

Oceana County Board of Commissioners

Thursday, September 26, 2024

Today's meetings
begin at **8:45 a.m.**

Committees and Board Meeting Packet



Board of Commissioners

Robert Walker, Chairperson

Tim Beggs, Vice-Chairperson

Craig Hardy

Paul Erickson

Prepared by:

Tracy Byard

Oceana County Administrator



Oceana County, Michigan

PUBLIC NOTICE

OCEANA COUNTY BOARD OF COMMISSIONERS

100 State Street, Hart, MI 49420 – (231) 873-4835

The Oceana County Board of Commissioners **will hold** the following committee meetings and its regular board meeting on **Thursday, September 26, 2024** beginning at 8:45 a.m. and 11:30 a.m. respectively. The meetings will be held in the Oceana County Board of Commissioners Room located at 100 State Street, Hart, MI 49420.

- Special Personnel and Health and Human Services Committeeman Services Committee
- Properties, Environment and Economic Development Committee
- Finance and Administration Committee
- Regular Board of Commissioners Meeting

Detailed meeting agendas are available online at:

<https://oceana.mi.us/government/board-of-commissioners/schedule-of-meetings/>

or, by contacting the County Administrator's Office at the address shown above, by

telephone (231) 873-4835, or by email countyadmin@oceana.mi.us

The Oceana County Board of Commissioners has **cancelled** the following meetings by order of the committee/board chairperson due to a lack of business:

All meetings are open to all members of the public. This notice is given pursuant to, and in accordance with, the provisions of the Open Meetings Act, Public Act 267 of 1976, as amended. Oceana County does not discriminate on the basis of race, color, national origin, religion, sex, disability, and age in the delivery of services.



Oceana County Board of Commissioners

County Building
 100 State Street, Suite M-4, Hart, MI 49420

AGENDA

SPECIAL MEETING

Personnel and Health and Human Services Committee

There will be a committee meeting on **Thursday, September 26, 2024 beginning at 8:45 a.m.**, or immediately following any preceding committee meetings, in the Oceana County Board of Commissioners Room, 100 State Street, Hart, MI 49420.

Committee Chair:

Committee Vice-Chair: Paul Erickson

Presenter	Description	Item #
Vice - Chair	Call to Order Roll Call Approval of Minutes from September 12, 2024 Page 4 Changes to the Agenda Approval of the Agenda Public Comment (<i>state your name, current address, and agenda item or topic</i>)	
Commissioner Erickson	County Commissioner Candidate Interviews for the vacancy in District 2 Steven Myers Rob Eekhoff Joel McCormick Gina Loera Roger Follett Jeff Hiddema Rod Studer	2024-112
	DEPARTMENT HEAD REPORT	
	Public Comment (<i>state your name, current address, and agenda item or topic</i>)	
	Adjournment	

Personnel and Health & Human Services Committee

The Personnel and Health & Human Services Committee Meeting was called to order by Vice-Chairperson Erickson on Thursday, September 12, 2024 at 10:57a.m., in the Board Conference Room.

Present: Mr. Erickson, Mr. Beggs, Mr. Hardy and Mr. Walker.

Also Present: Ms. Michelle Martin, Oceana County Drain Commissioner, Ms. Byard, Oceana County Administrator, and Ms. Anderson, Oceana County Clerk.

Moved by Mr. Walker and supported by Mr. Beggs to approve the minutes of the August 8, 2024 Personnel and Health & Human Services Committee Meeting as presented.

Voice vote. Motion carried.

Vice-Chairperson Erickson asked if there were any additions to the agenda. None were presented.

Moved by Mr. Beggs and seconded by Mr. Walker to approve the agenda as presented.

Voice vote. Motion carried.

Public Comment

There were no public comments at this time.

Agenda Items

Ms. Michelle Martin, Oceana County Drain Commissioner, provided an overview of the Soil Erosion and Sedimentation (SESC) and requested approval of a proposal to hire an additional full time SESC Officer and a part time clerical position. After discussion, it was the consensus of the Board to address this request during the budget workshop.

Ms. Byard requested consideration of reappointments to the Construction Board of Appeals.

Public Comment

There was no public comment at this time.

Vice-Chairperson Erickson asked if there was any further business to come before the Board. There being none, the meeting adjourned at 11:14 a.m.

Respectfully,

Amy L. Anderson
Oceana County Clerk



Oceana County Board of Commissioners

County Building
100 State Street, Suite M-4, Hart, MI 49420

AGENDA

Properties, Environment and Economic Development Committee

There will be a committee meeting on **Thursday, September 26, 2024, beginning at 10:00 a.m.**, or immediately following any preceding committee meetings, in the Oceana County Board of Commissioners Room, 100 State Street, Hart, MI 49420.

Committee Chair: Paul Erickson

Committee Vice-Chair: Phil Morse

Presenter	Description	Item #
Mr. Erickson	Call to Order Roll Call Approval of Minutes from August 22, 2024 Pages 6-7 Changes to the Agenda Approval of the Agenda Public Comment (<i>state your name, current address, and agenda item or topic</i>)	
Administrator Byard	Bid Opening and discussion of the Transfer Station scale bids	2024-104
Administrator Byard	Materials Management Planning Committee Appointments Pages 8-10	2024-105
Administrator Byard	Brownfield Appointments – Chad Robinson, Curtis Burdette and Mary Lou Phillips Pages 11-14	2024-106
Administrator Byard	Planning Commission Appointment	202-107
Administrator Byard	EPA Grant Application Discussion Pages 15-16	2024-108
	DEPARTMENT HEAD REPORT	
	Public Comment (<i>state name, current address, and agenda item or topic</i>)	
	Adjournment	

Properties, Environment, and Economic Development Committee

The Properties, Environment, and Economic Development Committee Meeting was called to order by Chairperson Erickson, on Thursday, August 22, 2024 at 10:03 a.m. in the Board Conference Room.

Present: Mr. Morse, Mr. Beggs, Mr. Hardy, Mr. Walker, and Mr. Erickson.

Also Present: Mr. Garry McKeen, Oceana County Planning Commission; Mr. Craig Mast, Oceana County Sheriff; Ms. Byard, Oceana County Administrator, and Ms. Coon, Oceana County Chief Deputy Clerk.

Moved by Mr. Walker and seconded by Mr. Beggs to approve the minutes of the July 25, 2024 Properties, Environment, and Economic Development Committee as presented.

Voice vote. Motion carried.

Chairperson Erickson asked if there were any changes to the agenda. No additions were mentioned.

Moved by Mr. Morse and seconded by Mr. Hardy to approve the agenda as presented.

Voice vote. Motion carried.

Public Comment

There were no public comments at this time.

Agenda Items

Administrator Byard requested consideration to approve a contract with Kevin Greiner for Electrical Inspections for the Building Department.

Administrator Byard requested consideration to approve a contract with Lance Gates for Mechanical inspections for the Building Department.

Administrator Byard for Brian Schlaack, Maintenance Supervisor, requested approval of a new HVAC Unit information for the Jail. She stated that there were two bids submitted.

Administrator Byard for Brian Schlaack, Maintenance Supervisor, requested consideration and provided information for exterior film for windows on the south side of the courthouse.

Administrator Byard brought consideration to approve a bid for seal coating for the airport parking lot.

Department Head

Mr. Garry McKeen, Oceana County Planning Commission, talked about the upcoming Oceana County Planning Commission meeting scheduled for September 19, 2024 6:30 – 8:30 PM. with Ms. Mary Reilly, AICP, MSU Extension Educator. The topic of discussion will be Zoning Board of Appeals and Nonconformities. He informed the board that the planning commission has lost two members, Mr. John Foss and Mr. Al Blohm have both resigned for health reasons.

Sheriff Mast, gave an update on staffing. He stated that a few people have been promoted and a new person will be coming from Manistee and a trooper from the Cadillac State Police Post to be on the SSCENT team. There are currently 40 inmates in the jail.

Public Comment

There were no public comments at this time.

Chairperson Erickson asked if there was any further business to come before the Board. There being none, the meeting adjourned at 10:36 a.m.

Respectfully submitted,

Melanie A. Coon
Oceana County Chief Deputy Clerk

candidate that meets the requirements of the vacancy.

A county that makes an appointment to the Planning Committee may remove that member for incompetence, dereliction of duty, or malfeasance, misfeasance, or nonfeasance in office. The membership of the Planning Committee shall consist of the following twenty-one (21) members assigned to the following Counties:

- a. A representative of a solid waste disposal facility operator that provides service in the planning area appointed by Muskegon County.
- b. A representative of a hauler that provides service in the planning area appointed by Muskegon County.
- c. A representative of a materials recovery facility operator that provides service in the planning area appointed by Newaygo County.
- d. A representative of a composting facility or anaerobic digester operator that provides service in the planning area appointed by Newaygo County.
- e. A representative of a waste diversion, reuse, or reduction facility operator that provides service in the planning area appointed by Mason County.
- f. A representative of an environmental interest group that has members residing in the planning area appointed by Mason County.
- g. An elected official of a county appointed by Lake County.
- h. An elected official of a township in the planning area appointed by Lake County.
- i. An elected official of a city or village in the planning area appointed by Oceana County.
- j. A representative of a business that generates a managed material in the planning area appointed by Oceana County.
- k. A representative of the regional planning agency whose territory includes the planning area appointed by WMSRDC.

Should a party terminate this agreement, the remaining parties will amend this agreement to redetermine county appointments.

In addition, each county in the AGREEMENT shall appoint two (2) members as follows:

- l. An elected official of the county or a municipality in the planning area.
- m. A representative from a business that generates managed materials within the planning area.

The Planning Committee shall make and adopt bylaws and procedures for the conduct of its business, including the election of officers and the length of subsequent appointments.

The Planning Committee will develop a Materials Management Plan meeting the provisions of MCL 324.11578 et seq and the requirements of the Department of Environment, Great Lakes, and Energy. Upon the completion of the plan, the Planning Committee will submit the document to each County Approval Agency for approval.

6. MATERIALS MANAGEMENT PLAN APPROVALS

The COUNTIES in this AGREEMENT, acting in their capacity as County Approval Agencies, may approve or deny the Materials Management Plan. If approved, each county will submit its written approval or minutes of the meeting where a motion was

OCEANA COUNTY BOARD OF COMMISSIONERS

APPLICATION FOR APPOINTMENT/REAPPOINTMENT
TO SERVE ON COUNTY ADVISORY BOARDS/COMMITTEES

- Airport Committee
- Board of Canvassers
- Brownfield Redevelopment Authority
- Construction Board of Appeals
- Department of Health and Human Services
- Jury Board
- Land Bank Authority
- Material Management Planning Committee
- Parks and Recreation Commission
- Planning Commission
- Senior Resources Board
- West Michigan Community Mental Health Services

Please list the Boards/Committees you are interested in serving on:
Materials Management Planning Committee

NAME: Lynne Cavazos HOME PHONE: [REDACTED]

Home Address: [REDACTED]
[REDACTED]
[REDACTED]

What special experience, education or interest do you have for serving on each of the board(s)/ committee(s) you selected? (Please See Attached Sheet)

What other boards/committees do you currently serve on or have served on in the past?
Chair - Oceana County Brownfield Authority, Board Member - Oceana Land Bank Authority
Treasurer - Pentwater Lake Improvement Board, Past Chair and Current Member - Pentwater Lake Assoc

Lynne Cavazos
Signature

September 17, 2024
Date

Please return completed application to:

Oceana County Administrator
100 State St., Suite M-4, Hart, MI 49420
or email to: countyadmin@oceana.mi.us

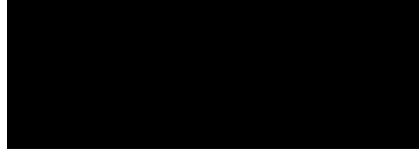
Your application will be kept on file in the County Administrator's Office for a period of one year. If you have any questions regarding the boards/committees, please refer to our website www.oceana.mi.us

Application for Appointment: Materials Management Planning Committee

What special experience, education or interest do you have for serving on each of the board(s)/committees you selected?

I am the Supervisor for Pentwater Township and oversee the operation/maintenance of the Pentwater Township Transfer Station and Recycling Center. Pentwater Township has received a grant from the Michigan Department of Environment and Great Lakes Energy for infrastructure improvement at our facility. We are working to improve services in our community (which now includes Weare Township) to encourage and support recycling. It is important to all of us that we have a comprehensive Materials Management Plan. I would like to serve, as a committee member, because I have a vested interest in materials management and believe I can assist in the planning process.

Chad Robinson



**Oceana County Administrator
Brownfield Redevelopment Authority
100 S. State Street,
Hart, MI 49420**

August 30, 2024

Regarding: Appointments

Oceana County Board of Commissioners

I'm writing to express my interest in the posted Brownfield Redevelopment Authority volunteer position. I am interested in serving my community and feel this position may be a good fit given my professional background and skillset in the environmental field. Currently I work for WSP, a global engineering and professional service firm. In my role at WSP, I work daily remediating complex environmental sites across the country. My familiarity with environmental sciences, engineering, and construction will hopefully be a benefit to the Brownfield Authority and the larger community. I was born and raised in Oceana County and currently reside in New Era with my wife and three kids. Please find enclosed my resume detailing my professional history and project highlights.

Thank you for your consideration.

Chad Robinson

Enclosures: Resume

Chad Robinson, PE

Geotechnical Engineer

Experience

Industry: 16 years

Education

B.Sc., Civil Engineering,
Michigan Technological
University, Houghton,
Michigan - 2007

Professional Registrations

Professional Engineer, MI,
6201059529, 2005

Professional Engineer, WI,
100348-6, 2023

Training and Certifications

Hazardous Waste
Operations and Emergency
Response (HAZWOPER) 40
Hour

HAZWOPER 8 Hour
Refresher

HAZWOPER 8-Hour
Supervisor Certification

OSHA 30-Hour
Construction Safety
Certification

Professional History

WSP, USA -2020-Present
Anchor QEA, LLC, 2013 to
2020

EA Engineering, Science
and Technology, Inc., 2012
to 2013

Somat Engineering, Inc.,
2009 to 2012

AMEC Earth and
Environmental, 2007 to
2008

Career Summary

Mr. Robinson is a professional engineer with a broad range of experience in the geotechnical, civil, and environmental engineering fields. Mr. Robinson has extensive experience with the geotechnical issues related to sediment remediation, including sediment consolidation and settlement, slope stability, de-watering, and stabilization. He has provided a wide range of engineering support for sediment remediation projects, including development and design of dredge prisms, evaluation and design of dredging support and sediment management facilities, design of temporary construction haul roads, and habitat restoration elements. His experience includes projects with contaminants such as PCBs, PAHs, and heavy metals, supporting projects from the pre-design investigation phase, remedial design, and remedial construction.

Project Experience

Senior Engineer, Kalamazoo River OU-5-Area 1, Sediment Removal Design, Confidential Client, Kalamazoo, MI, United States. (2020-Present)
Design Engineer for sediment remediation (mechanical dredging) within the Remedial Reach, an approximately 3 mile stretch within Area 1. Responsible for supporting the remedial design by leading major elements such as dredge prism design, backfill approach and design, and site restoration. Performing geotechnical evaluations of site conditions, assessing slope stability and developing stabilization recommendations. Providing support for the development of post-dredge verification sampling criteria protocols including negotiations and discussion with the regulatory agencies. Authoring significant portions of the Design Report and construction documents. Directing junior-level staff in preparing design report elements. In addition, Mr. Robinson has supported this project through the bid process and into remedial construction preparing bid documents, contractor selection, work plan and submittal review, and preparing design changes.

Geotechnical Engineer, Former Smelter - Sediment Removal and Capping Design, Confidential Client, New Jersey, United States. (2023-Present)
Geotechnical design lead for subsurface characterization; remedial option development and feasibility for a dredge and cover design to address sediment impacts (metals) in a tidal waterway of New Jersey. Developed and implemented pre-design geotechnical investigation work scope, including barge drilling, and in-situ strength testing and laboratory testing. Led geotechnical data evaluations and reporting and geotechnical evaluations of remedial design options.

Chad Robinson, PE

Geotechnical Engineer

Project Experience (continued)

Riverbank Stabilization, Sugar Creek, Missouri, United States. (2021 – 2024)

Geotechnical engineer for design of a riverbank stabilization remedy along the Missouri River in Sugar Creek, Missouri. A 200-foot-wide portion of riverbank adjacent to a RCRA single waste management unit (SWMU) at a former refinery was eroding to due river and stormwater flows and encroaching upon the SWMU. The remedy consisted of flattening the slope and installing crushed stone and riprap armoring to improve stability while protecting the riverbank from further erosion. Performed slope stability evaluation; prepared a basis of design report, design drawings, technical specifications, and engineering support and review through construction.

Detroit Riverwalk Restoration, Detroit Riverfront Conservancy, Detroit Michigan, 2018-2020

As part of the Detroit River Area of Concern, the EPA and other project stakeholders collaborated to remediate a 1.2-acre contaminated sediment site on the Detroit River. Sediments at the site, impacted with heavy metals and polycyclic aromatic hydrocarbons were capped in place. The remediation will allow for stabilization of an existing aging seawall, which will then facilitate the extension of the Detroit Riverwalk recreational trail at the site. Mr. Robinson oversaw pre-design geotechnical investigation for this site and provided geotechnical recommendations for the sediment cap design. The site is underlain by a thick layer of soft clay, which required design considerations for stability and settlement. Design work of the cap required assessment of long-term cap stability and performance integrating stabilization materials utilized for buttressing of the existing seawall.

Former Copper Mining Processing Sediment Remediation, Confidential Client, Michigan, 2018-2019

Elevated concentrations of metals and PCBs were identified in the nearshore sediment of a current recreation area. The elevated metals and PCBs are considered attributable to former copper mining processing facilities that once operated in the vicinity. Sediments within the nearshore area of the recreation area were remediated under an EPA administered Time Critical Removal to address public health and ecological risks. Mr. Robinson prepared the design for the Time Critical Removal Action (TCRA) sediment removal at a former mining processing site. His work included pre-design investigations, contaminate delineation, dredge design, sediment handling area design, technical specifications, and project cost estimating. In addition, Mr. Robinson attended public meetings, assisted with agency negotiations, and led pre-bid meetings and supported the project through construction. Sediment was mechanically removed from the nearshore area and the dredge area backfilled to minimize potential for direct human or benthic contact. Dredged sediment was de-watered and stabilized onsite using calciment and then transported offsite for landfill disposal.

Chad Robinson, PE

Geotechnical Engineer

Project Experience (continued)

River Raisin/Lake Erie, Monroe, MI, 2016-2017

This project was designed and implemented to address sediment containing PCBs greater than 50 ppm and non-aqueous phase liquid (NAPL) substance within a portion of the River Raisin Area of Concern. Activities were conducted as part of the Great Lakes Legacy Act (GLLA) project agreement between a non-federal sponsor and the USEPA GLNPO and the State of Michigan. Mr. Robinson supported the project from the pre-design investigation through remedial construction. The remedy consisted of dredging within the defined NAPL area to facilitate the installation of a permanent cap. Dredging was performed to allow for the installation of the multi-layered cap that would not impede the commercial ship traffic within portions of the federal navigation channel. Mr. Robinson performed geotechnical investigations of the subsurface sediments and subsequent evaluations supporting the design of the cap and cap materials. Throughout remedial construction Mr. Robinson served as the resident engineer for the construction management team tracking construction progress and schedule, reviewing contractor progress payments and change orders, reviewing submittals, and coordinating activities with the contractor and project partners.

Lower Rouge River – Old Channel, Detroit MI, 2013-2019

This Mr. Robinson assisted with the feasibility study, remedial design, and remedial construction of the Lower Rouge River – Old Channel project. This project involves the installation of temporary and permanent shoreline retaining structures to facilitate the dredging and capping of contaminated sediment in a heavily industrialized waterway. Mr. Robinson's role included contaminate delineation, dredge prism development, cap design, geotechnical evaluations, and construction management. This project is a collaborative design with multiple consulting firms contributing to various aspects of the project. The project will involve the removal of large debris (cars, wood, tires) and sediment impacted mainly by PAHs and NAPL. Portions of the channel are then to be capped in areas where existing shoreline infrastructure prohibit safe dredging.

Publications / Presentations

River Raisin Area of Concern -NAPL Area – Sediment Remediation. March 13, 2018. Western Dredging Association – Midwest Chapter Meeting 2018

Four Years Post Remediation and Restoration for a Time Critical Removal Action: Bank Stability, New Habitat, and Increased Recreational Use. January 2023. Battelle Sediments Conference 2023.

OCEANA County, Michigan

U.S. Environmental Protection Agency's (EPA's) Community Change Grants Program (CCG)

FUNDING OPPORTUNITY TITLE: U.S. Environmental Protection Agency's (EPA's)
Environmental and Climate Justice Community
Change Grants Program
FUNDING OPPORTUNITY NUMBER: EPA-R-OEJECR-OCS-23-04
ASSISTANCE LISTING NUMBER: 66.616

Summary of Grant application

Application Title: The Ladder Community Resilience Center (Resilience Center)
Lead Applicant: Oceana County
Contact Name: Curtis Burdette
Title: Executive Director, Oceana County Economic Alliance
Email: burdettec@rightplace.org

Statutory Partner: The Ladder Community Center (501c3)
Contact Name: Vaughn White
Title: Program Advisor
Email: vaughn.white@subassemblyplus.com

Project goal: Create a Resilience Hub/Community Center in Rothbury to address **Climate Action Strategy 5 of the EPA Grant: Community Resilience Hubs**. Install new wells for those impacted by PFAS to address **Pollution Reduction Strategy 3 of the EPA grant: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience**

Grant Due Date: November 21, 2024 (This is a rolling grant. Applications accepted up until Nov 21, 2024.)

Grand Award Period: 3 year period ending October 30, 2027.

Description: This grant opportunity provides funds for environmental and climate justice activities to benefit disadvantaged communities through projects that reduce pollution, increase community climate resilience, and build community capacity to address environmental and climate justice challenges.

One of the required applicants must be a Community Based Organization (CBO). The Ladder Community Center meets that requirement and the county will serve as the Lead Applicant. This grant application addresses the disadvantaged communities in and around the Village of Rothbury. The major component of this application is to seek funding to develop a Resilience Hub at the location of the old foundry on the east side of the village. In addition, funds are being sought to install new wells for homeowners who have PFAS contamination and need assistance drilling new wells to provide safe water for their homes.

The grant application outlines the disadvantaged communities as defined (and required) on the Environmental Justice (EJ) Screen and Mapping Tool. The Resilience Hub will function to provide a safe shelter during severe storms, power outages, and heat or cold weather events. The Hub has been designed to provide areas for potable water, food storage, medical provisions, shelter, along with training events and classes for citizens to improve their health, become educated on how to do home weatherization, provide access to emergency supplies, and create local jobs. The Hub has a dual purpose as a community center for youth and adult activities, classes, and food market offering fresh food.

Known as The Ladder Community Resilience Center, this facility will be owned and operated by The Ladder Community Center, a 501c3 organization.

Estimated Cost: Estimates for this Center are between \$9.5 million and \$10.5 million, per the estimate from Copper Rock Construction.

The grant application is currently being completed and all required EPA documents will need to be submitted with the grant application. While the grant deadline is November 21, this is a rolling grant and funds have already been awarded to numerous projects around the country. When the funding is depleted, no further awards will be available. The projected date to submit the grant application (online submittal) is Monday, September 30.

This request is for approval by the Oceana County Board of Commissioners to submit this grant application on or around September 30, 2024, with a final copy of all submitted documents to remain on file with the county.

Suggested motion: Move to approve the County submit the grant application for the U.S. Environmental Protection Agency's (EPA's) Community Change Grants Program (CCG) in an amount not to exceed \$10,500,000 for The Ladder Community Resilience Center, once the application and supporting documents are completed.



Oceana County Board of Commissioners

County Building
100 State Street, Suite M-4, Hart, MI 49420

AGENDA

Finance and Administration Committee

There will be a committee meeting on Thursday, **September 26, 2024, beginning at 10:00 a.m.**, or immediately following any preceding committee meetings, in the Oceana County Board of Commissioners Room, 100 State Street, Hart, MI 49420.

Committee Chair: Craig Hardy

Committee Vice-Chair: Tim Beggs

Presenter	Description	Item #
Commissioner Hardy	Call to Order Roll Call Approval of Meeting Minutes from September 12, 2024 Pages 18-22 Changes to the Agenda Approval of the Agenda Public Comment (<i>state your name, current address, and agenda item or topic</i>)	
Administrator Byard	Animal Control Ordinance Pages 23-65	2024-96
Administrator Byard	Consideration to approve Resolution #24-14 for Authorized Signer for Airport MDOT Contracts Page 66	2024-109
Administrator Byard	Consideration to approve the MDOT Bipartisan Infrastructure Law Agreement Page 67	2024-110
Administrator Byard	Consideration to approve the L-4029 setting the 2024 Tax Millage Rate Page 68	2024-111
Administrator Byard	County Treasurer's FGU Annual Sales Report Pages 69-70	
Administrator Byard	Board of Commissioner Appointment discussion	2024-112
Administrator Byard	Administrator's Review of Selected Claims for Payment Pages 71-73 Administrator's Report	2024-113
	Department Head Reports	
	Public Comment (<i>state name, current address, and agenda item or topic</i>)	
	Adjournment	

Finance and Administration Committee

The Finance and Administration Committee Meeting was called to order by Chairperson Hardy on Thursday, September 12, 2024, at 11:23 a.m., in the Board Conference Room.

Present: Mr. Erickson, Mr. Beggs, Mr. Walker, and Mr. Hardy.

Also Present: Ms. Byard, Oceana County Administrator; and Ms. Anderson, Oceana County Clerk.

Moved by Mr. Beggs and supported by Mr. Walker to approve the minutes of the August 22, 2024 Finance and Administration Committee meeting as presented.

Voice vote. Motion carried.

Chairperson Hardy asked if there were any additions to the agenda. No additions were mentioned.

Moved by Mr. Erickson and seconded by Mr. Walker to approve the agenda as presented.

Voice vote. Motion carried.

Public Comment

There were no public comments at this time.

Agenda Items

Ms. Byard requested approval of the EPA Community Change Grant Partnership agreement.

Ms. Byard brought forth quotes for consideration for the exterior film for windows on the south side of the courthouse. The two bids that were received are from Firehouse Films Window Tinting / \$2699.32 and All Season Window Tinting, Inc. / \$3800.00. After discussion, the bid was awarded to Firehouse Films Window Tinting.

Ms. Byard requested consideration and approval of a bid for seal coating the airport parking lot. The two bids that were received are from West Michigan Seal Coat / \$2963.00 and Brian’s Superior Sealcoating / \$5500.00. After discussion the bid was awarded to West Michigan Seal Coat.

Ms. Byard provided three quotes for the Building Department Remodel at the Health Department for the Board to consider. The bids were from Blackmer Construction / \$23,655.00, Visscher Construction & Restoration, Inc / \$35,149.11 and Winberg Construction, Inc / \$52,634.00. After discussion, the bid was awarded to Blackmer Construction.

Ms. Byard did not read the claims for payment, but the following was provided:

Administrator’s Report *(as provided by Ms. Byard):*

REVIEW OF CLAIMS FOR PAYMENT (>= \$1,000 and Other Noteworthy Expenditures)

Fund #	Dept. #	Dept. Name	Amount	Purpose
Special Revenue Funds				
210 - Ambulance			\$ 1,012.73	to Consumers Energy for utilities

215 - Friend of the Court	\$ 2,194.06	to Image Soft for monthly contract expenses
286 - American Rescue Plan	\$ 15,105.85	to Leavitt Township for ARPA Fund disbursement
260 - Indigent Defense	\$ 1,996.50	to Dalman Investigations for forensic investigations
	\$ 12,408.50	to Good Law, PLC for court appointed attorney fees
	\$ 2,764.50	to Hayes Law Office, PLC for court appointed attorney fees
	\$ 5,833.33	to Indigent Defense Consultants, PC for monthly services
293 - Dept of Veterans' Affairs	\$ 3,333.20	to TH Brands for public outreach
445 - Public Improvement	\$ 4,474.64	to West Michigan Drain Solutions for repairs
298 - Technology & Innovation	\$ 2,860.71	to Xerox Financial Services for copy machine leases
549 - Building Department	\$ 7,396.48	to Randolph D Miller, LLC for inspections and permits
	\$ 2,993.03	to RVN Inspections, LLC for inspections and permits
	\$ 1,450.00	to Shoreline Inspection Service LLC for inspections and permits
	\$ 1,816.26	to Sonnie Smith for inspections and permits
	\$ 1,450.00	to Thomas Story for inspections and permits
	\$ 7,231.65	to Randolph D Miller, LLC for inspections and permits

	\$ 2,193.33	to RVN Inspections, LLC for inspections and permits
	\$ 1,350.00	to Shoreline Inspection Service LLC for inspections and permits
	\$ 2,220.63	to Sonnie Smith for inspections and permits
	\$ 700.00	to Thomas Story for inspections and permits
General Fund		
101 - Board of Commissioners	\$ 7,580.04	to H Security & Investigations for July 2024 overtime hours and August 2024 hours
248 - General Services Administration	\$ 15,851.20	to Lakeshore Regional Entity for 3rd quarter payment
	\$ 1,011.00	to Shi International Corp for cameras
257 - Equalization	\$ 24,210.00	to V&V Accessing LLC for monthly services
262 - Elections	\$ 19,822.90	to Spectrum Printers, Inc for August 2024 Primary Election
265 - Courthouse & Grounds	\$ 4,371.27	to City of Hart for utilities
	\$ 1,541.94	to Republic Services for dumpster services
	\$ 1,947.59	to Anderson Mechanical LLC for preventative maintenance
301 - Sheriff	\$ 1,292.30	to AT&T Mobility for telephone services

351 - Jail	\$ 1,684.24	to Gordon Food Service for inmate board and janitorial supplies
	\$ 3,196.63	to Gordon Food Service for inmate board and janitorial supplies
	\$ 1,270.70	to Gordon Food Service for inmate board and janitorial supplies
	\$ 1,690.19	to Gordon Food Service for inmate board and janitorial supplies
	\$ 4,321.43	to City of Hart for utilities
	\$ 2,596.79	To Anderson Mechanical LLC for preventative maintenance
528 - Transfer Station	\$ 35,501.40	to American Classic Dumpster Services
601 - Health Department	\$ 1,092.39	to Consumers Energy for utilities
	\$ 1,298.39	to Anderson Mechanical LLC for preventative maintenance
648 - Medical Examiner	\$ 1,091.32	to Kelly Yost for Medical Examiner Investigator fees
701 - Planning	\$ 1,800.00	to West Michigan Shoreline Regional Development Commission for Master Plan
~ Total	\$ 212,157.12	

Additional Administrator’s Report Items

Ms. Byard stated she is working through the budget. She reported that Dave Sanderson was hired as the new Maintenance Supervisor and he is on board and going in the right direction. He was able to work with Brian last week. There was a potluck employee picnic last week that was enjoyed by many.

Department Head Reports

There were no department head reports at this time.

Public Comment

There were no public comments at this time.

Chairperson Hardy asked if there was any further business to come before the Board. There being none, the meeting adjourned at 11:30 p.m.

Respectfully submitted,

Amy L. Anderson
Oceana County Clerk

**ANIMAL CONTROL ORDINANCE
COUNTY OF OCEANA, MICHIGAN
ORDINANCE NO. 2024-07**

The people of the County of Oceana, Michigan, do ordain:

ARTICLE 1

PURPOSE

The Board of Commissioners of the County of Oceana recognizes that Act 339 of the Public Acts of 1919, as amended, being sections 287.261-287.290 of the Michigan Compiled Laws, Act 426 of the Public Acts of 1988, being Sections 287.321-287.323 of the Michigan Compiled Laws as amended, and Act 368 of the Public Acts of 1978, being Section 333.1101-333.25211 of the Michigan Compiled Laws, and Act 207 of the Public Acts of 1970, as amended, being 287.291 of the Michigan Compiled Laws, constitute State Law for the regulation for dogs. The Board of Commissioners furthermore recognizes that animals require legal protection, that the property rights of owners and non-owners of animals need to be protected, and that the health, safety and welfare of the people in Oceana County will best be served by adoption of this Animal Control Ordinance.

ARTICLE 2

DEFINITIONS

Except as otherwise provided in the Exceptions to these Definitions, the following terms shall be defined as follows:

"Adequate Care" means the provision of sufficient food, water, shelter, and medical attention to maintain an animal in a state of good health.

"Agent in Control" means that person (s) having temporary custody and/or responsibility of said animal.

"Aggressive Animal" shall mean an animal that exhibits menacing behavior on public or private property including that of its owner or keeper. Menacing behavior shall include, but not be limited to:

charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other animal in a place where the person or other animal is legally entitled to be.

"Animal"

means any vertebrate other than human beings.

"Animal Control"

means those persons under the supervision of the Sheriff assigned to enforce the provisions of this ordinance.

"Animal at Large"

means the unrestrained wandering or roaming of any animal on a public walkway, roadway, highway or on property not owned or leased by its owner. Also includes animals on their owner's property not under direct control or sight of the owner.

"Animal Shelter Director" or "Director" means the person, under the general supervision of the County Administrator/Controller, who oversees the daily operation of the Animal Shelter. He/she is responsible for preparing and monitoring the departmental budget and ensuring compliance with appropriate legislation, supervises the work of employees at the Animal Shelter and assists in any classification as necessary.

"Animal Control Officer" means the persons who shall enforce this Ordinance and the Laws of the State regarding domestic animal control, dangerous domestic animals, and protection of the people and domestic animals of Oceana County.

"Approved Vaccine"

means a veterinary biological that is administered to an animal to induce immunity in the recipient and that is licensed by the United States Department of Agriculture and approved by the State Veterinarian for use in this state pursuant to the Animal Industry Act of 1987, Act No. 466 for the Public Acts of 1988, being Sections 287.701 to 287.747 of the Michigan Compiled Laws.

"Attack"

means the intent to cause injury or otherwise forcefully endanger the safety of people or other animals.

"Board of Commissioners" means the Oceana County Board of Commissioners.

"Cat" means an animal of any age of the species Felis Catus.

"County" means County of Oceana, State of Michigan.

"Dangerous Animal" shall mean an animal that bites or otherwise causes serious injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.

"Day" means any day the Oceana County government offices are scheduled to conduct business. It shall not include any Saturday, Sunday or holiday designated by the Board of Commissioners.

"Direct Control" means a situation in which a person, whether by voice command, or physical tether, can immediately affect or alter the actions of an animal so as to ensure that the animal does not trespass or otherwise violate this Ordinance.

"Dog" means an animal of any age solely of the species Canis Familiaris or Canis Lupus Familiaris.

"Domestic Animals" means those animals that have traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and which have been kept as tame pets, raised as livestock, or used for commercial breeding purposes.

"Euthanasia" means the humane destruction of an animal accomplished by a method not prohibited by law that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced

by an approved agent that causes painless loss of consciousness and subsequent death.

"Exhibition of Fighting" means a public or private display of combat between two or more animals in which the fighting, killing, maiming or injury of animals is a significant feature. It does not include demonstrations of the hunting or tracking skill of an animal or their lawful use for hunting, tracking, or self-protection.

"Farm" means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products.

"Farm Dog" means a dog or dogs owned and used for aiding a person engaged in a farm operation which remains on the property used for the farm operation.

"Farm Operation" means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products.

"Farm Product" means those plants and animals useful to human beings. Produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

"Groom" means to clean or care for.

- "Harbor"** means to feed or shelter an animal (s) for three (3) or more consecutive calendar days.
- "Hunting"** means allowing a dog to range freely within sight or sound of its owner while in the course of hunting legal game.
- "Kennel"** means any facility, except a duly licensed pet shop, where three (3) or more dogs are kept for breeding, sale, sporting, boarding or training purposes, for remuneration.
- "Large Carnivore"** means either of the following:
- (i) Any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat:
 - (1) A lion.
 - (2) A leopard, including, but not limited to, a snow leopard or clouded leopard.
 - (3) A jaguar.
 - (4) A tiger.
 - (5) A cougar.
 - (6) A panther.
 - (7) A cheetah.
 - (ii) A bear of a species that is native or nonnative to this state, whether wild or captive bred.
- "Law Enforcement Officer"** means any person employed or elected by the people of the State, or by any municipality, county, or township, whose duty is to preserve peace or to make arrests or to enforce the law and includes conservation officers and State Police.
- "Livestock"** means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.
- "MCL"** Michigan Compiled Laws
- "Mutilate"** means to destroy or disfigure a body part.

- "Muzzle"** means a device that when fitted upon an animal prevents it from biting any person or animal and which is made in a manner that will not cause injury to the animal or interfere with its vision or respiration.
- "Neglect"** means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.
- "Nuisance Animal"** shall mean an animal running at large on public or private property other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to: (a) making physical contact with a person or other animal in a harassing manner; (b) urinating or defecation; or (c) damaging inanimate personal property.
- "Official Interstate Health Certificate" or "Official Interstate Certificate of Veterinary Inspection"** means a printed form that records the information required by State Law and is issued within thirty (30) days before importation of the animal it describes.
- "Owner"** means a person having a right of property ownership in an animal, who keeps or harbors the animal or has the animal in his or her care or custody, or who permits the animal to remain on or about any premises occupied by the person. An owner does not mean a person who harbors an animal in the course of conducting a boarding, grooming, or training business, or a veterinary hospital, or a person who harbors an animal in violation of Act 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws.
- "Owner's Agent"** means an individual authorized in writing by the owner or lessee of an animal to intervene on behalf of the owner or lessee to protect the animal, except in cases where the animal is in imminent danger of harm, in which case no written authorization is required.

- "Person"** means an adult individual, partnership, corporation, cooperative, association, joint venture, or other legal entity.
- "Pet"** means any animal kept for pleasure rather than utility.
- "Poultry"** means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder's license pursuant to Part 427 Breeders and Dealers of the Natural Resources and Environmental Protection Act, being Act No. 451 of the Public Acts of 1994, being Sections 324.42701 to 324.42714 of the Michigan Compiled Laws.
- "Provoke"** means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack of an ordinary dog or animal.
- "Quarantine"** means a state of enforced isolation. To detain in or exclude by quarantine, to isolate from normal relations or communication. An animal that has bitten or scratched, shall be kept in the owner's home or a secure structure that would not allow any other person or animal to come in contact with, except family members. Animals may be quarantined at a veterinarian's office or the Animal Shelter.
- "Rabies Suspect Animal"** means any animal, which has been determined by the Oceana County Health Department and/or the Michigan Department of Health and Human Services to be a potential rabies carrier and which has bitten or scratched a human, or any animal which has been in contact with or bitten by another animal which is a potential rabies carrier, or any animal which shows symptoms of rabies.
- "Sanitary Conditions"** means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This does not include a condition resulting from a customary and reasonable practice pursuant to farming and animal husbandry.

- "Secure Structure"** means a four (4) sided structure with an enclosed top constructed of the same material as the sides. The sides must be at least six (6) feet high, with a concrete or buried fence floor. The door must be locked at all times.
- "Serious Injury"** means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.
- "Service Dog"** means any dog which is trained or being trained to aid a person who is blind, deaf or audibly impaired, or otherwise MCL 287.291; (1970 PA 207).
- "Shelter"** means adequate protection from the elements, suitable for the age and species of the animal to maintain the animal in a state of good health, including structures or natural features such as trees and topography. Shelter is not required for livestock if there is a natural wind break such as a grove of trees.
- (1) Dogs shall have a waterproof four (4) sided structure, of appropriate size with a roof and floor.
 - (2) Livestock shall have a sound, three (3) sided, roofed structure of appropriate size or wind break providing equivalent protection.
- "Sheriff"** the Oceana County Sheriff or his/her designee.
- "State"** means the State of Michigan.
- "State of Good Health"** means free from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.
- "Sterilized"** means an animal which has, by virtue of a surgically performed castration or ovariectomy or other recognized veterinary procedure, been rendered incapable of sexual reproduction.

"Threaten"	means to give sign or warning of danger.
"Torment"	means to cause, by an act or omission, unjustifiable pain, suffering, or distress to an animal, or cause mental and emotional anguish in the animal as evidenced by its altered behavior for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and/or reasonable person would conclude is likely to precipitate a bite or attack.
"Torture"	means to cause either severe physical or mental suffering.
"Treasurer"	means the Treasurer of the County of Oceana.
"Veterinarian"	means a person licensed to practice veterinary medicine as required in or under the Public Health Code, Act No. 368 of the Public Acts of 1978, being 333.18811 of the Michigan Compiled Laws, such other applicable State or Federal Law.
"Water"	means sufficient drinkable water that is suitable for the age and species of the animal and made regularly available unless otherwise directed by a licensed veterinarian.
"Wolf"	means an animal of the species <i>Canis Rufus</i> or <i>Canis Lupus</i> but does not include an animal of the species <i>Canis Lupus Familiaris</i> .
"Wolf-Dog Cross"	means a canid resulting from the breeding of any of the following: <ol style="list-style-type: none"> (1) A wolf with a dog. (2) A wolf-dog cross with a wolf. (3) A wolf-dog cross with a dog. (4) A wolf-dog cross with a wolf-dog cross.
Exceptions	An animal shall not be considered a nuisance, aggressive or dangerous animal where its act is caused by; (a) an illness or injury suffered by the animal at the time of the act; (b) the negligent or reckless conduct of any person to whom the act is directed; (c) lawful hunting while the animal is under the control of its owner or custodian; or (d) defense of the animal's

owner, or members of the owner's family or household, or their property.

ARTICLE 3

ANIMAL CONTROL OFFICERS DUTIES, AUTHORITY AND RESPONSIBILITIES

Section 3.1 The Oceana County Board of Commissioners shall employ an Animal Shelter Director who shall work with Animal Control as necessary, and in accordance with County budgetary and personnel policies.

Section 3.2 It shall be the responsibility of the Sheriff, Animal Shelter Director and/or Animal Control Officers to enforce the provisions of this Ordinance.

Section 3.3 The Sheriff, Animal Shelter Director and Animal Control Officers shall enforce this Ordinance and State Statutes as amended pertaining to control, regulation, and protection of dogs and other animals, including, but not limited to issuance of tickets, citations, or summonses to persons in violation of this Ordinance and/or State Statutes, and may make a complaint to the appropriate judicial or administrative authorities.

Section 3.4 The Sheriff, Animal Shelter Director and Animal Control Officers shall wear satisfactory identification and carry a picture identification card when enforcing this Ordinance and State Laws and shall be sworn in as a Special Deputy of the Oceana County Sheriff.

Section 3.5 Animal Control Officers shall act reasonably and with the exercise of judgment in the enforcement of the State Law and County Ordinance in reference to animals. The duties of the Sheriff, and Animal Control Officers, in addition to those

stated elsewhere in this Ordinance and State Statutes, shall include the following:

- 1) Take up and place in the County Animal Shelter all dogs or other animals, found running at large or being kept or harbored any place within the County contrary to the provisions of this Ordinance or the Statutes of the State. In the event the County Animal Shelter's facilities are inadequate for holding the type of animals seized, such as livestock and poultry, pursuant to this Ordinance and State Law, such animals shall be placed in such alternative facilities as authorized by the Board of Commissioners and permitted by the Statutes of the State.
- 2) Seize and impound, or require its owner to quarantine, all domestic animals which are rabies suspects, for examination for disease in accordance with Article 8 of this Ordinance and/or the Statutes of the State.
- 3) In accordance with the provisions of this Ordinance, to enter upon private premises except a building designated for and used for residential purpose, for the purpose of inspecting same to determine the harboring, keeping or possessing of any dog (s) or other animal (s) and whether the owners of said animals have complied with the appropriate provisions of this Ordinance and the Statutes of the State. To either seize and take with him any animals or allow sufficient time to permit the vaccination and licensing of dogs for whom no license had been procured in accordance with this Ordinance and the Statutes of the State or for any other violation hereof. The provisions of this subsection shall specifically include, but not be

limited to, investigation of or seizure for cruelty to animals.

- 4) Investigate complaints of dogs or other animals alleged to be dangerous to persons or property and take such actions as authorized by State Statutes or County Ordinance, including seizing, taking up, and impounding such animals.
- 5) Investigate complaints of cruelty to dogs or other animals, livestock or poultry and to take such actions as authorized by State Statutes or County Ordinance, including, seizing, taking up and impounding any dog or other animal, livestock or poultry which has been subject to such cruelty. Animals seized for cruelty may be held as evidence, fostered, adopted or euthanized, after an evaluation and medical exam by shelter staff and/or veterinarian at the direction of the Shelter Director.
- 6) If authorized by the Treasurer, carry a book of receipts properly numbered in sequence for accounting purposes, for the issuing of dog licenses as provided in this Ordinance and shall issue such dog licenses in accordance herewith. The Animal Shelter Director and Animal Control Officers, if authorized by the Treasurer, shall also perform, in conjunction with the Treasurer, such other duties assigned to the Treasurer by this Ordinance and the Statutes of the State regarding issuance, transfer and replacement of dog and kennel licenses and tags. While authorized by the Treasurer to perform such duties, the Animal Shelter Director and Animal Control Officers shall ensure that the original of all records evidencing the performance of such duties

are turned over to the Treasurer not less than monthly with copies of said records retained at the office of the County Animal Shelter. All fees and monies collected by the Animal Shelter Director and Animal Control Officers as herein provided, shall be accounted for and turned over to the Treasurer on or before the first of each and every month, or more often, if reasonably necessary under the standard practices of the Treasurer's accounting system.

- 7) Perform such other duties relating to the enforcement of this Ordinance and State Statutes as the Board of Commissioners may, from time to time, assign to the Sheriff, Animal Shelter Director and Officers.

ARTICLE 4

SHELTER OPERATION, IMPOUNDMENT, RELEASE AND DISPOSAL

Section 4.1

The Animal Shelter Director shall operate and maintain an adequate facility as a shelter to receive, care for and safely confine any animal in the Animal Control Officer's custody under provisions of this Ordinance. The Animal Shelter shall be accessible to the public during the days and hours in which County Offices are open and/or such other hours as may be authorized by the Board of Commissioners.

Section 4.2

An Animal Control Officer may impound and hold at the shelter any animal when it is the subject of a violation of this Ordinance, or State Laws, when it requires protective custody and care because of mistreatment or neglect by its owner, when it is voluntarily donated by its owner for disposition or when otherwise ordered impounded by a court.

Section 4.3

An animal shall be considered impounded from the time an Animal Control Officer takes physical custody of the animal.

Section 4.4

Impoundment is subject to the following holding periods and notice requirements:

- 1) An animal whose ownership is known by Animal Control, or the Animal Shelter shall be held for a minimum of seven (7) days after the date of mailing a notice to the owner regarding the impoundment of the animal. Notice of impoundment shall be sent to the owner by certified mail within forty-eight (48) hours from the time of impoundment. This notice shall advise the owner of the impoundment, the date by which redemption must be made and that there will be fees payable prior to release. The Animal Shelter Director shall maintain a record on each identifiable animal acquired indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date the notice of impoundment was sent to the owner of the animal and subsequent disposition of the animal.
- 2) An animal whose ownership is not determinable shall be held a minimum of four (4) days after its impoundment.
- 3) Animals held for periods prescribed under this section and not redeemed by their owner shall be subject to disposition.

Section 4.5

Disposition of animals shall be made as follows:

- 1) Any animal impounded shall be released to its owner or the owner's authorized agent (with written permission) if redeemed within the period set forth in this section, upon payment of fees for impoundment and care including actual cost of veterinary care incurred while held in the Animal Shelter provided the

owner is in compliance with provisions of this Ordinance and State Statutes, including licensing and vaccination requirements; or

- 2) Any animal held for the prescribed period and not redeemed by its owner, and which is neither a potentially dangerous animal nor in a dangerous condition of health, may be released for adoption subject to Section 4.6; or
- 3) Any animal held for the periods prescribed under this section without redemption or adoption may be disposed of by euthanasia, except that livestock and poultry may be sold in accordance with State Statutes; or
- 4) Provisions of this section regarding holding periods do not apply to any animal which is sick or injured to the extent that the holding period would cause the animal undue suffering, or where the animal is deemed so aggressive that the animal poses a safety risk to County employees or other persons, in the judgment of the Animal Shelter Director or Animal Control Officer, or to any animal voluntarily delivered to the Animal Shelter by the owner thereof requesting humane destruction. Such animals may be disposed of by euthanasia at any time; or
- 5) Animals shall be disposed of in accordance with Animal Shelter policies except that live animals may not be sold for research.

Section 4.6

A dog or cat may be released for adoption subject to the following conditions:

- 1) The dog or cat has not been recovered by its owner and the required holding period has expired or the

owner of the dog or cat has signed its ownership rights over to Animal Control.

- 2) The adoptive owner shall pay the applicable adoption fee and sign the purchase agreement.
- 3) In the case of a dog or cat that, based on the veterinarian's opinion, cannot have spay/neuter surgery, the adoptive owner shall pay a surgical prepayment deposit which shall be refundable upon furnishing written certification by a licensed veterinarian that the animal has been sterilized by spaying or neutering;
- 4) The adoptive owner shall sign a written agreement to sterilize an adopted dog or cat within thirty (30) days of adoption or upon the animal's attaining six (6) months of age, whichever event occurs last. Failure to comply with the agreement shall result in a forfeiture of the amount deposited under paragraph three (3) of this section, and the Animal Shelter Director may require return of the adopted dog or cat to the Animal Shelter.

Section 4.7

The Animal Shelter Director or Animal Control Officer may decline to release an animal for adoption under any of the following circumstances:

- 1) The prospective adoptive owner has been convicted of the crime of cruelty to animals within the previous five (5) years;
- 2) The existence of other circumstances which, in the opinion of the Animal Shelter Director or Animal Control Officer, would endanger the health, safety or welfare of people or animals.

Section 4.8

Seizure of Mistreated Animals.

- 1) The Court may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe the animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of the animal. The Court may appoint an animal control agency, agent of an animal shelter organization, veterinarian or other person as temporary custodian for the animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to the animal and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal or the Animal Control Officer shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform the person that the animal has been seized. Such process and notice shall contain a description of the animal seized, the date seized, the name of the agency seizing the animal, the name of the temporary custodian, if known at the time, and shall include a copy of the order of the Court authorizing the seizure.
- 2) Within five (5) days of seizure of an animal, the owner of the animal may request a hearing in the Court to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The Court shall hold the hearing within

fourteen (14) days of receiving the request. The hearing shall be concluded and the Court Order entered thereon within twenty-one (21) days after the hearing is commenced. Upon requesting a hearing, the owner shall have three (3) business days to post a bond or security with the Court Clerk in an amount determined by the Court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care. Failure to post such bond within three (3) days shall result in forfeiture of the animal to the Oceana County Animal Shelter. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the Oceana County Animal Shelter, unless the Court orders otherwise.

- 3) In determining the owner's fitness to have custody of an animal, the Court may consider, among other matters:
 - (a) Testimony from law enforcement officers, Animal Control Officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.
 - (b) Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.
 - (c) Expert testimony as to the proper and reasonable care of the same type of animal.
 - (d) Testimony from any witnesses as to prior treatment or condition of the animal or other animals in the same custody.

- (e) Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.
 - (f) Any other evidence the court considers to be material or relevant.
- 4) Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, veterinary care and boarding, the Court may order that the animal's owner reimburse the temporary custodian for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on the animal.
- 5) If the Court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and, therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to the Oceana County Animal Shelter to be euthanized.
- 6) Upon notice and hearing as provided in this section, or as a part of any proceeding conducted under the terms of this section, the Court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.
- 7) If the Court determines the owner is able to provide adequately for, and have custody of, the animal, the Court shall order the animal to be claimed and removed by the owner within seven (7) days after the date of the order.

- 8) Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require Court action for the taking into custody and making proper disposition of animals as authorized in Article 4, Section 4.2

ARTICLE 5

DOG LICENSING

Section 5.1 It shall be required that any dog four (4) months of age or older shall be licensed.

Section 5.2 The owner of any dog four (4) months old or over shall apply to the County Treasurer or his/her authorized agent where the owner resides in writing for a license for each dog owned or kept by him/her. Such application shall state the breed, sex, age, color, and markings of such dog and the name and address of the previous owner. Such application for a license shall be accompanied by proof of a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian.

Section 5.3 The person who becomes an owner of a dog that is four (4) or more months old and that is not already licensed shall apply for a license within thirty (30) days from the date the owner acquired the dog. A person who owns a dog that becomes four (4) months old that is not already licensed shall apply for a license within thirty (30) days after a dog becomes four (4) months old.

Section 5.4 The owner shall provide every licensed dog with a substantial collar, to which a license tag approved by the Michigan Department of Agriculture, shall be securely attached and

displayed on the animal at all times, except when the dog is engaged in lawful hunting or farming practices and accompanied by its owner.

Section 5.5

The license and license tag are assigned to the dog and are not transferable to another dog. They shall remain with the dog upon transfer to another owner within Oceana County. The last registered owner shall notify the Oceana County Treasurer's Office so that it may note such transfer upon its records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred, for the purpose of hunting game, or for breeding, trial, or show, in the State of Michigan.

Section 5.6

A dog displaying a license tag from another Michigan County shall not require licensing in Oceana County until expiration of the current license, provided that the dog remains in the possession of the owner to whom the license was issued.

Section 5.7

If the Oceana County dog license tag is lost, it shall be replaced without charge (one time only) by the Oceana County Treasurer's Office upon application by the owner of the dog, and upon production of such license and a sworn statement of the facts regarding the loss of such tag.

Section 5.8

Fees shall be waived for licenses issued for any service dog upon presentation of an affidavit by the dog's owner. The waiver shall apply to all subsequent licenses issued to that dog so long as it remains the property of the person named in the affidavit.

Section 5.9

A penalty equal to twice the applicable license fee shall be charged to any person who fails to apply for an initial license or a renewal license within the times specified.

- Section 5.10** No dog shall be exempt from the rabies vaccination requirements set forth in this Ordinance, unless there is a valid medical reason supplied in writing by a licensed veterinarian.
- Section 5.11** No owner shall purchase a license for a dog at the sterilized price unless the dog is sterilized.
- Section 5.12** Fees are to be set by the Oceana County Board of Commissioners as authorized by State Statutes.
- Section 5.13** Any dog not licensed or found not wearing a current license may be seized by an Animal Control Officer or law enforcement officer and held at the Animal Shelter. Upon termination of dogs' and other animals' statutory holding periods, dogs and other animals become the property of the Animal Shelter.
- Section 5.14** None of the provisions of this Ordinance shall be construed as requiring the licensing of any dog imported into Oceana County from outside the State for a period not to exceed thirty (30) days for show, trial, breeding or hunting purposes.
- Section 5.15** For grandfathered owners of wolf-dogs, a fee of not less than \$25.00 yearly will be set by the Board of Commissioners for people who own a wolf-dog cross as described in PA. 246 of 2000 as amended.
- Section 5.16** A fee of not less than \$25.00 yearly will be set by the Board of Commissioners for grandfathered owners of large carnivore(s) as described in PA. 274 of 2000 as amended.

ARTICLE 6

KENNEL LICENSING

- Section 6.1** Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required for dogs under this Ordinance and under the Statutes of the State of Michigan apply to the County Treasurer's Office or Animal Shelter for a

kennel license entitling that person to own, keep or operate such kennel in accordance with applicable Laws of the State. A kennel license is required for the dogs in the kennel. All dogs in the kennel covered by the kennel license must be kept for sale, boarding, breeding, training or sporting purposes for remuneration. Pets must be licensed individually and will not be covered under the kennel license.

Section 6.2

In order to obtain a kennel license, any person who owns, keeps or operates a kennel at any single location within the boundaries of Oceana County except in cities, villages, or townships with their own animal control agency, shall;

(1) within thirty (30) calendar days prior to the start of such operation, or; (2) a person which has been previously issued a kennel license shall apply for a new kennel license by June 1 of each year, to the Animal Shelter, which shall issue such license if the kennel is in compliance with Sections 10 and 11 of Act 339, of the Public Acts of 1919, as amended, being Sections 287.270 and 287.271 of the Michigan Compiled Laws , and with any applicable ordinance of the city, village or township in which it is located. The Animal Shelter will not issue a kennel license to any person who has been denied a kennel license by the city, village or township where they reside.

Section 6.3

Failure to apply for a kennel license within the prescribed time limits or operating a kennel without a license will result in a doubling of the applicable fee and/or a citation being issued.

Section 6.4

The Animal Control Officer shall have the right to inspect any kennel in the County of Oceana in order to determine whether said kennel is in compliance with this Ordinance and the State Statute. If the kennel has been issued a license, it shall be the duty of the Animal Control Officer to suspend said license

if, in the Officer's opinion, conditions exist which are not in compliance with this Ordinance, Section 10 of Act 339 of the Public Acts of 1919, as amended, being Section 287.270 of the Michigan Compiled Laws and the rules of the Michigan Department of Agriculture, pending correction of such conditions, and further shall have the ability to revoke said license if such conditions are not corrected within a designated reasonable time.

Section 6.5

All licensed kennels shall be required to have double fencing. The fence on the outer perimeter shall be constructed in such a manner as to prevent stray animals and people from making direct contact with kennel animals. Exceptions to the above would be:

1) solid fence such as a solid privacy fence and/or 2) animals kept inside a building or solid structure.

Section 6.6

Any dog kennel which under Michigan State Law is to be covered by a license shall be of such construction as will adequately and comfortably house any dogs kept therein during any season of the year. The buildings, including walls and floor, shall be of such construction as to be readily cleaned and kennels and yards connected therewith used to confine kennel dogs shall be kept clean and free from accumulation of filth and debris.

Section 6.7

Dogs kept or maintained in connection with such kennels shall be furnished with a clean, fresh water supply and adequate and proper food to maintain such animals in a state of good health.

Section 6.8

Any kennel dog four (4) months old or older must have a current rabies vaccination as evidenced by a valid certificate of vaccination for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited

veterinarian. Failure to comply with this requirement shall be a violation of this Ordinance and subject the dog's owner to the penalties set forth in Article 13.

Section 6.9

Fees are to be set by the Oceana County Board of Commissioners as authorized by State Statutes.

ARTICLE 7

PROHIBITIONS AND REGULATED CONDUCT

Section 7.1

It shall be a violation of this Ordinance:

- 1) For any animal to engage in any of the behaviors described in Article 9 (Classification of Animals).
- 2) For a dog in heat (estrus) to be accessible to a male dog except for intentional breeding purposes.
- 3) For an animal to be within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including, but not limited to dangerous temperatures, lack of food, water or proper care. Any Animal Control Officer, or law enforcement officer is authorized to use reasonable force to remove an animal from a vehicle whenever it appears that the animal's health, safety or welfare is, or may be, endangered.
- 4) To abandon any domestic animal.
- 5) To knowingly place food or item of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animal except rodents.
- 6) To physically mistreat any animal by deliberate abuse, or neglect to furnish adequate care or shelter, including veterinary attention, or by leaving the animal

unattended for more than twenty-four (24) hours without adequate care.

- 7) For any animal to leave the confines of any officially prescribed quarantine area or be put outside unattended while under an officially prescribed quarantine.
- 8) For a dog not accompanied by its owner or owner's authorized agent to come closer than three (3) feet from a public walkway, roadway, highway, or adjoining property, except when the dog is in an area that is completely fenced in.
- 9) To interfere with, hinder, resist, oppose, obstruct, issue a false report, attempt to conceal animals or conceal ownership of an animal, or molest an Animal Control Officer in the performance of his/her duties, or for any person to remove any animal from an Animal Control vehicle or Animal Shelter property without permission of the Animal Shelter Director or Animal Control Officer.
- 10) To fail to comply with the requirements of this Ordinance or Federal or State Statutes applicable to keeping of an animal or a facility where animals are kept.
- 11) For livestock or poultry to run at large upon the premises of another or upon any public street, lane, alley or other public ground in the County unless otherwise specifically allowed.
- 12) To remove a collar or tag from any dog or other animal without the permission of its owner
- 13) To fail to take an animal to the Animal Shelter or Veterinarian after quarantine for inspection.

- 14) To tie, tether or chain a dog with a choke type collar.
- 15) To chain a dog on a chain that is not three (3) times the length of the dog from the tip of the dog's nose to the base of its tail, confine a dog on a chain or tied out for more than 4 hours unless the tie out permits movement over at least 30 square feet and allows the dog free access to a suitable shelter.
- 16) To tether a dog in violation of MCL 750.50(2)(g).
- 17) To violate any section of Public Act 274 of 2000, as amended, which regulates the ownership, possession and care of large carnivores, specifically large cats and bears.
- 18) To fail to keep a collar on a dog with an approved dog license affixed to the collar, unless the dog is engaged in legal hunting or farming practices.
- 19) To decoy or entice any dog or animal out of an enclosure or off the property of its owner, or seize, molest or tease any dog or animal while held or led by any person, or while on the property of its owner.
- 20) To fail to have any animal purchased from the Oceana County Animal Shelter sterilized on or before the date of the sterilization contract.
- 21) To fail to keep a dog in a prescribed secure structure as required by Court Order or by this Ordinance.
- 22) To violate any section of the Wolf-Dog Cross Act, Public Act 246 of 2000 as amended, which regulates the ownership, possession and care of Wolf-Dog Crosses.

Section 7.2

It shall also be a violation of this Ordinance:

- 1) To fail to provide adequate shelter any time an animal is confined in such a manner that it is unable to seek

shelter no matter the length of time the animal is out in the weather.

- 2) To fail to provide sufficient and suitable water and food which would thus cause the animal to suffer thirst or hunger.
- 3) To kill any animal without just cause.
- 4) To torture, mutilate, maim, beat, or disfigure an animal.
- 5) For an animal to be caged or chained in such a manner as to allow it to become tangled, injured or to suffer undue stress.
- 6) To restrain an animal so that the weight of the animal's restraint does not allow the animal to comfortably raise his/her head or move.
- 7) To fail to keep an animal's area in good sanitary condition.
- 8) To confine an animal in such a fashion that the animal does not have a dry area to rest.
- 9) To fail to provide adequate grooming when the animal is in pain or distress, including but not limited to the following;
 1. Unable to lift head.
 2. Unable to urinate or defecate.
 3. Crying out in pain.
 4. Unable to rise or walk
 5. Fail to keep the eyes or ears free from infection or matted in such a way that it interferes with the animal's sight or hearing.

Section 7.3

It is unlawful for any person to fail to provide veterinary care when an animal is in pain or distress, including but not limited to the following:

- 1) In a state of emaciation.

- 2) Unable to rise and walk
- 3) Unable to urinate or defecate.
- 4) Crying out in pain.
- 5) Unable to eat or drink.
- 6) Suffering from unattended broken bones, wounds, burns or contusions.
- 7) Painful or difficult breathing.
- 8) Passing blood in urine, feces and/or vomit.
- 9) Presence of maggots or infested with other parasites.
- 10) Severe skin disease.
- 11) An injured or diseased animal, which shall be segregated from other animals to prevent the transmission of disease.

Section 7.4

It is unlawful to intentionally run down or otherwise abuse, harass or worry any animal with any vehicle including, but not limited to, a bicycle or motor vehicle, including a motorcycle or motorbike.

Section 7.5

In the event animals are used to give rides the following standards must be met and followed:

- 1) If the animal is not shod, it must be provided with footing (i.e.: grass, hay, wood shavings or dirt).
- 2) Twenty-minute breaks shall be given every two (2) hours or less as needed, with water and shade provided.
- 3) No animal shall be used if it appears to be lame or in distress.

Section 7.6

Reporting of found animals:

- 1) Any person who finds and harbors an animal without knowing the identity of its owner shall notify Animal Control and furnish a description of the animal within two (2) business days of finding the animal.

- 2) If the owner of the animal has not claimed it within seven (7) business days after the animal was reported found to the Animal Control, the finder may adopt the animal in accordance with applicable laws.

ARTICLE 8

CONFINEMENT OF ANIMAL AFTER BITING

Section 8.1

Any dog or other warm-blooded animal that shall bite or scratch a person or animal shall be handled in accordance with the “Michigan Rabies Assessment Flowcharts procedures as established by the Michigan Department of Health and Human Services (MDHHS) for control of rabies and disposition of non-human agents carrying disease, including rabid animals. In the event that owner of such animal is unable to or fails to comply with any of the prescribed procedures, an Animal Control Officer shall take possession and custody of such animal and follow the prescribed procedure. The owner of such an animal shall bear the costs thereof. The owner of such animal must keep, maintain and confine or dispose of the animal as required by the procedures established by the MDHHS. If unwilling or unable to do so, failure to release custody of said animal to an Animal Control Officer, or when so directed failure to deliver said animal to a veterinarian clinic for confinement shall constitute a violation of this Ordinance.

Section 8.2

At the end of the required minimum ten-day confinement period, the animal must be taken to the County Animal Shelter to be inspected for visible health (i.e., clear eyes, nose, general body condition), vaccinations, and current license if any required.

Section 8.3

Confinement of ferrets shall be governed by Act 358 of the Public Acts of 1994, as amended, being Sections 287.893 - 287.901 of the Michigan Compiled Laws.

ARTICLE 9

CLASSIFICATION OF ANIMALS

Section 9.1

Dogs Running Stray. A person who owns or has custody or control of a dog shall prevent the dog from running at large. A person who owns or has custody or control of a dog shall, at any time the dog is off that person's property, restrain the dog with a lead or leash. When the dog and owner are near other people or other dogs, the leash shall be no greater than six (6) feet in length. Dogs that are tethered or roaming free behind an approved barrier on private property shall not constitute running astray or be found in violation of this ordinance.

Section 9.2

Quarantine. Every dog or cat or ferret which has bitten a person shall be quarantined for a period of not less than ten (10) days. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Animal Shelter Director. At the end of the quarantine period the animal shall be inspected for good health by the Animal Shelter. The owner shall surrender the dog, cat or ferret to the Animal Shelter Director upon request.

Section 9.3

Public Hazard. Any animal that is known to have bitten a person or other animal may be declared a public health hazard by the Animal Control Officer or Public Health Officer. At the Officer's discretion, the Officer may require that the animal be removed from the community, quarantined or confined in a manner specified by the Animal Control Officer.

Section 9.4

Defecation. A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than his own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.

Section 9.5

Stray Livestock. A person who owns or has custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without the consent of the property owner, provided, however, that this Section shall not prohibit leading or driving livestock, under the owner's or custodian's supervision, along a public highway.

Section 9.6

Nuisance, Aggressive or Dangerous Animal. A person who owns or has custody of a dog shall prevent the dog from engaging in nuisance, aggressive or dangerous behavior.

Section 9.7

Classification of Animals.

Purpose. The purpose of this Section is to establish a procedure whereby animals that pose a significant threat of causing serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury occurs.

Classification of Levels of Dangerousness: An animal shall be classified as potentially dangerous or dangerous based upon specific behaviors exhibited by the animal. An animal will be considered a potentially dangerous animal if it exhibits behavior described in subsections (1) and (2) of this Section.

An animal will be considered a dangerous animal if it exhibits behavior described in subsections (3), (4) and (5).

- 1) Level I behavior is established if an animal at large is found to menace, chase, display threatening or

- aggressive behavior, or otherwise threaten or endanger the safety of any domestic animal.
- 2) Level 2 behavior is established if an animal at large is found to menace, chase, display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any person.
 - 3) Level 3 behavior is established if an animal, while confined, aggressively bites or causes physical injury less than serious injury to any person.
 - 4) Level 4 behavior is established if an animal, while at large, aggressively bites or causes physical injury less than serious injury to any person or domestic animal.
 - 5) Level 5 behavior is established if:
 - (a) an animal, whether or not confined, causes the serious injury or death of any person; or
 - (b) an animal, while at large, kills or causes serious injury to any domestic animal; or
 - (c) an animal engages in or is found to have been trained to engage in exhibitions of fighting; or
 - (d) an animal that has been classified as a Level 3 or 4 dangerous animal repeats the behavior described in subsection (3) and (4) of this section after the owner receives notice of the classification level.
 - 6) Notwithstanding subsection (1) through (5) of this section, the Officer shall have discretionary authority to refrain from classifying an animal as potentially dangerous or dangerous even if the animal has engaged in the behaviors specific in subsections (1) through (5) of this section, if the Officer determines that the behavior was the result of:

- (a) A person trespassing on the property of the animal's owner.
- (b) A person provoking or tormenting the animal.
- (c) The animal responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
- (d) An injury to the animal.

Section 9.8

Identification of Potentially Dangerous Animals; Appeals; Restrictions Pending Appeal.

- 1) The Officer shall have authority to determine whether any animal has engaged in the behaviors specified in Section 9.7. This determination shall be based upon an investigation that includes a person's observation of and testimony regarding the animal's behavior, including the animal's upbringing and control of the animal. These observations and testimony can be provided by Oceana County Animal Control Officers or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony, if necessary, regarding the animal's behavior.
- 2) The Officer shall notify the owner or agent in control by certified mail or personal service of the animal's behavior and classification as a potentially dangerous or dangerous animal and of the additional restrictions applicable to that animal by reason of its classification. If the owner denies that the behavior in question occurred, the Officer may proceed pursuant

to Act 426 of the Public Acts of 1988, as amended, being Sections 287.321 - 287.323 of the Michigan Compiled Laws

- 3) Once the owner has received notice of the animal's classification as a Level 1, 2, 3 or 4 animal pursuant to Section 9.7, the owner shall comply with the restrictions specified in the notice.
- 4) If the Officer finds that an animal has engaged in Level 5 behavior, he shall order the owner to immediately turn the animal over to the Animal Control Shelter, an incorporated humane society, licensed veterinarian, or a boarding kennel, at the owner's option, to be retained until a hearing regarding the disposition of the animal. The owner shall notify the person who retains the animal of the pending hearing and shall notify the Animal Control Officer as to where the animal is to be held. The expense of the boarding, veterinary care and retention of the animal is the obligation of the animal's owner.
- 5) The imposition of regulations pursuant to this section shall not prevent the Officer from also filing a complaint with the District Court in accordance with Article 13.

Section 9.9

Regulation of Potentially Dangerous Animals. In addition to the other requirements of this Ordinance, the owner of a potentially dangerous animal shall comply with the following regulations:

- 1) If the animal has engaged in Level 1 behavior, the animal shall be restrained by a physical device or structure that prevents the animal from reaching any

public sidewalk or adjoining property whenever that animal is outside the owner's home and not on a leash. The Director may adopt administrative rules establishing specifications for the required device or structure.

- 2) If the animal has engaged in Level 2 behavior, the owner shall confine the animal within a secure enclosure whenever the animal is not held on a leash or inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's property.
- 3) If the animal has engaged in Level 3 behavior, the owner shall meet the requirements of subsection (2) of this section and shall also post warning signs on the property in conformance with administrative rules to be adopted by the Director.
- 4) If the animal has engaged in Level 4 behavior, the owner shall meet the requirements of subsection (2) and (3) of this section and shall not permit the animal to be off the owner's property unless the animal is muzzled and restrained by an adequate leash and under the control of the owner or agent in control or is within a securely fastened enclosed structure.
- 5) Any animal that has been found to have engaged in Level 5 behavior as described in Section 9.7, may be euthanized upon a court order sought by Animal Control. After a show cause hearing, the Court shall order the destruction of the animal, at the expense of the owner if the animal is found to be a dangerous animal that caused serious injury or death to a person or an animal. The Court may order the destruction of

the animal, at the expense of the owner, if the Court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.

- 6) To ensure correct identification, all animals that have been classified as dangerous shall have an identification number tattooed upon the animal or a microchip placed in the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification Tattoo Number shall be assigned to the animal by the Michigan Department of Agriculture and shall be noted in its records pursuant to Act No 309 of the Public Acts of 1939, being Sections 287.301 to 297.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink. The microchip shall be placed in the area recommended by the veterinarian in conjunction with the type of animal being microchipped.

Section 9.10

Reporting of Potentially Dangerous or Dangerous Animal.
Any person who observes or has evidence of animal behavior as described in Section 9.7 shall forthwith notify the Animal Shelter Director or Animal Control Officer.

ARTICLE 10

CONFINEMENT OF ANIMALS

Section 10.1

It shall be in violation of this Ordinance:

- 1) For any domestic animal, except cats, to run at large unless such animal is engaged in lawful hunting and accompanied by its owner, or is displayed in an exhibition, or engaged in work they have been trained for or are being trained for.
- 2) For any animal, except cats, to remain outside unattended if said animal is not confined by a leash, chain or fenced in yard (to include electronic fences).
- 3) For any animal, except cats, to cause damage to property, real or personal, of another person.

Section 10.2

Any person's animal, except cats, observed by Animal Control, that violates any of Section 10.1 three (3) times, as documented in prior reports, may be seized by an Animal Control Officer and held until the owner constructs a secure enclosure. The secure enclosure shall be constructed within ten (10) days. All costs incurred for the holding of an animal awaiting construction of an enclosure will be paid by the owner of the animal being held. The owner shall keep the animal in the secure structure at all times when not in the house or on a leash held by a responsible person.

Section 10.3

Owners of cats observed causing damage to property, real or personal, may be pursued through civil action by the property owner.

ARTICLE 11

TREASURER'S RECORDS AND DUTIES

Section 11.1

The Treasurer may make a comparison of his/her records of the dogs actually licensed in each city or township of the County with a report of the supervisors of said townships or assessors of said cities or the Animal Shelter Director, to determine and locate all unlicensed dogs.

Section 11.2

Every unlicensed dog subject to license under the provision of this Ordinance or the Statutes of the State is hereby declared to be a public nuisance, and the Treasurer may thereafter list all such unlicensed dogs as shown by the returns in his/her office of township supervisors, city assessors, and Animal Shelter Director and may deliver copies of such list to the Sheriff and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being 287.277 of the Michigan Compiled Laws , as amended.

Section 11.3

The Treasurer shall keep a record of all dog licenses issued during the year in each city and township in the County. Such records shall contain the name and address of the person to whom each license is issued. In case of all individual licenses, the records shall also state the breed, sex, age, color, and markings of the dog licensed. The records shall be a public record open to inspection during business hours. The Treasurer shall also keep an accurate record of all license fees collected by him/her.

Section 11.4

In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of owner and the license number to which any license has been issued, and the licensed tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

**ARTICLE 12
FEES AND EXPENSES**

Section 12.1

Oceana County may make a census of the number of dogs owned by all persons in Oceana County, Michigan, in accordance with Statutes of the State. The Treasurer is hereby empowered to employ whatever personnel he/she reasonably believes necessary to conduct this census; such personnel shall receive for their services in listing such dogs, such sum as shall be set from time to time by the Board of Commissioners.

Section 12.2

The duties and obligations herein and imposed upon the respective designated officials may be delegated, by each of said officials, to their deputies with like force and effect.

Section 12.3

The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1 of each year and for subsequent years by action by the Board of Commissioners.

ARTICLE 13

VIOLATIONS AND PENALTIES

Section 13.1

The Sheriff, his/her deputies, Animal Control Officers, or other law enforcement officers are authorized to issue a notice to any person who violates a provision of State Statutes or this Ordinance. The notice shall contain a description of the violation and shall cite the specific sections of the State Statutes or this Ordinance that apply. The Sheriff, his/her deputies, Animal Control Officers, or other law enforcement officers may also order correction of a violation and may specify the nature of corrective action required and a reasonable time limit for the corrective action to be completed. In the case of violations that may present an imminent danger to public health and safety, immediate corrective action may be required.

Section 13.2

Criminal - Violation of this Ordinance, or any section hereof, shall be a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not more than \$500.00, or community service work, or any combination of these penalties. In addition, court costs shall be levied against the guilty party. Violations of the Dangerous Animals Act, being Act No. 426 of the Public Acts of 1988, as amended, shall be punishable as determined by a court having jurisdiction pursuant to Section 3 of the Act, being Section 287.323 of the Michigan Compiled Laws.

Section 13.3

Civil - A schedule of monetary civil penalties adopted by the County Board of Commissioners may be used to set civil penalties for violations of this Ordinance as adopted by the County Board of Commissioners.

Section 13.4

Enforcement - this Ordinance may be enforced by criminal proceedings, civil penalties or both and any violation may give rise to both criminal and civil liability. The Sheriff, his/her deputies, Animal Control Officers, or other law enforcement officers is authorized to seek judicial remedies and sanctions for any violation of this Ordinance when administrative efforts to resolve the violations(s) have proven ineffective, inadequate or are otherwise deemed inappropriate.

ARTICLE 14

CONSTRUCTION

Section 14.1

When not inconsistent with the context, words used in the present tense include the future and past tenses. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined in this Ordinance shall be interpreted in accordance with their common meaning. The words "shall"

and "will" are mandatory and not merely directive. Headings are inserted for convenience, and shall not limit or increase the scope of any provision or Section of this Ordinance.

Section 14.2

Where any of the provisions of this Ordinance are in conflict with provisions of any other local Ordinance or State Statutes or regulations, the latter shall prevail.

Section 14.3

When used in this Ordinance, owner shall include agent in control and owner's agent.

ARTICLE 15

REPEAL

Section 15.1

Any Oceana County Ordinance or parts thereof inconsistent with this Ordinance are hereby repealed.

ARTICLE 16

SEVERABILITY

Section 16.1

If any part of this Ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

PROOF OF PUBLICATION

Published in the Oceana County Herald.

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect when notice of the adoption of this Ordinance by the Oceana County Board of Commissioners is published in a newspaper of general circulation in Oceana County. The County Clerk shall file a copy of this Ordinance, with a copy of the publication attached in his or her office.

ADOPTED this — day of September, 2024

Oceana County Airport
Local Resolution # 24-14

The Oceana County Airport enters into contracts, grants, and certifications through Federal and State programs,

and Tracy L. Byard, Oceana County Administrator has the authority to execute airport sponsor contracts between Oceana County Airport and the State of Michigan Department of Transportation, Office of Aeronautics.

If the Designated Signer has changed, the Oceana County Airport will contact the State of Michigan Department of Transportation, Office of Aeronautics with the changes.

Be it resolved that the Oceana County Administrator of the Oceana County Airport, be authorized and directed to execute airport sponsor contracts with the State of Michigan Department of Transportation, Office of Aeronautics on behalf of the Oceana County Airport.

Signature (Optional): _____

Michigan Department of Transportation Bipartisan Infrastructure Law Agreement

MDOT BIL Agreement Number 2024-0833
Grant Number 3-26-0154-18224

The Michigan Department of Transportation (MDOT) has been notified of the attached Federal Aviation Administration (FAA) Bipartisan Infrastructure Law (BIL) Grant. MDOT is responsible for distribution of the funds pursuant to the AERONAUTICS CODE OF THE STATE OF MICHIGAN Act 327 of 1945 and program administration per the State Block Grant Program Memorandum of Agreement.

Per this MDOT BIL Agreement, hereafter referred to as "this Agreement", MDOT shall enter into an agreement with the airport owner. This Agreement shall obligate the airport owner to comply with each of the terms and conditions contained in the Federal Aviation Administration Bipartisan Infrastructure Law Grant, to the Federal Aviation Administration State Block Grant Program Assurances, and to the conditions included in this Agreement.

This Agreement shall convey the requirements, terms, conditions, and assurances contained in FAA BIL Grant number 3-26-0154-18224 to Oceana County Board of Commissioners, on behalf of Oceana County Airport airport, whose associated city is Hart, hereafter referred to as "the Sponsor", as a recipient of funds channeling through the State of Michigan. Any reference to FAA transfers to MDOT acting as FAA, where applicable. All requirements of the Sponsor contained in the attached FAA BIL Grant are in addition to the requirements contained in this Agreement. The Sponsor agrees to comply with the General Conditions and Special Conditions set forth in this Agreement, the FAA Assurances, and the FAA Advisory Circulars, in the FAA BIL Grant.

This Agreement will be used for the purpose of assigning the rights and obligations of the parties in agreeing to the project estimated in detail in Exhibit 1, dated 6/26/2024. The project cost participation, as defined in attachment(s) 9 is made a part of this Agreement. The actual MDOT, FAA, and Sponsor shares of the project cost will be adjusted at the time of the financial closure of the FAA Grant.

Project Description: Obstruction Marking/Lighting/Removal (Non-Hazard)-Runway 9/27 Part 77 Primary Surface Grading-Design

The estimated total project cost is \$34,500. The Sponsor shall use these funds for the project as described in the FAA BIL Grant. BIL Grant recipients shall follow the FAA's Policy and Procedures Concerning the Use of Airport Revenues ("Revenue Use Policy"), 64 Federal Register 7696 (64 FR 7696), as amended by 78 Federal Register 55330 (78 FR 55330). The Revenue Use Policy defines permitted uses of airport revenue. In addition to the detailed guidance in the Revenue Use Policy, the funds received under this grant, or any associated subgrants, may not be used for any purpose not related to the airport.

The Sponsor shall make payments to MDOT for the Sponsor's share of the project costs within thirty (30) days of the billing date, if billed. MDOT will not make payments for any project work prior to receipt of payment from the Sponsor for their billed share. Eligible project costs that are paid by the Sponsor may be submitted for credit

**2024 TAX RATE REQUEST
MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS**

County OCEANA	2024 Taxable Value 1,606,470,561
Local Government Unit OCEANA COUNTY	

Winter Rates

You must complete this form for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec. 211.119. The following tax rates have been authorized for levy on the 2024 tax roll.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Source	Purpose of Millage	Date of Election	Millage Authorized by Election, Charter, etc.	2023 Millage Rate Permanently Reduced by MCL 211.34d	2024 Current Year Millage Reduction Fraction	2024 Millage Rate Permanently Reduced by MCL 211.34d	Sec. 211.34 Millage Rollback Fraction	Maximum Allowable Millage Rate*	Millage Requested to be Levied July 1	Millage Requested to be Levied Dec. 1	Expiration Date of Millage Authorized
ALLOCATED	OPERATING	Aug-16	5.7500	5.6571	0.9914	5.6084	1.0000	5.6084	5.6084	*****	Dec-26
EXTRA VOTED	MCF	Aug-24	2.0000	2.0000	1.0000	2.0000	1.0000	2.0000		2.0000	Dec-31
EXTRA VOTED	AMB	Aug-20	1.0000	0.9865	0.9914	0.9780	1.0000	0.9780		0.9780	Dec-25
EXTRA VOTED	COA	Aug-24	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000		1.0000	Dec-31
EXTRA VOTED	911	Aug-20	0.1394	0.1374	0.9914	0.1362	1.0000	0.1362		0.1362	Dec-25
EXTRA VOTED	VET	Aug-24	0.1000	0.1000	1.0000	0.1000	1.0000	0.1000		0.1000	Dec-27

Total Mills Summer	9.8226
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Prepared by Edward VanderVries - MMAO IV	Title Equalization Director	Date 8/19/2024
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As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary, to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34, and for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, MCL 380.1211(3).

<input checked="" type="checkbox"/>	Clerk	Signature	Type Name	Date
<input type="checkbox"/>	Secretary		Amy L. Anderson	
<input checked="" type="checkbox"/>	Chairperson	Signature	Type Name	Date
<input type="checkbox"/>	President		Robert Walker	

*Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. A public hearing and determination is required for an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

Tracy Byard

From: Mary Lou Phillips
Sent: Tuesday, September 10, 2024 12:58 PM
To: Tracy Byard
Cc: Betty Poort
Subject: Board Meeting for September 26th
Attachments: 5840 FGU Annual Sales Report - 2022 Foreclosure Year - Signed.pdf

Hi Tracy,

Attached is the form 5840 FGU Annual Sales Report for the 2022 Foreclosure Year. I have forward this report to the State. I believe it is due to the BOC by the end of September, however, I will probably not be back to present it.

Please make sure the BOC has it in their 9/26 Board Packet. I can also present in October if they would like an explanation. The report is pretty self-explanatory.

Thank you,
Mary Lou

Mary Lou Phillips
Oceana County Treasurer
Oceana County Land Bank Chair
100 S. State Street
PO Box 227
Hart, MI 49420
231.873.3980 Office

CONFIDENTIALITY NOTICE: *This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. Any use by others is strictly prohibited.*

Foreclosing Governmental Unit Report of Real Property Foreclosure Sales

Issued under authority of Public Act 225 of 1976; MCL 211.78m(8)(i)

The foreclosing governmental unit shall submit a written report to its board of commissioners and the state treasurer identifying any remaining balance and any contingent costs of title, environmental remediation, or other legal claims relating to foreclosed property as determined by the foreclosing governmental unit, not later than September 30 of the second calendar year after foreclosure.

Foreclosure Year	i	ii	iii	iv	v	vi	vii	viii	ix	x	xi	xii
2022												
REPORT DUE SEPT 30 TO BOARD OF COMMISSIONERS AND TREASURY 211.78m(8)(i)	Number of Parcels Ordered Foreclosed and Not Canceled or Redeemed	Sum of Minimum Bids for All Foreclosures Not Canceled or Redeemed	Number of Properties Sold to Governmental Agencies Under Right of First Refusal	Sum of Minimum Bids for all Governmental Agencies Under Right of First Refusal	Total amount paid for the governmental Agencies properties under Right of First Refusal	Total Number of Parcels Sold at Public Foreclosure Auctions	Sum of the Minimum Bids for Properties Sold at Public Foreclosure Auctions	Sum of Amounts Paid for Properties Sold at Public Foreclosure Auctions	Total Amount of All Taxes, Penalties and Interest, Fees and Costs on Properties Foreclosed and not Redeemed	Total Amount Paid for All Properties, Including Governmental Agencies and Public Foreclosure Auctions	Total Amount of Proceeds Paid to Claimants for All Properties (note 5% of Sale Amount Payable to FGU is Deducted Before Proceeds are Calculated)	Remaining Net Amount After Subtracting the Paid Claimant Proceeds Total (xi) From the Difference of Amounts Described in (x) and (ix)
County Name Oceana	6	\$ 8,427.42	0	\$ 0.00	\$ 0.00	6	\$ 8,427.42	\$ 99,650.00	\$ 11,049.92	\$ 99,650.00	\$ 31,244.57	\$ 57,355.51

I attest that I have completed the above information and any attachment data and have determined that the information reported is correct for the designated foreclosure sale year.

County Treasurer's Name Mary Lou Phillips	Telephone Number (231) 873-3980
County Treasurer Signature <i>Mary Lou Phillips</i>	Date <i>9-10-2024</i>

You may send the Treasury copy to BowermanA@michigan.gov

Oceana County Administrator

REVIEW OF CLAIMS FOR PAYMENT (>= \$1,000 and Other Noteworthy Expenditures)

Fund #	Dept. #	Dept. Name	Amount	Purpose
Special Revenue Funds				
256 - Automation Fund			\$ 1,470.48	to GovOS for monthly software expenditures
286 - American Rescue Plan			\$ 9,254.00	to Anderson Mechanical 50% down payment for rooftop HVAC system on jail.
260 - Indigent Defense			\$ 16,835.00	to Springstead Law Offices for court appointed attorney fees.
			\$ 7,450.50	to MKG Law Office, PLLC for court appointed attorney fees
			\$ 5,833.34	to Indigent Defense Consultants, PC for monthly services
298 - Technology & Innovation			\$ 1,234.04	To Huntington National bank for assorted machinery and equipment
			\$ 1,739.50	to Trace3 for software
445 - Public Improvement			\$ 3,909.13	to West Michigan Drain Solutions for repairs
549 - Building Department			\$ 4,792.15	to Randolph D Miller, LLC for inspections and permits
			\$ 1,225.98	to Kevin Greiner for inspections and permits
			\$ 1,352.51	to Sonnie Smith for inspections and permits
General Fund				
101 - Board of Commissioners			\$ 3,432.35	to Cohl, Stoker & Toskey, P.C. for legal services.

248 - General Services Administration	\$ 6,000.00	to Pitney Bowes for postage
257 - Equalization	\$ 18,150.00	to V&V Assessing LLC for monthly services
262 - Elections	\$ 1,697.00	to Election Source for services rendered
283 - Circuit Court	\$ 4,223.92	to Hayes Law Office for appropriations for October 2024
	\$ 3,300.00	to Heacock Reporting for appropriations for October 2024
	\$ 4,223.92	to Springstead Law Offices for appropriations for October 2024
286 - District Court	\$ 2,250.00	To the Ebco Company for office supplies
301 - Sheriff	\$ 20,694.85	to Enterprise FM Trust for fleet lease and vehicle maintenance/repairs.
	\$ 9,941.31	to Wex Bank for fuel
	\$ 1,388.00	to Arms Unlimited for machinery and equipment
351 - Jail	\$ 1,303.62	to Gordon Food Service for inmate board and janitorial supplies
	\$ 1,844.48	to Engineered Protections Systems, Inc for security purposes
442 - Drain Commissioner	\$ 1,333.24	To Huntington National Bank for employee training and travel
528 - Transfer Station	\$ 20,375.85	to American Classic Dumpster Services
648 - Medical Examiner	\$ 10,690.70	to WMU Homer Stryker for autopsies

~	Total	\$ 165,945.87



Oceana County Board of Commissioners

County Building
100 State Street, Suite M-4, Hart, MI 49420

AGENDA

Annual Board Meeting

The Oceana County Board of Commissioners will hold its **Regular Meeting on Thursday, September 26, 2024, beginning at 11:30 a.m.** in the Oceana County Board of Commissioners Room, 100 State Street, Hart, MI 49420.

Board Chair: Robert Walker

Board Vice-Chair: Tim Beggs

Presenter	Description	Item #
Chair	Pledge of Allegiance Call to Order Roll Call Approval of minutes from September 12, 2024 Pages 76-79 Conflict of Interest Disclosure Regarding Agenda Items Changes to the Agenda Approval of the Agenda Public Comment (<i>state your name, current address, and agenda item or topic</i>)	
Commissioner Beggs	Animal Control Ordinance Motion 2024-96, to adopt Ordinance 2024-07 Oceana County Animal Control Ordinance, as authorized by the Dog Law of 1919, MCL 287.289a, for animal control programs, facilities, personnel and necessary expenses incurred in animal control. <div style="text-align: right;">Roll Call</div>	2024-96
Commissioner Erickson	Transfer Station Scale Motion 2024-104, to approve the Transfer Station scale bid from _____ in the amount of _____ with the funds to be paid from the Public Building and Improvement Fund. <div style="text-align: right;">Roll Call</div>	2024-104
Commissioner Hardy	Materials Management Planning Committee Motion 2024-105, to appoint Ms. Lynne Cavazos to the Materials Management Planning Committee representing the elected official from a city or village and Jim Kleiner as one of the representatives of a business that generates managed materials with terms to expire on December 31, 2030.	2024-105
Commissioner Beggs	Brownfield Redevelopment Appointments Motion 2024-106, to appoint the following individuals: Mr. Chad Robinson for a three-year term to expire on September 30, 2027, and reappoint Mr. Curtis Burdette and Ms. Mary Lou Phillips for a three-year terms to expire September 30, 2027.	2024-106

Presenter	Description	Item #
Commissioner Erickson	<p>Planning Commission Appointment</p> <p>Motion 2024-107, to appoint Mr. Phil Morse to the Planning Commission to fill the unexpired term of Al Blohm to expire on December 31, 2026.</p>	2024-107
Commissioner Hardy	<p>EPA Grant Submission</p> <p>Motion 2024-108, to approve the submission of the EPA Community Change Grant application in the amount not to exceed \$10.5 million for the purpose of a resilience hub/community center in Rothbury.</p> <p style="text-align: right;">Roll Call</p>	2024-108
Commissioner Beggs	<p>Airport Authorized Signer Resolution</p> <p>Motion 2024-109, to adopt Resolution #24-14, to authorize the County Administrator to be the authorized designated signer for the Airports MDOT Contracts.</p> <p style="text-align: right;">Roll Call</p>	2024-109
Commissioner Erickson	<p>MDOT Bipartisan Infrastructure Law Agreement</p> <p>Motion 2024-110, to approve the Michigan Department of Transportation Bipartisan Infrastructure Law Agreement number 2024-0833 for grant number 3-26-0154-18224 for the purpose of obstruction marking/lighting/removal for runway 9/27- part 77 primary surface grading design in the amount of \$34,500.</p> <p style="text-align: right;">Roll Call</p>	2024-110
Commissioner Hardy	<p>Proposed L-4029 setting the 2024 Millage Rate</p> <p>Motion 2024-111, to approve the L-4029 as prepared by the County's Equalization Director setting the 2024 Tax Millage Rate.</p> <p style="text-align: right;">Roll Call</p>	2024-111
Commissioner Erickson	<p>Board of Commissioner Appointment</p> <p>Motion 2024-112, to appoint _____ to the unexpired term of Phil Morse on the Board of Commissioners for District 2 to expire on December 31, 2024.</p>	2024-112
Commissioner Hardy	<p>Payment of Claims</p> <p style="text-align: right;">Pages 80-83</p>	2024-113
REPORTS FROM COMMISSIONERS AND DEPARTMENT HEADS		
	Public Comment (<i>state your name, current address, and agenda item or topic</i>)	
	Adjournment	

**Board Conference Room
September 12, 2024
Board of Commissioners Minutes**

The regular meeting of the Oceana County Board of Commissioners was called to order by Chairperson Walker, on Thursday, September 12, 2024, at 11:31 p.m.

Chairperson Walker led the Board in the Pledge of Allegiance to the Flag of the United States of America.

Roll was called by Clerk Anderson. Present: Mr. Erickson, Mr. Beggs, Mr. Hardy, and Mr. Walker.

Also Present: Ms. Byard, Oceana County Administrator; and Ms. Anderson, Oceana County Clerk.

Moved by Mr. Beggs and seconded by Mr. Hardy to approve the minutes from the August 22, 2024 Regular Board Meeting as presented.

Voice vote. Motion carried.

Chairperson Walker asked if any commissioners wished to declare any conflicts of interest on the agenda items. No conflicts were declared.

Chairperson Walker asked if there were any additions to the agenda. Mr. Hardy noted that no action would be taken on Motion #2024-96 and Ms. Byard reminded that Motion #2024-99 would be addressed during to the budget workshop.

Moved by Mr. Erickson and supported by Mr. Beggs to approve the agenda as amended.

Voice vote. Motion carried.

Public Comment

There were no public comments at this time.

Agenda Items

MOTION #2024-91 – COURTHOUSE WINDOW FILM

Moved by Mr. Erickson and supported by Mr. Beggs, to approve the quote with Firehouse Films Window Tinting for film for the south side windows of the county building as requested by the Security Committee in the amount of \$2,699.32 with funds to be paid from the public improvement fund.

Roll call vote: Mr. Erickson – yes; Mr. Beggs – yes; Mr. Hardy – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-92 – COUNTY AIRPORT PARKING SEAL COATING

Moved by Mr. Hardy and supported by Mr. Beggs, to approve seal coating for the County Airport parking lot in the amount of \$2,963 from West Michigan Seal Coat with funds to be paid from the public improvement fund.

Roll call vote: Mr. Hardy – yes; Mr. Beggs – yes; Mr. Erickson – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-95 – CODERED/IPAWS MEMORANDUM OF UNDERSTANDING AGREEMENTS

Moved by Mr. Beggs and supported by Mr. Erickson, to approve the Memorandum of Understanding Agreement with Muskegon and Mason Counties to assist with CodeRed and IPAWS Alerts, if necessary and allow the Chair to sign.

Roll call vote: Mr. Beggs – yes; Mr. Erickson – yes; Mr. Hardy – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-96 - ANIMAL CONTROL ORDINANCE – NO ACTION TAKEN****

Moved by Mr. Erickson and supported by _____, to adopt Ordinance 2024-07 Oceana County Animal Control Ordinance, as authorized by the Dog Law of 1919, MCL 287.289a, for animal control programs, facilities, personnel and necessary expenses incurred in animal control.

Roll call vote: Mr. Erickson – _1_; Mr. Beggs – ___; Mr. Hardy – ___; and Mr. Walker – _4_.

Motion carried.

MOTION #2024-97 - COURTHOUSE SECURITY CONTRACT

Moved by Mr. Hardy and supported by Mr. Erickson, to approve a three-year contract with H Security & Investigations LLC from January 1, 2025 through December 31, 2027 for the purpose of courthouse security with the contract price for 2025 to be \$89,820 and \$92,520 for 2026 and 2027.

Roll call vote: Mr. Hardy – yes; Mr. Erickson – yes; Mr. Beggs – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-98 - SALES OF SURPLUS PROPERTY

Moved by Mr. Beggs and supported by Mr. Hardy, to allow the sale, by closed bid, of the 2007 Zodiac 17-foot inflatable boat, Model #500SRMN, with E-Tex motor and trailer with the request for bids to be posted publicly for 10 business days, to be submitted to the Sheriff’s Department.

Roll call vote: Mr. Beggs– yes; Mr. Hardy – yes; Mr. Erickson – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-100 - CONSTRUCTION BOARD OF APPEALS REAPPOINTMENTS

Moved by Mr. Hardy and supported by Mr. Beggs, to reappoint to the Construction Board of Appeals Bill Adams and Mike Blackmer with terms to expire on July 31, 2028 and John Moir, Gary Phillips, Kevin Erickson and Gary Lankfer to expire on July 31, 2029.

Roll call vote: Mr. Hardy – yes; Mr. Beggs – yes; Mr. Erickson – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-101 - GRANT PARTNERSHIP AGREEMENT

Moved by Mr. Beggs and supported by Mr. Erickson, to approve the EPA Community Change Grant Partnership Agreement with the Ladder Community Center, a 501c3 for the purpose of applying for, and if awarded, completing an Environmental Protection Agency (EPA) Community Change Grant for the construction of a community center.

Roll call vote: Mr. Beggs – yes; Mr. Erickson – yes; Mr. Hardy – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-102 - BUILDING DEPARTMENT REMODEL

Moved by Mr. Erickson and supported by Mr. Hardy, to approve the quote with Blackmer Construction in an amount not to exceed \$31,000 for the remodel of the conference room at the District #10 Health Department for the purpose of the relocation of the County Building Department.

Roll call vote: Mr. Erickson – yes; Mr. Hardy – yes; Mr. Beggs – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-104 – FIBER OPTICS

Moved by Mr. Hardy and supported by Mr. Erickson, to approve the connection of District #10 Health Department to the County Building with fiber optics cable in the amount of \$38,220.00 with Merit Network Security Community and \$3,450.00 annual fee for continued use.

Roll call vote: Mr. Hardy – yes; Mr. Erickson – yes; Mr. Beggs – yes; and Mr. Walker – yes.

Motion carried.

MOTION #2024-103 – PAYMENT OF CLAIMS

Moved by Mr. Hardy and supported by Mr. Beggs, to adopt Motion #2024-103, approving the payment of accounts payable and release of funds for September 12, 2024.

AMBULANCE	\$2721.58
GIS	-0-
FOC	2,194.06
PENTWATER-HART TRAIL	500.00
SHELBY TWP COMM PARK	-0-
BROWNFIELD	-0-
AUTOMATION R.O.D.	-0-
INDIGENT DEFENSE	29,914.94
LCOT	-0-
K9 UNIT	307.98
CJT	245.00
CDBG	-0-
ARPA	15,105.85
VETERANS AFFAIRS	11,904.67
TECH & INNOVATION	4,714.13
CAPITAL PROG/EQUIP REP	-0-
PUBLIC IMPROVEMENT	4,474.64
FORECLOSURE	-0-
BUILDING DEPARTMENT	36,101.53
GENERAL FUND	643,979.22
GRAND TOTAL	\$752,163.60

Roll call vote: Mr. Hardy –yes; Mr. Beggs –yes; Mr. Erickson –yes; and Mr. Walker – yes.

Motion carried.

Commissioner’s Reports

Mr. Beggs stated there is a VA meeting today and he will provide a report on the remodel project at the District Health Department #10. He reported the Road Commission is busy with projects.

Mr. Hardy stated Life EMS is connecting with the CAD system and was in the 911 budget for this year. He also reported Mason Oceana 911 signed a contract with Lake County to share the CAD system. The Mason Oceana County 911 meeting scheduled for Wednesday was cancelled. The Encryption project is very close to completion.

Mr. Erickson stated the Oceana County Fair was very successful with over 12,000 people visiting. He also reported that COVID is in Cherry Blossom and the Medical Care Facility with 50+ staff and residents being affected.

Mr. Walker stated there is a document that was emailed to him that needs to be e-signed for the Council on Aging by today. He also stated there was a Community Mental Health Oversight Committee meeting in Holland. He learned during this meeting that Allegan and Ottawa asked for supplemental dollars for the sobriety courts. He suggested Oceana find out the criteria to be a part of this.

Public Comment

There were no public comments at this time.

Chairperson Walker asked if there was any further business to come before the Board. There being none, the meeting adjourned at 11:59 p.m.

Amy L. Anderson, Oceana County Clerk

Date

Mr. Walker, Chairperson

Board Approval of Accounts Payable & Release of Funds

Thursday, September 26, 2024

FUND	DEPT #	DEPARTMENT	PR#	PAID	UNPAID	TOTAL
210		AMBULANCE		\$ 151.06	\$ -	\$ 151.06
		AMBULANCE FUND TOTAL		\$ 151.06	\$ -	\$ 151.06
211		GIS		\$ -	\$ -	\$ -
		GIS FUND TOTAL		\$ -	\$ -	\$ -
215		FOC		\$ -	\$ -	\$ -
		FOC PAYROLL	19	\$ -	\$ -	\$ -
		FOC FICA	19	\$ -	\$ -	\$ -
		FOC RETIREMENT	19	\$ -	\$ -	\$ -
		FOC FRINGE	19	\$ -	\$ -	\$ -
		WORKERS COMP	19	\$ -	\$ -	\$ -
		FOC FUND TOTAL		\$ -	\$ -	\$ -
238		PENTWATER-HART TRAIL		\$ -	\$ -	\$ -
		PENTWATER-HART TRAIL FUND TOTAL		\$ -	\$ -	\$ -
239		SHELBY TWP COMMUNITY PARK		\$ -	\$ -	\$ -
		SHELBY TWP COMMUNITY PARK FUND TOTAL		\$ -	\$ -	\$ -
243		BROWNFIELD REDEVELOPMENT AUTHORITY		\$ -	\$ -	\$ -
		BROWNFIELD REDEVELOP. AUTHORITY TOTAL		\$ -	\$ -	\$ -
256		AUTOMATION R.O.D.		\$ 1,470.48	\$ -	\$ 1,470.48
		AUTOMATION R.O.D. FUND TOTAL		\$ 1,470.48	\$ -	\$ 1,470.48
260		INDIGENT DEFENSE		\$ -	\$ 31,666.44	\$ 31,666.44
		INDIGENT DEFENSE PAYROLL		\$ 2,689.49	\$ -	\$ 2,689.49
		INDIGENT DEFENSE FICA	19	\$ 205.74	\$ -	\$ 205.74
		INDIGENT DEFENSE RETIREMENT	19	\$ -	\$ -	\$ -
		INDIGENT DEFENSE FRINGE	19	\$ 1,774.18	\$ -	\$ 1,774.18
		WORKERS COMP	19	\$ -	\$ -	\$ -
		INDIGENT DEFENSE FUND TOTAL		\$ 4,669.41	\$ 31,666.44	\$ 36,335.85
264		LCOT		\$ 92.00	\$ -	\$ 92.00
		LCOT PAYROLL	19	\$ -	\$ -	\$ -
		LCOT FICA	19	\$ -	\$ -	\$ -
		LCOT RETIREMENT	19	\$ -	\$ -	\$ -
		WORKERS COMP	19	\$ -	\$ -	\$ -
		RETIREMENT	19	\$ -	\$ -	\$ -
		LOCT FUND TOTAL		\$ -	\$ -	\$ -
267		K9 UNIT		\$ (76.00)	\$ -	\$ (76.00)
		K9 UNIT FUND		\$ (76.00)	\$ -	\$ (76.00)
272		CRIMINAL JUSTICE TRAINING		\$ -	\$ -	\$ -
		CRIMINAL JUSTICE TRAINING FUND TOTAL		\$ -	\$ -	\$ -
277		CDBG		\$ -	\$ -	\$ -
		CDBG FUND TOTAL		\$ -	\$ -	\$ -
286		ARPA		\$ 9,254.00	\$ -	\$ 9,254.00
		APRA FUND TOTAL		\$ 9,254.00	\$ -	\$ 9,254.00
293		DEPT OF VET AFFAIRS		\$ 356.15	\$ -	\$ 356.15
		DEPT OF VET AFFAIRS PAYROLL	19	\$ 3,879.06	\$ -	\$ 3,879.06
		DEPT OF VET AFFAIRS FICA	19	\$ 293.08	\$ -	\$ 293.08
		DEPT OF VET AFFAIRS RETIREMENT	19	\$ -	\$ -	\$ -

	DEPT OF VET AFFAIRS FRINGE	19	\$	1,693.41	\$	-	\$	1,693.41
	WORKERS COMP	19	\$	-	\$	-	\$	-
	DEPT OF VET AFFAIRS FUND TOTAL		\$	6,221.70	\$	-	\$	6,221.70
298	TECHNOLOGY & INNOVATION		\$	1,350.60	\$	3,046.81	\$	4,397.41
	TECHNOLOGY & INNOVATION FUND TOTAL		\$	1,350.60	\$	3,046.81	\$	4,397.41
405	CAPITAL PROJ-EQUIP REPLACE		\$	-	\$	-	\$	-
	CAPITAL PROJ-EQUIP REPLACE FUND TOTAL		\$	-	\$	-	\$	-
445	PUBLIC IMPROVEMENT		\$	-	\$	3,909.13	\$	3,909.13
	PUBLIC IMPROVEMENT FUND TOTAL		\$	-	\$	3,909.13	\$	3,909.13
549	BUILDING DEPARTMENT		\$	9,893.54	\$	-	\$	9,893.54
	BUILDING DEPARTMENT PAYROLL	19	\$	2,731.58	\$	-	\$	2,731.58
	BUILDING DEPARTMENT FICA	19	\$	204.36	\$	-	\$	204.36
	BUILDING DEPARTMENT RETIREMENT	19	\$	-	\$	-	\$	-
	BUILDING DEPARTMENT FRINGE	19	\$	2,149.33	\$	-	\$	2,149.33
	WORKERS COMP	19	\$	-	\$	-	\$	-
	BUILDING DEPARTMENT FUND TOTAL		\$	14,978.81	\$	-	\$	14,978.81
101	GENERAL FUND	PR#		PAID		UNPAID		TOTAL
101	BOARD OF COMMISSIONERS		\$	33.60	\$	3,584.35	\$	3,617.95
172	ADMINISTRATOR/FISCAL OFFICER		\$	8.55	\$	209.57	\$	218.12
208	INSURANCE		\$	200.00	\$	-	\$	200.00
209	UNEMPLOYMENT COMPENSATION		\$	-	\$	-	\$	-
215	COUNTY CLERK		\$	-	\$	-	\$	-
216	JURY BOARD		\$	-	\$	-	\$	-
217	APPORTIONMENT		\$	-	\$	-	\$	-
223	COUNTY AUDITING		\$	-	\$	-	\$	-
228	DATA PROCESSING		\$	950.00	\$	281.48	\$	1,231.48
229	TECHNOLOGY		\$	-	\$	-	\$	-
244	TAX ALLOCATION		\$	-	\$	-	\$	-
245	REMONUMENTATION		\$	-	\$	-	\$	-
248	GENERAL SERVICES		\$	7,342.10	\$	293.94	\$	7,636.04
249	PLAT BOARD		\$	-	\$	-	\$	-
250	MICROFILM		\$	-	\$	-	\$	-
253	COUNTY TREASURER		\$	-	\$	67.43	\$	67.43
257	EQUALIZATION		\$	40.01	\$	18,331.22	\$	18,371.23
262	ELECTIONS		\$	15.59	\$	1,697.00	\$	1,712.59
265	COURTHOUSE/GROUNDS		\$	278.76	\$	724.22	\$	1,002.98
283	CIRCUIT COURT		\$	2,366.97	\$	11,950.73	\$	14,317.70
286	DISTRICT COURT		\$	364.73	\$	2,550.00	\$	2,914.73
289	FRIEND OF THE COURT		\$	406.35	\$	-	\$	406.35
294	PROBATE COURT		\$	-	\$	1,449.60	\$	1,449.60
295	PROBATION/PAROLE		\$	-	\$	42.33	\$	42.33
296	PROSECUTING ATTORNEY		\$	-	\$	1,036.86	\$	1,036.86
298	FAMILY COUNSELING		\$	-	\$	-	\$	-
301	SHERIFF		\$	31,668.50	\$	2,726.36	\$	34,394.86
331	MARINE LAW		\$	-	\$	739.24	\$	739.24
332	SNOWMOBILE ENFORCEMENT		\$	-	\$	-	\$	-
333	ROAD PATROL		\$	-	\$	-	\$	-
351	JAIL		\$	1,968.23	\$	2,850.91	\$	4,819.14

426	EMERGENCY MANAGEMENT		\$	969.97	\$	85.00	\$	1,054.97
430	ANIMAL CONTROL		\$	762.63	\$	396.61	\$	1,159.24
442	DRAIN COMMISSIONER		\$	1,458.60	\$	-	\$	1,458.60
445	DRAINS - PUBLIC BENEFIT		\$	-	\$	-	\$	-
528	TRANSFER STATION/RECYCLING CENTER		\$	-	\$	20,447.62	\$	20,447.62
568	SOIL CONSERVATION		\$	-	\$	-	\$	-
595	AIRPORT		\$	-	\$	51.54	\$	51.54
601	HEALTH DEPARTMENT		\$	98.48	\$	-	\$	98.48
605	CONTAGIOUS DISEASES		\$	-	\$	-	\$	-
648	MEDICAL EXAMINER		\$	-	\$	11,770.70	\$	11,770.70
649	COMMUNITY MENTAL HEALTH		\$	-	\$	-	\$	-
701	PLANNING COMMISSION		\$	-	\$	89.40	\$	89.40
710	MSU EXTENSION		\$	-	\$	-	\$	-
711	REGISTER OF DEEDS		\$	-	\$	28.99	\$	28.99
728	EDC		\$	-	\$	-	\$	-
	GENERAL PAYROLL	19	\$	242,093.15	\$	-	\$	242,093.15
	GENERAL FICA	19	\$	18,877.96	\$	-	\$	18,877.96
	GENERAL RETIREMENT	19	\$	-	\$	-	\$	-
	GENERAL FRINGE	19	\$	131,014.40	\$	-	\$	131,014.40
	WORKERS COMP	19	\$	-	\$	-	\$	-
GENERAL FUND TOTAL			\$	440,918.58	\$	81,405.10	\$	522,323.68
GRAND TOTAL			\$	478,938.64	\$	120,027.48	\$	598,966.12
GENERAL FUND WITHOUT PAYROLL			\$	48,933.07				