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# COMMITTEE OF THE WHOLE MEETING

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October 3, 2017



# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

## BOARD OF COMMISSIONERS

NOTICE AND AGENDA FOR  
COMMITTEE OF THE WHOLE MEETING

October 3, 2017

**PLEASE BE ADVISED** that the Kalamazoo County Board of Commissioners has scheduled a Committee of the Whole meeting on **Tuesday, October 3, 2017 at 3:00 p.m.** in the Board of Commissioners Room, second floor, County Administration Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, for the purpose of considering the following items:

	<i>Projected Time for Presentation &amp; Discussion</i>
1. Review of Transfers and Disbursements (Item EE.) – <i>Ms. Amanda Morse</i>	3:00 – 3:05 p.m.
2. Aeronautics Board Interviews (2)	3:05 – 3:35 p.m.
3. Purchase and Sale Agreement with 303 RSM, LLC (Item FF.) – <i>Mr. Thom Canny</i>	3:35 – 3:45 p.m.
4. Bronson Park Lease Extension – <i>Mr. Thom Canny</i>	3:45 – 4:00 p.m.
5. Stepping Up Initiative Resolution – <i>Commissioner Rogers, Sheriff Fuller</i>	4:00 – 4:10 p.m.
6. Hurricane Relief Resolution – <i>Commissioner McGraw</i>	4:10 – 4:20 p.m.
7. Delinquent Tax Revolving Fund Resolution – <i>Treasurer Balkema</i>	4:20 – 4:30 p.m.
8. Kalamazoo County Transportation Authority Update – <i>Chair Linda Teeter</i>	4:30 – 4:40 p.m.
9. Any other items	
10. Closed Session	4:40 – 5:00 p.m.
11. Adjournment	

MEETINGS OF THE KALAMAZOO COUNTY BOARD OF COMMISSIONERS ARE OPEN TO ALL WITHOUT REGARD TO RACE, SEX, COLOR, AGE, NATIONAL ORIGIN, RELIGION, HEIGHT, WEIGHT, MARITAL STATUS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY OR DISABILITY. KALAMAZOO COUNTY WILL PROVIDE NECESSARY REASONABLE AUXILIARY AIDS AND SERVICES, SUCH AS SIGNERS FOR THE HEARING IMPAIRED AND AUDIO TAPES OF PRINTED MATERIALS BEING CONSIDERED AT THE MEETING/HEARING, TO INDIVIDUALS WITH DISABILITIES AT THE MEETING/HEARING UPON FOUR (4) BUSINESS DAYS' NOTICE TO THE COUNTY. INDIVIDUALS WITH DISABILITIES REQUIRING AUXILIARY AIDS OR SERVICES SHOULD CONTACT THE COUNTY BY WRITING OR CALLING:

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**RECOMMENDED TRANSFERS AND DISBURSEMENTS**  
**October 3, 2017**

**DISBURSEMENTS**

**CLAIMS**

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Claims	\$	2,604,039.76
Claims Requiring Disclosure:		-
<b>Total Current Claims:</b>	<b>\$</b>	<b>2,604,039.76</b>

**RELEASE OF FUNDS**

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None

<b>Total Release of Funds:</b>	<b>\$</b>	<b>-</b>
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**TRANSFERS**

<b>DEPARTMENT/DESCRIPTION</b>	<b>ACCOUNT</b>	<b>DECREASE</b>	<b>INCREASE</b>
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None



# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

## MEMORANDUM

TO: Board of Commissioners  
FROM: Dina Sutton  
DATE: September 25, 2017  
RE: Aeronautics Board Interviews

Interviews will be conducted at the October 3, 2017 Committee of the Whole meeting for the Aeronautics Board. There is one vacancy for a term commencing August 1, 2017 through July 31, 2020. Mr. Gil Collver is seeking reappointment and will be interviewed on October 17, 2017.

The schedule is as follows:

- 3:00 p.m. – Linden Buck
- 3:15 p.m. – Kayleen O'Donnell

Attached please find questions and attendance records for Mr. Collver.

Thank you for your consideration.

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## KALAMAZOO COUNTY AERONAUTICS BOARD

The Kalamazoo County Aeronautics Board of Trustees is responsible for the authoritative oversight of the Airport, and for the nurturing and development of the Airport as a key economic development and marketing tool for the entire Southwest Michigan Region. Meetings are held at 10:30 a.m. on the 2<sup>nd</sup> Thursday every other month beginning in January at the Kalamazoo/Battle Creek International Airport, 5235 Portage Road, Kalamazoo MI (2<sup>nd</sup> floor in the Administration Office). Contact: Airport Director Dave Reid (269)388-3690

### -Suggested Interview Questions-

1. Introduction of Board and staff members.
2. Please provide us with some information about yourself.
3. What background, business and community experience do you possess that would help you in service on the Kalamazoo County Aeronautics Board?
4. How do you see your role as one of the 9 members of the Aeronautics Board? What do you understand it to be?
5. What do you see as the Kalamazoo/Battle Creek International Airport's:
  - A. Major strength(s)?
  - B. Greatest weakness (es)?
  - C. Biggest opportunity (ies)?
  - D. Value and role for our community?
6. We now have a new airport terminal, what can be done to attract more carriers and make fares more competitive?
7. The Aeronautics Board meets the 2nd Thursday every other month beginning in January at 10:30 a.m. at the Kalamazoo/Battle Creek International Airport, 5235 Portage Road, Kalamazoo MI (2nd floor, Administration Office). Is this a time at which you can generally meet?
8. Do you have any questions regarding the Aeronautics Board?

## 2016 Board Meeting Attendees

DATE	MEMBERS NAME	PRESENT	ABSENT
	Gilbert Collver	PRESENT	
	Cecile Mutch	PRESENT	
	Greg Hamelink	PRESENT	
<b>1/14/2016</b>	Ken Hazelrigg		ABSENT
	John Jones, II	PRESENT	
	Mark Weiss	PRESENT	
	James Woodruff		ABSENT
	Gilbert Collver	PRESENT	
	Cecile Mutch	PRESENT	
	Greg Hamelink	PRESENT	
<b>3/10/2016</b>	Ken Hazelrigg	PRESENT	
	John Jones, II	PRESENT	
	Mark Weiss	PRESENT	
	James Woodruff		ABSENT
	Gilbert Collver	PRESENT	
	Cecile Mutch	PRESENT	
	Greg Hamelink	PRESENT	
<b>5/12/2016</b>	Ken Hazelrigg	PRESENT	
	John Jones, II	PRESENT	
	Mark Weiss	PRESENT	
	James Woodruff	PRESENT	
	Gilbert Collver		
	Cecile Mutch		
	Greg Hamelink		
<b>7/14/2016</b>	Ken Hazelrigg		
<b><u>Meeting</u></b>	John Jones, II	<b><u>Meeting</u></b>	
<b><u>Cancelled</u></b>	Mark Weiss	<b><u>Cancelled</u></b>	
	James Woodruff		
	Gilbert Collver	PRESENT	
	Cecile Mutch		ABSENT
	Greg Hamelink		ABSENT
<b>8/11/2016</b>	Ken Hazelrigg	PRESENT	
	John Jones, II	PRESENT	
	Mark Weiss		ABSENT
	James Woodruff	PRESENT	
	Gilbert Collver		ABSENT
	Cecile Mutch	PRESENT	
	Greg Hamelink		ABSENT
<b>9/8/2016</b>	Ken Hazelrigg	PRESENT	
	John Jones, II	PRESENT	
	Mark Weiss	PRESENT	
	James Woodruff	PRESENT	
	Nikki Miller	PRESENT	
	Gilbert Collver	PRESENT	
	Cecile Mutch	PRESENT	
	Greg Hamelink	PRESENT	
<b>11/10/2016</b>	Ken Hazelrigg	PRESENT	
	John Jones, II		ABSENT
	Mark Weiss	PRESENT	
	James Woodruff	PRESENT	

## 2017 Board Meeting Attendees

DATE	MEMBERS NAME	PRESENT	ABSENT	DATE	MEMBERS NAME	PRESENT	ABSENT
	Dave Buskirk	X			Dave Buskirk		
	Gilbert Collver	X			Gilbert Collver		
	Greg Hamelink	X			Greg Hamelink		
	John Jones, II	X			John Jones, II		
<b>1/12/17</b>	Nikki Miller	X		<b>9/14/17</b>	Nikki Miller		
	Cecile Mutch	X			Cecile Mutch		
	Mark Weiss	X			Mark Weiss		
	James Woodruff	X			James Woodruff		
	Dave Buskirk	X			Dave Buskirk		
	Gilbert Collver	X			Gilbert Collver		
	Greg Hamelink	X			Greg Hamelink		
	John Jones, II	X			John Jones, II		
<b>3/9/17</b>	Nikki Miller	X		<b>11/9/17</b>	Nikki Miller		
	Cecile Mutch	X 10:35 arrival			Cecile Mutch		
	Mark Weiss	X			Mark Weiss		
	James Woodruff		X		James Woodruff		
	Dave Buskirk	X					
	Gilbert Collver	X					
	Greg Hamelink	X					
	John Jones, II		X				
<b>5/11/17</b>	Nikki Miller	X					
	Cecile Mutch		X				
	Mark Weiss	X					
	James Woodruff	X					
	Dave Buskirk						
	Gilbert Collver						
	Greg Hamelink						
	John Jones, II						
<b>7/13/17</b>	Nikki Miller						
	Cecile Mutch						
	Mark Weiss						
	James Woodruff						
	Dave Buskirk						
	Gilbert Collver						
	Greg Hamelink						
	John Jones, II						
<b>8/10/17</b>	Nikki Miller						
	Cecile Mutch						
	Mark Weiss						
	James Woodruff						



# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

TO: KALAMAZOO COUNTY BOARD OF COMMISSIONERS

FROM: THOM CANNY, CORPORATE COUNSEL  
TRACIE MOORED, ADMINISTRATOR/CONTROLLER

DATE: SEPTEMBER 18, 2017

SUBJECT: RECOMMENDATION TO APPROVE THE FIRST AMENDMENT OF "PURCHASE AND SALE AGREEMENT" WITH 303 RSM, LLC.

In 1975 the County of Kalamazoo acquired title to the "Masonic Block" which is the area bounded by Rose Street on the East, Kalamazoo Avenue on the North, Church Street on the West, and Eleanor Street on the South. This entire area is now occupied by County structures and facilities except for the Southeast corner which houses the former Masonic Temple (now known as the Rose Street Market Building).

In 2015, 303 RSM, LLC (RSM), a Michigan Limited Liability Company purchased the Rose Street Market Building at a price in excess of \$1,000,000. On February 21, 2017, the County, as Seller, and RSM, as Buyer, entered into a Purchase and Sale Agreement. Under this Agreement, RSM will acquire title to the Southwest corner of the Masonic Block (Subject Property)<sup>1</sup> in order to build a hotel. RSM estimates it will spend approximately 18-20 million dollars in building the hotel. RSM has approached the County and asked to amend the Purchase and Sale Agreement to include an additional two thousand sixty-one (2,061) square feet of property contiguous to the Northeast corner of the Rose Street Market Building. A sketch of the Area is attached to this Memorandum. RSM will pay Ten Dollars

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<sup>1</sup> Currently this area is used for surface parking and was, formerly, the site of the County's parking ramp.

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(\$10.00) per square foot for the additional property, increasing the sale price for the total property from \$500,000 to \$520,610. All other provisions in the Purchase and Sale Agreement will remain in place and unchanged.

The Corporate Counsel's Office and County Administration recommend that the Board of Commissioners agree to amend the Purchase and Sale Agreement to include the additional 2,061 square feet of land. The County does not need the 2.061 square feet of property for County operations and acquiring the land will assist RSM in its hotel development project.

Thank you for your time and consideration to this Memorandum. Please contact us at your convenience if you have any questions, comments or concerns, regarding this Memorandum.



# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

TO: KALAMAZOO COUNTY BOARD OF COMMISSIONERS

FROM: THOM CANNY, CORPORATE COUNSEL

DATE: SEPTEMBER 25, 2017

SUBJECT: RECOMMENDATION TO LEASE BRONSON PARK TO THE CITY OF KALAMAZOO  
THROUGH JANUARY 4, 2019

Kalamazoo County Administration and the Corporate Counsel recommend that the Board of Commissioners authorize the Corporate Counsel and/or Administrator-Controller to negotiate an extension of the Bronson Park Lease with the City of Kalamazoo. Extending the Lease will permit the City to continue to operate and maintain the property as a Park, free and accessible to all of the residents of Kalamazoo County. The consideration would again be established at one dollar (\$1.00) and the City would agree to keep and maintain the property as a Park. The term of the lease would be through January 4, 2019.

Thank you for your time and consideration to this Memorandum. Please feel free to contact the Corporate Counsel's Office at your convenience if you have any question or concern regarding this recommendation or the proposed Lease.

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To: Board of Commissioners  
From: Commissioner Julie Rogers, in partnership with Jeff Patton, CEO KCMHSAS and Sheriff Richard Fuller  
Date: 9/24/17

Many counties have joined part of the National Association of Counties (NACo) Stepping Up Initiative to help increase counties' efforts to reduce the number of adults with mental and substance use disorders in jails. I learned of this program during one of the NACo conferences I attended in the past 2 years. We've also talked extensively about its benefits during my National Health Policy Steering Committee monthly conference calls.

Additionally, I've discussed the program with Jeff Patton and Sheriff Fuller. Please know that they are already doing some of the work outlined in the program. However, they recognize the need to do more and the inadequate current funding levels for such programming. Passing a resolution supporting the Stepping Up Initiative is a first step (one of many) in reducing our numbers and improving support systems.

The following is from Jeff Patton and KCMHSAS for background:

In 1999, Kalamazoo Community Mental Health and Substance Abuse Services (KCMHSAS) entered into a collaboration with the Kalamazoo County Sheriff's Department to provide behavioral health services to inmates to the county jail. Currently, KCMHSAS has two full-time behavioral health clinicians providing services in the jail. These jail clinicians screen inmates for severe behavioral health disorders, assess them for suicide risks, coordinate care with behavioral health service providers within KCMHSAS's specialty service network, and facilitate diversion of inmates from jail to behavioral health services when legally and clinically appropriate. Jail clinicians identify all inmates who are open to KCMHSAS through a census matching computer application which compares jail census to KCMHSAS census and notifies service providers of incarceration. This allows transition/re-entry planning to start immediately. One of the most important functions of the jail clinicians is to coordinate care with jail staff to assist them in maintaining a safe environment.

Jails unlike prisons, must supervise and accommodate those charged with minor civil charges, through the most severe of criminal cases. Many inmates have severe mental health disorders (25% or more based on Michigan State University K-6 surveys) along with co-occurring substance use disorders. A 25% prevalence rate for Severe Mental Illness equates to 3,000 individuals admitted to the jail in Kalamazoo County annually, who need mental health services. Most jail administrators and staff have limited tools to manage the behavioral health and medical needs of these individuals. Arrest and jail detention may exacerbate symptoms of mental illnesses. Inmates who have severe behavioral health needs usually have multiple social detriments related to homelessness, housing, education, unemployment, disability, domestic violence, child care, etc. The jail clinicians advocate to help inmates address these needs even if the person is in jail for less than a day.

Additional background can be found at NACo's site: <https://stepuptogether.org/toolkit>  
[https://stepuptogether.org/wp-content/uploads/2017/01/Reducing-the-Number-of-People-with-Mental-Illnesses-in-Jail\\_Six-Questions.pdf](https://stepuptogether.org/wp-content/uploads/2017/01/Reducing-the-Number-of-People-with-Mental-Illnesses-in-Jail_Six-Questions.pdf)

Submitted by Julie Rogers, Kalamazoo County Commissioner



# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

Kalamazoo County Board of Commissioners

## RESOLUTION

### STEPPING UP INITIATIVE TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL ILLNESS IN JAILS

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 population; and 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 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, since 1999, Kalamazoo Community Mental Health and Substance Abuse Services (KCMHSAS) has partnered with the Kalamazoo County Sheriff's Department to provide behavioral health services to inmates in the county jail. These services include, but are not limited to, jail clinicians who screen inmates for severe behavioral health disorders, assess them for suicide risks, coordinate care with behavioral health service providers and facilitate diversion of inmates from jail to behavioral health services, when legally and clinically appropriate; and

WHEREAS, through the Stepping Up Initiative, 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.

THEREFORE, BE IT RESOLVED, THAT WE Kalamazoo 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 our state and across the country







# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

## Kalamazoo County Board of Commissioners RESOLUTION

### Senate Bill 386—Serious Problems

Whereas, County treasurers throughout Michigan oppose Senate Bill 386. As of today, 36 County Boards have passed resolutions opposing Senate Bill 386; and

Whereas, Senate Bill 386 is **overbroad**, addressing far more than the principal residence exemption issue claimed by its proponent, and would undermine the process for collecting unpaid real property taxes administered by foreclosing government units (county treasurers and the State of Michigan) for 3 main reasons:

- it would **increase litigation**, allowing *anyone* to challenge a court-ordered property tax foreclosure for 8 new reasons, even a person with no legal interest in the tax-foreclosed property;
- it would **cloud title** to court-foreclosed properties, **reducing sale proceeds** used to reimburse local tax collecting units for unpaid taxes, interest, penalties, and fees; and
- it would create uncertainty through **retroactivity** and **interfere with a pending court case** before the Michigan Supreme Court.

#### Increased Litigation

- SB 386 would permit any “person claiming to have a property interest” in property foreclosed by a court for nonpayment of property taxes (whether the person has an actual interest or not) to ask a circuit court to “invalidate the foreclosure” [SB 386, p 5-6]. This is in addition to the existing right under current law to appeal a foreclosure ordered by a circuit court to the Michigan Court of Appeals [MCL 211.78k(7)].
- SB 386 would create 8 new reasons (already 6 under current law) to undo a court-ordered property tax foreclosure by allowing any person claiming an interest in the foreclosed property to “seek to invalidate the foreclosure on any of the grounds” described in Michigan Court Rule 2.612 [SB 386, p 6].
- Among the 8 new reasons under MCR 2.612: failure to personally serve a defendant. This is problematic because under state law, tax foreclosures are proceedings against the land (*in rem*) not proceedings against individual property owners or taxpayers as defendants.
- Also among the 8 new reasons: a judge may grant overturn a foreclosure order for “any other reason justifying relief”. This grants judges very broad discretion to invalidate prior circuit court orders for any reason, creating an open invitation for **judicial activism** and **legislating from the bench**.

#### Clouded Title, Reduced Tax Sale Proceeds

- By allowing new collateral attacks on a foreclosure order after the order is final and appeal rights exhausted, SB 386 would undermine the quality of the fee simple title vested in a foreclosing governmental unit by a foreclosure order, create uncertainty, cloud otherwise clear titles, and reduce prices paid for tax-foreclosed properties at auction, all of which undermine the current tax sale and delinquent tax collection process.

#### Retroactivity

- SB 386 would apply retroactively to January 1, 2015. [SB 386, p 9], which could negatively impact and undermine all property tax foreclosures in the State of Michigan entered in 2015, 2016, and 2017, and in future years.

#### Interference with Pending Michigan Supreme Court Case

- This legislation is an attempt to alter the outcome of a case currently before the Michigan Supreme Court. See *Isabella Co Treasurer v Estate of Timothy Scott Pung (In re Petition of Isabella Co Treasurer)*, leave to appeal filed with Supreme Court on May 30, 2017 (Docket No. 155846).
- On behalf of the estate, Mr. Michael Pung (the estate's personal representative) wants the Supreme Court to review a recent decision of the Michigan Court of Appeals, which was decided against Mr. Pung and the Estate. See *Isabella Co Treasurer v Estate of Timothy Scott Pung (In re Petition of Isabella Co Treasurer)*, unpublished opinion per curiam of the Court of Appeals, issued April 18, 2017 (Docket No. 329858):  
[publicdocs.courts.mi.gov/opinions/final/coa/20170418\\_c329858\\_36\\_329858.opn.pdf](http://publicdocs.courts.mi.gov/opinions/final/coa/20170418_c329858_36_329858.opn.pdf).
- Apparently dissatisfied by the Court of Appeals decision, Mr. Pung both appealed to the Supreme Court on May 30, 2017 and then testified in support of the SB 386 as its main proponent before the Senate Finance Committee on June 8, 2017.
- According to Court, the Pung estate was provided constitutionally sufficient notice of the foreclosure of property for failure to pay property taxes for the 2012 tax year:  
 "Our review of the record reflects that petitioner mailed four notices to Michael's [Pung's] address, 5475 Blue Heron, and two notices to the subject property, 3176 St. Andrews Drive, and physically posted notice at the subject property. None of these notices were returned as undeliverable, and there is no indication that petitioner had any reason to believe that an address other than these two would have proved any more successful. In fact, petitioner had used these same addresses with success during previous litigation with respondent, e.g., the litigation involving the 2010 and 2011 tax years, and it was these addresses to which the 2012 tax bill and revised tax bill were successfully sent. In our view, petitioner had no reason to believe that the notices that were sent or delivered were not being received by respondent. Courts have long held that when a government sends notice and receives no indication in response that something has gone awry, which is precisely the case here, the notice is constitutionally valid. See, e.g., *Jones*, 547 US at 226. **We therefore conclude that the notice provided to respondent by petitioner was constitutionally sufficient.**
- The legislature should avoid intervening in this pending case. In 2015, when the Court of Appeals resolved matters relating to a principal residence exemption in favor of the Pung estate for the 2007 to 2011 tax years, the Isabella County Treasurer let that decision stand, and did not appeal to the Supreme Court or seek retroactive legislation.

STATE OF MICHIGAN        )  
  ) SS  
COUNTY OF KALAMAZOO    )

I, Timothy A. Snow, County Clerk/Register for the County of Kalamazoo, Michigan, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Kalamazoo County Board of Commissioners at a regular session held on October 17, 2017.

\_\_\_\_\_  
Timothy A. Snow  
County Clerk/Register