

Agenda
Planning and Policy Committee
West Olive Administration Building – Board Room
12220 Fillmore Street, West Olive, Michigan 49460
Tuesday, July 20, 2021
8:30 AM

Public Comment:

Consent Items:

1. Approval of the Agenda
2. Approval of the minutes from the [June 15, 2021](#) Planning and Policy Committee meeting.

Action Items:

1. [Holland Charter Township Water Line Easement](#)
Suggested Motion:
To approve and forward to the Board of Commissioners the Water Line Easement between Holland Charter Township and Ottawa County on Parcel No. 70-16-16-400-090.
2. [Stepping Up Resolution](#)
Suggested Motion:
To approve and forward to the Board of Commissioners a resolution of support for the Stepping Up initiative to reduce the number of people with mental illnesses in jails.
3. [Surveillance, Invasion of Privacy or Security Ordinance](#)
Suggested Motion:
To approve and forward to the Board of Commissioners the Surveillance, Invasion of Privacy or Security on County Property ordinance.

Discussion Items:

1. Legislative Issues
 - a. Current Legislative Priorities

Adjournment

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

PLANNING AND POLICY COMMITTEE

Proposed Minutes

DATE: June 15, 2021

TIME: 8:30 a.m.

PLACE: Fillmore Street Complex

PRESENT: Allen Dannenberg, Francisco Garcia, Matthew Fenske, Philip Kuyers, Gregory DeJong

STAFF & GUESTS: Alan Vanderberg, Administrator; John Shay, Deputy County Administrator; Karen Karasinski, Fiscal Services Director; Sherri Sayles, Chief Deputy Clerk; Jason Shamblin, Parks & Recreation Director; Robyn Afrik, DEI Director

SUBJECT: CONSENT ITEMS

PP 21-031 Motion: To approve the agenda of today as presented and to approve the minutes of the May 18, 2021 Planning and Policy Committee.

Moved by: Matthew Fenske

UNANIMOUS

SUBJECT: RESOLUTION SUPPORTING PASSAGE OF LEGISLATION TO ADOPT 4-YEAR TERMS FOR COUNTY COMMISSIONERS

PP 21-032 Motion: To approve and forward to the Board of Commissioners to adopt the Resolution Supporting Passage of Legislation to Adopt 4-Year Terms for County Commissioners.

Moved by: Philip Kuyers

PP 21-033 Motion: To postpone to date certain until the September 2021 Planning and Policy Committee Meeting.

Moved by: Philip Kuyers

UNANIMOUS

SUBJECT: BEND AREA EXPANSION PHASE III MNRFT GRANT AGREEMENT

PP 21-034 Motion: To approve and forward to the Board of Commissioners the resolution and grant agreement from the Michigan Natural Resources Trust Fund for assistance to complete property acquisition as part of the Bend Area Expansion Phase III project in Georgetown Township.

Moved by: Philip Kuyers

UNANIMOUS

SUBJECT: STEARNS CREEK EXPANSION MNRTF GRANT AGREEMENT

PP 21-035 Motion: To approve and forward to the Board of Commissioners the resolution and grant agreement from the Michigan Natural Resources Trust Fund for assistance to complete property acquisition of the Stearns Creek Expansion project in Robinson Township.
Moved by: Philip Kuyers UNANIMOUS

SUBJECT: IDEMA EXPLORERS TRAIL STEARNS BAYOU CONNECTOR FRETT EASEMENT

PP 21-036 Motion: To approve and forward to the Board of Commissioners the purchase agreement for the Frett easement as required for construction of the Grand River Greenway Idema Explorers Trail in the amount of \$1,934.40 from the Parks millage.
Moved by: Matthew Fenske UNANIMOUS

SUBJECT: PURCHASE OF REENDERS' 66-ACRE PARCEL ON 128TH AVENUE IN OLIVE TOWNSHIP

PP 21-037 Motion: To approve and forward to the Board of Commissioners to accept [or reject] the purchase price of \$700,000.00 for Reenders' 66-acre parcel on 128th Avenue in Olive Township.
Moved by: Philip Kuyers UNANIMOUS

The Administrator explained the property will be used for park purposes for the short-term. In the future, if the property isn't needed for expansion by the County, Parks could purchase it.

SUBJECT: DISCUSSION ITEMS

1. Ombudsman – The Administrator explained Commissioner Zylstra brought this up during the Strategic Planning Meeting. This would be a new position that helps people find where they need to go and helps them work through the process. Consensus of the committee is this is already being done in Ottawa County due to the Customer Service Training the employees received. The Administrator will write a summary and forward it to the full Board.
2. Legislative Issues
 - a. Current Legislative Priorities – John Shay presented the Current Legislative Priorities for June 2021.
3. Critical Race Theory – The Administrator explained an email was received claiming the County is pushing a CRT agenda. Both the Administrator and DEI Director have

researched the Critical Race Theory. Mr. Vanderberg will put something together on what the County is doing and that the CRT agenda is not being pushed.

4. Resolutions - Commissioner DeJong asked if there was a policy if someone asks the Board to submit a resolution and how it is determined which resolutions will be presented to the full Board. The Administrator explained the history and stated resolutions are only presented if they impact Ottawa County. Commissioner Garcia asked about a written policy. Administration will look at this and bring something back to the Planning and Policy Committee.
5. The Committee discussed public comments at the next Board Meeting. The Chair wants to be fair and let the public know up front what the County's position is on the resolution they are being asked to sign. Administration is working with other counties on a press release regarding July 1st mask restrictions. If it is done prior to next Tuesday, it could be read at the Board Meeting.

SUBJECT: ADJOURNMENT

PP 21-038

Motion: To adjourn at 9:55 a.m.
Moved by: Allen Dannenberg

UNANIMOUS

Action Request

Electronic Submission – Contract # 1256



Committee: PLANNING AND POLICY

Meeting Date: 7/20/2021

Vendor/3rd Party: HOLLAND CHARTER TOWNSHIP

Requesting Department: ADMINISTRATOR

Submitted By: JOHN SHAY

Agenda Item: HOLLAND CHARTER TOWNSHIP WATER LINE EASEMENT

Suggested Motion:

To approve and forward to the Board of Commissioners the Water Line Easement between Holland Charter Township and Ottawa County on Parcel No. 70-16-16-400-090.

Summary of Request:

Holland Charter Township would like to extend to the west an existing 12" water main that dead ends under Union Street in front of the Children's Advocacy Center. This would enhance reliability of the overall water system while improving fire flows in the area in addition to eliminating two dead-end water mains that would further improve water quality. In order to do this, the Township is requesting a 20-foot-wide easement along the northern boundary of the County-owned parcel in order to construct and maintain this water main.

Financial Information:

Total Cost: \$0.00

General Fund Cost: \$0.00

Included in Budget:

If not included in Budget, recommended funding source:

Action is Related to an Activity Which Is: Non-Mandated

Action is Related to Strategic Plan:

Goal 2: To Contribute to the Long-Term Economic, Social and Environmental Health of the County.

Objective:

Administration:

Recommended by County Administrator:

Committee/Governing/Advisory Board Approval Date: 7/20/2021

WATER LINE EASEMENT

Tax Parcel No. 70-16-16-400-090

THIS EASEMENT is granted this _____ day of _____, 2021, by **COUNTY OF OTTAWA, a Michigan public body corporate**, whose address is 12220 Fillmore Street, West Olive, Michigan 49460, hereinafter referred to as "Grantor," to **HOLLAND CHARTER TOWNSHIP, a Michigan governmental charter township**, whose address is 353 N. 120th Avenue, Holland, Michigan 49424, hereinafter referred to as "Township";

BACKGROUND:

In consideration of the mutual benefit of the Grantor and the Township, the receipt of which is acknowledged by Grantor, the Grantor grants and conveys to Township, its successors, assigns and licensees, a non-exclusive, perpetual and permanent easement under, through and across a parcel of land situated in the **Township of Holland, County of Ottawa and State of Michigan**, the land being owned by Grantor in fee simple and described as follows:

Fee Description: The West 660.00 feet of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of Section 16, Town 5 North, Range 15 West, except the North 180.00 feet of the East 493.00 feet thereof.

Easement Description: Part of the Southeast one-quarter (SE 1/4) of Section 16, Town 5 North, Range 15 West, described as commencing at the East one-quarter (E 1/4) corner of said Section; thence North 89 degrees 19 minutes 16 seconds West 1329.66 feet along the East-West one-quarter (E-W 1/4) line of said Section; thence South 00 degrees 41 minutes 31 seconds West 660.07 feet along the West line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section to the Point of Beginning; thence South 89 degrees 19 minutes 04 seconds East 167.00 feet along the South line of the North one-half (N 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section; thence South 00 degrees 41 minutes 31 seconds West 180.00 feet along the West line of the East 493.00 feet of the West 660.00 feet of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section; thence North 89 degrees 19 minutes 04 seconds West 20.00 feet along the South line of the North 180.00 feet of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section; thence

North 00 degrees 41 minutes 31 seconds East 160.00 feet; thence North 89 degrees 19 minutes 04 seconds West 147.00 feet; thence North 00 degrees 41 minutes 31 seconds East 20.00 feet along the West line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section to the Point of Beginning, as shown on the attached Easement Sketch.

This Easement is exempt from transfer tax by reason of MCL 207.526(a); and MCL 207.505(a).

GRANT:

The easement granted ("Easement") shall be for the purpose of the construction and installation of a water line or lines and their appurtenant valves, hydrants, accessories, and interconnecting lines, including booster pumps and related apparatus ("Water Lines"), under, through and across the above-described Easement Description for the purpose of constructing, operation, maintaining, repairing, replacing, reinstalling, inspecting and keeping in working order the Water Lines which are running under, through and across the Easement Description.

The Easement granted to the Township shall include the right to enter upon sufficient land of Grantor adjacent to the Easement Description ("Adjacent Land") as is required for the construction, installation, maintenance, repair, replacement, reinstallation, operation and inspection of the Water Lines and related improvements, together with the right to install intersecting water lines therein. In exercising its right to enter Adjacent Land, Township shall conduct its activities in a manner that will minimize its presence on land outside of the Easement. Each time Township enters the Adjacent Land, Township shall, at its sole expense, restore the Adjacent Land to the condition it was in immediately prior to entry, insofar as is reasonably possible.

Term: The Easement within the Easement Description is granted to Township, its successors and assigns, for the use and benefit of Township, its successors and assigns, in perpetuity.

Authority: Grantor warrants that they have the right and authority to grant this Easement and own the lands covered by the Easement Description.

Restoration: The Easement shall include, but not be limited to, Township's right to enter upon the Easement Description at such times as may be reasonably necessary to construct, maintain, repair, replace, reinstall and inspect its Water Lines within the Easement Description, together with the right to excavate a trench or ditch for the location of the Water Lines. Township shall have the further right to remove trees, brush and undergrowth and other obstructions situated within the Easement Description interfering with the location, construction, maintenance or repair of the Water Lines and related improvements. Township shall be obligated, at its sole expense, (i) to fill and grade to ground level the trench or ditch occupied by the Water Lines and (ii) to restore the drives, parking areas, shrubs or grass to their former condition insofar as is reasonably possible. Township further covenants and agrees that in the event it shall become necessary at any time to enter upon the Easement Description for the purpose of maintenance, repair, replacement, construction or reinstallation of the Water Lines and related improvements, Township shall, at its

sole expense, return the land to a similar condition as before such maintenance or repair upon the completion of the same, insofar as is reasonably possible.

The removal or demolition of any existing buildings, structures or fences which shall be required for the reasonable exercise of the foregoing powers shall be removed or demolished at the expense of the Township.

Indemnification: Township agrees to fully defend, indemnify, save and keep harmless the Grantor from any and all claims for damage to real and personal property and injuries or death suffered by persons in any manner caused by or growing out of or in any way connected with the construction, installation, repair, maintenance or presence of the Water Lines and related improvements within the Easement Description, including the presence of Township or its employees, guests, invitees, contractors and agents within the Easement Description or Adjacent Land. Grantor agrees that they will not construct a building, structure or other permanent improvement within the Easement Description without first obtaining the written consent of Township, which consent will not be unreasonably withheld, delayed or conditioned; provided no such building, structure or other improvement shall at any time interfere in any manner with the Water Lines. This conveyance includes a release of any and all claims for damages arising from or incidental to the exercise of any of the foregoing powers, except as above provided.

The pronouns and relative words herein are primarily written in the masculine and singular only. If more than one joins in or be either of the feminine sex or a business entity, such words shall be read as if written in plural, feminine or neuter, respectively.

The Grantor has caused this Easement to be signed the day and year first above written. This instrument shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, representatives, successors and assigns.

COUNTY OF OTTAWA
a Michigan public body corporate

By:
Sign here: _____
Type here: Roger A. Bergman
Its: Chair, Board of Commissioners

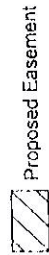
Sign here: _____
Type here: Justin F. Roebuck
Its: County Clerk

Address: 12220 Fillmore Street
West Olive MI 49460

EASEMENT SKETCH

East 1/4 Corner, Section 16
Town 5 North, Range 15 West

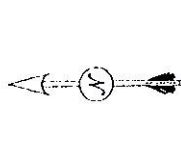
EAST-WEST 1/4 LINE
N89°13'15"W 1329.66'



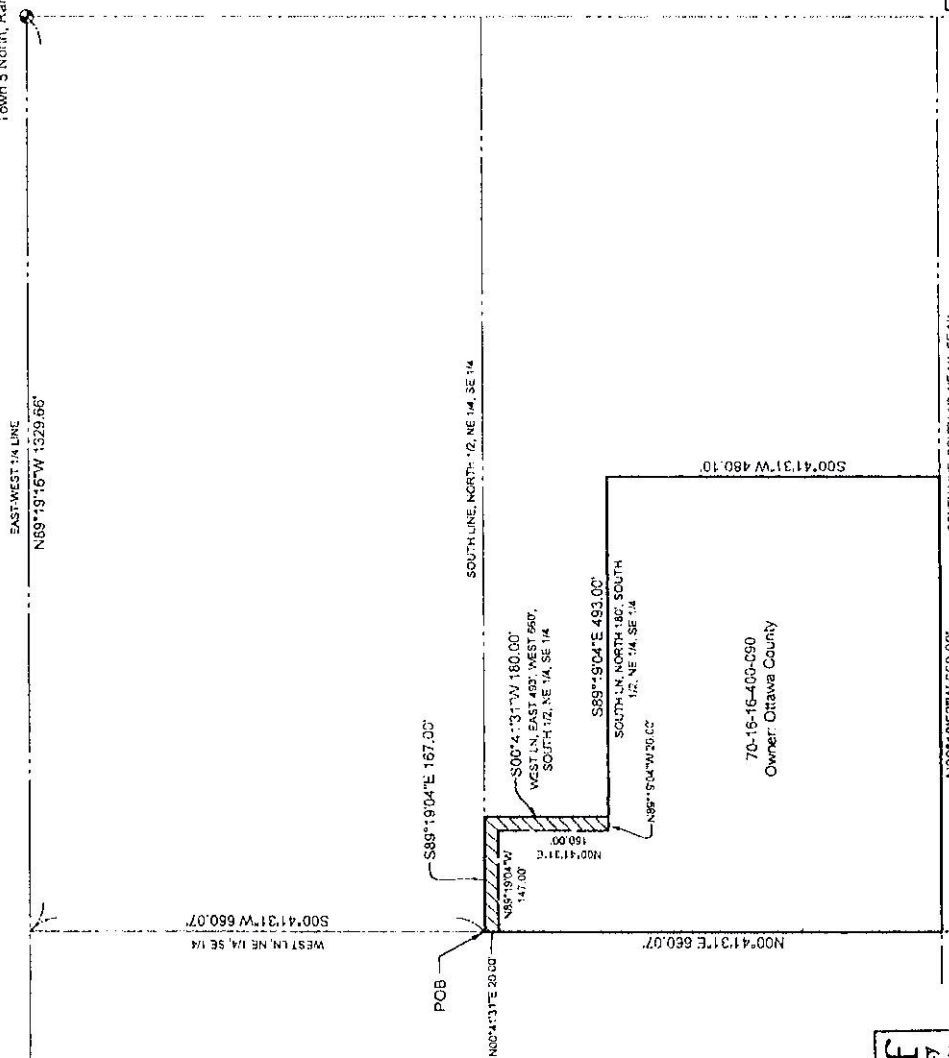
Proposed Easement

Proposed Easement: Part of the Southeast 1/4 of Section 16, Town 5 North, Range 15 West, Holland Township, Ottawa County, Michigan, described as: Commencing at the East 1/4 corner of said Section; thence North 89°19'16" West, 1329.66 feet along the East-West 1/4 line of said Section; thence South 00°41'31" West 660.07 feet along the West line of the Northeast 1/4 of the Southeast 1/4 of said Section to the Point of Beginning; thence South 89°19'04" East 167.00 feet along the South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section; thence South 00°41'31" West 180.00 feet along the West line of the East 493' of the West 660' of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section; thence North 89°19'04" West 20.00 feet along the South line of the North 1/2 of the South 1/2 of the Southeast 1/4 of said Section; thence North 00°41'31" East 160.00 feet along the West line of the Southeast 1/4 of said Section; thence North 89°19'04" West 147.00 feet; thence North 00°41'31" East 20.00 feet along the West line of the Northeast 1/4 of the Southeast 1/4 of said Section to the Point of Beginning.

Description 70-16-15-400-090, per Ottawa County Tax Description: W 660 FT OF S 1/2 OF NE 1/4 OF SE 1/4 EXC N 180 FT OF E 493 FT THEREOF, SEC 16 T5N R15W.



SCALE: 1" = 200'



Prein & Newhof
 Engineers Surveyors - Environmental - Laboratory
 3355 Evergreen Drive NE
 Grand Rapids, MI 49525
 www.preinnewhof.com
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 F: (616) 364-6955
 info@preinnewhof.com

STATEMENT OF JUST COMPENSATION

TO: COUNTY OF OTTAWA
12220 Fillmore Street
West Olive MI 49460

["Interested Person(s)"]

THIS STATEMENT OF JUST COMPENSATION is based on the Fair Market Value of the interest in real property, hereinafter described, obtained by the **Holland Charter Township, a Michigan governmental charter township** (the Grantee), for the **Water Line Project, West of Union Street, and North of James Street in Holland Township**. This Statement is not less than the appraised value of the interest in the property acquired, and this Statement disregards any decrease or increase of the Fair Market Value of the property caused by the Project. It has been determined that there is no damage to any remaining real property. There are no buildings, structures or other improvements, including fixtures, removable building equipment and trade fixtures which are considered to be part of the real property interest for which the Offer of Just Compensation is made, as follows:

Real Property: The West 660.00 feet of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of Section 16, Town 5 North, Range 15 West, except the North 180.00 feet of the East 493.00 feet thereof.

Interest Obtained: Water Line Easement ("Easement").

Description of Property: Part of the Southeast one-quarter (SE 1/4) of Section 16, Town 5 North, Range 15 West, described as commencing at the East one-quarter (E 1/4) corner of said Section; thence North 89 degrees 19 minutes 16 seconds West 1329.66 feet along the East-West one-quarter (E-W 1/4) line of said Section; thence South 00 degrees 41 minutes 31 seconds West 660.07 feet along the West line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section to the Point of Beginning; thence South 89 degrees 19 minutes 04 seconds East 167.00 feet along the South line of the North one-half (N 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section; thence South 00 degrees 41 minutes 31 seconds West 180.00 feet along the West line of the East 493.00 feet of the West 660.00 feet of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section; thence North 89 degrees 19 minutes 04 seconds West 20.00 feet along the South line of the North 180.00 feet of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section; thence North 00 degrees 41 minutes 31 seconds East 160.00 feet; thence North 89 degrees 19 minutes 04 seconds West 147.00 feet; thence North 00 degrees 41 minutes 31 seconds East 20.00 feet along the West line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section to the Point of Beginning, as shown on the attached Easement Sketch.

Interested Person(s): County of Ottawa, a Michigan public body corporate.

Apportionment of Just Compensation: One hundred (100%) percent to Interested Person(s).

Appraised Fair Market Value: For the mutual benefit of the Interested Person(s) and the Grantee, the Interested Person grants the Water Line Easement over Parcel No. 70-16-16-400-090.

HOLLAND CHARTER TOWNSHIP
a Michigan governmental charter township

By: Steve Bullthuis

Its: Manager

THE UNDERSIGNED acknowledges receipt of the foregoing Statement of Just Compensation and understands their rights and hereby waives their rights under Public Law 91-646, and agrees to grant the interest requested on the terms proposed, even if a Donation of such interest.

This waiver includes a waiver of any appraisal of our property, including accompanying an appraiser inspecting our property. This waiver and the execution of the Water Line Easement is made without undue influence or coercive action of any nature by anyone involved in this Project. We understand that we could request an appraisal of our property and have the right to receive Just Compensation for the granting of the interest being requested by the party receiving the Easement.

Dated this ____ day of _____, 2021.

COUNTY OF OTTAWA
a Michigan public body corporate

By: _____
Roger A. Bergman

Its: Chair, Board of Commissioners

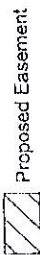
By: _____
Justin F. Roebuck

Its: County Clerk

EASEMENT SKETCH

East 1/4 Corner, Section 16
Town 5 North, Range 15 West

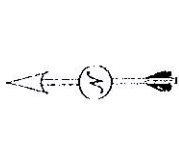
EAST-WEST 1/4 LINE
N89°19'15"W 1329.66'



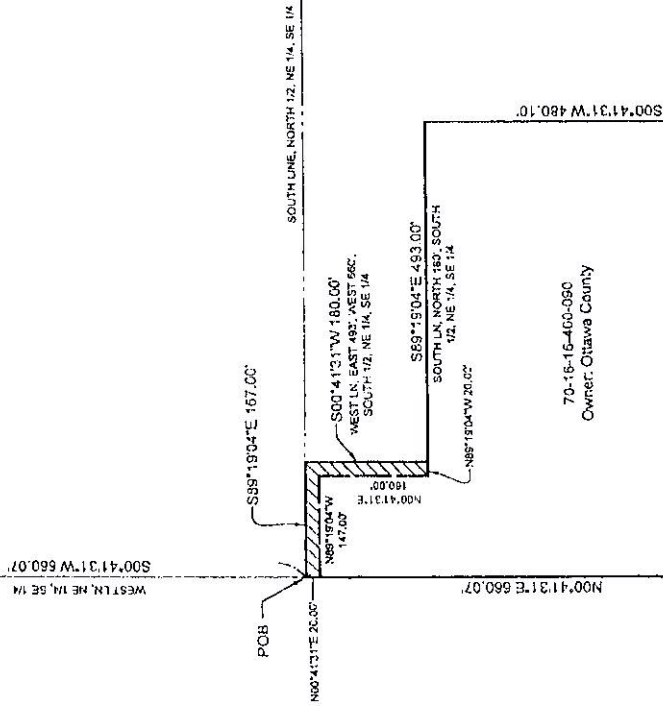
Proposed Easement

Proposed Easement: Part of the Southeast 1/4 of Section 16, Town 5 North, Range 15 West, Holland Township, Ottawa County, Michigan, described as: Commencing at the East 1/4 corner of said Section; thence North 89°19'15" West 1329.66' feet along the East-West 1/4 line of said Section; thence South 00°41'31" West 660.07' feet along the West line of the Northeast 1/4 of the Southeast 1/4 of said Section to the Point of Beginning; thence South 89°19'04" East 167.00' feet along the South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section; thence South 00°41'31" West 180.00' feet along the West line of the East 493' of the West 660' of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section; thence North 89°19'04" West 20.00' feet along the South line of the North 1/2 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section; thence North 00°41'31" East 160.00' feet; thence North 89°19'04" West 147.00' feet; thence North 00°41'31" East 20.00' feet along the West line of the Northeast 1/4 of the Southeast 1/4 of said Section to the Point of Beginning.

Description (70-16-16-400-090, per Ottawa County Tax Description): W 660 FT OF S 1/2 OF NE 1/4 OF SE 1/4 EXC N 180 FT OF E 493 FT THEREOF, SEC 16 T5N R15W.



SCALE: 1" = 200'



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 www.preinnewhof.com
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 F: (616) 354-6555

Date: 05/17/2021
 Project No.: 2210112
 PAGE 1 OF 1

EASEMENT SKETCH

East 1/4 Corner, Section 16
Town 5 North, Range 15 West

Proposed Easement

Easement: Part of the Southeast 1/4 of
Town 5 North, Range 15 West,
Wishnup, Ottawa County, Michigan,
as: Commencing at the East 1/4 corner
of said Section; thence North 89°19'16" West
along the East-West 1/4 line of said
Section; thence South 00°41'31" West 660.07 feet
to the Point of Beginning; thence North 89°19'04" East 187.00 feet
to the South line of the North 1/2 of the
1/4 of the Southeast 1/4 of said Section;
thence South 00°41'31" West 180.00 feet along
the East 489' of the West 660' of
1/2 of the Northeast 1/4 of the
1/4 of said Section; thence North
West 20.00 feet along the South line of
1/2 of the South 1/2 of the Northeast
Southeast 1/4 of said Section; thence
North 00°41'31" East 160.00 feet; thence North
00°41'31" East 20.00 feet; thence North
East 20.00 feet along the West line of
1/4 of the Southeast 1/4 of said
Section to the Point of Beginning.

POB

N00°41'31"E 20.00'

WEST LN, NE 1/4, SE 1/4

S00°41'31"W 660.07'

N00°41'31"E 660.07'

S00°41'31"W 180.00'
WEST LN, EAST 489', WEST 660',
SOUTH 1/2, NE 1/4

S89°19'04"E 489.00'
SOUTH LN, NORTH 180', SOUTH
1/2, NE 1/4, SE 1/4

N89°19'04"W 20.00'

70-16-16-400-090
Owner: Ottawa County

UNION STREET

N89°18'52"W 660.00'

SOUTH LN, SOUTH 1/2, NE 1/4, SE 1/4

Prain & Newhof
Surveyors • Environmental • Laboratory
12220 Filmore Street, Suite 320
West Olive, Michigan 49460
Tel: (616) 364-6491
Fax: (616) 364-6955
info@prainnewhof.com

HUMMINGBIRD LANE

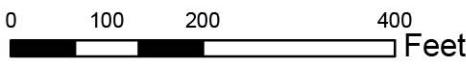


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Access to Public Records and Act 462 of the
Public Acts of 1996, as amended.
Photography date: April 2018
Date: 7/14/2021

Geospatial Insights & Solutions
IT Department
12220 Filmore Street, Suite 320
West Olive, Michigan 49460
Phone: (616) 738-4630
www.gis.mtmtawa.org

70-16-16-400-090

1 inch = 200 feet



Legend

- Remonumentation Points
- Subdivisions
- Lots
- Sections
- Quarter Sections
- Rights of Way
- Encumbrances
- Township & Range





FELCH ST

766.53

12"

GEERLING'S STREET PLAT

147

66

135.63

37.24

8.26

8.27

98.9

39.73

1.73

156.1

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Action Request



Committee: Planning and Policy Committee

Meeting Date: 07/20/2021

Requesting Department: Community Mental Health

Submitted By: Al Vanderberg

Agenda Item: Stepping Up Resolution

Suggested Motion:

To approve and forward to the Board of Commissioners a resolution of support for the Stepping Up initiative to reduce the number of people with mental illnesses in jails.

Summary of Request:

Since Stepping Up launched in 2015, over 500 counties have joined the initiative to reduce the number of people with mental illnesses in jails. Counties of all sizes have made progress toward establishing accurate, accessible baseline data on the prevalence of mental illness in their local justice systems, which has led to innovative policies and programs, increased connections to potentially life-saving treatment, and tangible reductions in the prevalence of mental illness.

Financial Information:

Total Cost: \$0.00	General Fund Cost: \$0.00	Included in Budget:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
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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: Goal 2: To Contribute to the Long-Term Economic, Social and Environmental Health of the County.

Objective: Goal 2, Objective 2: Consider initiatives that contribute to the social health and sustainability of the County and its' residents.

Administration: Recommended Not Recommended Without Recommendation

County Administrator:

Al Vanderberg

Committee/Governing/Advisory Board Approval Date:

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 _____, 2021 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, counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jail each year; and,

WHEREAS, prevalence rates of serious mental illnesses in jails are three to six times higher than for the general public; and,

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and,

WHEREAS, adults with mental illnesses tend to stay longer in jail and, upon release, are at a higher risk of recidivism than people without these disorders; and,

WHEREAS, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and,

WHEREAS, without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families; and,

WHEREAS, Ottawa County and all counties take pride in their responsibility to protect and enhance the health, welfare, and safety of its residents in efficient and cost-effective ways; and,

WHEREAS, through Stepping Up, the National Association of Counties, The Council of State Governments Justice Center, and the American Psychiatric Association Foundation are encouraging public, private, and nonprofit partners to reduce the number of people with mental illnesses in jails;

NOW THEREFORE BE IT RESOLVED, that the Ottawa County Board of Commissioners do hereby sign on to the Call to Action to reduce the number of people with mental illnesses in our county jail, commit to sharing lessons learned with other counties in my state and across the country to support a national initiative and encourage all county officials, employees, and residents to participate in Stepping Up. We resolve to utilize the comprehensive resources available through Stepping Up to:

- Convene or draw on a diverse team of leaders and decision makers from multiple agencies committed to safely reducing the number of people with mental illnesses in jails;
- Collect and review prevalence numbers and assess individuals' needs to better identify adults entering jails with mental illnesses and their recidivism risk, and use that baseline information to guide decision making at the system, program and case levels;
- Examine treatment and service capacity to determine which programs and services are available in the county for people with mental illnesses and co-occurring substance use disorders, and identify state and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community;
- Develop a plan with measurable outcomes that draws on the jail assessment and prevalence data and the examination of available treatment and service capacity, while considering identified barriers;
- Implement research-based approaches that advance the plan; and
- Create a process to track progress using data and information systems, and to report on successes.

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

YEAS: Commissioners: _____

NAYS: Commissioners: _____

ABSTENTIONS: Commissioners: _____

RESOLUTION ADOPTED.

Roger Bergman, Chairperson,
Ottawa County Board of Commissioners

Justin Roebuck
Ottawa County Clerk/Register

Action Request



Committee: Planning and Policy Committee

Meeting Date: 07/20/2021

Requesting Department: Corporation Counsel

Submitted By: Doug Van Essen

Agenda Item: Surveillance, Invasion of Privacy or Security Ordinance

Suggested Motion:

To approve and forward to the Board of Commissioners the Surveillance, Invasion of Privacy or Security on County Property ordinance.

Summary of Request:

This ordinance, if adopted, would restrict surveillance (including the use of drones) in parks, the Jail and courthouse areas as well as other County-owned property. It would prohibit anyone from unauthorized video taking and audio recording of any work area, person or proceeding inside a County building, except for meetings open to the public or as authorized by the Chief Judge for a court proceeding. It would also prohibit all drone usage within 500 feet of the Jail or Juvenile Detention Center and 20 feet from the courthouses in Grand Haven, Holland and Hudsonville, as well outside above any County-owned property, including County parks.

Recently, Ottawa County was sued by a Drone use advocacy group regarding the prohibition by the Parks Commission of no drone use in our parks without a permit. The Advocacy Group is wrongly claiming that MCL 259.305 which prohibits the County from using police power to regulate drone usage throughout the County precludes it from regulating drone usage on "its" own property. It is important in defending what Parks has done for the County to also prohibit drone usage on other areas of its properties, including, of course--the jail and courthouses. This Ordinance shows that the matter is equally important on all properties to prevent illegal surveillance or other nefarious activities.

Financial Information:

Total Cost: \$0.00	General Fund Cost: \$0.00	Included in Budget:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
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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: Goal 4: To Continually Improve the County's Organization and Services.

Objective: Goal 4, Objective 1: Conduct activities and maintain systems to continuously improve to gain efficiencies and improve effectiveness.

Administration: Recommended Not Recommended Without Recommendation
County Administrator: *Alan G. Vandenberg*

Committee/Governing/Advisory Board Approval Date:

Article 4 - County Operations Ordinances

400.5 – Surveillance, Invasion of Privacy or Security of County Property

Surveillance, Invasion of Privacy or Security on County Property

400.5.1 Purpose and Findings: Michigan’s Surveillance and Wiretapping Act (“SWA”), MCL §750.539a-j prohibits surveillance or eavesdropping that would constitute an invasion of privacy. MCL §46.11(j) authorizes the Ottawa County Board of Commissioners (“Board”) to enact ordinances protecting County interests in owned, leased or controlled properties (“County Property”). The Board determines that there is a privacy and security interest in all County Property, except its Chambers during a public meeting and the lobbies and hallways of County Buildings and the outside areas of County Property, including Park Properties, when there is no person present who has not provided written consent to be photographed, surveilled or eavesdropped. Except within the Board’s Chambers during an open meeting when consent to be surveilled is presumed, the Board finds that photography without consent is an invasion of privacy of county funded personnel, officers and the public present on the County Property. The Board also finds that drones and photographic equipment have been and could be used to breach the security of incarceration, law enforcement, prosecutorial, electoral, IT and court facilities. Indeed, the MDOC has experienced contraband being dropped by drones onto prison grounds, and the possibilities of a weapons drop is also significant.

The Board finds that the behaviors prohibited in this Ordinance are necessary to avoid the impediment and interference in the proper functioning of the business of County government and the Courts that it finances. Specifically, unauthorized video taking and audio recording and harassment of county and court personnel have interfered in Ottawa County with employee performance of critical duties and, if unchecked, could threaten the recruitment and retention of County and Court funded personnel thereby further impeding performance of duties necessary to the community.

400.5.2 Prohibitions: It shall be unlawful and a violation of this Ordinance for any person to violate any of the following prohibitions:

400.5.2.1 For security reasons, all drone usage is prohibited within Five Hundred (500) feet of the Ottawa County Jail or Juvenile Detention Facilities or Twenty (20) feet of the Grand Haven, Holland, or Hudsonville Courthouse buildings.

400.5.2.2 Except upon a permit issued by the Parks Director or County Administrator, drone usage with a camera/video operating and/or recording pictures or the audio of any person outside on County Property, including County Parks, is prohibited.

400.5.2.3 The photographing, video recording or audio recording of any work area, person or proceeding inside a County Building is prohibited. The following are exceptions to the preceding prohibitions in this subparagraph:

400.5.2.3.1 Publicly noticed proceedings of the Board or its Committees in its Chambers or in a conference room in a County Building;

Article 4 - County Operations Ordinances

400.5 – Surveillance, Invasion of Privacy or Security of County Property

400.5.2.3.2 Official court proceedings in a courtroom where the Chief Judge responsible for that Court has expressly authorized the videography, photography, or audio recording;

400.5.2.3.3 Another proceeding in a County Building where the photography, videography or audio recording is expressly authorized by the County Administrator; or

400.5.2.3.4 Any law enforcement or security activities on County Property.

400.5.3 Notice and Posting: The Prohibitions of this Ordinance shall be posted by the Ottawa County Clerk/Register at public entrances to all County Property and on grounds and parking areas of County Property. The absence of a posting, however, shall not bar enforcement of this Ordinance.

400.5.6 Severability: The phrases, sentences, sections and provisions of this Ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

400.5.7 Repeal of Conflicting Ordinances: All other ordinances, parts of ordinances, or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are hereby repealed in their entirety to the extent of such conflict.

400.5.8 Enforcement: The Ottawa County Sheriff and his or her deputies shall enforce the provisions of the Ordinance and may request assistance from the local police departments and the Prosecutor.

400.5.8.1 *Appearance Ticket*. If the Sheriff's deputy determines that there is probable cause that this Ordinance has been violated, he or she is authorized to issue and serve an Appearance Ticket upon a person or entity violating this Ordinance. The Appearance Ticket shall direct the recipient to appear in the appropriate District Court within Ottawa County on a specified date to respond to the alleged violation. Nothing here shall prevent a Sheriff's deputy or Prosecutor from also pursuing enforcement of Michigan's SWA for the same offenses as are prohibited under this Ordinance.

400.5.8.2 *Civil and Criminal Penalties*. Enforcement may be accomplished by civil action and/or criminal prosecution, along with any other remedies provided by law. Any responsible party shall be guilty of a misdemeanor if proven to have violated the provisions of this Ordinance and may, upon conviction, be punished

Article 4 - County Operations Ordinances

400.5 – Surveillance, Invasion of Privacy or Security of County Property

by imprisonment in the County jail for not more than ninety (90) days, or by fine of not more than five hundred (\$500) and the cost of prosecution, or by a fine and imprisonment at the discretion of the Court. The imposition of any sentence shall not exempt the Responsible Party from compliance with the requirements of this Ordinance nor from liability for civil penalties or other civil proceedings to enforce this Ordinance or abate the violation. Continued violation of this Ordinance is hereby declared a nuisance *per se*.

400.5.9 Approval: This Ordinance was approved and adopted by the Ottawa County Board of Commissioners on July 27, 2021 and shall be effective on September 1, 2021.

History

Enacted:

Original Ordinance Number:

Codified:

Amended:

Effective: