating or settlement position of the County, and 2) pursuant to Section 8 (h) of the Open Meetings Act to consider written communications protected by the attorney-client privilege and exempt from disclosure under Section 13 (1) (h) of the Freedom of Information Act.

Motion carried:

Yeas: Buege, Malone, Horton, Rekeny, Morren, Hiddema, Boelema, McGuire, Wahlfield, Postmus, Smoke, Mast, Kuhn, Sak, Kooiman, Turner, Talen, Kuipers, Chair Heacock – 19.

Nays: 0.

Motion by Commissioner Hiddema, supported by Commissioner Kuhn, to go back into open session.

Motion carried:

Yeas: Buege, Malone, Horton, Rekeny, Morren, Hiddema, Boelema, McGuire, Wahlfield, Postmus, Smoke, Mast, Kuhn, Sak, Kooiman, Turner, Talen, Kuipers, Chair Heacock – 19.

Nays: 0.

5-11-00-57 – SETTLEMENT – SCHESTAG & BARRINGER

WHEREAS, on January 31, 1997, Kent County Sheriff Deputies were involved in a pursuit of an individual heading north on southbound U.S. 131, and the individual crashed into a minivan driven by Marian Schestag, with Gail Barringer as a passenger; and

WHEREAS, both Mrs. Schestag and Mrs. Barringer sustained injuries as a result of the accident; and

WHEREAS, Mrs. Schestag and Mrs. Barringer, and their respective husbands, filed lawsuits against the County and the driver of the vehicle being pursued (Dale Ross); and

WHEREAS, Ross' insurer has settled with the plaintiffs for the limits of Ross' insurance; and

WHEREAS, the parties have held settlement discussions and a proposed guaranteed aggregate settlement of \$100,000, (\$60,000 for the Barringers and \$40,000 for the Schestags) has been agreed to; and

WHEREAS, in the event that the Michigan Supreme Court rules on a case (*Cooper v. Wade and Henderson v Detroit*) in a manner which will relieve the County defendants of liability, the plaintiffs will receive no further payments; and

WHEREAS, in the event that the final decision in *Cooper* will not negate the plaintiffs' claims, the plaintiffs will receive an additional aggregate payment of \$225,000 (\$150,000 for Barringers and \$75,000 for Schestags); and

WHEREAS, the County's payment of \$100,000 or \$325,000, respectively, will result in a full and final settlement of all claims brought by Schestag and Barringer or other parties, and the lawsuit will be dismissed.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approve the County's contribution of \$100,000 to the settlement agreement of Schestag's and Barringer's lawsuits against the County and others, said amount to be paid from the Kent County Comprehensive Liability and Property Loss Fund.

BE IT FURTHER RESOLVED, that if the Michigan Supreme Court's final decision in the *Cooper v. Wade and Henderson v Detroit* cases does not negate the plaintiffs' claims, the County will contribute an additional \$225,000 to the settlement agreement of Schestag's and Barringer's lawsuits against the County and others, for a total of \$325,000, said amount to be paid from the Kent County Comprehensive Liability and Property Loss Fund.

Motion by Commissioner Malone, supported by Commissioner Kooiman, that the resolution be adopted.

Motion carried:

Yeas: Buege, Malone, Horton, Rekeny, Morren, Hiddema, Boelema, McGuire, Wahlfield, Postmus, Smoke, Mast, Kuhn, Sak, Kooiman, Turner, Talen, Kuipers, Chair Heacock – 19.

Nays: 0.

MISCELLANEOUS

Airport Rededication

Chair Heacock reported that the festivities for the Airport Rededication will begin at 9:30 a.m. and encouraged all Commissioners to attend. He also stated that there will be a tour for Commissioners today of the Van Andel Institute.

Commissioner Kuipers, as a member of the Aeronautics Board, extended an invitation to all Commissioners to attend the Airport Rededication.

ADJOURNMENT

At 8:12 a.m., Commissioner Smoke moved to adjourn, subject to the call of the Chair, and to Thursday, May 25, 2000 at 8:30 a.m. for an Official Meeting. Seconded by Commissioner Buege. Motion carried.

Chair

County Clerk