



County of Ottawa

Board of Commissioners

Philip D. Kuyers
Chairperson

James C. Holtrop
Vice-Chairperson

12220 Fillmore Street, Room 310, West Olive, Michigan 49460

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Website: www.miOttawa.org

November 8, 2012

To All Ottawa County Commissioners:

The Ottawa County Board of Commissioners will meet on **Tuesday, November 13, 2012 at 1:30 p.m.**, for the regular **November** meeting of the Board at the Ottawa County Fillmore Street Complex in West Olive, Michigan.

The Agenda is as follows:

1. Call to Order by the Chairperson
2. Invocation – Commissioner Baumann
3. Pledge of Allegiance to the Flag
4. Roll Call
5. Presentation of Petitions and Communications
6. Public Comments and Communications from County Staff
7. Approval of Agenda
8. Actions and Reports

A. Consent Resolutions:

From the County Clerk

1. [Board of Commissioners Meeting Minutes](#)

Suggested Motion:

To approve the Minutes of the October 23, 2012 Board of Commissioners Meeting.

2. [Payroll](#)

Suggested Motion:

To authorize the payroll of November 13, 2012 in the amount of \$_____.

Stuart P. Visser Dennis W. Swartout Jane M. Ruiter Greg J. DeJong Roger G. Rycenga
Joseph S. Baumann Robert W. Karsten James H. Holtvluwer Donald G. Disselkoen

3. [Correspondence Log 431](#)
Suggested Motion:
To receive for information the Correspondence Log.

From Administration

4. [Monthly Accounts Payable for October 15, 2012 through November 2, 2012](#)
Suggested Motion:
To approve the general claims in the amount of \$17,532,685.77 as presented by the summary report for October 15, 2012 through November 2, 2012.

B. Action Items:

From the Planning and Policy Committee and the Health and Human Services Committee

1. [Real Estate Transfer Evaluation Policy Revision](#)
Suggested Motion:
To approve the revised Public Health Real Estate Transfer Evaluation Policy.

C. Appointments: None

D. Discussion Items:

1. Closed Session to Discuss Labor Negotiations
Suggested Motion:
To go into closed session for the purpose of discussing labor negotiations.
(2/3 roll call vote required)
9. Report of the County Administrator
10. General Information, Comments, and Meetings Attended
11. Public Comments
12. Adjournment

OTTAWA COUNTY BOARD OF COMMISSIONERS

ADDITION TO AGENDA

Tuesday, November 13, 2012

1:30 PM

B. Action Items:

From Administration

2. [Resolution-Ottawa County Water Resources Commissioner](#)

Suggested Motion:

To approve and authorize the Board Chairperson and Clerk to sign the Resolution changing the name of the Office of Ottawa County Drain Commissioner to the Office of Ottawa County Water Resources Commissioner, effective January 1, 2013.

**PROPOSED
PROCEEDINGS OF THE OTTAWA COUNTY
BOARD OF COMMISSIONERS
OCTOBER SESSION – SECOND DAY**

The Ottawa County Board of Commissioners met on Tuesday, October 23, 2012, at 1:30 p.m. and was called to order by the Chair.

Mr. Rycenga pronounced the invocation.

The Clerk led in the Pledge of Allegiance to the Flag.

Present at roll call: Messrs. Visser, Kuyers, Swartout, Mrs. Ruiter, Messrs. DeJong, Rycenga, Baumann, Disselkoen, Karsten, Holtrop, Holtvluwer. (11)

Public Comments and Communications from County Staff

1. Jim Miller, GCSI, presented a brief legislative update.
2. Dennis McKee, Consumers Energy, addressed the Board regarding Proposal 3 which appears on the November General Election ballot. If this proposal passes, Michigan energy providers will be mandated to a 25% renewable energy standard by 2025.

B/C 12-184 Mr. Disselkoen moved to approve the agenda of today as presented. The motion passed.

B/C 12-185 Mr. Holtrop moved to approve the following Consent Resolutions:

1. To approve the minutes of the October 9, 2012 Board of Commissioners Meeting.
2. To authorize the payroll of October 23, 2012 in the amount of \$575.86.
3. To approve the general claims in the amount of \$20,050,005.64 as presented by the summary report for October 1, 2012 through October 12, 2012.
4. To approve the appropriation changes greater than \$50,000 and those approved by the Administrator and Fiscal Services Director for \$50,000 or less which changed the total appropriation from the amended budget for the month of September, 2012.

The motion passed as shown by the following votes: Yeas: Messrs. DeJong, Rycenga, Baumann, Disselkoen, Holtvluwer, Visser, Holtrop, Swartout, Karsten, Mrs. Ruiter, Mr. Kuyers. (11)

B/C 12-186 Mr. Rycenga moved to approve and authorize the Board Chair and Clerk to sign the Resolution supporting the West Michigan Regional Planning Commission's Region 8 2012 Comprehensive Economic Development Strategy. The motion passed as shown by the following votes: Yeas: Messrs. Swartout, Holtvluwer, Visser, Holtrop, Karsten, Disselkoen, Baumann, Rycenga, DeJong, Mrs. Ruiter, Mr. Kuyers. (11)

- B/C 12-187 Mr. Swartout moved to receive for information the Ottawa County, Michigan Insurance Authority Budget for fiscal year 2013. The motion passed.
- B/C 12-188 Mr. Swartout moved to approve and authorize the Board Chair and Clerk to sign the 2013 Budget Resolution and 2013 Budget. The motion passed as shown by the following votes: Yeas: Messrs. Rycenga, DeJong, Karsten, Mrs. Ruiter, Messrs. Baumann, Visser, Swartout, Holtvluwer, Disselkoen, Holtrop, Kuyers. (11)
- B/C 12-189 Mr. Swartout moved to approve the 2012 Apportionment Report. The motion passed as shown by the following votes: Yeas: Messrs. Karsten, Disselkoen, Holtrop, Visser, Holtvluwer, DeJong, Mrs. Ruiter, Messrs. Swartout, Rycenga, Baumann, Kuyers. (11)
- B/C 12-190 Mr. Swartout moved to approve the following wage and benefit adjustments for County and Court Unclassified Employees (Excluding Elected Officials, Judges and the Board of Commissioners) and Group T Employees for 2013:
- a. Wages: Effective January 1, 2013, increase the existing salary schedule by 1.75%.
 - b. Benefits: In 2013 the employee co-pay on the 100/80 (high) and the 90/70 (low) POS plans would remain at a 20%. The High Deductible Health Plan with a Health Savings Account would have a zero co-pay, and the deductibles in 2013 would increase to \$1,250 (single), and \$2,500 (2 person / family) and the Employer will fund the deductible for 2013 at 75% (\$937 single / \$1,875 two person / family). (Including Elected Officials and Judges).
- The motion passed as shown by the following votes: Yeas: Messrs. Holtrop, Holtvluwer, Swartout, Baumann, Visser, Disselkoen, Karsten, Mrs. Ruiter, Messrs. Rycenga, DeJong, Kuyers. (11)
- B/C 12-191 Mr. Swartout moved to approve the recommendation to rescind the December 23, 2008 Resolution regarding PA 2 Substance Abuse Funding administration and distribution and to approve and authorize the Board Chair and Clerk to sign the new Resolution for administration and distribution of PA 2 Substance Abuse Funding to the Lakeshore Coordinating Council (LCC). The motion passed as shown by the following votes: Yeas: Messrs. Disselkoen, Karsten, DeJong, Holtrop, Visser, Swartout, Mrs. Ruiter, Messrs. Rycenga, Holtvluwer, Baumann, Kuyers. (11)
- B/C 12-192 Mr. Swartout moved to approve the membership to the Alliance for Innovation in collaboration with Arizona State University and ICMA at a cost of \$7,500 to be paid from funds set aside for the 4 C's Strategic Initiative. The motion passed as shown by the following votes: Yeas: Messrs. DeJong, Visser, Swartout, Holtvluwer, Mrs. Ruiter, Messrs. Disselkoen, Baumann, Holtrop, Karsten, Rycenga, Kuyers. (11)
- B/C 12-193 Mr. Swartout moved to approve a new compensation package for the Board of Ottawa County Road Commissioners to be effective January 1, 2013, establishing a base salary of \$9,000 for Commissioners and \$9,500 for the Chairperson, retention of life insurance benefits, and discontinuation of health insurance benefits. The motion passed as shown by the following votes: Yeas: Messrs. Visser, Holtvluwer, Disselkoen, Holtrop, Mrs. Ruiter, Messrs. Karsten, DeJong, Rycenga, Swartout, Baumann, Kuyers. (11)

B/C 12-194

Mrs. Ruiter moved to place into nomination the name(s) of (*indicates recommendation of the Interview Subcommittee):

*Gary L. Engerson

to fill one (1) Industrial Waste Generator vacancy on the Solid Waste Planning Committee beginning immediately and ending December 31, 2013 (two (2) year term).

*Sara Hambley

*Jonathan Hofman

to fill two (2) Business Sector vacancies on the Workforce Development Board beginning January 1, 2013 and ending December 31, 2015 (three (3) year term).

*Randall S. Schipper

to fill one (1) Real Estate Attorney vacancy on the Remonumentation Committee beginning January 1, 2013 and ending December 31, 2014 (two (2) year term).

*Donald Schiele

*Rodney Unema

to fill two (2) Surveyor vacancies on the Remonumentation Committee beginning January 1, 2013 and ending December 31, 2014 (two (2) year term).

*Dale Mohr

to fill one (1) Supervisor/Assessor vacancy on the Remonumentation Committee beginning January 1, 2013 and ending December 31, 2014 (two (2) year term).

*Allen Wygant

to fill one (1) General Public vacancy on the Community Corrections Advisory Board beginning January 1, 2013 and ending December 31, 2014 (two (2) year term).

*Lawrence Mierle

to fill one (1) Member vacancy on the Sanitary Board of Appeals beginning January 1, 2013 and ending December 31, 2015 (three (3) year term).

The motion passed.

Discussion Items

1. Grand Valley Metropolitan Council Update (GVMC) – A powerpoint presentation was presented by John Weiss, Executive Director, GVMC. GVMC is an alliance of 33 governmental units in the West Michigan area representing 650,000 people.
2. Legislative Update – Jim Miller, GCSI, presented under today's first Public Comments.
3. Third Quarter Strategic and Business Plan Update – The Third Quarter Strategic and Business Plan update was presented by Al Vanderberg, Administrator.

The Administrator's report was presented.

Several Commissioners commented on meetings attended and future meetings to be held.

B/C 12-195 Mr. Karsten moved to adjourn at 2:12 p.m. subject to the call of the Chair. The motion passed.

DANIEL C. KRUEGER, Clerk
Of the Board of Commissioners

PHILIP KUYERS, Chairman
Of the Board of Commissioners

Action Request



Committee: Board of Commissioners

Meeting Date: 11/13/2012

Requesting Department: County Clerk

Submitted By: Misty Cunningham

Agenda Item: Payroll

SUGGESTED MOTION:

To authorize the payroll of November 13, 2012 in the amount of \$_____.

SUMMARY OF REQUEST:

To pay the current payroll of the members of the Ottawa County Board of Commissioners. Pursuant to MCL 46.11, the Board of Commissioners is authorized to provide for and manage the ongoing business affairs of the County.

FINANCIAL INFORMATION:

Total Cost: _____ General Fund Cost: _____ 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: All

Objective: All

ADMINISTRATION RECOMMENDATION: Recommended Not Recommended Without Recommendation

County Administrator: _____

Committee/Governing/Advisory Board Approval Date: _____

Action Request



Committee: Board of Commissioners

Meeting Date: 11/13/2012

Requesting Department: County Clerk

Submitted By: Misty Cunningham

Agenda Item: Correspondence Log 431

SUGGESTED MOTION:

To receive for information the Correspondence Log.

SUMMARY OF REQUEST:

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: All

Objective: All

ADMINISTRATION RECOMMENDATION: Recommended Not Recommended Without Recommendation

County Administrator:

Committee/Governing/Advisory Board Approval Date:

Action Request



Committee: Board of Commissioners

Meeting Date: 11/13/2012

Requesting Department: Fiscal Services

Submitted By: Bob Spaman

Agenda Item: Monthly Accounts Payable for October 15, 2012 through November 2, 2012

SUGGESTED MOTION:

To approve the general claims in the amount of \$17,532,685.77 as presented by the summary report for October 15, 2012 through November 2, 2012.

SUMMARY OF REQUEST:

Approve vendor payments in accordance with the Ottawa County Purchasing Policy.

FINANCIAL INFORMATION:

Total Cost: \$17,532,685.77 | General Fund Cost: \$17,532,685.77 | 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.

- Objective: 1: Maintain and improve the financial position of the County through legislative advocacy.
2: Implement processes and strategies to address operational budget deficits with pro-active, balanced approaches.
3: Approve strategies to reduce the negative impact of rising employee benefit costs on the budget.
4: Maintain or improve bond ratings.

ADMINISTRATION RECOMMENDATION: Recommended | Not Recommended | Without Recommendation

County Administrator:

Committee/Governing/Advisory Board Approval Date:



County of Ottawa

Fiscal Services Department

Robert Spaman
Fiscal Services Director

Marvin Hinga
Fiscal Services Assistant Director

12220 Fillmore Street • Room 331 • West Olive, Michigan 49460

West Olive (616) 738-4847
Fax (616) 738-4098
e-mail: rspaman@miottawa.org
mhinga@miottawa.org

To: Board of Commissioners
From: Robert Spaman, Fiscal Services Director
Subject: Accounts Payable Listing – October 15, 2012 to November 2, 2012
Date: November 5, 2012

I have reviewed the Accounts Payable Listing for October 15 through November 2, 2012. The following information will give you the detail of some of the purchases made in specific funds during this period:

Fund 6641 – Equipment Pool Fund

Fiscal Services – ERP Project	
ERP Hardware	\$ 1,113.49
ERP Financial Project	\$ 49,589.66

If you have any additional questions, please feel free to contact me.

Total Checks/Automated Clearing House (EFT) 10/15/2012 through 11/2/2012

I hereby certify that to the best of my knowledge the List of Audit Claims, a summary of which is attached, constitutes all claims received and audited for payment. The List of Claims shows the name of claimant, amount of claim, check number, EFT number, check date and EFT date. The amount of claims to be approved totals \$17,532,685.77.


Robert Spaman, Fiscal Services, Director

11/5/12
Date

We hereby certify that the Board of Commissioners has approved the claims on this 13th day of November, 2012.

Philip Kuyers, Chairperson
Board of Commissioners

Daniel Krueger, Clerk

ACCOUNTS PAYABLE CHECKS/EFTS 10/15/2012 THROUGH 11/02/2012

<u>FUND NUMBER</u>	<u>FUND NAME</u>	<u>CHECKS/EFTS TOTALS</u>
0000	TREASURY FUND	5,000.00
1010	GENERAL FUND	711,971.22
1500	CEMETERY TRUST	0.00
2081	PARKS & RECREATION	173,707.07
2082	PARK 12	0.00
2160	FRIEND OF COURT	13,955.69
2170	9/30 JUDICIAL GRANTS	3,168.13
2180	OTHER GOVERNMENTAL GRANTS	10,529.10
2210	HEALTH	33,499.12
2220	MENTAL HEALTH	1,122,940.94
2271	SOLID WASTE CLEAN-UP	85,731.27
2272	LANDFILL TIPPING FEES	5,317.62
2320	TRANSPORTATION SYSTEM	0.00
2420	PLANNING COMMISSION	0.00
2430	BROWNFIELD REDEVELOPMENT	0.00
2444	INFRASTRUCTURE FUND	0.00
2450	PUBLIC IMPROVEMENT	64.25
2550	HOMESTEAD PROPERTY TAX	0.00
2560	REGISTER OF DEEDS AUTOMATION FUND	4,533.79
2590	LIPPERT GRANT	0.00
2601	PROSECUTING ATTORNEY GRANTS	0.00
2602	WEMET	10,815.26

ACCOUNTS PAYABLE CHECKS/EFTS 10/15/2012 THROUGH 11/02/2012

<u>FUND NUMBER</u>	<u>FUND NAME</u>	<u>CHECKS/EFTS TOTALS</u>
2603	WEED AND SEED	0.00
2605	COPS-AHEAD-GEORGETOWN	0.00
2606	COPS-FAST-GEORGETOWN	0.00
2608	COPS-FAST-ALLENDALE	0.00
2609	SHERIFF GRANT PROGRAMS	0.00
2610	COPS-UNIVERSAL	7,714.94
2630	SHERIFF GRANTS & CONTRACTS	13,300.89
2640	EMT HOLLAND-PARK	0.00
2650	EMT GEORGETOWN TOWNSHIP	0.00
2661	SHERIFF ROAD PATROL	194.35
2690	LAW LIBRARY	0.00
2740	WIA-ADMIN. COST POOL	2,952.44
2742	WIA-ADULT	0.00
2743	WIA-6/30 GRANT PROGRAMS	0.00
2744	WIA-12/31 GRANT PROGRAMS	0.00
2745	MICHIGAN WORKS	328,041.01
2746	COMMUNITY ACTION AGENCY (CAA) 10/01/2012	14,996.47
2748	WIA-9/30 GRANT PROGRAMS	114,720.43
2749	WIA-3/31 GRANT PROGRAMS	0.00
2750	GRANT PROGRAMS-PASS THRU	0.00
2800	EMERGENCY FEEDING	0.00
2810	FEMA	0.00

ACCOUNTS PAYABLE CHECKS/EFTS 10/15/2012 THROUGH 11/02/2012

<u>FUND NUMBER</u>	<u>FUND NAME</u>	<u>CHECKS/EFTS TOTALS</u>
2850	COMMUNITY CORRECTIONS PROG. GRANT	1,710.05
2870	COMMUNITY ACTION AGENCY (CAA) ENDED 09/30/2012	6,550.00
2890	WEATHERIZATION	0.00
2900	DEPT OF HUMAN SERVICES	0.00
2901	DEPT OF HUMAN SERVICES	396.75
2920	CHILD CARE - PROBATE	76,497.74
2921	CHILD CARE - SOCIAL SERVICES	0.00
2930	SOLDIER & SAILORS RELIEF	0.00
2940	VETERANS TRUST	0.00
2941	VETERANS TRUST	391.16
2970	DB/DC CONVERSION	10,000.00
5160	DELINQUENT TAXES	2,910.30
5360	LAND BANK AUTHORITY	53.36
6360	INFORMATION TECHNOLOGY	144,262.46
6410	WATER & SEWER REVOLVING	0.00
6450	DUPLICATING	209.83
6550	TELECOMMUNICATIONS	18,453.91
6641	EQUIPMENT POOL	50,703.15
6770	PROTECTED SELF-FUNDED INSURANCE	7,045.63
6771	PROTECTED SELF-FUNDED HEALTH INS.	657,844.20
6772	PROTECTED SELF-FUNDED UNEMPL INS.	0.00
6775	LONG-TERM DISABILITY INSURANCE	0.00

ACCOUNTS PAYABLE CHECKS/EFTS 10/15/2012 THROUGH 11/02/2012

<u>FUND NUMBER</u>	<u>FUND NAME</u>	<u>CHECKS/EFTS TOTALS</u>
6776	PROTECTED SELF-FUNDED DENTAL INS.	0.00
6777	PROTECTED SELF-FUNDED VISION	0.00
6782	PROTECTED SELF-FUNDED INS PROG M.H.	0.00
7010	AGENCY	13,430,847.01
7040	IMPREST PAYROLL	48,893.19
7210	LIBRARY PENAL FINE	0.00
7300	EMPLOYEE SICK PAY BANK	0.00
7360	OPEB TRUST	37,663.27
5691	BUILDING AUTHORITY-OCCDA	0.00
5692	BUILDING AUTHORITY-PROBATE CT/JAIL	0.00
5693	BUILDING AUTHORITY-JAIL/ADMIN FAC.	0.00
5694	BUILDING AUTHORITY-HOLL. DIST. CT.	0.00
5695	BUILDING AUTHORITY-GR HAVEN/W OLIVE	0.00
6780	OTTAWA CNTY-INSURANCE AUTHORITY	0.00
8010	SPECIAL ASSESS. DRAINS	366,399.77
8011	DRAINS-CAPITAL PROJECTS FUND	0.00
8020	DRAINS-REVOLVING	0.00
8200	DRAIN-CHAPTER 20	0.00
8300	DRAIN-CHAPTER 21-BLISS	0.00
8510	DRAINS-DEBT SERVICE FUND	0.00
8725	INLAND LAKE IMPROVEMENT	8,700.00
		\$17,532,685.77

Action Request



Committee: Board of Commissioners

Meeting Date: 11/13/2012

Requesting Department: Public Health

Submitted By: Misty Cunningham

Agenda Item: Real Estate Transfer Evaluation Policy Revision

SUGGESTED MOTION:

To approve the revised Public Health Real Estate Transfer Evaluation Policy.

SUMMARY OF REQUEST:

The Ottawa County Health Department (OCHD) is proposing changes to its current Environmental Health Real Estate Evaluation Program. The Real Estate Evaluation Program was made law by the inclusion in the Ottawa County Environmental Health Code, and became mandatory on June 1, 1984. As such, an evaluation is required prior to the sale or transfer of ownership of any home or business served by an onsite water supply system or wastewater disposal system. A copy of the evaluation report is required to be provided to the buyer at time of closing.

Often, the buyer is unaware of system deficiencies prior to receiving the report. In some instances correction may be required. This usually requires the installation of a replacement system which is a large expense for a homeowner or a new buyer. Environmental Health does not prevent closing on a property with a standing correction order, or specify which party (buyer or seller) is responsible for the costs of correction.

Recently, the OCHD has received feedback regarding the Real Estate Evaluation Program and report format and the required correction of some items. As a result, the OCHD formed a Real Estate Policy Revision Workgroup to develop a new policy that better meets the needs of stakeholders and the department. The workgroup consists of the following members:

Dale Zahn, CEO of the West Michigan Lakeshore Association of Realtors (WMLAR)

Gordon Naumoff, President of WMLAR

Loraine Griffin, Past President of WMLAR

Michael Samarszcz, Realtor

Karla Walker, Underwriter with Huntington Bank

Angela Rose, Underwriter with Huntington Bank

Randy Rapp, OCHD Onsite Supervisor

Adeline Hambley, OCHD Environmental Health Manager

This group has met and discussed the purpose of the Real Estate Evaluation Program, as well as revisions needed to the existing policy. The following items have the full support of the Workgroup members

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:

Committee/Governing/Advisory Board Approval Date: Planning and Policy Committee 11/8/2012

Health and Human Services Committee 11/13/2012



Ottawa County Health Department

Environmental Health Real Estate Policy Revision

Adeline Hambley, Environmental Health Manager
October 29, 2012

Real Estate Policy Revision Process

The Ottawa County Health Department (OCHD) is proposing changes to its current Environmental Health Real Estate Evaluation Program. The Real Estate Evaluation Program was made law by the inclusion in the Ottawa County Environmental Health Code, and became mandatory on June 1, 1984. As such, an evaluation is required prior to the sale or transfer of ownership of any home or business served by an onsite water supply system or wastewater disposal system. A copy of the evaluation report is required to be provided to the buyer at time of closing.

Often, the buyer is unaware of system deficiencies prior to receiving the report. In some instances correction may be required. This usually requires the installation of a replacement system which is a large expense for a homeowner or a new buyer. Environmental Health does not prevent closing on a property with a standing correction order, or specify which party (buyer or seller) is responsible for the costs of correction.

Recently, the OCHD has received feedback regarding the Real Estate Evaluation Program and report format and the required correction of some items. As a result, the OCHD formed a Real Estate Policy Revision Workgroup that to develop a new policy that better meets the needs of stakeholders and the department. The workgroup consists of the following members:

Dale Zahn, CEO of the West Michigan Lakeshore Association of Realtors (WMLAR)
Gordon Naumoff, President of WMLAR
Loraine Griffin, Past President of WMLAR
Michael Samarszcz, Realtor
Karla Walker, Underwriter with Huntington Bank
Angela Rose, Underwriter with Huntington Bank
Randy Rapp, OCHD Onsite Supervisor
Adeline Hambley, OCHD Environmental Health Manager

This group has met and discussed the purpose of the Real Estate Evaluation Program, as well as revisions needed to the existing policy. The following items have the full support of the Workgroup members.

Purpose of the Real Estate Transfer Evaluation & Proposed Revisions

Purpose:

1. Educate the buyer about potential deficiencies of the well and/or the sewage disposal system at the property s/he is purchasing.
2. Correct those deficiencies that are creating an imminent public health hazard.

The Real Estate Transfer Evaluation is not to be utilized for correction of items that show the system is not in compliance with code, if those items are not presenting a health hazard. A Real Estate Evaluation is not a final inspection of a newly installed system, and shall not be used as such.

CURRENT POLICY

The current Real Estate Policy utilizes the following conclusions:

1. System has been determined to conform with current standards.
2. Because of above noted deficiencies, the indicated system may not meet current construction standards. However, the system was functioning properly at the time of evaluation and was not presenting a health or safety hazard at that time.
3. The indicated system does not conform to current standards and may constitute a health or safety hazard. Correction highly recommended.
4. The system presents an imminent health hazard and shall be corrected prior to new occupancy.
5. An adequate assessment of the condition of the system could not be made.

The current Real Estate Policy also does not determine if a system is “Acceptable” or “Unacceptable”. Based on feedback from Realtors and Underwriters this created a lot of confusion among buyers and sellers, as well as made it difficult for underwriters to approve loans.

PROPOSED POLICY REVISION

Based on discussions with the Workgroup, new conclusions were drafted that do assign “Acceptable” and “Unacceptable” ratings to a system.

The new conclusions for each system evaluated with the revised policy will be:

1. **Acceptable--Conformance**
System has been determined to substantially conform to current standards. System may continue to be utilized.
2. **Acceptable—Substantial Conformance**
System has deficiencies which prevent it from substantially conforming to current standards; however it was installed prior to the current standards and was functioning properly at the time of the inspection. System may continue to be utilized.
3. **Unacceptable—Non-Conformance/Failure**
System presents a health hazard and continued use is not permitted. Correction required.
4. **Undetermined**
An adequate assessment of the condition of the system could not be made.

These conclusions are based on the feedback provided by the Workgroup. The Workgroup members are in support of this change and feel these conclusions are clearer to the buyers, sellers, and underwriters.

A guidance document was created to support the revised policy and provide clearer guidelines to the Environmental Health Specialists conducting the evaluation. This will help to standardize inspections and reporting and will better meet the intent and purpose of the Real Estate Evaluation Program. The current draft of the guidance document is also included for your review.

Based on feedback from the Workgroup, the report format will be revised to be more easily understood by buyers. Also, materials will be included with the report to educate buyers on what a well and septic system is, as well as the proper care and maintenance of the system.

Due to the collaborative effort with community stakeholders, I believe this policy revision and changes to the report will better meet the needs of Ottawa County and the community. These changes help to provide more clear information to buyers, sellers, and underwriters, as well as provide a better mechanism for standardization of staff.

Policy 082305-01
Ottawa County Health Department

Real Estate Transfer Evaluation Policy

Environmental Health

Relates to: Guidance Document 092012-01

Page 1 of 3

Effective *Aug. 23, 2005*

Date: _____

Revised Date: *October 26, 2012*

Division Director

Approval: _____

Date: _____

Purpose

To define the process by which Real Estate Transfer Evaluations (RETE) are to be conducted for on-site water supply systems and on-site sewage disposal systems by Ottawa County Environmental Health.

I. Evaluation Criteria

A. Water Supply Systems (Private)

1. Part 127 of Act 369 of the Public Acts of 1978, as amended and Administrative Rules
2. Ottawa County Environmental Health Regulations, Effective 11/22/96

B. Water Supply Systems (Public)

1. Act 399 of Public Acts of 1976 and Administrative Rules

C. Sewage Disposal Systems (Single and Two Family Dwellings)

1. Ottawa County Environmental Health Regulations, Effective 11/22/96
2. Ottawa County Environmental Health Regulations for Construction of Sewage Disposal Systems

D. Sewage Disposal Systems (Multi-Family Dwellings and Commercial Buildings, less than 10,000 gallons per day)

1. Michigan Criteria for Subsurface Sewage Disposal, 1994
2. Ottawa County Environmental Health Regulations, Effective 11/22/96
3. Ottawa County Environmental Health Regulations for Construction of Sewage Disposal Systems

II. Evaluation Procedures

A. General Overview

1. The evaluation of property's water supply and sewage disposal facilities shall include any on-site water supply and sewage disposal system present at the time of inspection. Findings are to be documented on the "Real Estate Transfer Evaluation Inspection Record" form and are to be based on a physical inspection of the system(s) and documentation found during the record review.
2. Information evaluated for the purpose of making conclusions concerning the on-site water supply and wastewater disposal facilities is derived from the record review, client provided documents, site inspections, and water quality analysis.
3. The Real Estate Transfer Evaluation Inspection Record is used to generate the final "Real Estate Transfer Evaluation Report, which is provided to the applicant.

B. Record Review

1. Records that are to be considered in the evaluation process, should include, but are not limited to:
 - a. Real Estate Transfer Evaluation Request for on-site water supply and/or sewage disposal system
 - b. Prior Real Estate Transfer Evaluations
 - c. Well permits
 - d. Well logs
 - e. Septic system permits
 - f. Final inspections of wells and/or septic systems
 - g. Well depth verification information
 - h. Complaint records
 - i. Recorded easements and affidavits
 - j. Applicable neighboring properties
2. These records, when available, are to be reviewed and relevant information transferred to the Real Estate Transfer Evaluation Inspection Record. When record information is incomplete or conflicts with other records or applicant information, a note is to be made in the "Comments Concerning Inspection Findings" section of the RETE Inspection Record. The conflicting information and any unanswered items are to be investigated during the site inspection.

C. Site Inspection

1. Water Supply
 - a. Visual inspection of well components and water distribution system including well head termination, casing size, pump type and location, storage tank location, water service lines, cross connections and water treatment devices.
 - b. Measurement of well isolation, including irrigation wells, with regard to the sewage disposal system and other sources of contamination, on -site. When direct measurement is not possible, use the Pythagorean Theorem.

- c. Sampling of the water supply for Coliform bacteria, Nitrates, and other water quality parameters as necessary
2. Sewage Disposal System
 - a. Physical measurement of isolation distances as described by Evaluation Criteria.
 - b. Visual evaluation of the wastewater disposal system area.
 - c. Auger boring in to the absorption system and/or adjacent soils.
 - d. Probing for septic tank(s) and drainage area location.
 - e. Visual inspection of the interior building plumbing with special attention to plumbing fixtures not routed through the system, water softener, and footing drains connected to the system.

III. Conclusions

A. Conclusions are made for each system evaluated and are as follows:

1. **Acceptable--Conformance**
System has been determined to conform to current standards. System may continue to be utilized.
2. **Acceptable—Substantial Conformance**
System has deficiencies which prevent it from conforming to current standards; however it was installed prior to the current standards and was functioning properly at the time of the inspection. System may continue to be utilized.
3. **Unacceptable—Non-Conformance/Failure**
System presents a health hazard and continued use is not permitted. Correction required.
4. **Undetermined**
An adequate assessment of the condition of the system could not be made.

Guidance Document 092012-01 outlines the criteria for each conclusion

IV. Real Estate Transfer Evaluation Report

- A. Relevant evaluation findings and conclusions shall be reported on the Real Estate Transfer Evaluation Report. This finished document will serve as the Ottawa County Health Department's official report regarding the evaluation. This RETE Report shall be submitted to the homeowner and/or applicant, prior to or at closing along with copies of the results of any water samples collected during the evaluation. The RETE Inspection Record shall be submitted to the homeowner/applicant upon request.
- B. A copy of the RETE Report, along with the original water sample results, and the RETE Inspection Record shall be maintained in the permanent file for that parcel.

Guidance Document 092012-01
Ottawa County Health Department

Conformance, Substantial Conformance, Non-conformance/Failure Sewage and Water

Environmental Health

Relates to: Policy 082305-01

Page 1 of 4

Effective
Date: _____

Revised Date: _____

Division Director
Approval: _____

Date: _____

Purpose:

This policy is to provide clarification and examples of the conditions which would be considered conformance, substantial conformance, and non-conformance/failures requiring corrective action under the **“Real Estate Transfer Evaluation Policy” (effective date 08/23/2005)**.

I. Regulatory Definitions:

A. Conformance, Sewage or Water Supply System

1. System is installed per current code requirements
2. Permit issued by the Ottawa County Health Department on file
3. Approved final by the Ottawa County Health Department on file
4. All necessary variances, easements and affidavits are approved and on file

B. Substantial Conformance, Sewage or Water Supply System

1. System was installed prior to current code requirements, but still meets the intent of the code and was functioning properly at the time of the evaluation
2. Method or installation varies from current recognized methods but continued use does not present a health hazard

C. Non-Conformance/Failure, Sewage System

1. A non-conforming or unrecognizable system
2. Backup of sanitary sewage into the premise or habitable building
3. Direct discharge of sanitary sewage and/or effluent to a water course, surface drain, field tile or the ground surface
4. Discharge of effluent from the sewage system to a storm sewer, field tile or surface drain
5. Failure or dilapidation of the physical septic tank structure or other system components

6. Discharge of sanitary sewage from the structure which does not reach the absorption system.
7. Method or object that varies so significantly from customary or recognized methods that its continued use cannot be acknowledged as meeting a minimum standard
8. Does not meet the conventional or alternative definition
9. Drained is under pressure
10. Sludge (black tarry stone) level is above the pipe

D. Non-Conformance/Failure, Water Supply System

1. Unsafe water sample and/or water sample not meeting the drinking water standards as established by the Environmental Protection Agency
2. The presence of a well not properly abandoned
3. Non-conformance with water well construction requirements
4. Non-conformance with water well isolation from contamination source requirements.
5. An on-site water supply system that is not capable of meeting the intended use
6. A method or thing that varies so significantly from customary and recognized construction standards that its continued use cannot be acknowledged as meeting a minimum standard
7. A well not capable of meeting 3gpm as measured through the pump cycle

II. Policy Overview

When a condition is identified as part of a Real Estate Evaluation, the following examples of conditions shall meet the definition of substantial conformance and non-conformance/failures for sewage systems and water supplies. This list is not an all inclusive list.

Substantial Conformance: Sewage Systems
CONDITION
Only one septic tank, which is structurally sound and not of cement block construction, is present serving the dwelling when two are required by code
Absorption area is less than the required size by code but meets 75% of current size requirements
No permit or final on record for the system, but system is recognizable in design
Absorption area does not meet the minimum isolation distance to the seasonal high water table, but is not installed in the seasonal high water table
System is > 20 years old
< 75% structure over absorption area
When two septic tanks are present and of sound construction but do not meet the current code requirements for size

Non-Conformance/Failure: Sewage Systems
CONDITION
Septic tank consists of a 55-gallon drum or old fuel oil tank
Final disposal consists of a pile of cobbles / debris
Final disposal consists of single trench with no stone
Seepage pits/no septic tank
Unrecognizable system
Cistern or Dug well
> 75% structure over absorption and/or septic tank inaccessible for maintenance
Unpermitted horizontal &/or vertical isolation to surface water or environmentally sensitive area
A sewage system that is not located on the parcel that it serves and there is no recorded agreement/easement for its use and maintenance.
Additions to a conventional absorption system such as a trench, tile line (with or without stone), rock pit, etc. without permit.
Absorption system exhibiting signs of failure, including but not limited to blackened and tarred stone (full stone depth), tar/black staining in soil above stone, &/or evidence on the ground surface of previously ponded sewage (blackened or grey film on soil surface, excessive grass/weed growth in the area of the system causing the owner to no longer mow in the area, tire indentations into the soil over the system indicating that the area was saturated and that wheeled vehicles sank into the grass/soil)
Sewage backing up into premise
Direct discharge of sewage or effluent to a water course, surface drain, field tile, ground water, or ground surface
Septic tank disrepair (damaged or missing lids, caving in of septic tank, etc.)
Discharge of sanitary sewage from the structure, which does not reach the absorption system
Sewage absorption system dilapidated/disrepair resulting in improper disposal of effluent
Tile system collapsed or disintegrated, tile system compressed together (as in clay tile), tile system filled with roots/sludge resulting in improper disposal of effluent

Substantial Conformance: Water Supply
CONDITION
No permit or final on record for the system, but system is recognizable in design
Greater than 90% of standard isolation distance, with no construction deficiencies
Well is located in the basement and no conditions from failure
Unprotected suction line and no conditions from failure
Well unknown depth and no conditions from failure

Substantial Conformance: Water Supply (con't)

Well is not grouted and no conditions from failure
Well is <50' from sump pits and/or sewage lifts in the basement
Lack of a properly screened vent and was installed prior to 1985 (venting code)
Visible annular space
Yard hydrant on water service line between well and pressure tank
Buried well seal and no conditions from failure

Non-Conformance/Failure: Water Supply

CONDITION

Hauled water
Multiple construction deficiencies resulting in unsafe water supply. For example: buried well seal and unknown depth and no construction records and isolation distances not met
Well is not functioning
< 25 feet deep without approved variance
Plastic cased well <5" in diameter
A well that is not located on the parcel that it serves and there is no recorded agreement/easement for its use and maintenance.
Flowing well connected to open crock from which water back flows when pump activates
Less than 3gpm as measured through the pump cycle
Well located in basement with fuel oil tank in basement
Well, pump and/or pressure tank located in a flooded pit or in a pit with evidence of flooding such as a sump pump
Flooded well or well subject to flooding
Dug well / cistern
Missing well cap, damaged well cap/open well casing
Well in disrepair such as visible hole in casing, disconnected electrical conduit, broken cap
Less than 90% of standard isolation distance and construction deficiencies present
Well not currently in use and not properly abandoned
Not capable of meeting the intended use
Unsafe bacteria water quality result
Unsafe nitrate water quality result without recorded affidavit
Unsafe other water quality result (such as arsenic)

Ottawa County Environmental Health

Real Estate Transfer Evaluation Policy

Effective 8/23/05

**OTTAWA COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
12251 JAMES STREET SUITE 200
HOLLAND, MI 49424
616-393-5645 TELEPHONE
616-393-5643 FAX**

I. Evaluation Criteria

1.01 Water Supplies – Private

Part 127 of Act 369 of the Public Acts of 1978, as amended and Administrative Rules.

Ottawa County Environmental Health Regulations, Effective 11/22/96

1.02 Water Supplies – Public

Act 399 of Public Acts of 1976 and Administrative Rules.

1.03 On-Site Sewage Disposal Systems – Single and Two Family Dwellings

Ottawa County Environmental Health Regulations, Effective 11/22/96.

Ottawa County Environmental Health Regulations For Construction Of Sewage Disposal Systems.

1.04 On-site Sewage Disposal Systems – Multi-Family Dwellings and Commercial Buildings, less than 10,000 gallons per day

Michigan Criteria for Subsurface Sewage Disposal, 1994 Edition.

Ottawa County Environmental Health Regulations, Effective 11/22/96.

Ottawa County Environmental Health Regulations For Construction Of Sewage Disposal Systems.

II. Evaluation Procedures

2.0 General

The evaluation of property's water supply and wastewater disposal facilities shall include any on-site water supply and sewage disposal system present at the time of inspection. Findings are to be documented on the "Real Estate Transfer Evaluation Inspection Record" form and are to be based on a physical inspection of the system(s) and/or documentation found during the record review. When this is not possible, the item is to be marked "Not Determined". When a comment is made that requires a qualifying statement, it is to be placed in the "Comments Concerning Inspection Findings" section of the inspection report.

Information evaluated for the purpose of making conclusions concerning the on-site water supply and wastewater disposal facilities is derived from the record review, client provided documents, site inspections, and water quality analysis.

2.01 Record Review

Records that are to be considered in the evaluation process, should include, but are not limited to:

- Real Estate Transfer Evaluation Request for on-site water supply and/or wastewater disposal system.
- Prior Real Estate Transfer Evaluations
- Well permits
- Well logs
- Septic system permits
- Final inspections of wells and/or septic systems
- Well depth verification information
- Complaint records

These records, when available, are to be reviewed and relevant information transferred to the Real Estate Transfer Evaluation Inspection Record prior to the site inspection. When record information is incomplete or conflicts with other records or applicant information, a note is to be made in the “Comments” section of the Real Estate Transfer Evaluation Inspection Record. The conflicting information and any unanswered items are to be investigated during the site inspection.

2.02 Site Inspection

During the site inspection, the water supply and wastewater disposal systems are to be evaluated considering the following:

Water Supply

1. Visual inspection of well components and water distribution system including well health termination, casing size, pump type and location, storage tank location, water service lines and water treatment devices.
2. Measurement of well isolation with regard to sewage disposal system and other sources of contamination, both on and off-site. When direct measurement is not possible, use the Pythagorean Theorem.
3. Sampling of the water supply for coliform bacteria, nitrates, and other water quality parameters as necessary

Wastewater Disposal System

1. Physical measurement of isolation distances as described by Evaluation Criteria.
2. Visual evaluation of the wastewater disposal system area.
3. Auger boring in to the absorption system and/or adjacent soils.
4. Probing for septic tank(s) and drainage area location.
5. Visual inspection of the interior building plumbing with special attention to plumbing fixtures not routed through the system, water softener, and footing drains connected to the system.

III. Conclusions

3.00 Conclusions are made after considering information from the file review and inspection findings as documented on the Real Estate Transfer Evaluation Inspection Record. These Conclusions, along with other significant findings, will be documented and presented to the homeowner/applicant in the Real Estate Transfer Evaluation Report.

Conclusions are made for each system evaluated and are as follows:

1. System has been determined to conform with current standards.
2. Because of above noted deficiencies, the indicated system may not meet current construction standards. However, the system was functioning properly at the time of evaluation and was not presenting a health or safety hazard at that time.
3. The indicated system does not conform to current standards and may constitute a health or safety hazard. Correction highly recommended.
4. The system presents an imminent health hazard and shall be corrected prior to new occupancy.
5. An adequate assessment of the condition of the system could not be made.

3.01 Conclusion 1

Systems that qualify for reporting under Conclusion 1 are to meet the following criteria:

Water Supply

1. Water sample results for nitrate, nitrite, fluoride, bacteriological and other tested parameters with known health effects are below the maximum contamination level (MCL).
2. A copy of the well log must be provided to the Ottawa County Health Department and indicate conformance with the regulations for the type of construction applicable to the well's proposed use.
3. Upon visual inspection, the water supply conforms with Evaluation Criteria standards.
4. Physical measurement of well isolation reveals conformance with Evaluation Criteria standards.

Wastewater Disposal System

1. A review of the septic system permit and final inspection indicates conformance with current standards.
2. An evaluation of the system is made and it is determined that there are no signs of septic system failure.
3. An evaluation of the system reveals conformance with Evaluation Criteria standards.
4. The building served by the system has not been unoccupied for greater than 14 days.

3.02 Conclusion 2

Systems which qualify for reporting under Conclusion 2 are to meet the following criteria:

Water Supply

1. Water sample result analyses are below the maximum concentration levels.
2. A visual inspection of the well components and water distribution system reveals nonconformance with current applicable standards, however, the condition must not constitute a public health hazard and shall have an approved variance issued by the Health Department.
3. Physical measurement of the well isolation reveals conformance with current applicable standards, or it is determined that the well isolation does not constitute a public health hazard in which case it will need to have an approved variance issued by the Health Department.

Wastewater Disposal System

It is determined from the file review, septic tank pumping record, and/or site inspection that the system is not in full compliance with the Ottawa County Environmental Health Regulations for Construction of Sewage Disposal Systems, however, the system meets the following criteria:

1. A septic tank with a minimum capacity of 800 gallons and in working condition.
2. A soil absorption system that is not in a state of failure and which does not have a documented history of failure or evidence of physical damage.
3. The building served by the system has not been unoccupied for greater than 14 days.
4. Systems installed subsequent to the Ottawa County Environmental Health Regulations, Effective 11/22/96, shall have an approved variance issued by the Health Department.

3.03 Conclusion 3

Systems for which all of the information is provided, but does not comply with the criteria for Conclusion 1 and 2 shall be marked under Conclusion 3 unless the situation qualifies as an “imminent health hazard” under Conclusion 4. Examples are as follows:

Water Supply System

1. Nonconformance to well isolation or well depth where a public health hazard is likely.
2. Visual inspection of the well components and water distribution system reveals nonconformance with current applicable standards and the condition constitutes a potential health and/or safety hazard.

Wastewater Disposal System

1. Septic tank capacity is less than 800 gallons.
2. System was found to be in a state of failure as evidenced by saturated or flooded conditions, history of malfunction, evidence of physical damage, or other indicators.

3.04 Conclusion 4

When a significant health hazard is immediately present or likely due to the condition of either the water supply or wastewater disposal system, Conclusion 4 will be recorded. The following conditions shall be recorded as Conclusion 4:

Water Supply System

1. Water sample results exceed applicable maximum contaminant level(s).
2. Water supply system has been damaged or adversely altered.
3. Water supply system in a floodplain and has a wellhead which terminates below the 100 year floodplain elevation.
4. Wellhead is submerged without the protection of a watertight cap and a vent extended about water level.

Wastewater Disposal System

1. Wastewater discharging to storm drain, surface water, or ground surface.
2. Wastewater is observed in the basement of the home.
3. Septic tank(s) is/are caving in.
4. System is subject to flooding as demonstrated by the elevation of the bottom of the drainbed within the ten (10) year floodplain elevation.

Findings of imminent health hazards shall be accompanied by a correction order. This correction order should note the health hazard, detail acceptable correction outcomes, and give a reasonable timeline for correction. New occupancy cannot

occur in the dwelling until acceptable correction has taken place. The existing occupancy is subject to Section G of Article VIII and Section Q of Article XXIII of the Ottawa County Environmental Health Regulations.

3.05 Conclusion 5

When information is not provided or conditions are encountered which make a thorough evaluation of the system impossible, Conclusion 5 will be recorded. Examples are as follows:

Water Supply System

1. Well depth not verified for shallow wells of unknown depth.
2. Unable to collect water samples.
3. Unable to visually inspect water supply system.
4. Unable to determine well isolation: 3rd party verification not received.

Wastewater Disposal System

1. The septic tank(s) and/or drainage bed cannot be located or verified.
2. The house has been unoccupied for greater than 14 days.
3. Unable to inspect the wastewater disposal system.

4.00 Real Estate Transfer Evaluation Report

Relevant evaluation findings and evaluation conclusions shall be reported on the Real Estate Transfer Evaluation Report. This finished document will serve as the Ottawa County Health Department's official report regarding the evaluation. This Report shall be submitted to the homeowner and/or applicant along with copies of the results of any water samples collected during the evaluation. The Real Estate Transfer Evaluation Inspection Record shall only be submitted to the homeowner/applicant upon request.

A copy of the Real Estate Transfer Evaluation Report, along with the original water sample results, and the Real Estate Transfer Evaluation Inspection Record shall be maintained in the permanent file for that parcel.

Action Request



Committee: Board of Commissioners

Meeting Date: 11/13/12

Requesting Department: Administration

Submitted By: Greg Rappleye

Agenda Item: Resolution-Ottawa County Water Resources Commissioner

SUGGESTED MOTION:

To approve and authorize the Board Chairperson and Clerk to sign the Resolution changing the name of the Office of Ottawa County Drain Commissioner to the Office of Ottawa County Water Resources Commissioner, effective January 1, 2013.

SUMMARY OF REQUEST:

Authorized by Section 21(8) of the Drain Code of 1958, MCL 280.21(8).

See Attached Memorandum

FINANCIAL INFORMATION:

Total Cost: 0 General Fund Cost: 0 Included in Budget: Yes No

If not included in budget, recommended funding source: Minimal Costs

ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated Non-Mandated New Activity

ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 3 Health Physical, Economic & Community Environment

Objective: 2 To Preserve the Physical Environment

ADMINISTRATION RECOMMENDATION: Recommended Not Recommended Without Recommendation

County Administrator:

Committee/Governing/Advisory Board Approval Date: Planning and Policy Committee 11/8/2012

MEMORANDUM

TO: Ottawa County Board of Commissioners

FROM: Gregory Rappleye, Ottawa County Corporation Counsel

DATE: November 13, 2012

RE; Designating the Ottawa County Drain Commissioner as the
Ottawa County Water Resources Commissioner

At the meeting of the Ottawa County Planning & Policy Committee on Thursday, November 8, 2012, Drain Commissioner-Elect Joseph Bush asked that the Ottawa County Board of Commissioners consider changing the name of his office from “Ottawa County Drain Commissioner” to “Ottawa County Water Resources Commissioner.” This change is provided for in Section 21 of the Drain Code of 1956, MCL 280.21, which states, in relevant part:

(8)...[I]f a drain commissioner performs functions other than acting as a drain commissioner under this act, including, but not limited to, operating sewers, lake level and soil erosion enforcement, and facilitating compliance with federal clean water act mandates, a county may, by resolution of the majority of the members elected and serving on the board of commissioners and with the consent of the drain commissioner, change the name of the office of the drain commissioner to the office of the water resources commissioner. The water resources commissioner shall be elected in the same manner as a drain commissioner and carry out the powers and duties of a drain commissioner as provide in this act.

A copy of MCL 280.21 is attached.

It is my understanding that the Ottawa County Drain Commissioner already performs lake level and soil erosion enforcement duties, and also facilitates compliance with federal clean water act mandates. The Office of Ottawa County Drain Commissioner is therefore one which lawfully may be redesignated as the “Office of Ottawa County Water Resources Commissioner.”

A Resolution to accomplish this (effective January 1, 2013) is also attached.

cc: Alan Vanderberg, Ottawa County Administrator
Keith Van Beek, Ottawa County Assistant Administrator

COUNTY OF OTTAWA

STATE OF MICHIGAN

RESOLUTION

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Street Complex in the Township of Olive, Michigan on the ___ day of _____, 2012 at _____ o'clock p.m. local time.

PRESENT: Commissioners: _____

ABSENT: Commissioners: _____

It was moved by Commissioner _____ and supported by Commissioner _____ that the following Resolution be adopted:

WHEREAS, Section 21(8) of the Drain Code of 1956, MCL 280.21(8), authorizes a county board of commissioners, under appropriate circumstances, to redesignate the office of county drain commissioner as the office of county water resources commissioner; and,

WHEREAS, Joseph Bush, Ottawa County Drain Commissioner-Elect, has requested that the Ottawa County Board of Commissioners exercise its authority to change the name of his office as authorized by MCL 200.21, effective January 1, 2013; and,

WHEREAS, the Ottawa County Board of Commissioners has determined that the Office of Ottawa County Drain Commissioner is qualified to be redesignated as the Office of Ottawa County Water Resources Commissioner, in that the Office of County Drain Commissioner, in addition to its duties under the Drain Code, currently performs duties including but not limited to lake level and soil erosion enforcement, and facilitating compliance with federal clean water mandates, all as provided for in MCL 280.21(8);

NOW THEREFORE BE IT RESOLVED, that effective January 1, 2013, the Office of Ottawa County Drain Commissioner shall be redesignated as the “Office of Ottawa County Water Resources Commissioner”; and,

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

YEAS: Commissioners: _____

NAYS: Commissioners: _____

ABSTENTIONS: Commissioners: _____

RESOLUTION ADOPTED:

Chairperson, Ottawa County
Board of Commissioners

Ottawa County Clerk