

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 March 17, 2009, at 5:00 p.m.

Chairman John L. Dobberteen called the meeting to order.

The Invocation was given by Commissioner Shaffer.

The Pledge to the American Flag was given.

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

Rick Shaffer	Michael D. Dunlap
Robin Baker	Jerry Ware
David J. Pueschel	John L. Dobberteen

Absent: Gerald E. Loudenslager

Also present were Judy West-Wing, Administrator/Controller, Dan Carey, Finance Director and Elishia Arver, Human Resource Director.

AGENDA

Chairman Dobberteen stated that the resolutions should be moved to right after old business.

It was moved by Commissioner Pueschel and supported by Commissioner Shaffer that the agenda be approved as amended. Motion carried.

MINUTES APPROVED

It was moved by Commissioner Baker and supported by Commissioner Dunlap that the minutes for March 3, 2009 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, March 6 and March 13, 2009.
2. Letter from the City of Three Rivers, Re: Notice of public hearing on March 17 to consider an Obsolete Property and Rehabilitation District at 38 North Main St.
3. Letter from the Michigan Association of Counties, Re: Thank you for resolution supporting revenue sharing.
4. Copy of letter to President Obama from Tim Carls, Re: Term Limits.
5. Letter from Tim Carls, Re: St. Joseph County Board of Commissioners should match federal funds for emergency food and shelter.
6. Letter from Beth Aben, Deputy Director of Michigan Bureau of Construction Codes, Re: Reminder of the services they provide to local units of government.
7. Resolution from Wayne County, Re: Requesting the Governor and the Michigan Legislature implement a plan to improve Michigan roads and highways.
8. Resolution from Berrien County, Re: Opposing funding reduction and merger of MSU Agriculture Experiment Station (located in Berrien County) and MSU Extension.
9. Resolution from Lake County, Re: Opposing a 50% reduction of funding for MSU Extension and the Michigan Agricultural Experiment Station.
10. Minutes of the Southwest Michigan Substance Abuse Advisory Council meeting of February 16, 2009.
11. Minutes of the Commission on Aging Board meeting of February 18, 2009.

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

RESOLUTION NO. 5-2009  
PROCLAMATION HONORING VIRGINIA WYMAN

Commissioner Shaffer introduced Ms. Wyman and acknowledged several members of the Literacy Council and commended them for the job that they do. Being literate is a must in the county today and thanked them for being proactive.

He read the following resolution:

WHEREAS, Virginia Wyman served as a board member, tutor and coordinator for the St. Joseph County Literacy Council from 2003 to 2009; and

WHEREAS, Virginia secured the Literacy Council's non-profit status and expanded the service area to the entire County of St. Joseph; and

WHEREAS, Virginia began compiling statistics that enabled the Literacy Council to monitor its impact on students and secure grants from American Electric Power and United Way; and

WHEREAS, Virginia furthered the community's awareness of the Literacy Council by speaking at area service clubs, coordinating various workshops, soliciting tutors and providing tutor training; and

WHEREAS, Virginia has made an enormous impact in the lives of countless adults and children.

NOW, THEREFORE, LET IT BE RESOLVED, that the St. Joseph County Board of Commissioners recognizes and expresses grateful appreciation for the personal commitment of time, vigor and devoted service that Virginia Wyman has given to the citizens of St. Joseph County.

BE IT FURTHER RESOLVED, that this resolution be spread upon the proceedings of the St. Joseph County Board of Commissioners this 17<sup>th</sup> day of March 2009 and be presented to Virginia with sincere thanks.

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

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Resolution adopted.

RESOLUTION NO. 6-2009  
PRINCIPAL RESIDENCE EXEMPTION AUDIT PROGRAM

Commissioner Shaffer read the following resolution:

WHEREAS, under the provisions of the General Property Tax Act, Public Act 206 of 1893, as amended, County Equalization Directors and County Treasurers are given the opportunity to audit and deny principal residence exemptions; and

WHEREAS, by Resolution No. 21-2003 adopted on September 16, 2003 St. Joseph County opted into the "principal residence exemption" audit program; and

WHEREAS, by Resolution No. 16-2007 adopted on September 4, 2007 St. Joseph County continued its role in the audit program; and

WHEREAS, the St. Joseph County Board of Commissioners chooses to continue to maintain an active roll in the review and denial process.

NOW, THEREFORE, BE IT RESOLVED, that the St. Joseph County Board of Commissioners by and through their Equalization Director wishes to continue to take part in the "principal residence exemption" audit program through September 30, 2014 under the provisions of MCL 211.7cc.

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

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Resolution adopted.

#### COUNTY CLERK'S ANNUAL REPORT FOR 2008

County Clerk, Pattie S. Bender, gave an overview of the Annual Report for 2008. All staff was in attendance and she introduced them and commended them for the work that they do: Sandra Bowen, Chief Deputy; Kathy Kline, Court Division; Dena Wyckoff, Court Division; Jackie Wells, General Division; Joan Skinner, General Division; and Phyllis Lung, General Division-Election Specialist.

She highlighted some things including a huge microfilm project that was completed in 2008 which freed up a lot of space for Circuit Court files. Financials were down due to the economy. Plans for 2009 are to convert the Juvenile financials to the J.I.S. System. The Clerk and staff are also studying document imaging and possible conversion moving towards more technology in the General Division.

Comments from Commissioners thanking staff were made.

It was moved by Commissioner Dunlap and supported by Commissioner Baker that the County Clerk's Annual Report for 2008 be accepted. Motion carried.

#### DISTRICT COURT ANNUAL REPORT FOR 2008

Judge Middleton gave an overview of the District Court Annual Report for 2008. Judge Welty was also present. Judge Middleton commended District Court Administrator/Magistrate, Tabitha Wedge for preparing the report and for all the work that she does for the Court.

Judge Middleton explained the division of time for himself and Judge Welty. Judge Welty is an elected District Judge but spends half of his time as a Circuit Judge handling all of the divorce with children cases. He also handles ½ of the criminal docket. Judge Middleton does the other half of the criminal docket and the entire civil docket.

They have a lot of employee longevity in the Court, but have recently had some turnover in a magistrate's position.

The District Court revenue was also down in 2008. There were 3,500 less tickets written in 2008.

The ecitation program is taking much longer than anticipated to get all the bugs worked out and Judge Middleton stated that it would not have come as far as it has without the hard work of Mrs. Wedge.

Commissioner Shaffer asked about the driver responsibility issue that plagues drivers state-wide. Judge Middleton stated that there are about 25 different offenses for which drivers can lose their driver license. It is a cash cow for the State and so unfair to the drivers. Judges state-wide would like the law repealed, but understand that the state would lose a lot of revenue if that were to happen.

Chairman Dobberteen thanked Judges Middleton and Welty for the cooperation that they show with the other judges. All players in the judicial system in the County work well together.

It was moved by Commissioner Dunlap and supported by Commissioner Pueschel that the District Court Annual Report for 2008 be accepted. Motion carried.

JUVENILE DETENTION CONTRACT WITH KALAMAZOO COUNTY

Ms. West-Wing recommended approval of a contract with Kalamazoo County for juvenile detention. She stated that we pay \$20 per day for 2 unused beds and \$150 per day if the beds are occupied. She said that this was a very good deal for the county.

It was moved by Commissioner Dunlap and supported by Commissioner Ware that the Juvenile Detention Contract with Kalamazoo County be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

LEASE AGREEMENT FOR HOUSE AT MEYER BROADWAY PARK WITH TAMARA PAUL

Ms. West-Wing stated that John Pence, Parks and Recreation Director, has found a woman to live in the house at Meyer-Broadway Park. She will pay \$400 per month plus utilities and will open and close the gate to the park daily.

It was moved by Commissioner Dunlap and supported by Commissioner Shaffer that the Lease Agreement for the house at Meyer-Broadway Park with Tamara Paul be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

LEASE AGREEMENT WITH ECONOMIC DEVELOPMENT CORPORATION

Ms. West-Wing recommended renewing the lease with the Economic Development Corporation for office space at Annex II. It was for 220 square feet of space for an annual sum of \$1,911.80.

It was moved by Commissioner Baker and supported by Commissioner Shaffer that the lease agreement with EDC be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

2008 AUDIT ENGAGEMENT AGREEMENT WITH REHMANN ROBSON

Ms. West-Wing stated that last year the County approved a 5 year contract with the auditing firm of Rehmann Robson but every year they need an engagement agreement approved. The one year fee is \$25,750.00.

It was moved by Commissioner Baker and supported by Commissioner Pueschel that the 2008 Audit Engagement Agreement with Rehmann Robson be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

#### COMMISSION ON AGING SICK AND VACATION POLICY AMENDMENTS

Ms. West-Wing recommended that the sick and vacation policy amendments be approved for the Commission on Aging because of the difficulty of applying the existing policy to one part-time employee that works very few hours.

It was moved by Commissioner Dunlap and supported by Commissioner Pueschel that the Commission on Aging sick and vacation policy amendments be approved. Motion carried.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

#### NOMINATIONS/APPOINTMENTS

##### Commission on Aging

It was moved by Commissioner Baker and supported by Commissioner Pueschel that Tim Carmichael and Kelly Eaton be nominated and appointed to the Commission on Aging for a term to expire June 30, 2009 and Donald Hoffman be nominated and appointed for a term to expire June 30, 2010. Motion carried.

##### Transportation Authority

It was moved by Commissioner Baker and supported by Commissioner Dunlap that Michael Dunlap, Gary Wheeler, Monte Bordner, Gary Hansen, David Locey, Donald Gloy, Jr., and Joseph Haas be nominated and appointed to the Transportation Authority for 2 year term expiring April 1, 2011. Motion carried.

##### Community Mental Health

It was moved by Commissioner Shaffer and supported by Commissioner Ware that Betty Massey, Robin Baker, John Dobberteen and David Pueschel be nominated and appointed to the Community Mental Health Board for 3 year terms to expire March 31, 2012. Motion carried.

#### COMMITTEE REPORTS

##### Law Enforcement

Commissioner Baker stated that the Law Enforcement Committee will meet this Friday, March 20th.

##### Judiciary

Commissioner Dunlap stated that the Judiciary Committee had not met.

Physical Resources

Commissioner Dunlap stated that the Physical Resources Committee had not met.

Executive Committee

Commissioner Baker stated that everyone had received a copy of the Executive Committee minutes of March 13, 2009 and he would answer any questions that anyone may have.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

MISCELLANEOUS:

Establish the rate of pay for part-time Road Patrol Officer at \$17.37/hr. when working 24 hours or less per week, effective January 1, 2009. (Rate of pay for part-time Road Patrol Officer working more than 24 hours per week is established in the POAM labor agreement.)

Revise rate of pay for Mark C. Mellinger, part-time Road Patrol Officer, to \$17.37/hr. if less than 24 hours/week or \$19.58/hr. if more than 24 hours/week and revise hire date from February 24 to March 14, 2009.

Jacquilyn Wells, Deputy County Clerk, was on medical leave from March 6 to March 16, 2009 under the Family and Medical Leave Act of 1993.

NEW HIRE:

James F. Holton has been hired as part-time Road Patrol Officer at \$17.37/hr. if less than 24 hours/week or \$19.58/hr. if more than 24 hours/week effective March 13, 2009.

RESIGNATION:

Christina Wells, Nutrition Bulk Route Driver, has resigned effective March 13, 2009.

It was moved by Commissioner Baker and supported by Commissioner Dunlap that the personnel report be approved. Motion carried.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

DECREASE PROSECUTOR'S BUDGET:

Line item 101-229-823.000 (Special Prosecutor) \$ 90.00

INCREASE PROSECUTOR'S BUDGET:

Line item 101-229-984.000 (Computer Hardware) \$ 90.00

DECREASE PROSECUTOR'S BUDGET:

Line item 101-229-816.000 (Contractual Services) \$ 340.00

INCREASE PROSECUTOR'S BUDGET:

Line item 101-229-978.000 (Furniture & Fixtures) \$ 340.00

DECREASE INFORMATION TECHNOLOGY'S BUDGET:

Line item 101-258-931.020 (Computer Maintenance/Service Contract) \$ 1,250.00

Line item 101-258-985.000 (Computer Software) 600.00

\$ 1,850.00

INCREASE INFORMATION TECHNOLOGY'S BUDGET:

Line item 101-258-984.000 (Computer Hardware) \$ 1,850.00

FROM GENERAL FUND CONTINGENCY:

\$8,560.00 from General Fund Contingency (101-890-941.000) to Information Technology, line item 101-258-931.020 (Computer Maintenance).

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

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker – 9 half days 2/18 x 2, 2/19, 2/20, 2/26, 2/27, 3/5, 3/13 & 3/16/09 & 2 full days 2/23 & 3/16/09	\$ 640.00
Jerry Ware – 2 half days 2/20 & 3/4/09	100.00
John Dobberteen – 7 half days 2/25, 2/27, 3/5, 3/10 x 2, 3/13 & 3/17/09	350.00
Michael Dunlap – 6 half days 2/18, 2/26, 3/3, 3/4, 3/6 & 3/10/09 & 1 full day 2/27/09	395.00
Gerald Loudenslager – 6 half days 2/20, 2/24, 3/9, 3/10 x 2 & 3/12/09 & 3 full days 2/18, 2/26 3/4/09	585.00
David Pueschel – 10 half days 1/21 x 2, 1/23, 1/30, 2/13, 2/18, 2/27, 3/3, 3/5 & 3/13/09	<u>500.00</u>
	\$2,570.00

Expenses

Robin Baker	\$ 282.15
Jerry Ware	33.00
John Dobberteen	50.60
Michael Dunlap	134.20
Gerald Loudenslager	226.70
David Pueschel	<u>111.10</u>
	\$ 837.75

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

Financial Statement

	Revenues	Expenditures
February	\$ 1,029,286	\$ 988,240
Year to Date	2,066,385	2,046,479
Period Fund Balance	\$41,046.00	
Year to Date	19,906.00	
Percent of budget year elapsed year to date.	16.67%	
Percent of total budgeted funds earned year to date	13.99%	
Percent of total budgeted funds expended year to date	13.85%	

It was moved by Commissioner Dunlap and supported by Commissioner Ware that the finance statement be accepted. Motion carried.

MISCELLANEOUS

Commissioner Ware stated that he is glad that the Commissioners are going to discuss the procedures for making board and commission appointments.

ADJOURNMENT

It was moved by Commissioner Dunlap and supported by Commissioner Shaffer that the St. Joseph County Board of Commissioners adjourn until April 7, 2009. Motion carried.

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Pattie S. Bender, County Clerk

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John L. Dobberteen, Chairman