

Board Conference Room  
February 13, 2020  
Board of Commissioners Minutes

The regular meeting of the Oceana County Board of Commissioners was called to order by Chairperson Powers in the Board Conference Room on Thursday, February 13, 2020, at 11:35 a.m.

Roll was called by the Clerk. Present: Mr. Sebolt, Mr. Gustafson, Ms. Meyette, Mr. Byl, Mr. Brown, Mr. Walker and Mr. Powers.

Mr. Sobie, Oceana County Administrator; Ms. Coon, Oceana County Chief Deputy Clerk; Ms. Phyllis Schance, Pentwater Township resident; Ms. Lori Green, Weare Township resident; Mr. Michael Cook, Planning Commission, Mr. Everet Horton, Pentwater Township resident; Allison Scarbrough, Oceana County Press correspondent; and John Cavanagh, Oceana's Herald-Journal correspondent were also present.

Moved by Mr. Walker and seconded by Mr. Byl to approve the minutes of the January 23, 2020 minutes as presented.

Voice vote. Motion carried.

Ms. Phyllis Schance, Pentwater Township resident, wanted to address the Second Amendment Sanctuary County resolution. She has an economical argument for not becoming a Sanctuary County. Ms. Schance believes that by becoming a Sanctuary County, over half of the population will be alienated. She also believes that by passing this resolution, the tourist population will take their expandable cash elsewhere.

Ms. Lori Green, Weare Township resident, addressed that relying on what-if's, is not a way to make a decision. She firmly believes that having 752 Oceana County residents provide signatures in support of becoming a Sanctuary County is an actual fact, not a what-if.

#### **RESOLUTION NO. 1 – REAPPOINTMENTS TO WEST MICHIGAN COMMUNITY MENTAL HEALTH BOARD**

Moved by Mr. Brown and seconded by Mr. Byl to reappoint Commissioner Andrew Sebolt to the West Michigan Community Mental Health board for a three-year term from 4/1/2020 to 03/31/2023; and to reappoint Mr. Jim Prince to the West Michigan Community Mental Health board for a three-year term from 4/1/2020 to 03/31/2023.

Voice vote. Motion carried.

#### **RESOLUTION NO. 2 – APPROVAL OF 2020 COUNTY PLAN FOR MONUMENTATION AND REMONUMENTATION**

Moved by Mr. Byl and seconded by Mr. Sebolt to approve the 2020 County Plan for Monumentation and Remonumentation provided by Mr. Randy Hepworth, Oceana County Surveyor.

Roll call vote: Mr. Byl - yes; Mr. Sebolt - yes; Mr. Walker - yes; Ms. Meyette - yes; Mr. Gustafson - yes; Mr. Brown - yes; and Mr. Powers - yes.

Motion carried.

### **RESOLUTION NO. 3 – AUTHORIZATION OF SIGNATORIES FOR MERS**

Moved by Mr. Gustafson and seconded by Mr. Sebolt to approve the following resolution:

This resolution applies to reporting unit(s) #6402\_\_\_\_\_ of the participating municipality listed below.

**WHEREAS**, Oceana County ("Employer") is a participating municipality with the Municipal Employees' Retirement System of Michigan ("MERS") and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

**WHEREAS**, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

**WHEREAS**, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS' contracts relating to the adoption, amendment and termination of MERS' products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

**WHEREAS**, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby *Authorized Officials* that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer's participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

1. County Administrator

Optional additional job positions:

2. Financial and Human Resources Coordinator
3. Chairperson, Board of Commissioners

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Voice vote. Motion carried.

**RESOLUTION NO. 4 – POST-APPROVAL PURCHASE OF LARGE SHEET  
PRINTER/SCANNER FOR EQUALIZATION**

Moved by Mr. Brown and seconded by Ms. Meyette to post-approve the following budget amendment for Fiscal Year 2020 as described. The budget amendment covers the cost of purchasing a large sheet color printer/scanner for the Equalization Department to replace an existing printer/scanner that is no longer functioning and too costly to repair.

**GIS Fund (#211)**

- Increase Transfer Out (211-000-999.000) by \$2,450 from \$6,100 to \$8,550
- Increase Previous Year End (211-000-401.000) by \$2,450 from \$2,358 to \$4,808

**Technology and Innovation Fund (#298)**

- Increase Transfer In (298-000.699.998) by \$2,450 from \$118,120 to \$120,570
- Increase Hardware (298-000-977.000) by \$2,450 from \$2,300 to \$4,750

Roll call vote: Mr. Brown – yes; Mr. Byl - yes; Mr. Sebolt - yes; Mr. Walker - yes;  
Ms. Meyette - yes; Mr. Gustafson - yes; and Mr. Powers – yes.

Motion carried.

**RESOLUTION NO. 5A –PROVIDING SNOW REMOVAL SERVICE FOR WEST CENTRAL  
MICHIGAN HORTICULTURAL RESEARCH FACILITY**

Moved by Mr. Gustafson and seconded by Mr. Byl to approve a recommendation from the County Administrator and Oceana County Economic Alliance Board of Directors for the Oceana County Board of Commissioners to assist West Central Michigan Horticultural Research, Inc., with in-kind support for a soon to be constructed research facility on Oceana Drive, by providing snow plowing and removal service for the building’s parking area; for a period of five years beginning winter 2020/2021 and ending winter 2024/2025. The County Administrator shall include the building’s location when using the county’s standard bid procedure during the annual task of selecting one or more qualified contractors to provide snow plowing and removal services for the county.

Mr. Sebolt had some reservations about providing snow removal service for the research facility. He questioned whether or not it would be an unlawful expenditure.

Mr. Sobie stated that all in-kind services have some cost associated with them, but does not believe this will violate the definition of unlawful expenditure.

Mr. Byl pointed out that the MSU Extension office has county paid snow removal and provides not only the building, but working spaces to people who benefit the county.

Mr. Walker suggested speaking with the auditors to find out if this would be considered an unlawful expenditure.

Roll call vote: Mr. Gustafson - yes; Ms. Meyette - yes; Mr. Walker - yes;  
Mr. Sebolt - no; Mr. Brown - yes; Mr. Byl - yes; and Mr. Powers - yes.  
Motion carried.

**RESOLUTION NO. 5B – BUILDING PERMIT EXEMPTION FOR THE WEST MICHIGAN HORTICULTURAL RESEARCH FACILITY**

Moved by Mr. Gustafson and seconded by Mr. Sebolt to approve the following resolution:

WHEREAS, Oceana County is largely an agricultural community whose economic growth is directly related to food production and processing; and

WHEREAS, Oceana County’s most recent comprehensive master plan from 2016 describes a key economic goal that focuses on locally harvested agriculture and forestry products; and

WHEREAS, the Oceana County Board of Commissioners and other entities, like the Oceana County Economic Alliance, engage in activities that support achievement of the county’s economic goals; and

WHEREAS, West Central Michigan Horticultural Research, Inc. is a nonprofit organization that will construct a research facility in Oceana County that will conduct research to support tree fruit agriculture; and

WHEREAS, the Michigan Construction Code Act, Public Act 230 of 1972, also known as the Stille-DeRossett-Hale Single State Construction Code Act, exempts certain buildings or structures from building permits in cases where the buildings or structures are connected to agriculture, horticulture, and similar purposes; and

WHEREAS, research performed by West Central Michigan Horticultural Research, Inc. will further the science and art of agriculture in Oceana County; and

WHEREAS, West Central Michigan Horticultural Research, Inc. stated that Weare Township has issued an agriculture zoning permit.

NOW THEREFORE BE IT RESOLVED, the Oceana County Board of Commissioners acknowledge and support the above described statute’s language exempting the project from permit and inspection fees.

Roll call vote: Mr. Gustafson – yes; Mr. Sebolt – yes; Ms. Meyette – yes; Mr. Walker – yes; Mr. Byl – yes; Mr. Brown – yes; and Mr. Powers – yes.

Motion carried.

**RESOLUTION NO. 6 – APPOINTMENT TO PLANNING COMMISSION**

Moved by Ms. Meyette and seconded by Mr. Walker to appoint Mr. Scott Rumsey from Hesperia, MI to the Oceana County Planning Commission effective immediately with a term expiring December 31, 2021. Mr. Rumsey replaces Dr. Dave Roseman who retired from the commission in 2019.

Furthermore, to reappoint Mr. Vince Greiner to a three-year term effective January 1, 2020 and expiring December 31, 2022.

Voice vote. Motion carried.

## **RESOLUTION NO. 7 – BUDGET AMENDMENT CRIMINAL JUSTICE FUND FY 2020**

Moved by Mr. Walker and seconded by Mr. Gustafson to approve the following budget amendment for Fiscal Year 2020 for the Sheriff's Department as described. The budget amendment provides county matching funds for the Criminal Justice Training Fund (#320) revenue that is collected each year. County matching funds are required by P.A. 302 of 1982 and shall be calculated in accordance with the statute.

### **General Fund (#101)**

- Increase Transfer Out (101-000-999.000) by \$3,500 from \$0.00 to \$3,500
- Decrease Contingency (101-972-999.000) by \$3,000 from \$50,000 to \$46,500

### **Criminal Justice Training Fund (#320)**

- Increase Transfer In (320-301-699.998) by \$3,500 from \$0.00 to \$3,500
- Employee Training (101-301-957.000) by \$1,750 from \$0.00 to \$1,750
- Increase Travel (101-301-860.000) by \$1,750 from \$0.00 to \$1,750

Roll call vote: Mr. Walker – yes; Mr. Gustafson – yes; Ms. Meyette – yes;

Mr. Sebolt - yes; Mr. Byl – yes; Mr. Brown – yes; and

Mr. Powers – yes.

Motion carried.

## **RESOLUTION NO. 8 – TRANSFER OF FUNDS FROM FUND 292 DHHS TO GENERAL FUND**

Moved by Mr. Byl and seconded by Mr. Sebolt to transfer the surplus fund balance in the amount of \$8,474.93 from Fund 292 the Mason-Oceana DHHS to the General Fund.

Roll call vote: Mr. Byl – yes; Mr. Sebolt – yes; Mr. Gustafson – yes; Ms. Meyette – yes; Mr. Walker – yes; Mr. Brown – yes; and Mr. Powers – no.

Motion carried.

## **RESOLUTION NO. 9 - TO DECLARE OCEANA COUNTY TO BE A "SECOND**

**AMENDMENT SANCTUARY COUNTY"**

Moved by Mr. Sebolt and seconded by Ms. Meyette to approve the following resolution:

THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF OCEANA, STATE OF MICHIGAN, STATES:

WHEREAS, the County Board of Commissioners of the County of Oceana, State of Michigan, pursuant to Michigan statute, is vested with the authority of administering the affairs of the County government of Oceana County, Michigan, and is organized as a body corporate with powers and immunities provided by law, and to protect the health, safety, and welfare of the residents of Oceana County and the employees of the Oceana County government; and

WHEREAS, the Second Amendment to the United States Constitution, ratified in 1791 as part of the Bill of Rights, protects the right of the people to keep and bear arms; and

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 554 U.S.570 (2008), affirmed an individual's right to possess a firearm, unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated to the States by the Due Process Clause of the Fourteenth Amendment; and

WHEREAS, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), opinioned that possession or use of a firearm that has some reasonable relationship to the preservation of a well-regulated militia is protected by the Second Amendment; and

WHEREAS, Article I, Section 6 of the Michigan Constitution (1963) provides that "Every person has a right to keep and bear arms for the defense of himself and the state"; and

WHEREAS, it is the desire of this Board to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Michigan Constitution which protect Oceana County citizens' individual rights to keep and bear arms; and

WHEREAS, each Oceana County Commissioner, as provided by Article IX, Section 1, of the Michigan Constitution (1963), took an oath to support the United States Constitution and the Michigan Constitution.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the Oceana County Board of Commissioners, that the County of Oceana, Michigan, be, and hereby is, declared to be a "Second Amendment Sanctuary County."

IT IS FURTHER RESOLVED, that this Board affirms its support for the Oceana County Sheriff and the Oceana County Prosecuting Attorney, in the exercise of their sound discretion to not enforce against any citizen an unconstitutional firearms law.

BE IT, FURTHER RESOLVED, that the Board directs its staff to forward a copy of this resolution to the County's fellow county elected officials, the Michigan State Legislature (House of Representatives and State Senators), the Governor of Michigan and all of the Michigan U.S. Congressmen.

Roll call vote: Mr. Sebolt – yes; Ms. Meyette – yes; Mr. Gustafson – no; Mr. Walker – no; Mr. Byl – no; Mr. Brown – yes; and Mr. Powers – no.

Motion not carried.

**RESOLUTION NO. 9 – TO DECLARE OCEANA COUNTY TO BE A COUNTY THAT  
SUPPORTS THE SECOND AMENDMENT**

Moved by Mr. Walker and seconded by Mr. Byl to approve the following resolution:

THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF OCEANA, STATE OF MICHIGAN, STATES:

WHEREAS, the County Board of Commissioners of the County of Oceana, State of Michigan, pursuant to Michigan statute, is vested with the authority of administering the affairs of the County government of Oceana County, Michigan, and is organized as a body corporate with powers and immunities provided by law, and to protect the health, safety, and welfare of the residents of Oceana County and the employees of the Oceana County government; and

WHEREAS, the Second Amendment to the United States Constitution, ratified in 1791 as part of the Bill of Rights, protects the right of the people to keep and bear arms; and

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S.570 (2008), affirmed an individual’s right to possess a firearm, unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated to the States by the Due Process Clause of the Fourteenth Amendment; and

WHEREAS, the United States Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opinioned that possession or use of a firearm that has some reasonable relationship to the preservation of a well-regulated militia is protected by the Second Amendment; and

WHEREAS, Article I, Section 6 of the Michigan Constitution (1963) provides that “Every person has a right to keep and bear arms for the defense of himself and the state”; and

WHEREAS, it is the desire of this Board to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Michigan Constitution which protect Oceana County citizens’ individual rights to keep and bear arms; and

WHEREAS, each Oceana County Commissioner, as provided by Article IX, Section 1, of the Michigan Constitution (1963), took an oath to support the United States Constitution and the Michigan Constitution.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the Oceana County Board of Commissioners, that the County of Oceana, Michigan, supports the Second Amendment and all Amendments of the Constitution of the United States.

IT IS FURTHER RESOLVED, that this Board affirms its support for the Oceana County Sheriff and the Oceana County Prosecuting Attorney, in the exercise of their sound discretion to not enforce against any citizen an unconstitutional firearms law.

BE IT, FURTHER RESOLVED, that the Board directs its staff to forward a copy of this resolution to the County's fellow county elected officials, the Michigan State Legislature (House of Representatives and State Senators), the Governor of Michigan and all of the Michigan U.S. Congressmen.

Roll call vote: Mr. Walker – yes; Mr. Byl – yes; Mr. Gustafson – yes; Ms. Meyette – yes; Mr. Sebolt – yes; Mr. Brown – yes; and Mr. Powers – yes.

Motion carried.

#### **RESOLUTION NO. 10 – PAYMENT OF CLAIMS**

Moved by Mr. Byl and seconded by Mr. Walker to approve the payment of claims for February 13, 2020 in the tentative amounts as follows:

<b>AMBULANCE FUND</b>	<b>\$2,665.42</b>
<b>FRIEND OF THE COURT FUND</b>	<b>2,433.32</b>
<b>GIS FUND</b>	<b>-0-</b>
<b>PUBLIC IMPROVEMENT</b>	<b>-0-</b>
<b>BUILDING DEPARTMENT</b>	<b>21,566.51</b>
<b>TECHNOLOGY</b>	<b>6,619.50</b>
<b>FORECLOSURE</b>	<b>12,764.54</b>
<b>K-9 UNIT</b>	<b>61.38</b>
<b>VETERANS AFFAIRS</b>	<b>6,700.83</b>
<b>MEDICAL RESERVE</b>	<b>-0-</b>
<b>AUTOMATION FUND – R.O.D.</b>	<b>6,114.98</b>
<b>INDIGENT DEFENSE FUND</b>	<b>8,732.91</b>
<b>LOCAL CORR OFFICERS TRNG FUND</b>	<b>-0-</b>
<b>CRIMINAL JUSTICE TRNG</b>	<b>-0-</b>
<b>VICTIMS SERVICES</b>	<b>-0-</b>
<b>CAP PROJ-EQUIP REPLACEMENT</b>	<b>25,200.00</b>
<b>GENERAL FUND</b>	<b>548,264.59</b>
<b>TOTAL</b>	<b>\$641,123.98</b>

Roll call vote: Mr. Byl – yes; Mr. Walker – yes; Mr. Gustafson – yes; Mr. Brown – yes; Ms. Meyette – yes; Mr. Byl – yes; and Mr. Powers – yes.

Motion carried.

## **Administrators Report**

### Administration

A series of small group forums were held January 29 - 31 to share information with non-union, defined benefit pension plan members, about the impact a reduced pension multiplier will have on their future pension.

I attended a meeting with Sheriff Mast, Undersheriff Schiller, and Mr. Greg Mackey, from Honeywell Energy Services Group, to learn about the company's solutions for capturing energy savings that can be used to pay for energy improvements to our buildings. In the near future, a brief presentation will be made to commissioners to share the idea of an energy-usage assessment and possible benefits.

Mid-January, our auditors conducted a surprise audit of petty cash funds in courts and departments that have funds available. The audit revealed no concerns.

### Courts

On January 2, the State Court Administrative Office (SCAO) provided the courts with their Judicial Resources Recommendation report that has been sent to the Governor and Legislature. SCAO recommends that Lake, Mason, Newaygo, and Oceana Counties be merged to create one circuit court and one district court. The four-county circuit court would have two circuit judges, the four-county district court would have two district judges, and each county would have a probate judge.

A meeting is scheduled for March 2, at 11:00 a.m., at the Lake County Courthouse to discuss the impact of this recommendation on the courts and/or the county.

### Friend of the Court (FOC)

I'm working with Mr. Bill Cummins on a proposal to create a full-time IT Specialist position in the county for an initial, but not sole, purpose of coordinating, implementing, training, and supporting the use of an electronic document management system. A proposal is forthcoming for discussion at an upcoming Personnel Committee meeting. If the proposal advances and is approved by the Board of Commissioners, the annual cost allocation plan will determine a portion of the cost of the position that can be charged to the FOC as indirect costs. The FOC can then include the indirect costs in its Title IV-D grant reimbursement program.

### Airport

Through Prein & Newhof, the airport's layout plan will be updated this year and will include an aerial survey that is required by the FAA. The county's share of the cost will be approximately \$4,900 out of a \$171,000 project.

### Housing Commission

I met with Mr. Paul Inglis recently regarding the Housing Commission's pending request to the Board of Commissioners to dissolve the Housing Commission. To do so will require repealing the housing ordinance adopted by the Board in 2007. A recommendation from the Housing Commission to dissolve is anticipated.

## **Commissioner's Reports**

Mr. Michael Cook, Planning Commission Chairperson, noted that there is still one opening for the Planning Commission. This position would be in the Housing and Health area. He would gladly take any recommendations. Mr. Cook spoke in regards to increasing the monthly meeting per diem in order to entice community members to apply for open positions on the commission.

Mr. Byl mentioned that at the last Michigan Works meeting, the unemployment rate in Oceana County had gone up and was higher than Lake County. However, Lake County did just recently open a new jail/prison that added over 200 jobs. Mr. Powers asked if it was a private jail. Mr. Byl noted that it was private and that the facility has a 10-year contract with the federal government.

Mr. Sebolt remarked that the Parks & Recreation Commission has a lot of wonderful things in the works for the upcoming year. Mr. Powers agreed and implied that they have tremendous things happening.

**Public Comment:**

Mr. Everet Horton, Pentwater Township resident, believes that the commissioners are here for the people, not for monetary reasons. He believes that by offering more money for positions, it will not necessarily bring forth high-quality applicants. Mr. Horton also spoke about how he was not pleased with the current Second Amendment resolution wording and is highly irritated with the Concealed Pistol License application process. Mr. Powers assured him that the application process for a CPL is state mandated, not county mandated. Mr. Horton vehemently told him that whether it was state or federal, it was unconstitutionally sound.

Mr. Cook spoke briefly about how thankful he is for the Commissioners and what they have done to upgrade the ambulance service. He also offered to help with anything that needs done at the airport, due to having a degree in aero engineering.

Chairperson Powers asked if there was any further business to come before the Board. There being none, the meeting adjourned at 12:33 p.m.

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Melanie A. Coon, Oceana County Chief Deputy Clerk

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Date

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Mr. Powers, Chairperson