

Regular Session of the Board of County Commissioners for the County of St. Joseph, State of Michigan, was held in the Commissioners' Room, Courthouse at the Village of Centreville, Michigan on February 17, 2004, at 5:00 p.m.

Chairman John L. Dobberteen called the meeting to order.

The Invocation was given by Commissioner Loudenslager.

The Pledge to the American Flag was given.

The Clerk, Pattie S. Bender, called the roll and the following Commissioners were present:

Gerald E. Loudenslager	John W. Bippus
Robin Baker	Monte Bordner
David J. Pueschel	John L. Dobberteen

Absent: Eric Shafer

Also present were Judy West-Wing, Administrator/Controller, Dan Carey, Finance Director and Charles Cleaver, Human Resources Director.

AGENDA

It was moved by Commissioner Bordner and supported by Commissioner Loudenslager that the agenda be approved. Motion carried.

MINUTES APPROVED

Ms. West-Wing stated that on page 19, #4 communication should state that Lois Lucas resigned as Treasurer of the Commission on Aging, not from the Commission on Aging Board.

The Clerk stated that on page 29 under Citizens Comments in the 4th paragraph there should be a correction:

As it is stated:

"Mr. Carls stated that apparently Florence Township hired Mr. Bowman to oversee a project....."

As corrected:

" Mr. Carls stated that Florence Township hired Gove and Associates to oversee a project....."

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that the minutes for February 3, 2004 be approved as amended. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Update, February 6 and February 13, 2004.
2. Resolution from Lake County, Re: Requesting State Legislative review of court funding process.
3. Resolution from Lake County, Re: Support of landfill surcharge.
4. Resolution from Lake County, Re: Opposing collection of State minimum fees.
5. Minutes of Family Independence Agency Board meeting of December 23, 2003.
6. Minutes of Southwest Michigan Substance Abuse Advisory Council meeting of January 26, 2004.
7. Animal Control's Monthly Report – December 2003.

It was moved by Commissioner Bordner and supported by Commissioner Loudenslager that the communications be accepted and placed on file. Motion carried.

CONTINUUM CARE/HOMELESSNESS

Kris Kirsch, Incoming Chair of the St. Joseph County Housing Task Force Committee of the Human Services Commission, introduced Monica Smith, who is the Outgoing Chair.

Ms. Smith gave a Continuum of Care Plan Update for 2004. She stated that this committee meets once a month to try to find ways to solve the homeless problems in St. Joseph County. What they are also trying to do is to increase awareness of this problem that exists in the County.

SUPPORT FOR MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) FOR
KEYSTONE PLACE

Kelli Tackett, Director of Keystone Place, was present to request approval of their housing grant application for \$89,000. In response to a question by Commissioner Bippus, Mrs. Tackett said that their capital campaign to build a new shelter is coming along nicely.

It was moved by Commissioner Bippus and supported by Commissioner Baker that the Board of Commissioners approve the MSHDA grant application for Keystone Place in the amount of \$89,000.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Shafer.

Motion carried.

SUPPORT FOR MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) FOR
DOMESTIC ASSAULT SHELTER COALITION (DASC)

Pat Hillman, Executive Director of DASC was present to request Board support for a grant which is a part of the same grant as Keystone Place for \$20,000 to support the shelter's coordinator position. This position also does counseling and assists people to find housing. They serve 100 families per year at the shelter and also 600-700 non-residential people.

It was moved by Commissioner Bippus and supported by Commissioner Loudenslager that the Board of Commissioners approve the MSHDA grant application for the Domestic Assault Shelter Coalition in the amount of \$20,000.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Shafer.

Motion carried.

TECHNOLOGY PLAN

Ms. West-Wing stated that the IT Department developed an RFP for a technology study including our website. The RFP was sent to 3 firms and only one submitted a proposal. The deadline was extended and there was still no response. Therefore, Dan Wing, IT Director is recommending that we contract with Capital Consultants for a cost of \$14,500. This firm has developed a number of plans for several municipalities throughout the State.

It was moved by Commissioner Bordner and supported by Commissioner Baker that the proposal from Capital Consultants for \$14,500 for a study to be done regarding technology in the County be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Shafer.

Motion carried.

RETIREMENT SYSTEM RESOLUTION AMENDMENT

Ms. West-Wing stated that last year the Board made several revisions to the County Employees Retirement Plan Resolution and 2 sections were overlooked. One of the changes made was to increase the size of the Board from 5 to 7 and Section 11.4 (b) and Section 11.4 (c) need to be amended to reflect the change in a quorum from 3 to 4.

It was moved by Commissioner Bippus and supported by Commissioner Loudenslager that the Section 11.4 (b) and (c) in the St. Joseph County Employees Retirement Resolution be changed to reflect 4 instead of 3 for a quorum.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Shafer.

Motion carried.

CLASSIFICATION AND COMPENSATION COMMITTEE

Ms. West-Wing stated that the Board, by consensus at their work session on February 5th, agreed to change the current structure of the Classification and Compensation Committee keeping in mind that the Committee will be working with 2 separate systems.

She stated that the Committee would consist of members Dan Carey, Charlie Cleaver and Pattie Bender. They will review requests and forward a recommendation to the County Administrator. The County Administrator will review the recommendation from the Committee and may forward a recommendation to the Board of Commissioners. The recommendation(s) would be listed on the regular Personnel Report of the Board Meeting. The Board of Commissioners can accept or reject the recommendation. If a request is not recommended for Board approval, the Administrator will provide to all members of the Board of Commissioners information pertaining to that request.

She is asking that the Board endorse the new Committee and the new process.

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that the Board endorse the new Classification and Compensation Committee and structure.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Shafer.

Motion carried.

PRINCIPAL RESIDENCE EXEMPTION AUDIT (PRE)

Ms. West-Wing stated that as part of the 2004 budget process, the Board discussed ways to accomplish the Principal Residence Exemption Audit (PRE), formerly called Homestead Exemptions.

A request for proposal was developed and advertised, however, there were no responses. Mark Clute, Land Resource Centre Director, presented an alternative plan to the Executive Committee last Friday. He would like to hire a casual part-time employee for 6 months at 40 hours per week and review this position after 4 months. Hopefully, after the 4 months the number of hours needed can be reduced. Ms. West-Wing is recommending that \$10,850 in seed money from the General Fund be loaned to provide for this casual part-time employee and to cover some other expenses. The payments and penalties derived from the locating of the offenders through this program should more than pay back the General Fund.

It was moved by Commissioner Baker and supported by Commissioner Bordner that a casual part-time employee be hired in the LRC to do the Principal Residence Exemption Audit for 40 hours per week for 6 months to be reviewed after 4 months and that the Board loan \$10,850 to start this project.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Shafer.

Motion carried.

LOCKPORT TOWNSHIP WATER SUPPLY SYSTEM BONDS

Dustin K. Sailor from the consulting engineer firm of Wightman Petrie, Inc., was present to request approval of a resolution approving the Lockport Township Water Supply System Bonds as recommended by the Board of Public Works.

The following resolution was presented:

RESOLUTION AUTHORIZING DPW BONDS
\$2,000,000
ST. JOSEPH COUNTY
LIMITED TAX GENERAL OBLIGATION WATER SUPPLY SYSTEM BONDS
(TOWNSHIP OF LOCKPORT)
RESOLUTION 8-2004

A RESOLUTION PROVIDING FOR THE ISSUANCE OF BONDS TO DEFRAY THE COST OF ACQUIRING AND CONSTRUCTNG A WATER SUPPLY SYSTEM SERVICING THE TOWNSHIP OF LOCKPORT; PROVIDING FOR THE PAYMENT AND SECURITY OF SAID BONDS, AND PROVIDING FOR OTHER MATTERS RELATIVE TO SAID BONDS AND THE SECURITY THEREFOR.

WHEREAS, the County, acting by and through its Board of Commissioners and pursuant to the authority conferred upon it by Act 185, Public Acts of Michigan, 1957, as amended (the "Act"), did, by resolution duly adopted by a two-thirds (2/3) vote of the members-elect of said Board of Commissioners, establish a Department of Public Works in and for the County for the administration of the powers conferred upon the County by said Act; and

WHEREAS, pursuant to the authorization of Section 2 of the Act, a Board of Public Works (the "Board") has been appointed and is functioning as the governing body of said Department of Public Works; and

WHEREAS, the County pursuant to the Act and by this Resolution will established the Township of Lockport Water Supply System (the "System"); and

WHEREAS, the County, by and through the Board and the Township of Lockport (the "Local Unit") have entered into a contract (the "Contract") for the construction and financing of certain water supply improvements as a part of that System (the "Project"), which Contract is attached hereto and made a part of this resolution; and

WHEREAS, the Contract has been duly approved by resolution of the Board, and the Local Unit legislative body and has been fully executed by the parties thereto; and

WHEREAS, plans, specifications and estimates of cost of the Project have been prepared by Wightman Petrie, Inc., consulting engineers of Elkhart, Indiana, and have been duly approved by the Board; and

WHEREAS, under the provisions of the Contract, the Local Unit has obligated it to pay the cost of said Project to be financed by the issuance of bonds of the County by paying the installments, plus interest, as specified in Section 9 of the contract (the "Contractual Payments"), and was further obligated itself to collect sufficient moneys annually for the purpose of meeting the Contractual Payments, subject to statutory and constitutional limitations; and

WHEREAS, the County now proposed to issue its bonds, as authorized by the Act, in anticipation of and secured primarily by the Contractual Payments which the Local Unit has in the Contract obligated itself to provide in such amounts as may be necessary to pay the cost of constructing the Project, and all things necessary to the authorization and issuance of said bonds under the Act having been done, and the County being now empowered and desirous of authorizing the issuance of said bonds; and

WHEREAS, the Board has approved this resolution and recommended its adoption by this Board of Commissioners;

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY, AS FOLLOWS:

Section 1. The plans, specifications and estimates of cost for the Project as prepared by the consulting engineers are hereby accepted and approved, and it is hereby determined to be advisable and necessary for the public health of the County to acquire, construct and complete the Project as provided in said plans and specifications. The contract be and is hereby approved.

Section 2. The establishment of the Township of Lockport Water Supply System to service the Local Unit be and is hereby ratified.

Section 3. The Contract as set forth in full in the preamble hereto is hereby ratified, confirmed and approved.

Section 4. The total estimated cost of acquiring and constructing the Project, including payment of incidental expenses as specified in Section 6 of this resolution, in the amount of not to exceed \$2,000,000 is hereby approved and confirmed.

Section 5. The estimated period of usefulness of the Project is determined to be not less than forty (40) years.

Section 6 . For the purpose of defraying the cost of the Project, including payment of engineering, legal and financial expenses and not to exceed seven months capitalized interest, there be borrowed the sum of Two Million Dollars (\$2,000,000), and that in evidence there of there be issued the bonds of the county in an equivalent aggregate principal amount, which bonds are sometimes hereinafter referred to in this resolution as the "bonds."

Section 7. The bonds shall be designated ST. JOSEPH COUNTY LIMITED TAX GENERAL OBLIGATION WATER SUPPLY SYSTEM BONDS (TOWNSHIP OF LOCKPORT), the principal of and interest thereon to be payable primarily out of the Contractual Payments required to be paid by the Local Unit pursuant to the Contract. Said bonds shall be registered as to principal and interest in the denomination of \$5,000 or multiples of \$5,000 not exceeding for each maturity the aggregate principal amount of that maturity, numbered in order of registration, dated as of March 1, 2004, or such other date to be determined by the Board and shall be payable annually on October 1 of the years as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2006	\$65,000	2016	\$110,000
2007	70,000	2017	110,000
2008	75,000	2018	115,000
2009	80,000	2019	120,000
2010	85,000	2020	125,000
2011	85,000	2021	130,000
2012	90,000	2022	140,000
2013	95,000	2023	145,000
2014	100,000	2024	155,000
2015	105,000		

The bonds shall bear interest at a rate of rates determined on sale thereof, not exceeding eight percent (8%) per annum, payable on October 1, 2004, and semiannually thereafter, by check drawn on the financial institution selected as transfer agent for the bonds (the "transfer agent"), and mailed to the registered owner at the registered address, as shown on the registration books of the County maintained by the transfer agent. Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the County to conform to market practice in the future. The principal of the bonds shall be payable at the principal office of the transfer agent. Not to exceed seven months interest on the bonds will be capitalized.

The bonds are subject to redemption prior to maturity at the times and prices and in the manner set forth in Section 13 of this resolution.

Unless waived by any registered owner of bonds to be redeemed, official notice of redemption shall be given by the transfer agent (hereinafter defined) on behalf of the County. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers and (in the case of partial redemption) the called amounts of each certificate; the redemption date; the redemption price or premium; the place where bonds called for redemption are to be surrendered for payment; and that interest on bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition further notice shall be given by the transfer agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

Section 8. The Chairman of the Board of Commissioners and the County Clerk are hereby authorized and directed to execute said bonds by means of their facsimile signatures when issued and sold for and on behalf of the County and to cause to be imprinted thereon a facsimile of the seal of the County. No bond of this series shall be valid until authenticated by an authorized officer of the transfer agent. The bonds shall be delivered to the transfer agent for authentication and shall then be delivered to the purchaser in accordance with instructions from the Treasurer of the County upon payment of the purchase price for the bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping.

Any bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of the bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any bond or bonds shall be surrendered for transfer, the transfer agent shall authenticate and deliver a new bond or bonds in like aggregate principal amount. The transfer agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

The Bonds may be issued as fully registered bonds without coupons, and when issued, will be registered in the name of Cede & Co. as Bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchases of beneficial interests in the Bonds will be made in book-entry only form, in the denomination of \$5,000 or any integral multiple thereof. Purchasers will not receive certificates representing their beneficial interest in Bonds purchased.

Section 9. Said bonds and the interest thereon shall be payable primarily from the Contractual Payments received by the Board on behalf of the County, for the payment of which the Local Unit has in the Contract pledged its full faith and credit pursuant to the provisions of the Act. Pursuant to the provisions of Section 6, Article IX of the Michigan Constitution of 1963, the Local Unit has covenanted and agreed to levy taxes annually to the extent necessary to provide the funds to meet its Contractual Payments when due in anticipation of which the bonds are issued, which taxes shall be subject to statutory and constitutional limitations. All of such Contractual Payments are hereby pledged solely and only for the payment of principal of an interest on the bonds.

Section 10. Pursuant to the authorization provided in the Act, the full faith and credit of the County is hereby pledged for the prompt payment of the principal of and interest on the bonds as the same shall become due. If for any reason there are not sufficient funds on hand from the Contractual Payments to pay the principal of and interest on the bonds when due, upon written notification by the Board of the County Treasurer of the amount of

such deficiency, the County Treasurer shall promptly deposit into the debt retirement fund for said bonds the amount of such deficiency out of general funds of the County. If it becomes necessary for the County to so advance any such moneys, it shall be entitled to reimbursement from any surplus from time to time existing in the fund for which said principal and interest are primarily liable, or from any other legal available source. The County recognizes and covenants that its full faith and credit pledge hereunder is a first budget obligation, and, to the extent necessary to provide funds to meet such pledge herein provided, it is obligated to levy ad valorem taxes against the taxable property in the County, which taxes, however, shall be subject to statutory and constitutional limitations.

Section 11. It shall be the duty of the Board, after the adoption of this resolution and the sale of the bonds herein authorized, to open a special depository account with a bank or trust company to be designated by the Board to be designated DEBT RETIREMENT FUND - LOCKPORT WATER SUPPLY SYSTEM 2004 BONDS, sometimes referred to as the "debt retirement fund," into which account the Board shall deposit capitalized interest, all Contractual Payments as received and into which account any advances made by the County pursuant to Section 10 of this resolution shall be deposited. The moneys from time to time on hand in said debt retirement fund shall be used solely and only for the payment of the principal of and interest on the bonds, or, to the extent of any surplus, to reimburse the County for any advances made pursuant to Section 10 hereof. The County shall have the right to invest moneys in the debt retirement account as provided in the Contract, which investments may be in obligations other than those of the depository bank or trust company only.

Section 12. The operation, maintenance and administration of the System and the acquisition and construction of the Project shall be under the overall jurisdiction and control of the Board as agency of the county, and the provisions in the Contract relative to such operation, maintenance and administration by the Local Units as lessee and agents of the County are hereby recognized, approved and confirmed.

Section 13. Said bonds shall be in substantially the following form subject to such changes as may be required by a municipal bond insurance policy: (form omitted)

Section 14. Nothing contained in this resolution or the Contract shall be construed to prevent the County from issuing additional bonds under the provisions of the Act for any of the purposes authorized by the Act, but any such bonds shall in no way have any lien on or be payable out of the Contractual Payments pledged to the payment of the bonds of this authorized issue, except such additional bonds as may be necessary may be issued to complete the Project pursuant to the authorization provided in Section 15 of the Contract.

Section 15. The proceeds of sale of the bonds shall be deposited in a special depository account in a bank to be designated by the Board, said account to be designated "Lockport Water Supply System Construction Fund" (hereinafter referred to as the "construction fund"). The moneys from time to time in such fund shall be used solely and only to pay costs of acquiring and constructing the Project. Any premium or accrued interest paid at the time of delivery of the bonds, together with capitalized interest equal to an amount from the date of the bonds to October 1, 2004 (or such lesser amount as shall be determined by the Board), less accrued interest, shall be deposited into the debt retirement fund established under the provisions of Section 11 of this resolution.

Section 16. The provisions of this resolution, together with the Contract, shall constitute a contract between the County and the holder of holders of the bonds from time to time, and after the issuance of such bonds, no change, variation or alteration of the provisions of this resolution and the Contract may be made which would lessen the security for the bonds. The provisions of this resolution and the Contract shall be enforceable by appropriate proceedings taken by such holder either at law or in equity.

Section 17. The County covenants and agrees with the successive holders of the bonds that so long as any of the bonds remain outstanding and unpaid as to either principal or interest:

(a) The County and the Board, as agency of the County, will punctually perform all of their obligations and duties under this resolution and the Contract, including all collection, segregation and application of the Contractual Payments in the manner required by the provisions of this resolution.

(b) The County and the board, as the agency of the County, will apply and use the proceeds of the sale of the bonds for the purposes and in the manner required by the Contract and this resolution. The County will maintain and keep proper books of record and account relative to the application of funds for the construction of the Project and the Contractual Payments received and pursuant to the Contract or monies advanced by the County. Not later than three (3) months after the end of each year, the Board shall cause to be prepared a statement, in reasonable detail, sworn to by its chief accounting officer, showing

the application of the proceeds of the sale of the bonds, the cash receipts from the Contractual Payments or monies advanced by the County during such year, and the application thereof, and such other information as may be necessary to enable any taxpayer or any holder or owner of the bonds, or anyone acting in their behalf, to be fully informed as to all matters pertaining to the construction of the Project and application of funds therefor or for the payment of bonds during such year. A certified copy of said statement shall be filed with the County Clerk and the Clerk of the Local Unit and a copy shall also be sent to the manager or managers of the account purchasing the bonds.

Section 18. The Board is hereby designated, for and on behalf of the county, to (a) prepare the form of notice of sale, fix a date of sale, conduct the sale and accept the best bid received at such sale; (b) publish such notice of sale in an authorized bond paper, at least seven (7) full days prior to the date fixed for sale; and (c) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the bond, including, if appropriate, purchase of the credit enhancements, preparation and approval of an official statement, if any, and reducing the amount of bonds sold and/or delivered if the Board determines that the full amount thereof is not necessary to complete the Project.

Section 19. Defeasance. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal or, premium, if any, and interest on the bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

Section 20. The County hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986 (the "Code") including but not limited to actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds.

The bonds are hereby designated as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of the Internal Revenue Code of 1986, as amended.

Section 21. Municipal Bond Insurance. If deemed appropriate the Secretary of the Board be and is hereby authorized to make application for a policy of municipal bond insurance to insure the payment of the principal of and interest on the Bonds. In the event such a policy is issued, this resolution be and is hereby amended to comply with the provisions of said policy respecting notice, payment and such other provisions as are applicable to the Bonds and may be lawfully complied with by the County.

Section 22. Ratings. The Chairman or Secretary of the Board are authorized and directed to prepare such documents, materials and applications as shall be necessary or advisable to obtain a rating on the Bonds from one or more nationally recognized rating agencies as recommended by the County's financial advisor.

Section 23. Undertaking. The County hereby covenants to comply with Securities and Exchange Rule 15c2-12 (the "Rule") and appoints the Secretary of the Board as its Disclosure Representative in accordance with the Rule.

Section 24. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are repealed.

Section 25. This resolution shall become effective immediately upon its passage.

Mr. Sailor stated that with the sale of these bonds that wells would be constructed and water extended. Commissioner Bippus asked if the County were standing by this with its full faith and credit and Mr. Sailor stated that yes they were.

Commissioner Loudenslager stated a sound plan for Lockport Township to repay has been established. He stated that this is a necessary project and fortunately the State will be paying some of the costs. There will be a rate assessment established. This project is partially funded through the Clean Michigan Act.

It was moved by Commissioner Bippus and supported by Commissioner Loudenslager that the resolution be adopted and 2nd reading waived.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Shafer.

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Farmland and Open Space Preservation Committee

Commissioner Bordner nominated Carroll Parmeter and David J. Pueschel to the Farmland and Open Space Preservation Committee.

It was moved by Commissioner Bordner and supported by Commissioner Baker that the following list of names be appointed to the Farmland and Open Space Preservation Committee:

	<u>Representing</u>
Max Benne	Agriculture
Anne Gentz	Agriculture
John Wagner	Agriculture
Tom Meyer	Real Estate/Development
Tod Mowery	Cities/Villages
Shelley Milliman	Natural Resources
Carroll Parmeter	Townships
David J. Pueschel	County Commissioner

Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Bippus stated that there was no report.

Commissioner Baker stated that he stopped at the jail and toured the ongoing renovation with Mark Books and he stated that it was impressive. He stated that they are ahead of schedule and the cooperation with staff has been excellent.

Judiciary

Commissioner Bordner stated that the Judiciary Committee met on February 11th at noon and Chief Judge Michael Cherry was in attendance. Judge Welty gave a report on the Attorney Fees collections and they doubled in 2003 over 2002 because of the new way that they collect them.

Judge Middleton has plans for streamlining the operations in the Court that he does.

Commissioner Bippus remarked that it was commendable that the Judges are taking the initiative on these issues.

Commissioner Bordner stated that effective January 1, 2004 the Circuit Court instituted a new fee structure as well.

Commissioner Bordner stated that the next meeting is scheduled for April 14th at noon.

Physical Resources

Commissioner Bippus stated that the next Physical Resources Meeting is scheduled for Friday, February 20th at 10:00 a.m.

Executive Committee

Commissioner Bordner reported the following on the Executive Committee Meeting held on February 13th:

- * the Principal Residence Exemption (PRE) was discussed.
- * the donation of sick leave is being studied.
- * talked about a grant position in the Prosecutor's Office.
- * through December 31, 2003, the Circuit Judge's defense bills totaled \$15,267.
- * reviewed the status of the Animal Control part-time funds and agreed they needed to stay within the established budgeted amount.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

NEW HIRE:

Curtis Allen has been hired as Road Patrol Officer at \$16.89/hr. effective February 17, 2004.

TEMPORARY/SEASONAL EMPLOYMENT:

Tammy Miller to work temporary, part-time for Victim Rights at \$7.75/hr. effective February 11, 2004.

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the personnel report be approved.

Commissioner Bordner asked if the Allen hire could be deferred. Ms. West-Wing responded that she believed he started work today. Commissioner Bordner stated that he understands that Mr. Allen will be called up for active reserve duty. Ms. West-Wing stated that she understands he will be gone for 16 weeks. Commissioner Bordner further stated that he did some quick rough calculations and we could be obligated up to \$13,000 for wages and benefits when he is on the reserve duty.

Commissioner Bippus stated that the County surely does not want to imply that we do not support reserve duty.

Ms. West-Wing stated that Curtis Allen is scheduled to report in September.

It was mentioned that Mr. Allen's father is senior staff in the department, but that Elected Officials have the liberty to hire whomever they choose.

Commissioner Bippus stated that this does not look or feel right.

Chairman Dobberteen stated that this puts the County in a bad spot. We certainly support service to our country, but the budget is tight.

Commissioner Bippus stated that he is not concerned with the hiring of him, he just questions the timing of the hiring and of the reserve duty. He stated that the County has a nepotism policy, but we cannot make the elected officials follow the policy.

Ms. West-Wing was asked to have the Sheriff provide further explanation on this issue.

Motion carried.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

FROM CONTINGENCY:

\$10,850.00 from General Fund Contingency to Fund #270 (Principal Residence Denial Fund) as a short-term loan.

BUDGET ADJUSTMENT:

DECREASE:

Line item 256-236-941.000 (Contingency) \$ 1,198.00

INCREASE:

Line item 256-236-980.000 (Computer Hardware) \$ 1,198.00

It was moved by Commissioner Bordner and supported by Commissioner Pueschel that the budget adjustments be approved. Motion carried.

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker - 10 half days 1/21, 1/22, 2/3, 2/4, 2/5, 2/11 x 2, 2/12 & 2/13 x 2 & 4 full days 2/5, 2/8, 2/9 & 2/10/04	\$ 805.00
Monte Bordner - 6 half days 12/18 x 2 & 12/22/03, 2/5, 2/11 & 2/13/04 & 4 full days 2/8, 2/9, 2/10 & 2/16/04	680.00
John Dobberteen - 24 half days 12/18, 12/19, 12/22 & 12/23/04 x 2, 1/4, 1/13, 1/14, 1/15 x 2, 1/16, 1/21, 1/22, 1/23, 1/30, 2/3, 2/4, 2/5 x 2, 2/11, 2/13 x 2 & 2/16/04 x 2 & 2 full days 1/21 & 1/31/04	1,390.00
Gerald Loudenslager - 2 full days 1/21 & 2/9/04	190.00
David Pueschel - 5 half days 1/21, 1/22, 2/3, 2/5 & 2/12/04	200.00
Eric Shafer - 15 half days 1/5, 1/6, 1/7, 1/8, 1/14, 1/16, 1/19, 1/21, 1/27, 1/28, 1/30, 2/4, 2/5, 2/11 2/13/04	<u>750.00</u>
	\$4,015.00

Expenses

Robin Baker	\$ 170.38
Monte Bordner	417.68
John Dobberteen	164.27
Gerald Loudenslager	139.13
David Pueschel	36.38
Eric Shafer	<u>88.88</u>
	\$1,016.72

It was moved by Commissioner Bippus and supported by Commissioner Loudenslager that the per diem and expenses be approved. Motion carried.

Financial Statements

	Revenues		Expenditures
December - Unaudited	\$ 1,287,707.00	\$	1,143,887.00
Year to Date	12,012,920.00		11,752,177.00

Period Fund Balance - \$143,820
 Total Unreserved Fund Balance - \$3,798,037

Percent of budget year elapsed year to date.	100.00%
Percent of total budgeted funds earned year to date	98.10%
Percent of total budgeted funds expended year to date	96.05%

Mr. Carey noted that these are unaudited figures.

It was moved by Commissioner Bordner and supported by Commissioner Loudenslager that the unaudited financial statements for December and year end 2003 be accepted. Motion carried.

	Revenues	Expenditures
January	\$ 854,157.00	\$ 1,155,879.00
Year to Date	854,157.00	1,155,879.00

Period Fund Balance (\$301,721)

Percent of budget year elapsed year to date.	8.33%
Percent of total budgeted funds earned year to date	6.69%
Percent of total budgeted funds expended year to date	9.05%

It was moved by Commissioner Bordner and supported by Commissioner Loudenslager that the financial statements for January 2004 be accepted. Motion carried.

Commissioner Bordner thanked Mr. Carey, Ms. West-Wing and staff for the good job in monitoring the budget and coming in at the end of the year in the black.

CITIZENS COMMENTS

Tim Carls, Klinger Lake Road, Centreville asked that the Clerk forward a short article from the newspaper to the Farmland and Open Space Preservation Committee.

Mr. Carls further stated that there is a discrepancy on some property descriptions in Florence Township that do not match the tax bill.

Mark Clute, Land Resource Centre Director, responded by saying that the LRC made a mistake and are responsible for this. He does not know how it happened but the LRC made the error.

Mr. Carls asked if the township residents have been duped.

Mr. Clute stated that the legal description is correct but the acreage is listed incorrectly therefore it is wrong on the tax bill. He further stated that the acreage is listed for information purposes only.

Mr. Carls suggested that if Rand Bowman is not doing his job he needs to resign.

MISCELLANEOUS

Commissioner Bordner stated that he attended the most recent Substance Abuse Council Meeting and they are getting to the bottom of the issues that they have been addressing. They are moving up the chain of command on the State level. They are asking for explanations and the bottom line that they have is service to customers.

Commissioner Baker stated that he spent 3 days at the Michigan Association of Counties conference and Commissioners Bordner and Loudenslager were also there along with Mr. Cleaver and Ms. West-Wing. He stated that it was extremely informative and has already used the information that he received.

Commissioner Baker mentioned his unhappiness with the U.S. 131 project and the regional director.

Commissioner Pueschel thanked the Clerk for the recently printed and distributed directories.

Commissioner Loudenslager stated that it was good seeing all of the representatives from this County at the MAC Conference. He also thanked the Clerk for the directories.

The Clerk thanked staff member Gloria Tate for all the hard work that she does in producing the directory.

ADJOURNMENT

It was moved by Commissioner Bordner and supported by Commissioner Pueschel that the St. Joseph County Board of Commissioners adjourn until March 2, 2004 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

John L. Dobberteen, Chairman