

Agenda
Planning and Policy Committee
West Olive Administration Building – Board Room
12220 Fillmore Street, West Olive, Michigan 49460
Thursday, October 14, 2010
9:30 AM

Consent Items:

1. Approval of the Agenda
2. Approval of September 9, 2010 Planning and Policy Committee Minutes

Action Items:

3. Drain Easement through Riley Trails for Park West Drain
Suggested Motion:
To approve and forward to the Board of Commissioners the Drain Easement for the Park West Drain through the Riley Trails property.
4. Proposed Revisions to Ottawa County Housing Commission Ordinance; By-Laws
Suggested Motion:
To approve and forward to the Board of Commissioners the proposed amendments to the Ottawa County Housing Commission Ordinance and the re-drafted By-Laws of the Ottawa County Housing Commission.
5. Social Media Policy
Suggested Motion:
To approve and forward to the Board of Commissioners the Social Media Policy for review and comment.
6. Legal Services Policy
Suggested Motion:
To approve and forward to the Board of Commissioners the Legal Services Policy for review and comment.

Discussion Item:

7. Closed Session to Discuss Property Acquisition

Adjournment

Comments on the day's business are to be limited to three (3) minutes.

PLANNING AND POLICY COMMITTEE

Proposed Minutes

DATE: September 9, 2010

TIME: 9:30 a.m.

PLACE: Fillmore Street Complex

PRESENT: Dennis Swartout, Joyce Kortman, Roger Rycenga, Gordon Schrotenboer

ABSENT: Jane Ruiter

STAFF & GUESTS: John Scholtz, Parks & Recreation Director; Sherri Sayles, Deputy Clerk; Keith VanBeek, Assistant Administrator; Mark Knudsen, Planning & Performance Measures Director; David Slikkers, Energetx Composites, LLC

SUBJECT: CONSENT ITEMS

Approve by consent the agenda of today as presented and approve by consent the minutes of the August 12, 2010, meeting as presented.

SUBJECT: OTTAWA COUNTY RENEWABLE ENERGY
RENAISSANCE ZONE (RERZ) DESIGNATION
RECOMMENDATION FOR ENERGETX
COMPOSITES, LLC

PP 10-047 Motion: To approve and forward to the Finance and Administration Committee the Resolution to authorize designating approximately 26 acres of vacant property in Holland Township as an Energy Renaissance Zone (RERZ).

Moved by: Schrotenboer

UNANIMOUS

SUBJECT: DISCUSSION ITEMS

1. Closed Session to discuss property acquisition. (2/3 roll call vote required.)

PP 10-048 Motion: To go into a Closed Session at 10:08 a.m. to discuss property acquisition.

Moved by: Schrotenboer

UNANIMOUS

Roll call: Yeas: Schrotenboer, Swartout, Kortman, Rycenga. (4)

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PLANNING & POLICY COMMITTEE

9/9/10

PP 10-049 Motion: To rise from Closed Session at 10:31 a.m.
Moved by: Kortman

UNANIMOUS

SUBJECT: ADJOURNMENT

PP 10-050 Motion: To adjourn at 10:31 a.m.
Moved by: Schrotenboer

UNANIMOUS

Action Request



Committee: Planning and Policy Committee

Meeting Date: 10/14/2010

Requesting Department: Parks and Recreation

Submitted By: Bob Spaman

Agenda Item: Drain Easement through Riley Trails for Park West Drain

SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the Drain Easement for the Park West Drain through the Riley Trails property.

SUMMARY OF REQUEST:

Drain Commissioner Geerlings has approached the Parks Commission with a request to grant an easement through a portion of Riley Trails, a 300 acre county park located in Park Township, for the Park West Drain. The Parks Commission is supportive of granting the easement to the Drain Commissioner at no cost with the understanding the Drain Commissioner will consider the easement donation along with other factors including soil type, infiltration capacity and potential for run-off as he establishes the drain assessment for the Riley Trails property.

FINANCIAL INFORMATION:

Total Cost: \$0.00 General Fund Cost: \$0.00 Included in Budget: Yes No

If not included in budget, recommended funding source:

ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated Non-Mandated New Activity

ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 3: To Contribute to a Healthy Physical, Economic, & Community Environment.

Objective: 4: Continue initiatives to positively impact the community.

ADMINISTRATION RECOMMENDATION: Recommended Not Recommended Without Recommendation

County Administrator: **Alan G. Vanderberg**

Digitally signed by Alan G. Vanderberg
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office, email=avanderberg@mottawa.org
Date: 2010.10.06 16:26:00 -0400

Committee/Governing/Advisory Board Approval Date:



MEMORANDUM

Date: October 4, 2010
To: Ottawa County Board of Commissioners
From: John Scholtz, Parks and Recreation Director
RE: Drain Easement through Riley Trails for Park West Drain

Drain Commissioner Geerlings has approached the Parks Commission with a request to grant an easement through a portion of Riley Trails, a 300 acre county park located in Park Township, for the Park West Drain. The Parks Commission is supportive of granting the easement to the Drain Commissioner at no cost with the understanding the Drain Commissioner will consider the easement donation along with other factors including soil type, infiltration capacity and potential for run-off as he establishes the drain assessment for the Riley Trails property.

Proposed motion:

To approve and authorize the Board Chair and Clerk to sign the Drain Easement for the Park West Drain through the Riley Trails property.

This request relates to a non-mandated activity and supports Goal 3 of the Board of Commissioner's Strategic Plan: *To contribute to a healthy physical, economic, and community environment.*

**DRAIN EASEMENT
PARK WEST DRAIN**
(Parcel No. 70-15-15-200-003)

For and in consideration of the prospective benefits to be derived because of the establishment, construction, operation, maintenance and improvement of the Park West Drain, a county drain under the supervision of the Ottawa County Drain Commissioner, whose address is 12220 Fillmore St., Room 141, West Olive, Michigan 49460;

County of Ottawa, whose address is 12220 Fillmore Street, West Olive, Michigan 49460 (hereafter "Landowner"), the owner of land described in the attached Exhibit A, now conveys and releases to the Park West Drain Drainage District an easement for purposes of establishment, construction, operation, maintenance and improvement of said Park West Drain over and across Landowner's land. The easement is described and depicted in the attached Exhibit A ("Easement Area").

This conveyance shall be deemed a sufficient conveyance to vest in the Park West Drain Drainage District an easement over said parcel of land for the uses and purposes of drainage with such rights of entry upon, passage over, and storing of equipment and materials including excavated earth as may be necessary or useful for the establishment, construction, operation, maintenance and improvement of said Park West Drain.

Non-movable or permanent structures shall not be constructed by Landowner, or Landowner's agents, employees, or contractors within the specific limits of the Easement Area. This conveyance shall also be deemed sufficient to vest in the Park West Drain Drainage District an easement over said Easement Area for the clearing of the Easement Area and the spreading and/or removal of spoil and excavated materials.

This Easement shall be binding upon and inure to the benefit of the parties and their heirs, representatives, assigns or successors, and shall be deemed to run with the land in perpetuity.

Exempt pursuant to: MCLA 207.505(a); MCLA 207.526(a).

Landowner:

Dated: _____

By: Philip D. Kuyers
Its: Chairperson-Board of Commissioners

By: Daniel C. Krueger
Its: County Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me in _____ County, Michigan on this _____ day of _____ 20__ by Philip D. Kuyers, Chairperson-Board of Commissioners of the County of Ottawa and Daniel C. Krueger, County Clerk of the County of Ottawa, on behalf of the County of Ottawa.

Notary Public
State of Michigan, County of _____
My Commission Expires: _____
Acting in the County of _____

Form By:
Paul Geerlings
Ottawa County Drain Commissioner
12220 Fillmore St., Room 141
West Olive, MI 49460
(616) 994-4530

When Recorded Return To:
Paul Geerlings
Ottawa County Drain Commissioner
12220 Fillmore St., Room 141
West Olive, MI 49460
(616) 994-4530

Prepared by:
Deborah Poeder
Land Matters LLC
0-703 Lake Michigan Drive, NW, Suite B
Grand Rapids, Michigan 49534
(616) 791-9805

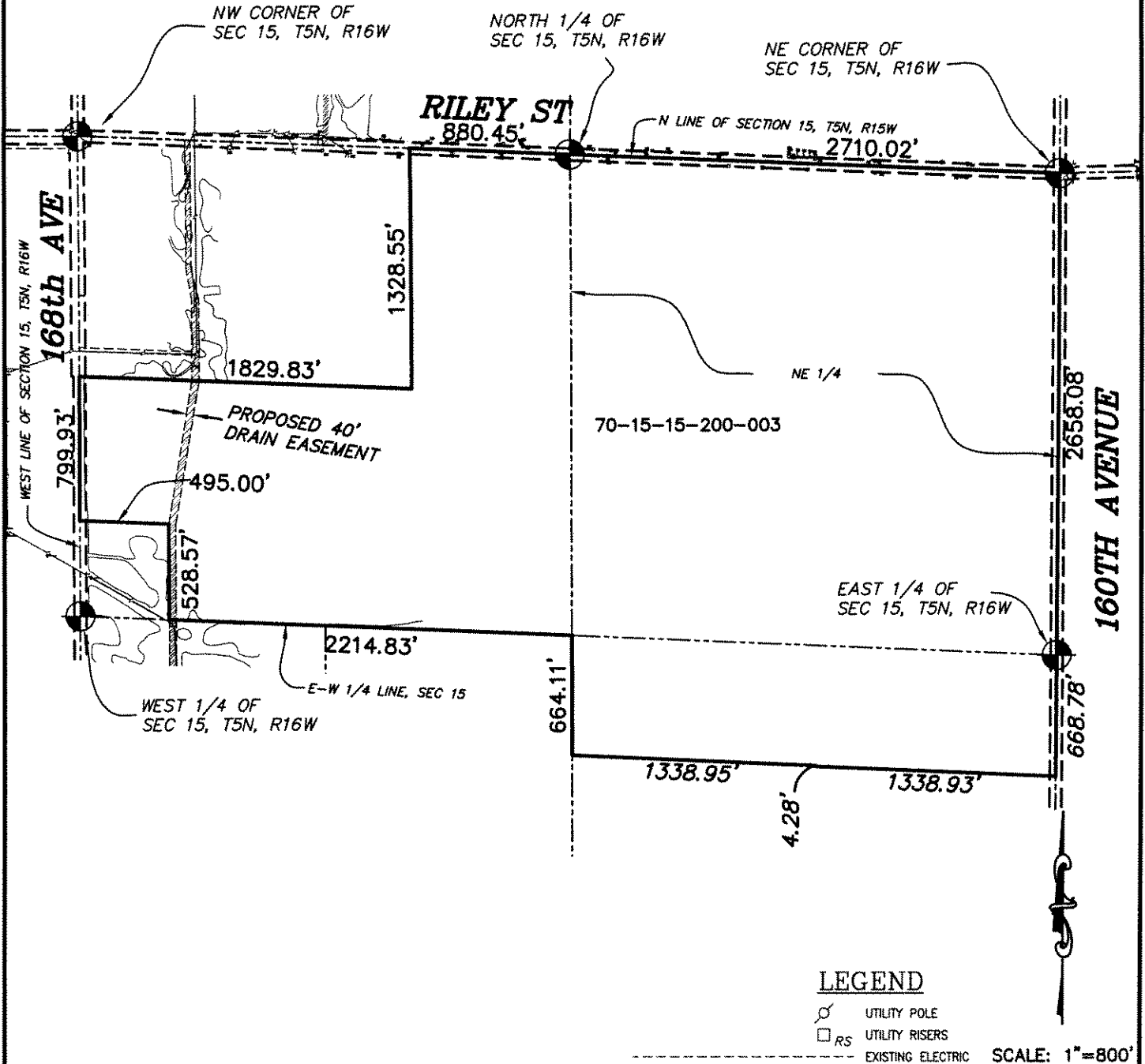
Description by:
Jeffrey C. Baker, P.S.
Driesenga & Associates, Inc.
455 East 8th Street, Suite 100
Holland, MI 49423
(616) 396-0255

EXHIBIT A

PART OF SECTION 15, TOWN 5 NORTH, RANGE
16 WEST, PARK TOWNSHIP, OTTAWA COUNTY,
MICHIGAN,

PARCEL NO.: 70-15-15-200-003
LANDOWNER: COUNTY OF OTTAWA

SEE SHEET 2 OF 2 FOR DESCRIPTION



**DRIEENGA &
ASSOCIATES, INC.**

Engineering · Surveying · Testing

Grand Rapids, MI
Cadillac, MI

455 E 8th Street - Suite 100; Holland, MI 49423
(616) 396-0255

www.driseenga.com

Kalamazoo, MI
Detroit, MI

FOR
OTTAWA COUNTY DRAIN COMMISSIONER
12220 FILLMORE STREET, ROOM 141
WEST OLIVE, MICHIGAN 49460

IN NW 1/4 OF SECTION 15, T5N, R16W

DATE 6/18/2010

DRAWN BY BKV

SHEET 1 OF 2

JOB No. 0910149.5A

EXHIBIT A

PARCEL NO.: 70-15-15-200-003

PARCEL DESCRIPTION

DESCRIPTION FROM FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO.: 492177, DATED MAY 12, 2010.

NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 16 WEST, PARK TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

ALSO

NORTH 1/2 OF THE NORTHWEST 1/4 OF SOUTHEAST 1/4, OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 16 WEST, PARK TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

ALSO

EAST 40 ACRES OF THE NORTH 3/4 OF THE NORTHWEST 1/4, OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 16 WEST, PARK TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

ALSO

WEST 106 2/3 RODS OF NORTH 1/2 OF SOUTH 1/2 OF NORTHWEST 1/4, OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 16 WEST, PARK TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

ALSO

SOUTH 1/2 OF SOUTH 1/2 OF NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 16 WEST, PARK TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

EXCEPT A PARCEL DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE CENTERLINE OF THE ROADWAY EIGHT RODS SOUTH OF THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4; THENCE EAST 30 RODS; THENCE SOUTH 32 RODS TO THE SOUTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4; THENCE WEST ALONG THE SOUTH LINE A DISTANCE OF 30 RODS TO THE SOUTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4; THENCE NORTH ALONG THE CENTERLINE OF THE ROADWAY 32 RODS TO THE PLACE OF BEGINNING.

ALSO

A PIECE OF LAND COMMENCING AT THE NORTHEAST CORNER OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE WEST ALONG THE NORTH LINE OF SAID EAST 1/2 OF THE SOUTHEAST 1/4 TO THE NORTHWEST CORNER OF SAID EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE SOUTH ALONG THE WEST LINE OF SAID EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 15, 40 RODS AND 13 LINKS; THENCE DUE EAST TO THE EAST LINE OF SAID EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE NORTH ALONG SAID EAST LINE TO PLACE OF BEGINNING

DRAIN EASEMENT DESCRIPTION: (EASEMENT AREA = 53,332 SQ. FT.)

AN EASEMENT FOR DRAINAGE PURPOSES OVER THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL WHICH LIES WITHIN THE GRANTOR'S PARCEL AS DESCRIBED ABOVE: PARCEL OF LAND LOCATED IN THE WEST 1/2 OF SECTION 15, T5N, R16W, PARK TOWNSHIP, OTTAWA COUNTY, MICHIGAN, WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE S87°33'54"E 597.57 FEET ALONG THE NORTH LINE OF SAID SECTION 15 TO THE POINT OF BEGINNING OF SAID PARCEL; THENCE S87°33'54"E 30.03 FEET; THENCE S00°12'42"E 710.87 FEET; THENCE S13°29'59"E 174.03 FEET; THENCE S00°12'42"E 451.57 FEET; THENCE S09°13'22"W 804.71 FEET; THENCE S00°13'35"E 781.34 FEET; THENCE S03°25'32"E 427.91 FEET; THENCE S89°56'39"W 468.99 FEET; THENCE S00°03'21"E 614.39 FEET; THENCE S89°56'39"W 91.45 FEET; THENCE N00°03'21W 70.00 FEET ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE N89°56'39"E 51.45 FEET; THENCE N00°03'21"W 584.39 FEET; THENCE N89°56'39"E 466.57 FEET; THENCE N03°25'32"W 386.61 FEET; THENCE N00°13'35"W 785.76 FEET; THENCE N09°13'22"E 804.72 FEET; THENCE N00°12'42"W 450.11 FEET; THENCE N10°16'59"W 171.55 FEET; THENCE N00°12'42"W 710.87 FEET TO THE POINT OF BEGINNING.



Jeffrey C. Baker
Jeffrey C. Baker P.S. No. 40156

DRIESENKA & ASSOCIATES, INC.
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FOR
OTTAWA COUNTY DRAIN COMMISSIONER
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www.driesenga.com
Kalamazoo, MI
Detroit, MI

IN NW 1/4 OF SECTION 15, T5N, R16W
DATE 6/18/2010 DRAWN BY BKV
SHEET 2 OF 2 JOB No. 0910149.5A

Action Request



Committee: Planning and Policy Committee

Meeting Date: 10/14/2010

Requesting Department: Administration

Submitted By: Keith Van Beek

Agenda Item: Proposed Revisions to Ottawa County Housing Commission Ordinance; By-Laws

SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the proposed amendments to the Ottawa County Housing Commission Ordinance and the re-drafted By-Laws of the Ottawa County Housing Commission.

SUMMARY OF REQUEST:

The Board of Commissioners adopted original documents forming the Ottawa County Housing Commission (OCHC) in March, 2006. Those documents, as outlined in the attached materials, intentionally included various controls on the authority of the OCHC as it was being created as a new entity. As discussed at a prior Health and Human Services Committee, various housing programs and funding are not available to the OCHC because these formation documents do not meet requirements of the US Department of Housing and Urban Development (HUD). The revised OCHC Ordinance and By-Laws should enable the OCHC to qualify for HUD recognition, and position the OCHC to further evaluate participation in various housing programs and funding.

While some of the suggested revisions are minor, others do grant the OCHC a greater amount of authority and autonomy. It should be noted, however, that the Board of Commissioners does retain important rights and authority relating to the work of the OCHC. Among other such controls, the OCHC has no authority to assume debt or any other liability for the general or any other fund of Ottawa County. Additionally, all property transactions would require approval of the Board of Commissioners.

If the amendments are approved, the OCHC will proceed with the process to obtain formal recognition from HUD as a Public Housing Agency and evaluate the range of housing programs and funding that are available to meet the needs of residents within the County. Any developments and recommendations from the OCHC will be communicated back to the Health and Human Services Committee of the Ottawa County Board of Commissioners and all purchased property would be held in the name of Ottawa County, unless otherwise designated by the Board of Commissioners.

FINANCIAL INFORMATION:

Total Cost: \$0.00 General Fund Cost: \$0.00 Included in Budget: Yes No

If not included in budget, recommended funding source:

ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated Non-Mandated New Activity

ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 3: To Contribute to a Healthy Physical, Economic, & Community Environment.

Objective: 4: Continue initiatives to positively impact the community.

ADMINISTRATION RECOMMENDATION: Recommended Not Recommended Without Recommendation

County Administrator: **Alan G. Vanderberg**

Digitally signed by Alan G. Vanderberg
DN: cn=Alan G. Vanderberg, o=US, ou=County of Ottawa, ou=Administrator's Office, email=avanderberg@ottawa.org
Reason: I am approving this document
Date: 2010.09.02 14:52:28 -0400

Committee/Governing/Advisory Board Approval Date: Health and Human Services Committee 9/8/2010

Memorandum

To: Health and Human Services Committee Members

From: Mark Kornelis, Program Supervisor, Ottawa Co. Community Action Agency/Ottawa County Housing Commission

Date: Sept. 1, 2010

Re: Sept. 8, 2010 Agenda -- Ottawa County Housing Commission

The HHS Committee agenda for Sept. 8, 2010 contains a request for approval for two amended documents pertaining to the formation of the Ottawa County Housing Commission (OCHC). This memo is intended to provide some background relative to the need for amending the original documents first approved by the Ottawa County Board of Commissioners in March, 2006.

The reason for the approval of the amended documents may be explained in greater detail elsewhere, but in brief resulted from information received from representatives from the US Department of Housing and Urban Development that the Ottawa County Housing Commission's formation documents (By-Laws and Ordinance) would not satisfy HUD's requirements in that particular sections were not in alignment with Public Act 18.

The members of the OCHC have wrestled with this matter over the past two years or so. The OCHC considered the importance of achieving HUD approval, ultimately concluding that doing so remained an important goal in order to ensure that the OCHC would be positioned to engage in a broad range of housing development activities. In late 2009, the OCHC through its connection to Community Action Agency (CAA), elected to use some of CAA's ARRA funds to pay for a consultant to help the OCHC plan for HUD approval and to lay the groundwork for an effective organizational model. The services of Hager Consulting were secured for a period of nine months, which will conclude on Sept. 30, 2010. In summary, the work and recommendation of Hager Consulting confirmed the importance of seeking HUD approval, and also confirmed the need to secure an amended ordinance and by-laws.

HOUSING COMMISSION ORDINANCE
of
OTTAWA COUNTY, MICHIGAN

Article 1—STATUTORY AUTHORITY

Michigan Counties have been delegated the right to create 5-member county housing commission. See MCL §125.653(3)(d). (“Act”). Pursuant to ~~MCL §125.655, the county board of commissioners has the right and responsibility to set restrictions on the authority of the county housing commission.~~

Article 2—PURPOSE & RESTRICTIONS

The Ottawa County Board of Commissioners hereby creates the “Ottawa County Housing Commission” (“Housing Commission”) **for all purposes permissible under, MCL 125.651 et seq., and state and federal law.** ~~The purpose of the Housing Commission is to take advantage of federal and/or state vouchers and other grant funding that may become available to Ottawa County residents through a created housing commission.~~ The Housing Commission shall have the powers conferred by **MCL 125.651 et seq., and by applicable** federal and/or state statute, except for the following:

- 2.1 The Housing Commission shall have no authority to assume debt or issue bonds or notes in its name or the name of Ottawa County, without the formal approval of the Ottawa County Board of Commissioners for each specific debt instrument. In no event, may the Housing Commission incur any liability for the general or other funds of Ottawa County.
- 2.2 The Housing Commission shall have no authority to acquire any interest in real estate, whether by lease, fee or other contract, without the formal approval of the Ottawa County Board of Commissioners for each specific acquisition.
- ~~2.3 The Housing Commission shall have no authority to employ any personnel or to contract for personnel services, but must instead use Ottawa County employees for all staff services under the direction and control of the Ottawa County Administrator.~~
- 2.3 The Housing Commission may not operate within any incorporated area within Ottawa County without a contract authorizing such operation that is approved by the Housing Commission, the Ottawa County Board of Commissioners and the incorporated unit of government’s legislative body. Such a contract, however, may not confer any authority restricted by this Ordinance. Moreover, such a contract must require the Housing Commission to comply with local zoning, unless otherwise agreed to by the local unit’s legislative body.

~~2.4 The Ottawa County Board of Commissioners may terminate this Ordinance and the Housing Commission at any time~~

Article 3—COMMISSION APPOINTMENTS

- 3.1 Pursuant to MCL §125.653, the Chairperson of the Ottawa County Board of Commissioners shall perform all of the duties relative to the Housing Commission that are to be performed by the chief administrative officer of a city or village under the Act relative to a local housing commission.
- 3.2 Subject to the ratification of the Ottawa County Board of Commissioners, the Chairperson of the Ottawa County Board of Commissioners shall appoint the members of the Housing Commission to 5-year terms, with the first members of the Housing Commission receiving staggered terms, **as provided for in MCL 125.654.**
- 3.3 At the request of its Chairperson, the Ottawa County Board of Commissioners may remove any member of the Housing Commission for any reason.
- ~~3.4 The Housing Commission may approve bylaws, but such bylaws must be approved by the Ottawa County Board of Commissioners and shall not be inconsistent in any way with the terms and conditions of this Ordinance. In the face of any inconsistency between the bylaws and this Ordinance, this Ordinance shall control.~~

Article 4—CIVIL AND CRIMINAL PENALTIES

In addition to any state or federal criminal penalty or action, a person who falsifies any information in any application for benefit to or through the Housing Commission or in the process of obtaining the services or benefits of the Housing Commission shall be guilty of a misdemeanor and shall be subject to a civil fine of not more than \$100.00 for a first violation and not more than \$500.00 for a second subsequent violation .

Article 5--EFFECTIVE DATE OF ORDINANCE & DELEGATION

This Ordinance shall take effect following notification of same in a newspaper of general circulation in the County of Ottawa **as provided by law**, provided no petition has been filed pursuant to the Act or 1988 PA 227, MCL §46.11. In the event that such a petition is filed, this Ordinance shall become effective only at the time that the voters approve.

The Chairperson of the Ottawa County Board of Commissioners and the Ottawa County Administrator are hereby delegated the authority and responsibility for implementing this Ordinance and signing and filing any necessary documents with state and/or federal authorities.

Philip Kuyers, Chairperson
Ottawa County Board of Commissioners

CERTIFICATION

I, Daniel C. Krueger, the Ottawa County Clerk, hereby certify that the Ottawa County Board of Commissioners duly approved this Ordinance and directed that it be executed by the Chairperson of the Board of Commissioners, whose signature has been applied above.

Daniel C. Krueger

Dated: _____

County of Ottawa
Housing Commission

By-Laws of the County of Ottawa Housing Commission

Article I - The Commission

Michigan Counties have been delegated the right to create 5-member county housing commission. See MCL §125.653(3)(d) (“Act”). ~~Pursuant to MCL §125.655, the County Board of Commissioners has the right and responsibility to set restrictions on the authority of the county housing commission.~~

Name of Commission

The name of the Commission shall be the “Ottawa County Housing Commission.”

Offices of the Commission

The offices of the Commission shall be at 12220 Fillmore Street, West Olive, Michigan, but the Commission may hold meetings at such other place or places as it may from time to time designate.

Pursuant to MCL §125.653, the Chairperson of the Ottawa County Board of Commissioners shall perform all of the duties relative to the Housing Commission that are to be performed by the chief administrative officer of a city or village under the Act relative to a local housing commission.

Membership

Appointment

Subject to the ratification of the Ottawa County Board of Commissioners, the Chairperson of the Ottawa County Board of Commissioners shall appoint the members of the Housing Commission to 5-year terms, with the first members of the Housing Commission receiving staggered terms.

Resignation

Any member desiring to resign from the Commission shall submit a written or oral resignation to the Commission or to the County Board of Commissioners.

Removal

At the request of ~~it's~~ the **Commission** Chairperson, the Ottawa County Board of Commissioners may remove any member of the Housing Commission for any reason.

Removal for Absenteeism

A member shall be removed from the Commission without vote for the following:

1. Failure to attend less than 75% of all meetings within one (1) calendar year.
Such removal shall be documented and a letter sent to the removed member

explaining the reason for removal. A photocopy of the removal letter shall be forwarded to the Ottawa County Board of Commissioners.

Article II - Officers

The officers of the Commission shall be a ~~Chair~~ **President** and Vice-~~Chair~~ **President**. No one person may hold more than one office at any one time.

Duties, Responsibilities and Elections

~~Chair~~ President

The ~~Chair~~ **President** shall preside at all meetings of the Commission. At each meeting the ~~Chair~~ **President** shall submit such recommendations and information as he or she considers appropriate concerning the business, affairs, and policies of the Commission.

~~Vice-Chair~~ President

The Vice-~~Chair~~**President** shall perform the duties of the ~~Chair~~ **President** in the absence or incapacity of the ~~Chair~~**President** and in case of the resignation or death of the ~~Chair~~ **President**, the Vice-~~Chair~~ **President** shall perform such duties as are imposed on the ~~Chair~~ **President** until such time as the Commission shall select a new ~~Chair~~ **President**.

A staff member assigned by Ottawa County shall serve as the Commission's Secretary. The Secretary shall keep the records of the Commission and record all votes, and keep the proceedings of the Commission in a journal, and shall perform all duties incident to the office of Secretary. The duties and responsibilities of the Secretary may be delegated to a subordinate County **Commission** employee.

Additional Duties

Members of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, By-Laws, rules and regulations of the U.S. Department of Housing and Urban Development. ~~or the County of Ottawa.~~

Committees and Subcommittees

Committees and subcommittees may be formed from time to time as needs require, with the consent of the Commission. Such committees and subcommittees shall consist of not more than two (2) Commission members. Such committees and subcommittees shall not perform official action on behalf of the Commission, but shall be empowered to perform research and present recommendations to the Commission as a whole.

Elections and Appointments

The ~~Chair~~ **President** and Vice-~~Chair~~ **President** shall be elected at the annual meeting of the Commission from among members of the Commission, and shall hold office for one year or until their successors are elected and qualified. The elections shall be by roll call vote.

Vacancies

Should the offices of ~~Chair~~ **President** and ~~Vice-Chair~~ **President** become vacant, the Commission shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office.

Personnel

~~The Housing Commission shall have no authority to employ any personnel or to contract for personnel services, but must instead use Ottawa County employees for all staff services under the direction and control of the Ottawa County Administrator.~~

Article III-Purpose and Restrictions

~~The purpose of the Housing Commission is to take advantage of federal and/or state vouchers and other grant funding that may become available to Ottawa County residents through a created housing commission.~~ The Housing Commission shall have the powers conferred by **MCL 125.651, et seq.,** and by federal and/or state statute, except for the following:

Debt

The Housing Commission shall have no authority to assume debt or issue bonds or notes in its name or the name of Ottawa County, without the formal approval of the Ottawa County Board of Commissioners for each specific debt instrument. In no event, may the Housing Commission incur any liability for the general or other funds of Ottawa County.

Operating Restrictions

The Housing Commission may not operate within any incorporated area within Ottawa County without a contract authorizing such operation that is approved by the Housing Commission, the Ottawa County Board of Commissioners, and the incorporated unit of government's legislative body. Such a contract, however, may not confer any authority restricted by ~~this~~ Ordinance. Moreover, such a contract must require the Housing Commission to comply with local zoning, unless otherwise agreed to by the local unit's legislative body.

Acquisition of Interest

The Housing Commission shall have no authority to acquire any interest in real estate, whether by lease, fee or other contract, without the formal approval of the Ottawa County Board of Commissioners for each specific acquisition.

Termination

~~The Ottawa County Board of Commissioners may terminate this Ordinance and the Housing Commission at any time~~

Article IV - Meetings

Meeting Procedures

All regular and special meetings of the Commission shall be conducted according to the rules contained in Robert's Rules of Order.

Annual Meeting

The annual meeting of the Commission shall be held on the same date and at the same location as the regular meeting date in January of each calendar year. During the annual meeting the Commission shall elect officers and review its By-Laws.

Regular Meetings

Notice of regular meetings shall be posted in accordance with the Open Meetings Act, **MCL 15.251 et seq.** (~~Michigan Public Act 267 of 1976.~~) The notice of the meeting shall contain the date, time, location of the meeting, and an agenda, which shall list all normal business that the Commission reasonably expects to address during the meeting. The meeting shall be open to the public, and persons receiving services managed by the Commission shall be encouraged by the Commission to attend.

Special Meetings

The ~~Chair~~ **President** of the Commission may, when he or she deems necessary, call a special meeting of the Commission for the purpose of transacting Commission business. During an emergency, Commission members may call a special meeting in the absence of the ~~Chair~~ **President**. Notice of the special meeting shall be posted in accordance with the Open Meetings Act. (~~Michigan Public Act 267 of 1976.~~) The notice of the meeting shall contain the date, time, location of the meeting, and an agenda, which shall list all business that the Commission reasonably expects to address during the meeting.

Quorum

At all meetings of the Commission, three (3) members of the Commission shall constitute a quorum for the purpose of transacting business; providing that a smaller number may meet informally and adjourn to some other time or until a quorum is obtained. However, no official business or action may be taken until a quorum is present.

Resolutions

All resolutions shall be in writing, and shall be copied into a journal of the proceedings of the Commission. All resolutions shall be voted on by voice "yes," "no," or "abstain" vote. The votes of individual Commission members shall be entered into a journal of the proceedings of the Commission.

Manner of Voting

The voting on all questions coming before the Commission shall be by voice "yes," "no," or "abstaining" vote. Approving, dissenting, and abstaining votes shall be entered into the journal of the meetings, except where the vote is unanimous it shall only be necessary to so

state. Unless waived by a majority of members present, business requiring a vote must appear on the previously published agenda of each meeting.

Official Action

Except as otherwise provided in these By-Laws or by law, the vote of a majority of the Commissioners present at a regular or special meeting in which a quorum is present shall constitute an official action by the Commission.

Article VI-Amendments

Amendments to By-Laws

The By-Laws of the Commission shall be amended only with the approval of at least three of the members of the Commission at a regular or special meeting. ~~Amendments to the By-Laws may only be made following approval by the Ottawa County Board of Commissioners~~

Organizational Review

Ottawa County Housing Commission (OCHC)

Hager Consulting reviewed several OCHC documents and related legislation in order to compare the OCHC to other housing commissions, gain a greater understanding of the legal structure, capacity, and capability to implement housing programs and developments. The following documents were reviewed:

- OCHC County Resolution – 3/14/06
- OCHC County Ordinance
- OCHC Bylaws
- Study Group Report
- Michigan Public Act 18, as Amended

HOUSING COMMISSIONS - BACKGROUND

Enabling Legislation

Historically, states created the enabling legislation to allow local units of government to create housing commissions to access federal housing programs and funding for these federal programs. OCHC was created by the County of Ottawa pursuant to Public Act 18 of the State of Michigan as amended which is commonly referred to as the State Enabling Legislation Act. The Act authorizes any city, village, township or county to create, by ordinance, a commission to address housing issues within their jurisdiction.

According to Public Act 18, housing commissions are recognized as a Public Body Corporate and may do the following:

- Sue and be sued in any state court
- Form or incorporate nonprofit corporations
- Serve as shareholder or member of a qualified nonprofit(s)
- Form or incorporate for-profit corporations, partnerships and companies
- Own real property

In 1996, Public Act 18 was amended to allow housing commissions a broader scope of power and provided for many of the powers listed above. It was also at this time that the requirement to have at least one resident of the property owned and managed by the housing commission serve on the Board of Directors.

One of the motivating factors for the 1996 amendments was to allow housing commissions to develop affordable housing using Low Income Housing Tax Credits, grants, bank financing and other types of development financing.

Clarification of Terms

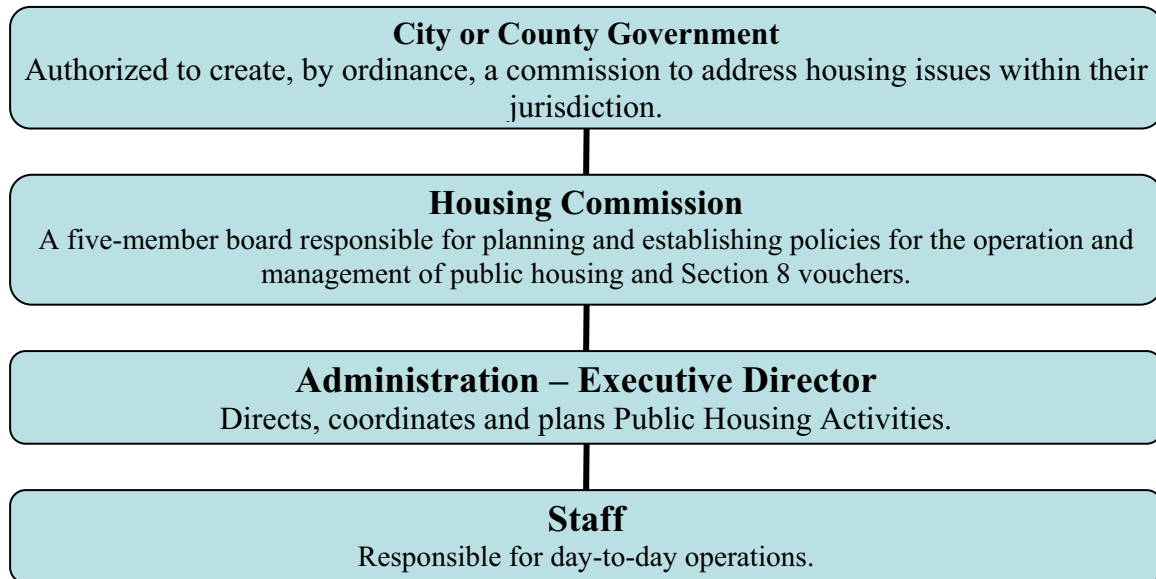
The Michigan Public Act specifically uses the term “Housing Commission.” Michigan, along with a few other states, uses the term “Housing Commission” and all other states use the term “Housing Authority”. All of the HUD documents will say PHA or Public Housing Authority which are intended to include Michigan Housing Commissions. Now HUD’s new documents use the term “Public Housing Agency.” Confusing - yes, but

there are many HUD requirements and definitions that are exclusive to their agency and confuse those not familiar with HUD language.

Typical Functions

There are approximately 131 housing commissions active in Michigan. The majority of Michigan housing commissions administer Section 8 Housing Choice Voucher (HCV) program and own and manage HUD funded rental housing developments (typically referred to as “public housing”).

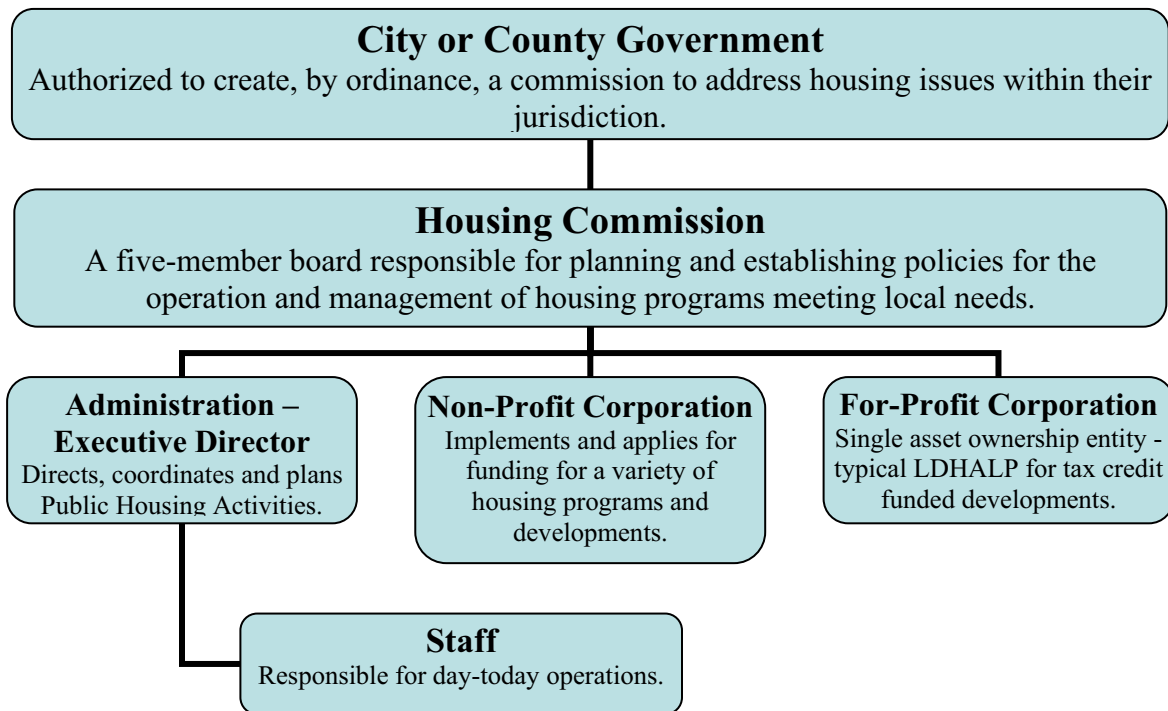
The organizational structure of typical Michigan housing commissions is as follows:



There are a few housing commissions that have been created in Michigan which administer housing programs or develop residential properties without HUD funding. Empowered by the 1996 Amendment to Public Act 18, several Michigan housing commissions have created nonprofit and for-profit subsidiaries for the purposes of meeting identified housing needs in their communities.

Some housing commissions administer homebuyer and home acquisition, develop, resale (ADR) programs, create mixed-use developments, and facilitate new construction of single and multi-family developments. These housing commissions utilize funding by Michigan State Housing Development Authority (MSHDA), Federal Home Loan Bank, municipalities, foundations, bank loans, bonds and other creative financing mechanisms. Examples of housing commissions that have pursued alternatives to HUD housing financing include Big Rapids Housing Commission, Ingham County Housing Commission, Grand Rapids Housing Commission, and Sault Ste. Marie Housing Commission.

Below is the organizational structure typical of a housing commission that assumed a more comprehensive role in providing non-traditional housing programs and developments:



ANALYSIS OF OCHC COUNTY RESOLUTION

The resolution does not appear to have any issues other than it adopts an ordinance that has areas of concern noted in the Analysis of OCHC Ordinance section below.

ANALYSIS OF OCHC ORDINANCE

The ordinance adopted by the Ottawa County Housing Commission has some areas that may be contradictory to the Michigan Public Act 18 as amended as described below. These points should be reviewed by legal counsel for an opinion. Some areas that have been identified to be reviewed are:

“2.3 The Housing Commission shall have no authority to employ any personnel or to contract for personnel services...”

Comment: The act has a provision stating the housing commission has the power to employ and prescribe the duties of employees.

“2.5 The Ottawa County Board of Commissioners may terminate this Ordinance and the Housing Commission at any time.”

Comment: Funding sources (e.g. HUD, MSHDA, tax credit syndicators, FHLBI, etc.) likely will not accept that the housing commission can be dissolved by the creating authority.

“3.4 The Housing Commission may approve bylaws, but such bylaws must be approved by the Ottawa County Board of Commissioners and shall not be inconsistent in any way with the terms and conditions of this ordinance...”

Comment: The public act provides that the housing commission shall adopt its own rules of procedure and record keeping.

Generally, most creating authorities adopt a simple ordinance stating that the housing commission shall be given those powers as described within Public Act 18, without further restrictions. It is likely that HUD recognition will require these changes noted above. The act clearly states that housing commissions shall have complete control of the entire housing project(s) as if they were private owners. Also, the Act states contracts for construction or purchase of materials shall not be required to be made through any municipal purchasing departments.

The County Board of Commissioners retains certain rights and authority per the public act such as approving the compensation of housing commission employees, requiring its approval before any grants or agreements for funding can be accepted, requiring an annual report, and requiring all real property transactions to be in the name of the county among others.

ANALYSIS OF OCHC BY-LAWS

The OCHC by-laws contain some areas that need to be reviewed for compliance with Public Act 18. Sections in the by-laws that should be reviewed by legal counsel include:

ARTICLE II – Officers - The public act specifically states the titles of President and Vice President not Chair and Vice-Chair. This is minor issue and may not be worth noting. Further, the by-laws state that a staff member of Ottawa County staff shall serve as Secretary. The public act states that the housing commission may employ and fix the compensation of a director who may also serve as Secretary. Typically the Executive Director is the Secretary but it could also be a member of the housing commission.

ARTICLE II – Personnel - The by-laws require the use of Ottawa County staff and eliminates the ability to hire anyone else including professional service providers. The public act states that a housing commission has the authority to employ the necessary number of employees and contract for professional services when necessary.

ARTICLE III - Purpose and Restrictions - The subsection of DEBT may be problematic to lenders or granting agencies but the public act gives the power to create authority to require some of the restrictions in Article III. It is recommended that this section be revised. It would be much more beneficial to state that all the housing commission activities are subject to the oversight and approval of the county where provided for in the public act.

ARTICLE IV – Meetings - The public act requires the housing commission to meet at regular intervals and it is recommended that this should be stated in the by-laws. For example, “The housing commission shall meet on the third Wednesday of each month at 8:30 a.m. at the general office of the housing commission.”

ARTICLE VI (SHOULD BE V) – Amendments - This section requires any amendments to the by-laws to be first approved by the county. The public act specifically states that the housing commission shall adopt its own rules and procedures.

Examples of by-laws from other Michigan housing commissions are attached.

HUD RECOGNITION

According to the HUD Handbook for Housing Development, a new public housing agency (PHA) will be recognized by HUD and allowed to submit an application for funding when the following are submitted to the HUD Area Office:

1. The State enabling legislation
2. The governing body ordinance establishing the PHA
3. The governing body rules and procedures for adopting ordinances
4. The opinion of the governing body attorney that the PHA complies with state and local laws
5. A certificate of incumbency from the governing body which identifies the board and terms
6. The PHA by-laws
7. The PHA commissioners oath of office and certificate of appointment
8. The public notice of the PHA organizational meeting and minutes of the meeting
9. The resolution designating PHA officers
10. A certified statement as to the authenticity of all documents.

Also, a Cooperation Agreement may be required which is a HUD document executed between the local government (e.g. County Board of Commissioners) and PHA to provide the level of cooperation as determined by HUD.

It is recommended that these documents be submitted to the Area Office (likely the Detroit Field Office or Chicago Regional Office). More information on HUD approval/recognition will be provided under separate cover.

ANALYSIS OF STUDY GROUP REPORT

The report contains some excellent background information and demonstrated understanding of the potential housing opportunities within Ottawa County. The primary goal of the formation of the Ottawa County Housing Commission was to access the HUD Section 8 Housing Choice Voucher (HCV) program.

It is our understanding that no new incremental HCV allocations have been available for several years. Most agencies have not received adequate funding through HUD because of lack of Congressional appropriations to fully lease the number of HCVs that they have in their portfolios. This has caused several smaller PHA's to voluntarily eliminate their programs and the HCVs have been redistributed to other agencies that have existing HCV programs. More research and review will be provided with respect to the likelihood of obtaining federal funding for the HCV program.

The Study Group Report correctly identifies the PHA structure and statutory powers that are available to facilitate housing programs. It also accurately states that development of new public housing units is not being funded currently, hasn't been in many years and is not likely in the foreseeable future.

The report refers to low income housing tax credit projects and other potential development opportunities. We will provide an in depth analysis of tax credit developments and clarify some of the reports' discussion on subsidies and compliance periods.

Generally, housing commissions within Michigan are expanding their services and housing products through a wide variety of non-traditional PHA methods. There has not been any significant public housing developed with HUD funding within the last decade other than replacement housing.

It is recommended that the Ottawa County Housing Commission become a member of the National Association of Housing and Redevelopment Officials (NAHRO) to obtain and receive updated information regarding the affordable housing industry. NAHRO membership will provide all of the housing commissioners with a bi-monthly newsletter and monthly magazine. Also there is a very active Michigan chapter of NAHRO that provides professional development and updates on national and state housing programs.

Ottawa County Housing Commission Implementation Steps

August 26, 2010

The Ottawa County Housing Commission (OCHC) should perform the following actions to become fully operational:

1. The County Commissioners should **adopt the revision(s) to the Ordinance** as recommended and reviewed by legal counsel to provide OCHC the capability to participate in various housing programs/projects that may be available.
2. OCHC should **amend its By-laws** as recommended and in accordance with Public Act 18.
3. **Create non-profit subsidiary Articles of Incorporation and By-laws** to conform to federal and state community housing development organization (CHDO) guidelines for administering affordable housing programs/developments. The OCHC Board can serve as the Board for the nonprofit subsidiary.
4. **Apply to the Internal Revenue Service for 501(c)(3) status** for the non-profit subsidiary. This process can take from 6-12 months if the IRS requires changes and/or revisions to the application. It is important to note that most of the affordable housing program/development opportunities will require a non-profit designation. Therefore, applying to the IRS should be immediately considered.
5. **Submit the required documents as recommended to HUD to obtain formal recognition as a Public Housing Agency (PHA).** This would allow the OCHC to take advantage of future grant opportunities for housing programs that only PHAs are eligible to apply for.
6. **Apply for Community Housing Development Organization (CHDO) status** to the Michigan State Housing Development Authority (MSHDA) which could provide the OCHC with some potential operational funding.
7. **Join the National Association of Housing and Redevelopment Officials (NAHRO)** so that the OCHC members and staff can access the resources and information available to assist in the productivity of the agency.
8. **Discuss and consider staffing options and need.** The current relationship with Michigan Works and Community Action Agency should be reviewed to evaluate contractual opportunities. Partnering with local agencies and jurisdictions to identify unmet, county-wide needs is also important. Retaining a consultant is a viable option to allow the agency to gradually build capacity.
9. **Develop/obtain a funding mechanism for the organization to begin implementing the above steps.** Potential sources could be: local units of government (Ottawa County, townships and cities) who would benefit by having the OCHC implement housing programs within their jurisdiction, local community foundations that have an interest in housing, grants, and other non-profits that also have an interest in housing. Start up costs could be “borrowed” from a willing source and repaid when and if the agency has the revenue stream.

Action Request



Committee: Planning and Policy Committee

Meeting Date: 10/14/2010

Requesting Department: Administration

Submitted By: Keith Van Beek

Agenda Item: Social Media Policy

SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the Social Media Policy for review and comment.

SUMMARY OF REQUEST:

County policies are adopted and then periodically reviewed and updated using a standard process. The Planning and Policy Committee reviews and forwards policies to the Board of Commissioners, which then has a first and second reading prior to approval.

The Social Media Policy is being recommended to deal with the emerging use of social media to more effectively communicate with the public. The technology committee has reviewed this policy and recommends approval.

FINANCIAL INFORMATION:

Total Cost: \$0.00 General Fund Cost: \$0.00 Included in Budget: Yes No

If not included in budget, recommended funding source:

ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated Non-Mandated New Activity

ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 2: To Maintain and Enhance Communication with Citizens, Employees, and Other Stakeholders.

Objective: 1: Continue to improve the County website, miOttawa.

ADMINISTRATION RECOMMENDATION: Recommended Not Recommended Without Recommendation

County Administrator: **Alan G. Vanderberg**

Digitally signed by Alan G. Vanderberg
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office, email=avanderberg@miottawa.org
Reason: I am approving this document
Date: 2010.10.08 16:30:14 -0400

Committee/Governing/Advisory Board Approval Date:



County of Ottawa

SOCIAL MEDIA POLICY

I. POLICY

Social Media is defined as a group of Internet-based applications, which by nature support interactive communications and various forms of media including text, audio, and video. The purpose behind the use of Social Media is to improve service delivery, increase citizen participation, and to enhance transparency and accountability by increasing the information available to citizens and transform people from content consumers to content producers. While it seems like a natural progression for the County to connect with citizens through social media, policy and procedures are needed to encourage proper use and to mitigate the risks of social media tools.

The use of Social Media must be in compliance with the procedures established in this policy, and existing County Personnel and Information Technology Policies, namely the Employee Behavior, Discipline and Rules of Conduct Policy, the Internet Use Policy, the Acceptable Use Policy and the Use of Electronic Mail and Privacy Policy.

II. STATUTORY REFERENCES

M.C.L. 750.491 (Penal Code, Public Records)

III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

Board of Commissioners Resolution Number and Policy Adoption Date:

Board of Commissioners Review Date and Resolution Number:

Name and Date of Last Committee Review:

-Technology Committee; August 10, 2010



County of Ottawa

SOCIAL MEDIA POLICY

PROCEDURE

1. A Social Media Committee will be established by the County Administrator to be responsible for reviewing and making recommendations regarding the policies and procedures for social media.
2. The Social Media Committee will;
 - a. Review requests from departments for the use of a social media tool,
 - b. Keep a record of the social media tools currently in use,
 - c. Develop and require specific standards, depending on the social media tool, to maintain a consistent message and appearance for Ottawa County, not limited to; standard look and use of the County logo and emphasis on bringing citizens to miOttawa.org for information,
 - d. Develop and require evaluation criteria or the tracking of users of social media to measure the effectiveness of specific projects.
3. Requests by departments for the use of a social media tool will be made in writing to the Social Media Committee, consisting of the following elements;
 - a. Description of the nature and purpose of the request,
 - b. The social media tool proposed to be used,
 - c. The employees responsible for the creation and maintenance of the social media tool,
 - d. The proposed length of time the social media tool will be active,
 - e. How the social media tool will be evaluated for effectiveness.
4. While the Social Media Committee will periodically review the content of approved social media tools, it is the responsibility of the requesting department to ensure that all Social Media policies and procedures are being followed.
5. Employees assigned by a department to create and maintain social media tools are doing so solely on behalf of the County for County business purposes only. The messages posted or distributed on social media tools will represent the views of the County department and not the opinion of individual employees. While the IT-Acceptable Use Policy and IT-Internet Use Policy apply, the following guidelines related to ethical social media conduct are also provided;
 - a. Customer protection and respect are paramount,
 - b. Ottawa County will use every effort to keep interactions factual and accurate,
 - c. Ottawa County will strive for transparency and openness in interactions,



County of Ottawa

- d. Ottawa County will correct information communicated that is later found to be in error,
 - e. Ottawa County will protect privacy and permissions.
6. The Social Media Committee will review and recommend that miOttawa.org develop a “Citizen Engagement” section that includes social media and other communication tools that are being used to enhance services and citizen communication.
 7. The Social Media Committee will review and recommend the development of applicable disclaimer statements and waivers that inform the public regarding the content on sites and guidelines for appropriate use and comments, including;
 - a. Acceptable Public Comment – Users and visitors to social media sites are notified that the intended purpose of the site is to serve as a mechanism for communication between County departments and members of the public. Ottawa County reserves the right to remove published content that does not comply with privacy policies and the moderation rules set forth below;
 - i. is abusive, obscene, indecent or offensive.
 - ii. is defamatory, harassing or hateful.
 - iii. that you do not have the necessary rights, licenses and consents to post.
 - iv. constitutes spam, unauthorized advertising or solicits.
 - v. contains long embedded URLs.
 - vi. invades anyone's privacy or impersonates anyone.
 - vii. is far off-topic.
 - viii. encourages conduct that may or would constitute a criminal offense or give rise to civil liability, or that otherwise violates any local, state, national or international law or regulation anywhere in the world.
 - ix. the comment appears to contain irrelevant or excessive links or appears to contain code.
 - b. Content posted to this site shall be retained for a limited time.
 - c. The County owns or has all necessary rights to the material that it posts to this site.
 - d. Each participant is responsible for his or her content. The County does not accept any liability for the content or accuracy of any material submitted by users and published by the County.
 - e. Participants agree to indemnify and hold harmless the County in full and permanently against any third party liabilities, claims, costs, expenses (including legal costs) loss or damage (including consequential loss) incurred by the County as a result of publishing any material you submit to us via this blog.



County of Ottawa

- f. The County makes no representations or warranties of any kind, expressed or implied, including warranties of accuracy, in regards to any material published on this site.
- g. Any participant in the County website will acknowledge understanding and compliance with this Policy and the Procedures prior to participation in the County's interactive web site.

REVIEW PERIOD

The Social Media Committee will review these procedures at least once every two years and recommend changes to the County Administrator.

Action Request



Committee: Planning and Policy Committee

Meeting Date: 10/14/2010

Requesting Department: Administrator's Office

Submitted By: Al Vanderberg

Agenda Item: Legal Services Policy

SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the Legal Services Policy for review and comment.

SUMMARY OF REQUEST:

The proposed Legal Services Policy requires all County Officials to follow Corporation Counsel Opinion and includes a conflict resolution procedure, with an appeal through Corporation Counsel to the County Board of Commissioners, in the event a County Official has a different legal opinion from a state association, legal counsel or other source.

The intent of this policy is to prevent an Official from ignoring Corporation Counsel Opinion, say nothing to the Board and/ or Administration and potentially put the County in a position of financial liability and loss.

FINANCIAL INFORMATION:

Total Cost: \$0.00 | General Fund Cost: \$0.00 | Included in Budget: Yes | No

If not included in budget, recommended funding source:

ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated | Non-Mandated | New Activity

ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 1: To Maintain and Improve the Strong Financial Position of the County.

4: To Continually Improve the County's Organization and Services.

Objective: 1: Advocate on legislative issues to maintain and improve the financial position of the County.(goal 1)

ADMINISTRATION RECOMMENDATION: Recommended | Not Recommended | Without Recommendation

County Administrator: Alan G. Vanderberg

Digitally signed by Alan G. Vanderberg
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office, email=avanderberg@miottawa.org
Date: 2010.10.07 16:07:54 -0400

Committee/Governing/Advisory Board Approval Date:

LEGAL SERVICES POLICY

1. PURPOSE: The purpose of this policy is to provide timely, cost efficient, and adequate civil legal services to all Ottawa County (“County”) Departments, funding units, officers and employees and to implement MCL §49.73, which empowers the County Board of Commissioners (“Board”) to employ an attorney to represent elected county officers, including the sheriff, prosecuting attorney, clerk, treasurer, county surveyor, register of deeds, drain commissioner, and judges of the county district and probate, and circuit courts in civil matters when “neither the prosecuting attorney or county corporation counsel” is able to represent the particular officer.

2. LEGAL SERVICES POLICY:

2.1 Purview: Except as provided in Section 2.2.2 below, this policy shall apply to all civil legal services funded or provided by the County, including those provided at the request of the County elected officials, employees, department heads, employees and the judges of the County district, probate and circuit courts pursuant to MCL §49.73. Collectively, all County departments, activities, funding units, courts, elected officials, officers, employees and other personnel who may request or be eligible for County funded civil legal services in their official capacities are described herein as “Recipients.”

2.2 Corporation Counsel:

2.2.1 The County has established the Office of Corporation Counsel to provide internal legal services to all Recipients. Subject to the exceptions identified in Section 2.2.2 of this Policy, all legal services provided to Recipients must be provided through the Office of Corporation Counsel.

2.2.2 Exceptions: This policy shall not apply to the following legal services:

2.2.2.1 Criminal and quasi-criminal prosecution legal services provided by the Prosecuting Attorney.

2.2.2.2 Indigent defense legal services provided to criminal defendants through the trial courts.

2.2.2.3 Litigation and risk management counseling services provided through the Ottawa County, Michigan Insurance Authority.

2.2.2.4 Legal services for special engagements and purposes expressly approved by the County Board of Commissioners.

2.2.3 Opinions: All Recipients may request a legal opinion from the Office of Corporation Counsel. All Recipients must follow the written legal opinion of Corporation Counsel for official activities and functions regardless of whether or not they requested the legal opinion. If the Recipient is dissatisfied with the opinion of Corporation Counsel, the Recipient may forward a confidential request through the Office of Corporation Counsel

to the Board of Commissioners, requesting the latter to engage outside counsel to provide a second opinion. If the Board of Commissioners authorizes a second opinion and that opinion differs from that of Corporation Counsel, the latter will meet with the attorney issuing the second opinion and attempt to resolve the difference of opinion. If they reach a consolidated opinion, the Recipient must adhere to that consolidated opinion. If the opinions do not agree, the elected official or funded trial court judicial Recipient will determine which of the two opinions he or she will follow. In all other instances, the County Administrator will make the decision as to which of the two opinions must be followed.

- 2.3 **Legal Defense Services:** Within twenty-four (24) hours of being served with a summons and complaint pertaining to his or her office or official performance, any employee or elected or appointed official must forward a copy of the all documents served to Corporation Counsel. Upon receipt of a summons and complaint, Corporation Counsel shall promptly contact the County Administrator. Together, they shall make an initial assignment of the defense of the matter to the Ottawa County, Michigan Insurance Authority, another insurance carrier or recommend that the Board of Commissioners engage another defense attorney.
- 2.4 **Other Legal Services:** If a Recipient believes that he or she needs legal counsel related to his or her official performance or the performance of the county funded department, office or activity he or she supervises that cannot be effectively provided by Corporation Counsel, the Recipient shall submit a written request for legal services to the County Administrator, who may forward the request to the Board of Commissioners, which shall make a decision upon the request as soon as practicable. In unusual circumstances, the Administrator with the approval of the Board Chair may consult with outside civil counsel on County matters.
- 2.5 If a Recipient is dissatisfied with the attorney assigned to defend him or her, the Recipient must advise the Board of Commissioners in writing of the nature of the concern and whether or not the individual requests a new assignment. The individual may request a particular attorney, but the Board of Commissioners retains the discretion to determine whether new legal counsel will be provided, and if so, to select such counsel. All Recipients must cooperate with the attorney assigned to defend him or her.
- 2.6 No Recipient may employ may retain an attorney or law firm at County expense, except pursuant to this policy and upon the express prior written approval of the Board of Commissioners.
- 2.7 Any Recipient who violates this policy voluntarily forfeits any right under statute, common law, or county policy or procedure to a County funded legal defense and/or indemnification by Ottawa County.