

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 20, 2012 at 5:00 p.m.

Chairman Rick Shaffer called the meeting to order.

The Invocation was given by Chairman Shaffer.

The Pledge to the American Flag was given.

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

Rick Shaffer	Gerald E. Loudenslager
Allen Balog	Robin Baker
Jerry Ware	Donald Eaton
John L. Dobberteen	

Also present were Judy West-Wing, Administrator/Controller, and Elishia Arver, Human Resources Director.

AGENDA

It was moved by Commissioner Dobberteen and supported by Commissioner Baker that the agenda be approved. Motion carried.

MINUTES APPROVED

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the minutes for March 6, 2012 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Update, March 16, 2012.
2. Letter from the Village of Constantine, Re: Notice of public hearing on April 2, 2012 to consider an update to the DDA Development and Tax Increment Financing Plan.
3. Letter from the City of Sturgis, Re: Notice of public hearing on March 14, 2012 to consider an Industrial Facilities Exemption Certificate to Sturgis Molded Products.
4. Letter from Nancy Percival, Re: Thank you for the Board of Commissioner's support of EDC and the partnership with Southwest Michigan Partnership, LLC.
5. Resolution from Cheboygan County, Re: Opposition to the early release of violent offenders by the Michigan Department of Corrections.
6. Minutes of the St. Joseph River Basin Commission meeting of December 6, 2011.
7. Minutes of the Southwest Michigan Substance Abuse Advisory Council meeting of February 20, 2012.
8. Minutes of the Commission on Aging Board meeting of February 15, 2012.

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

CITIZENS COMMENTS

Eric Large, representing the Disability Network Southwest Michigan, presented Chairman Shaffer with an appreciation plaque thanking the Board for passing a resolution on September 21, 2010 acknowledging the 20th anniversary of the Americans with Disabilities Act. The Board thanked Mr. Large for the plaque.

COUNTY CLERK'S 2011 ANNUAL REPORT

The Clerk gave an overview of the 2011 annual report. She introduced staff that was present and complimented them on the great job that they do. She mentioned that the Judicial Council was begun which includes all 4 Judges; the Friend of the Court; Juvenile Division Director/Referee; the Probate Register; District Court Administrator; Circuit Court Caseflow Manager and the County Clerk. They meet monthly and have established a Technology Committee and will meet with the Regional Administrator from the State Court Administrator's Office next month to begin discussions regarding technology changes that the State is working on and the possible eventual paperless filing.

Following are the financial and statistical reports:

January 1, 2011 through December 31, 2011
General Fund

		2010		2011
Pistol Permits				
County Share	530	\$ 13,780.00	417	\$ 10,842.00
Replacements	7	70.00	12	120.00
Marriage Licenses				
County	449	2,245.00	420	2,100.00
Out Of State	25	375.00	36	540.00
Professional Registrations	1	25.00	1	25.00
Drug Caseflow Reimbursement		854.67		1,384.77
Juror Comp. Reimbursement		7,007.50		8,750.00
Entry Fees		15,965.00		14,523.50
Fee Cases	448.5		471	
Waiver Cases	81		86	
No Fee Cases	470		551	
Motion Fees		6,060.00		6,592.50
Jury Fees		2,280.00		2,100.00
Appeal to Appeals Court		50.00		100.00
Filiation (Paternity) Fee		338.84		342.13
Court Cost (Probation)		62,481.88		72,673.39
Attorney Fees		34,696.72		36,492.60
Crime Victim Rights		2,251.54		2,855.41
Forensic Fee		188.66		354.17
Garnishment Fee/Judgment Debtor		1,980.00		1,950.00
10% County Share DNA		19.87		55.02
20% Late Penalty		13,256.25		14,363.74
Certified Copies		64,510.00		60,141.00
Partnership Filings	7	70.00	3	30.00
Assumed Names Filings	455	4,550.00	410	4,100.00
Assumed Names Dissolutions	25	250.00	18	180.00
Assumed Name Non-Resident	5	10.00	3	6.00
Notary Bond Filing Fees	47	376.00	106	848.00
Notarial Certificates		56.00		50.00
Passport Execution Fees	459	11,475.00	368	9,200.00
Photo Fees	885	5,310.00	721	4,326.00
Laminating Fees	544	544.00	422	422.00
Qualified Voters File		394.70		69.90
Voter Registration Processing		564.16		702.88
Copies & Searches		3,593.41		4,352.60
Marriage Waivers	33	165.00	69	345.00
Probate Service Fees				352.00
Services				
Marriages performed by Clerk	41	\$ 820.00	36	\$ 720.00
Video Recording		84.00		63.00
Secret Marriage	2	50.00	2	50.00
License Correction	1	0.00	3	75.00
Notarizing		135.00		214.00
Business Under Assumed Name Listing		79.20		77.65
Sale of Divorce Packets		3,456.00		5,029.00
Clerk's Sale		0.00		85.00
Direct. Sales		0.00		247.32

Election Reimbursement		\$ 25,879.58		\$ 25,415.04
Filing in Lieu of Petition:	1	100.00	3	300.00
Late Campaign Filing		75.00		0.00
Cremation Permits	264	1,320.00	240	1,200.00
10% Bond Cost		3,200.00		2,818.00
Bond Forfeitures		15,000.00		0.00
Cash short/over		-0.35		0.00

TOTAL GENERAL FUND \$ 305,992.63 \$ 297,583.62

		2010		2011
FRIEND OF THE COURT FUND				
Custody and/or Parenting Time		\$ 17,660.00		\$ 17,405.00
Support Fee		1,800.00		2,180.00

MARRIAGE COUNSELING FUND \$ 7,155.00 \$ 6,961.25

COMMUNITY CORRECTIONS \$ 2,353.00 \$ 1,209.00

LIBRARY FUND (Court Ordered Fines) \$ 14,682.00 \$ 10,418.59

CIRCUIT COURT
TRUST AND AGENCY FUND

		2010		2011
Pistol Permits due State		\$ 33,920.00		\$ 26,773.34
Notary Fees due State		94.00		212.00
Crime Victim Rights due State		20,371.27		25,831.67
State Court Fee due State		6,060.00		6,642.50
Filiation (Paternity) Fee due State		1,727.15		1,574.63
Jury Reim. Fund		950.00		875.00
Civil Filing Fee		61,554.74		55,989.50
Misdemeanor & Felony State Cost		23,890.39		23,562.73
65% DNA Fee due State		129.16		357.63
Forensic Fee due State		1,069.08		2,006.87
License Clearance		0.00		15.00
25% DNA Investigating Agency		49.68		137.54
Bonds Payable		55,807.00		71,034.25
Courts Orders Payable		0.00		18,450.00
Restitutions Payable		109,355.75		104,009.89
Receipts Refundable		1,034.05		1,728.66
OUIL Reimbursement		1,510.00		1,148.87
TOTAL CIRCUIT COURT T&A FUND		\$ 317,522.27		\$ 340,350.08

JUVENILE DIVISION
GENERAL FUND

		2010		2011
Court Appointed Attorney Fees		\$ 36,997.63		\$ 37,817.13
Juvenile Court Service Fees		2,926.00		1,335.00

	2010	2011
Crime Victim Rights	\$ 93.87	\$ 154.52
Probation Service Fees	2,322.50	2,979.50
Probate Court Fees	291.80	239.36
Juvenile Child Care - Parent	13,614.92	6,795.15
TOTAL JUVENILE DIVISION GENERAL FUND	\$ 56,246.72	\$ 49,320.66

JUVENILE DIVISION
TRUST AND AGENCY FUND

	2010	2011
Crime Victim Rights due State	\$ 930.38	\$ 1,390.73
Misdemeanor & Felony State Cost	2,120.59	3,414.13
Bonds Payable	3,181.50	1,528.12
Restitutions Payable	10,651.67	9,030.89
Probate Court - Due State	409.20	580.42
TOTAL JUVENILE T&A FUND	\$ 17,293.34	\$ 15,944.29

RECAPITULATION

	2010	2011
Credit to County Clerk General Fund	\$ 305,992.63	\$ 297,583.62
Credit to Juvenile Court General Fund	56,246.72	49,320.66
Friend of the Ct. Fund	19,460.00	19,585.00
Marriage Counseling Fund	7,155.00	6,961.25
Community Corrections Fund	2,353.00	1,209.00
Library Fund	14,682.00	10,418.59
Trust and Agency Fund	317,522.27	340,350.08
Trust and Agency Fund - Juvenile	17,293.34	15,944.29
	\$ 740,704.96	\$ 741,372.49

The Clerk explained what secret marriages were responding to a question by Commissioner Dobberteen.

Commissioner Balog stated that whenever he has had anything to do with the office, the staff is always friendly and efficient.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the 2011 Annual Report of the County Clerk be accepted. Motion carried.

Commissioner Loudenslager congratulated the Clerk on the report.

Chairman Shaffer thanked the Clerk for the wonderful report and also thanked her staff.

DRAIN COMMISSIONER'S 2011 ANNUAL REPORT

Jeffery Wenzel, Drain Commissioner, gave an overview of the 2011 Annual Report.

He stated that 2011 was a busy year. He introduced his Deputy, Beverly Thelen, who does an outstanding job. She often goes to the site of different jobs and does an excellent job.

Mr. Wenzel stated that he passes on engineering fees to the special assessment district so that the property owners pay the bill.

They have 1 petition project which is the Nye Drain. There were 29 maintenance projects that he did not have to assess out because he either did the maintenance himself or there was money in the account.

There are 14 court ordered lake levels and there are 12 lake level projects.

Mr. Wenzel reported that all of the dam inspections have been completed even though they are not due until this year. There are heavy penalties by the Department of Environmental Quality if they are not completed.

There were 2 lake level draw downs in 2011, Templene and Sand and they are almost back up to the legal limit which it has to be by April 1st.

There were 13 drains that he issued free permits to for maintenance, costs of which were paid by the property owners. After the maintenance is completed he inspects them.

He will be monitoring all of the pipeline activity in the County this year to make sure that they are below the County drains.

County funds were borrowed at 2.5% interest for work on the lake levels on Kaiser and Beaver Lakes and they are paying it back in installments each year, but may pay in full to avoid further interest.

Following are the financial reports:

Assessments

The following assessments were filed with the St. Joseph County Clerk May 17, 2011:

Beaver Lake, Colon Township (Costs to Establish a Special Assessment District)	\$ 4,392.44
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The following assessments were filed with the St. Joseph County Clerk September 14, 2011:

Grover & Coohon Drain, Colon Township (Petitioned Cleanout)	\$18,764.05
Felker Drain, Park Township (Petitioned Cleanout)	\$55,080.53
Colon Number One Drain, Colon & Nottawa Townships (Petitioned Cleanout)	\$39,549.39
Kaiser Lake Assessment, Fabius Township (Costs to Establish a Special Assessment District)	\$4,189.03
Beaver Lake Assessment, Colon Township (Costs to Establish a Special Assessment District)	\$4,706.26
Little Portage Creek Intercounty Drain, Mendon & Leonidas Twps. (Deficiency Assessment)	\$3,287.00
Park Drain, Park and Lockport Townships (Maintenance Assessment)	\$13,100.00
Wood & Watson Drain, Burr Oak Township (Maintenance Assessment)	\$12,000.00
Black Run Drain, Constantine Township (Maintenance Assessment)	\$26,522.83

Total Drain and Lake Assessments 2011 - \$181,591.53

Drain and Lake Level Funds

FUND	BALANCE 12/31/11
Long Lake Revolving Fund (Fabius)	\$20,728.75
Drain Assessment Fund (*)	\$196,492.10
Klinger Lake Level Fund	\$21,816.07
Revolving Drain Fund	\$17,499.76
Revolving Drain Maintenance Fund	\$28,703.97
Omena Lake	\$17,052.86
Palmer & Long Lake Level Fund (Weed Control)	\$0.00
Fish Lake Drain Fund	\$8,083.59
Eberhard Lake Level	\$700.08
Grey Lake Level Study Fund	\$1,035.74
Corey Lake	\$3,564.20
Pleasant Lake	\$7,777.50
Clear Lake	\$7,234.00
Kaiser Lake	\$880.80
Debt Service	\$90,622.29
Beaver Lake	\$3,717.14
Lake Templene	\$3,602.03
Minnewaukan Lake	\$0.00
Lamberson Dam	\$89.85
TOTALS	\$421,533.62

*This fund is the total of the individual drain accounts included with this report.

Individual Drain Accounts

DRAIN	BALANCE
AINSLEY	\$0.00
AMBS	\$0.01
BARTHOLOMEW/SPRING CREEK	\$2.86
BEAVER LAKE & EXTENSION	\$228.47
BENEDICT LAKE	\$2,327.11
BENNETT & BIRCH	\$1.87
BERKLEY & REED	\$451.46
BLACK RUN	\$23.27
BRICKER	\$21.62
BRISTOL	\$5.46
BROOKS	\$6.62
BURR OAK VILLAGE	\$1.47
BURR OAK/COUNTYLINE	\$5,990.26
CALVERT & FOUR COUNTY	\$2,300.30
CARL	\$71.84
CARTER-BOWER	\$156.32
CLARKS	\$2.72
CLYDE	\$2,259.44
COLE & DARLING	\$37.91
COLON NO. 1	\$51,531.01
COOPER	\$35.70
COPENHAFFER	\$1,435.64

INDIVIDUAL DRAIN ACCOUNTS, Continued

COREY LAKE (DRAIN)	\$131.25
DAVIS TILE	\$27.98
DELONG	\$3.18
DENT EXTENSION	\$3.34
DRY LAKE	\$2.57
FABIUS NEWBERG	\$0.00
EBERHARD LAKE (DRAIN)	\$22.76
EDWARDS-STARKWEATHER	\$1.00
FARNHAM	\$45.31
FAWN RIVER	\$0.00
FELKER	\$3,512.73
FLETCHER	\$44.00
FOUR COUNTY	\$40.20
FOUR COUNTY BRANCH	\$39.26
FOWLER	\$32.32
FREEMAN	\$6,502.01
GARMAN FOSTER BRANCH	\$1,190.53
GEMBERLING	\$230.04
GILL & TRY	\$281.88
GILLET	\$7.06
GOOSE LAKE	\$91.52
GRAVES	\$17.56
GROVER-COOHON	\$38,415.14
HALLWOOD - BRANCH #1	\$185.70
HANDESHAW	\$0.00
HASBROOK & MUMBY	\$0.15
HASSINGER	\$878.30
HAZZARD	\$45.54
HENRY-HILL	\$39.45
HILL	\$159.41
HIMEBAUGH & NOBLE	\$21.92
HOG CREEK & BRYANT LAKE	\$606.44
HOOVER-KELLY	\$242.52
JOHNSON & KELLY	\$408.59
KEIGHTLY	\$217.62
KIBBIE & AKEY	\$3.42
KISER & BICKLE	\$0.00
KLADY	\$0.00
LAIRD TOMPKINS & DOANE	\$5.31
LEONIDAS VILLAGE	\$20.59
LEONIDAS/MENDON/LITTLE PORTAGE	\$2,024.70
LITTLE PORTAGE CREEK EXTENSION	\$0.00
LEVERANCE & REED	\$246.59
LITTLE SWAN CREEK	\$4,771.68
MARVIN	\$21.33
MCCAULEY	\$100.00
METTY RICE	\$45.01
MOE	\$6,098.30
MOORE & BURGNER	\$19.18
MOOREPARK	\$39.49
NOTTAWA LOCKPORT	\$57.68

INDIVIDUAL DRAIN ACCOUNTS, Continued

NOTTAWA NO. 1	\$23.33
NYE	\$170.38
OLDORF	\$19.99
OUTWATER	\$4.65
PARK	\$2,358.46
PIERCE-SHERMAN	\$10.50
PLUG EXTENSION	\$44.66
PLUM	\$.01
PORTAGE CREEK INTERCOUNTY	\$40.50
PORTAGE LAKE	\$35,459.14
PROFILE LAKE	\$701.79
RAILROAD STREET & TRY	\$55.42
REED	\$0.00
REED & HAGER	\$1.44
RUMSEY	\$0.00
SADAWASSER	\$80.77
SAMUEL CLYDE	\$16.93
SAM METTA	\$0.00
SANBORN & HOG CREEK	\$172.01
SECTION FIFTEEN	\$100.00
SECTION FOUR	\$1,932.39
SECTION FOUR & FIVE	\$33.47
SECTION LINE	\$191.46
SECTION SEVEN	\$150.50
SECTION SIXTEEN	\$0.91
SECTION THIRTY-ONE	\$23.18
SECTION TWENTY EIGHT	\$9.20
SHAW & AKEY	\$4.08
SIMPSON	\$6.91
SKIRVIN	\$7.69
SMITH & TYLER	\$50.00
SMITH WOODWORTH	\$37.11
SNAKE	\$614.90
STEPHENSON	\$331.32
STEWART LAKE	\$13,918.19
SWEET LAKE	\$0.00
THORNTON-BEAVER MARSH	\$27.73
TRECKLE	\$2.64
TUTEWILER, TOWN LINE & PLUG	\$2,699.67
WAITS	\$13.38
WANEER	\$87.29
WASEPI	\$10.12
WILCOX	\$2,241.77
WINGER	\$0.00
WOOD & WATSON	\$601.06
YAPLE	\$60.85
YEATTER JOINT	\$301.93
YODER	\$82.45
TOTALS	\$196,492.10

Loans

Colon Number One Drain	\$365,780.00
Felker Drain	\$427,000.00
Grover & Coohon Drain	\$220,000.00
Portage Lake Drain	\$200,000.00

Commissioner Dobberteen thanked Mr. Wenzel for the report and stated that he thinks that this is the first time since he has been a Commissioner that there has been no mention of Milburn Peat!

Commissioner Eaton asked that since we have had an abnormal winter and not having much ice on the lakes does that affect anything.

Mr. Wenzel responded by saying that in the Colon area they may have problems with weeds.

Commissioner Eaton asked Mr. Wenzel if he sees any big projects in the near future.

Mr. Wenzel said that he does not see any major projects coming at this time.

It was moved by Commissioner Loudenslager and supported by Commissioner Dobberteen that the Drain Commissioner's Annual Report for 2011 be accepted and placed on file. Motion carried.

Commissioner Loudenslager thanked Mr. Wenzel and his Deputy and said that he appreciates that there was no mention of Milburn Peat. He asked if he could take over the Soil Erosion permits and asked Ms. West-Wing if that would then make the Drain Commissioner's position be full time.

Mr. Wenzel stated that he was certified with the DEQ to issue soil erosion permits. Ms. West-Wing stated that she could not answer Commissioner Loudenslager's question about the Drain Commissioner going full time if he issued the permits.

Commissioner Ware thanked Mr. Wenzel on a job well done.

E 9-1-1 CENTRAL DISPATCH MILLAGE REQUEST - SET PUBLIC HEARING

Ms. West-Wing stated that the E 9-1-1 Central Dispatch millage expired with the December 2011 assessment and ballot language can be placed on the August or November ballot. .75 of a mill has been levied each time since we established Central Dispatch, about 20 years.

She stated that after discussion at the Executive Committee meeting last Friday it was the consensus that Central Dispatch Director John Uribe prepare projected expenses over the next 6 years and then the Board can determine whether or not a public hearing is necessary.

It was moved by Commissioner Eaton and supported by Commissioner Dobberteen action on setting a public hearing be tabled. Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Loudenslager stated that there was no report.

Judiciary

Commissioner Eaton stated that there was no report.

Physical Resources Committee

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

He further stated that applications will begin to be accepted for the Ag Agent and if anyone wants anything specific in the job description to let him know by 10:00 a.m. on Thursday.

Executive Committee

Commissioner Dobberteen stated that the Executive Committee met on March 16, 2012 and everyone has a copy of the minutes and would answer any questions that anyone may have.

ADMINISTRATOR'S REPORT

Ms. West-Wing presented the following reports:

Personnel Report

NEW HIRE:

Joshua S. Robare has been hired as Assistant Prosecuting Attorney I at \$43,463.00/yr. (Rye system, grade 9, minimum) effective April 24, 2012.

MISCELLANEOUS:

Kelli Lusk, Telecommunicator, will be on medical leave commencing March 18, 2012 under the Family and Medical Leave Act of 1993.

Revise the hire date for Roger D. Stanfill, part-time Corrections Officer, from March 7 to March 13, 2012.

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

Budget Adjustments

BUDGET AMENDMENTS:

DECREASE PROSECUTOR'S BUDGET:

Line item 101-229-852.000 (LEIN Services) \$ 200.00

INCREASE PROSECUTOR'S BUDGET:

Line item 101-229-978.000 (Furniture & Fixtures) \$ 200.00

DECREASE GENERAL FUND CONTINGENCY:

Line item 101-890-941.000 (Contingency) \$ 980.00

INCREASE COUNTY TREASURER'S OFFICE:

Line item 101-253-816.000 (Contractual Services) \$ 980.00

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

Finance Director's Report

Per Diem

Robin Baker - 5 half days 2/22 x 2, 3/2, 3/6 & 3/8/2012 & 2 full days 2/23 & 3/19/2012	\$ 440.00
Allen Balog - 4 half days 2/15, 2/22, 3/13 & 3/16/2012 & 1 full day 2/23/2012	295.00
John Dobberteen - 6 half days 2/20, 3/6, 3/12, 3/15 x2 & 3/19/2012	300.00
Gerald Loudenslager - 5 half days 2/22, 3/12 x 2, 3/13 & 3/16/2012 & 5 full days 2/23, 2/29, 3/1, 3/2 & 3/7/2012	725.00
Rick Shaffer - 5 half days 2/27, 3/2, 3/7 & 3/16/2012	200.00
Jerry Ware - 3 half days 2/22, 3/6 & 3/7/2012	<u>150.00</u>
	\$2,110.00

Expense

Robin Baker	\$ 243.65
Allen Balog	109.89
John Dobberteen	84.36

Gerald Loudenslager	\$ 175.94
Rick Shaffer	74.37
Jerry Ware	<u>33.30</u>
	\$ 721.51

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

Financial Statement

	Revenues	Expenditures
February	\$ 1,173,166	\$ 1,117,256
Year to Date	2,281,057	2,467,526
Period Fund Balance	\$55,910	
Year to Date	(\$186,469)	
Percent of budget year elapsed year to date.	16.67%	
Percent of total budgeted funds earned year to date	15.38%	
Percent of total budgeted funds expended year to date	16.63%	

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the financial statement be accepted. Motion carried.

Independent Contractor's Agreement

Ms. West-Wing recommended approval of an Independent Contractor's Agreement with Douglas A. Brousseau for commercial appraisals for the Equalization Department for \$56,000.00.

It was moved by Commissioner Loudenslager and supported by Commissioner Ware that the Independent Contractor's Agreement be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

MISCELLANEOUS

Commissioner Dobberteen stated that since the Commission on Aging's millage is up for renewal this year too that he would like to see some research and comparables done the same as Central Dispatch.

It was moved by Commissioner Dobberteen and supported by Commissioner Eaton that the COA be directed to do some research and gather some comparables with other counties regarding their millage. Motion carried.

ADJOURNMENT

It was moved by Commissioner Loudenslager and supported by Commissioner Dobberteen that the St. Joseph County Board of Commissioners adjourn until April 3, 2012 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

Rick Shaffer, Chairman