

ANNUAL REPORT

CORPORATION COUNSEL



PRESENTED TO:

**OTTAWA COUNTY BOARD OF
COMMISSIONERS
MARCH 2016**

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THE OTTAWA COUNTY OFFICE OF CORPORATION COUNSEL

This report is submitted to the Ottawa County Board of Commissioners regarding the annual activities of the Ottawa County Office of Corporation Counsel, and to note the significant projects of the Office during 2015.

The Office of Corporation Counsel was established by the Ottawa County Board of Commissioners in October, 2000. Prior to that date the functions of the office were performed by the Ottawa County Prosecutor's Office, under the direction of Ronald J. Frantz, Ottawa County Prosecutor. The creation of an office of corporation counsel as an independent department of county government is authorized by statute, MCL 49.71. The Ottawa County Office of Corporation Counsel works under the general direction and supervision of the County Administrator.

As County departments go, ours is a small one. The Office consists of:

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In October 2008, the Office of Corporation Counsel moved to its new offices in the Administrative wing of the Fillmore Street facility. The Office is fully equipped to operate as a law office, with direct access to Michigan statutes, Michigan Attorney General's Opinions, the Michigan Court Rules and several digest services, as well as Internet access through WESTLAW to a wide variety of case services, law reviews, and other texts and library resources. As of the date this Report will be formally presented to the Board of Commissioners, Lisa Olson and I will be beginning 26 years of service to the County.

The Office of Corporation Counsel continues to serve as the primary legal services provider for the Ottawa County Board of Commissioners and all branches and departments of Ottawa County government, including the County's elected officials and the Ottawa County Tax Allocation Board. The Office also provides legal advice and services to the Ottawa County, Michigan Insurance Authority, to the West Michigan Enforcement Team (WEMET), to the Ottawa County Hazardous Materials Response and Technical Rescue Team (HAZMAT), the Ottawa County Land Bank Authority and the Ottawa County Election Board. If a legal matter requires the expertise of outside counsel, our Office coordinates the placement of the file and coordinates activities with outside counsel and the affected County department. The majority of County litigation is handled through the Ottawa County, Michigan Insurance Authority, which is represented by the law firm of Silver & Van Essen. We work closely with that firm, and with Doug Van Essen in particular, to coordinate the representation of the County in litigation. Our office is also occasionally involved in labor matters, both independently and in conjunction with outside counsel.

The Office of Corporation Counsel also acts as Freedom of Information Act Coordinator for Ottawa County and as Chief Privacy Officer for the County under the Health Insurance Portability and Accountability Act ("HIPAA").

During 2015, the Office of Corporation Counsel prepared, reviewed and approved a total of 478 written contracts. We also prepared 21 formal Resolutions, prepared numerous award and recognition resolutions, and responded (in writing) to 91 formal requests for documents under the Michigan Freedom of Information Act, and provided legal and administrative advice on many others.

We attend and provide legal advice during meetings of the Ottawa County Board of Commissioners and its constituent committees, and during meetings of the Ottawa County Insurance Authority, the Insurance Authority "Work Group," the Ottawa County Community Mental Health Board, (including membership on the Agency's Compliance Committee and the representation of the Ottawa County Community Mental Health Agency in contested case hearings before the Michigan Administrative Tribunal), and the West Michigan Enforcement Team. Legal advice, analysis, and consultation are also provided to the various departments of Ottawa County government and its elected officials through meetings, memorandums, and various informal consultations. Working with the County Administrator, our office is involved on a continuing basis in the preparation of the agendas and supporting materials for the Board of Commissioners and the various Board committees.

Among the tasks performed by our Office during the past year, we note the following:

- Working with the Ottawa County Treasurer's Office, our office organized, prepared the documents, filed, and conducted a hearing to strike delinquent personal property taxes on behalf of 16 units of local government within Ottawa County.

- Working with the Ottawa County Treasurer's Office, we filed and successfully completed an action in the Ottawa County Circuit Court to implement the County Board's decision to act as the local foreclosing entity for delinquent property taxes within Ottawa County, and were involved in significant litigation efforts in the Ottawa County Circuit Court and the Michigan Court of Appeals on behalf of the Treasurer's Office in regards to these matters.
- Working with the Ottawa County Treasurer's Office, we were significantly involved in bringing various collection efforts on behalf of the Delinquent Tax Revolving Fund to successful resolutions during 2015.
- Were significantly involved in the implementation of the "Four C's" programs within Ottawa County and in the "Disney Way" project.
- Working with the staff of the Ottawa County Community Mental Health Agency, participated in and successfully represented the Agency in 4 multi-day contested hearings before the Michigan Administrative Tribunal, and prepared and participated in the pre-hearing resolution of many additional proceedings.
- Continued work on the comprehensive revision of county policies and procedures, including a comprehensive revision of the County's Freedom of Information Act policies, and in the administration of Ottawa County's HIPAA compliance program.
- Developed and instituted procedures to monitor and track performance of the functions of the Office of Corporation Counsel.
- Assisted in legal services to the Great Lakes Agricultural Incubator.

We appreciate your trust, and look forward to serving the Board, the elected officials, and County Administration in the upcoming year.

Very Truly Yours,

Gregory J. Rappleye
Ottawa County Corporation Counsel