

**KENT COUNTY BOARD OF COMMISSIONERS**

*Thursday, May 27, 2004*

*Administration Building - Room 310*

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Meeting called to order at 8:30 a.m. by Chair David J. Morren.

**Present:** Commissioners Agee, Boelema, Bulkowski, Hiddema, Koorndyk, Kuipers, Mast, Mayhue, Morgan, Postmus, Tanis, VanderMolen, Vaughn, Vonk, Voorhees, Wahlfield, Chair Morren – 17.

**Absent:** Horton, Rolls – 2 (Excused).

**Invocation:** Commissioner Voorhees introduced Associate Pastor Dave Christian, Resurrection Life Church, who gave the invocation.

**PUBLIC COMMENT**

There was no public comment.

**CLOSED SESSION**

Motion by Commissioner Morgan, supported by Commissioner Postmus, to meet in closed session pursuant to MCL 15.268(e) of the Open Meetings Act (“OMA”) to consult with legal counsel regarding potential litigation or settlement strategy in connection with the Ryan v. McGinn-Loomis lawsuit, as an open meeting would have a detrimental financial effect on the litigation or settlement position of the County, and (2) pursuant to MCL 15.268(h) of the OMA to consider written communications protected by the attorney-client privilege and exempt from disclosure under Section 13(1)(h) of the Freedom of Information Act.

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Bulkowski, Postmus, VanderMolen, Mast, Voorhees, Boelema, Hiddema, Tanis, Morgan, Wahlfield, Vonk, Chair Morren – 16.

Nays: 0.

(Commissioner Agee entered the meeting at 8:37 a.m.)

Motion by Commissioner Agee, supported by Commissioner Postmus, to go back into open session.

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Bulkowski, Postmus, VanderMolen, Mast, Agee, Voorhees, Boelema, Hiddema, Tanis, Morgan, Wahlfield, Vonk, Chair Morren – 17.

Nays: 0.

**SPECIAL ORDER OF BUSINESS**

### Kent District Library (“KDL”) Update

Martha Smart, Director of the KDL, introduced KDL Board members: Chuck Myers (Chair), Brad LaTour, Shirley Bruursema, and Sandy Wisniewski. She discussed KDL services and shared information on the upcoming millage election (copy of which is on file in the Office of the County Clerk). In 1994, the Kent County Board of Commissioners helped guide the formation of the KDL when 26 cities, townships and villages in Kent County voted to form the KDL. Today, there are 18 branch libraries throughout the county plus a service center building. KDL is the busiest library system in the state. A 7-minute video highlighted the services offered by the KDL. The current millage expires at the end of 2004. The new millage request for .88 mills plus .12 mills goes before the voters on August 3, 2004.

Mr. Myers is a member of the task force Citizens for Kent District Library. The task force is in charge of marketing and raising funds for the millage effort. At stake is the taxpayers use of the library. As a governing body, the Kent County Board of Commission acts in a fiduciary role and has responsibilities to help maintain and preserve certain assets in the county. The KDL is a \$46-million dollar asset that operates on a \$13-million dollar annual budget. The Citizens for KDL asks Commissioners for support as a governing body, as individuals, and as library patrons. The KDL offers the county residents information, ideas and excitement.

Ms. Bruursema, treasurer of Citizens for KDL, said that she will be contacting each Commissioner by phone/letter next week for their support.

### CONSENT AGENDA

- a) Approval of the Minutes of May 13, 2004 Meeting
- b) May 13, 2004 Finance Committee Meeting Minutes  
(Reports of Claims and Allowances)

Motion by Commissioner Voorhees, supported by Commissioner VanderMolen, to approve the consent agenda items.

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Bulkowski, Postmus, VanderMolen, Mast, Agee, Voorhees, Boelema, Hiddema, Tanis, Morgan, Wahlfield, Vonk, Chair Morren – 17.

Nays: 0.

### RESOLUTIONS

#### 5-27-04-50 – AUTHORIZATION TO SUBMIT A GRANT APPLICATION AND CONTRACT

#### APPROVAL – COMPREHENSIVE PLAN / COMMUNITY CORRECTIONS

WHEREAS, Public Act 511 of 1988 provides funding for Community Corrections Advisory Boards to administer and operate programs to provide alternatives to incarceration for offenders; and

WHEREAS, if approved, funding will be provided to the following local programs: Kent County Court Services Department (Pretrial Programs, Work Crew and Community Service Programs, Case Management and Risk Assessment), Pathfinder Resources, Project Rehab, Alternative Directions, Arbor Circle AOS, Grand Rapids Public Schools Business and Industry Center, Prodigal Human Services, Goodwill Industries, Family Service Outreach Center, and the Kent County Sheriff's Department. Contracts for FY2005 are continuation awards for contractors selected through a bid process conducted in FY2004.

WHEREAS, the grant request also includes funding for Probation Residential Services for Alternative Directions, Pathfinder Resources, and Project Rehab.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves the Community Corrections' Comprehensive Plan and application for funding under PA 511 of 1988, and authorizes contracts with the proposed vendors not-to-exceed the recommended funding amount.

Motion by Commissioner Vaughn, supported by Commissioner Koorndyk, that the resolution be adopted.

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Bulkowski, Postmus, VanderMolen, Mast, Agee, Voorhees, Boelema, Hiddema, Tanis, Morgan, Wahlfield, Vonk, Chair Morren – 17.

Nays: 0.

#### 5-27-04-51 – McGINN-LOOMIS SETTLEMENT

WHEREAS, the County, as insurer for its employees, has provided representation for County employee Adele McGinn-Loomis, a defendant in a federal civil rights action titled Ryan v. McGinn-Loomis, has also provided representation for the Hon. Patricia Gardner upon Plaintiffs' demand to depose her in the action, and has sought to preserve its own prospective interests with legal representation; and

WHEREAS, the action at issue is a wide-ranging, multi-faceted dispute, with other litigation pending that does not involve the County, concerning the rights of Miller, Johnson, Snell & Cumiskey attorney Tim Ryan and his wife to parent their daughter without judicial interference, as well as other domestic and relational matters; and

WHEREAS, the County is now being threatened by Plaintiffs that they intend to add the County as a party to the lawsuit, as well as several of its elected and appointed officials who may require separate representation; and

WHEREAS, the attorney fees and costs of proceeding with this case are expected to run as high as \$500,000, including representation of at least three parties and perhaps more if the County is named as a party, as well as attorney fees payable to Plaintiffs by law if they should even nominally prevail in a jury trial on their claims against County employees, and subsequent post-litigation insurance coverage proceedings; and

WHEREAS, in addition to attorney fees and costs, continued litigation of this matter has the potential to raise spurious yet high-profile allegations against the County and divert the County's human resources, including those of elected officials, the judiciary, and staff, to frequent and in-depth attention to this matter based upon Plaintiffs' record of aggressive maneuvers; and

WHEREAS, despite the greatly fantastical, contentious, and vindictive nature of Plaintiffs' claims, the County is now in a position to prevent the likely expenditure of an additional \$400,000 by settling this case for \$115,000, which settlement has been determined by counsel to be in the County's best interests; and

WHEREAS, the County, in exchange for its settlement, will receive agreement from the Plaintiffs that they will not publicize the various allegations they have raised, all of which the County and its employees have denied, nor will they have any non-business-related contact with Adele McGinn-Loomis.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners appropriates the sum of \$115,000 in settlement of all claims raised by Plaintiffs in Ryan v. McGinn-Loomis and any other litigation related to the subject matter of the case, in exchange for the County's receipt of a settlement agreement that, at a minimum, prohibits Plaintiffs from publicizing any of the allegations made in the case, and further prohibits Plaintiffs from having any non-business contact with Adele McGinn-Loomis.

Motion by Commissioner Morgan, supported by Commissioner Agee, that the resolution be adopted.

Motion carried:

Yeas: Kuipers, Koorndyk, Vaughn, Mayhue, Bulkowski, Postmus, VanderMolen, Mast, Agee, Voorhees, Boelema, Hiddema, Tanis, Morgan, Wahlfield, Vonk, Chair Morren – 17.

Nays: 0.

## REPORTS

### Education Renewal Zone Act Subcommittee

Commissioner Koorndyk reported that the Education Renewal Zone Act Subcommittee held its first meeting on Tuesday, May 25, 2004. They are submitting several questions to the City of Grand Rapids, and they hope to have the answers back by the next meeting on Tuesday, June 8, 2004.

### Central 911

Commissioner Bulkowski asked if there is any update from the Central 911 committee. Administrator Delabbio stated that the committee met on Tuesday, and that he is awaiting an update from Al Vanderberg. That information will be reported to the Board.

## MISCELLANEOUS

### Zero to Three

Commissioner Boelema distributed to Commissioners a brochure from the Zero to Three Policy Center entitled "Growing Up Healthy: What Local Governments Can Do to Support Young Children and Their Families" (copy of which is on file in the Office of the County Clerk). The Zero to Three Policy Center is committed to promoting the healthy growth and development of our babies, toddlers and families.

### Project Blueprint Award Nomination

Commissioner Mayhue thanked Commissioner Bulkowski for nominating him for a Project

Blueprint Award on creating diversity.

Congratulations

Commissioner Voorhees congratulated Terry Holtrop, Circuit Court Case Management Manager, for his recent graduation as a fellow of the Institute of Court Management.

Wahlfield Park

Commissioner Wahlfield announced that he received the site plans for Wahlfield Park today. This project has been 20 years in the making and he thanked Assistant Administrator Mary Swanson for all of her help.

Metropolitan Blueprint Awards

Administrator Delabbio announced that the County has received one of two Metropolitan Blueprint Awards, which are presented by the Grand Valley Metro Council, for Millennium Park. He along with Chair Morren will accept the award at the Growing Communities Conference in June.

ADJOURNMENT

At 9:51 a.m., Commissioner Voorhees moved to adjourn, subject to the call of the Chair, and to Thursday, June 10, 2004, Room 310, County Administration Building, at 8:30 a.m., for an Official Meeting. Seconded by Commissioner Agee. Motion carried.

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David J. Morren, Chair

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Mary Hollinrake, County Clerk