

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 May 17, 2011 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, Dan Carey, Finance Director and Elishia Arver, Human Resources Director.

#### AGENDA

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

#### MINUTES APPROVED

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the minutes for May 2, 2011 be approved. Motion carried.

#### COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, May 6 and May 13, 2011.
2. Letter from AFSCME, Michigan Council 25, Re: House Bill 4059.
3. Copy of Letter to Moreland International, Ltd. from the State Tax Commission, Re: Revocation of Industrial Facility Exemption Certificate No. 2007-082.
4. Letter from Mottville Township, Re: Notice of public hearing on July 14 to consider an Industrial Facilities Exemption Certificate to The Andersons, Inc.
5. Letter from the Michigan Public Service Commission, Re: Notice of public hearing on May 23, 2011 to consider Indiana Michigan Power Company's Renewable Energy Plan.
6. Letter from the Michigan Public Service Commission, Re: Notice of public hearing on May 25, 2011 to consider Indiana Michigan Power Company's power supply cost recovery.
7. Letter from Enbridge, Re: Notice of survey work and environmental assessments along a portion of Enbridge's Line 6B in the near future.
8. Email and letter from Enbridge, Re: Replacement of existing pipeline segments, including a portion near Mendon.
9. Letter from Disability Network Southwest Michigan, Re: Copy of 2010 Annual Report.
10. Minutes of the Southwest Michigan Substance Abuse Advisory Council meeting of April 18, 2011.
11. Minutes of the Department of Human Services Board meeting of December 21, 2010; January 25, 2011; February 22, 2011; and March 22, 2011.
12. Minutes of the Commission on Aging Board meeting of April 20, 2011.

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

#### CITIZENS COMMENTS

Dan Lucas of Constantine had the following questions and comments regarding the potential investment in Trine University in Indiana.

- \*has the Board checked the legalities of using our tax dollars out of the State of Michigan
- \*he believes that it is not a good idea
- \*can the taxpayers get some of the money
- \*eleven people were laid off by the County in 2010, can those people be brought back
- \*Indiana has been taking jobs from Michigan for years
- \*believes that all taxpayers have a stake in this \$6.9 million
- \*do the people in this County get to vote on this issue
- \*why did the Steuben County Board of Commissioners turn it down when Trine is in that County
- \*we need manufacturing jobs here
- \*should he keep coming to these meetings to see if this matter is discussed

#### FRIEND OF THE COURT ANNUAL REPORT FOR 2010

William Thistlethwaite, Friend of the Court, gave an overview of the 2010 Annual Report. He acknowledged Commissioners Balog and Eaton as new Commissioners and stated that this was his 20th report to the Board.

He stated that Circuit Court Judge Stutesman is his boss, but he also works with Judges Welty and Shumaker.

The main thrust of the FOC Office is to collect child support.

They are funded federally by Title IV D funding under the Social Security Act.

The State reimburses the County for 66% of their expenditures which was over \$620,000 in 2010. In addition, the federal government provides incentives based on collections performance and in 2010 they received over \$113,000.

They also receive funds from assessments and fees.

In 2010 their revenues exceeded expenditures.

Collections for 2010 were down 4% as a direct result of the economy.

Their office tries to be problem solving to those clients that have lost their jobs or their income has been reduced and therefore their support is often reduced.

State-wide collections are down 6% which places us ahead of the state average.

Of the 118 cases that were investigated in 2010, 110 were settled. He conducted 400 hearings as referee. Their caseload is 5,150 active cases.

The arrests from the Warrant Officer, which is a part time Sheriff's Office employee, are down. He only works 24 hours per week which does not appear to be sufficient. He would like to increase his hours and has begun discussions with Undersheriff Lillywhite and Ms. West-Wing.

Commissioner Loudenslager asked that if they are a Title IV D Agency do they have access to social security numbers.

Mr. Thistlethwaite responded by saying that they have access to several agencies that have social security numbers and added that employers are now required by law to post information on new hires on a nationwide data base.

Commissioner Loudenslager stated that Mr. Thistlethwaite is doing a good job and Chairman Shaffer followed that up with commending him and his staff.

It was moved by Commissioner Loudenslager and supported by Commissioner Eaton that the Friend of the Court's Annual Report for 2010 be accepted. Motion carried.

MEMORANDUM OF AGREEMENT WITH MICHIGAN STATE UNIVERSITY FOR  
THE PART TIME CROPS POSITION

Ms. West-Wing stated that this MOA was presented by Brad Neumann to the Executive Board last month and the Board approved the position. Now, MSUE is requiring that the County pay \$2.30 per hour for FICA in addition to the \$30 per hour wage. The MOA is for 38 hours in a 2 week period and is effective through December 31, 2011. The person that will be in this position is Maury Kaercher.

It was moved by Commissioner Baker and supported by Commissioner Eaton that the Memorandum of Agreement with Michigan State University for the Part Time Crops Position at \$30 per hour plus \$2.30 per hour FICA be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

REQUEST TO FILL VACANT COURT LIAISON SECRETARY'S POSITION  
IN THE PROSECUTOR'S OFFICE

It was moved by Commissioner Dobberteen and supported by Commissioner Eaton that the Court Liaison Secretary's position in the Prosecutor's Office be filled. Motion carried.

ESTABLISH FEE FOR COUNTY DIRECTORY

Ms. West-Wing stated that the County Clerk is requesting a fee of \$4.00 be charged for the sale of County Directories.

It was moved by Commissioner Dobberteen and supported by Commissioner Balog that a \$4.00 fee be set for the purchase of a County Directory.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

NOTTAWA PARK CAMPGROUND ATTENDANT AGREEMENT

Ms. West-Wing presented an agreement with the Nottawa Park Campground Attendants.

It was moved by Commissioner Loudenslager and supported by Commissioner Eaton that the Nottawa Park Campground Attendant Agreement with Denise and Ronald Franklin be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

INMATE PHONE SERVICE AGREEMENT WITH SECURUS

Ms. West-Wing presented an agreement with Securus for jail inmate telephone service. Some of the rates to the inmates increased over the current contract. Also, under the current contract we receive 48% of the revenue with a guarantee of \$75,000 per year. In addition to that Securus provides \$50,000 for a technology grant for the Sheriff's Department. Those expenditures are approved by the Board of Commissioners, the County pays the bill and Securus reimburses the County. Under this contract Securus is likely losing money or at best breaking even.

The new contract calls for 58% to be returned to the County with no annual minimum guarantee, but does include the \$50,000 technology grant. The contract is retroactive to January 1, 2011.

When asked to respond, Undersheriff Lillywhite stated that they are in full agreement with the new agreement. It helps Securus and helps the Sheriff's Department too.

After discussion it was moved by Commissioner Loudenslager and supported by Commissioner Eaton that the Agreement with Securus for inmate phone service be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

JAIL SOUTH BRICK/ROOF PROJECT

Ms. West-Wing stated that Landmark Design Group was hired to do a study on the issue with deteriorating bricks and moisture in areas on the south side of the jail. The results of the study have been received and Landmark's recommendation is to replace the 1982 roof, and parts of the 1988 and 1960 roof and take out the windows in the gym. The cost estimate is between \$232,000 and \$258,000. Landmark would charge 5% of the cost of the project or approximately \$12,500. The Physical Resources Committee is recommending that Landmark Design Group proceed with preparing the bid specifications, letting the bids, reviewing them and recommending contractor(s). It should take a couple of months to get the bid package together.

After discussion it was moved by Commissioner Baker and supported by Commissioner Balog that Landmark Design Group be hired to prepare specifications, bid package, etc.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

Commissioner Loudenslager remarked that the newly installed solar panels will have to be removed to replace the roof.

MEMORANDUM OF UNDERSTANDING WITH STURGIS HOSPITAL  
(DRUG ENFORCEMENT PROGRAM)

Rob LaBarge, CEO of Sturgis Hospital, requested approval of a MOU with Sturgis Hospital so that they can participate in a drug discount program. Because of the amount of care that they provide to Medicaid patients they qualify for this program. Also, because they are now a non-governmental hospital that in order to participate in this program a local government needs to approve of this MOU.

It was moved by Commissioner Dobberteen and supported by Commissioner Eaton that the Memorandum of Understanding with Sturgis Hospital be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

### ELDER RIGHTS AWARENESS DAY

Probate Judge, Thomas Shumaker, stated that several persons representing the Commission on Aging, Area Agency on Aging, Human Services Commission, Department of Human Services, Prosecutor's Office, Sheriff's Department, Domestic and Sexual Abuse Services, Community Mental Health and Substance Abuse Services, etc., collaborated to write the "Vulnerable Adult Protocol." They took a proactive approach regarding vulnerable adults. He stated that on June 21st there will be an event in the lower level of the Courts Building that will bring awareness to this issue. He added that we always worry about children and do not seem to worry much about the elderly.

Chairman Shaffer stated that he remembers the "Elderly Council" that Judge Shumaker established in the mid-1980s that was concerned with exploitation issues.

Judge Shumaker read the following resolution:

#### RESOLUTION NO. 9-2011 ELDER RIGHTS AWARENESS DAY - JUNE 21, 2011

WHEREAS, nearly 20% of the population of St. Joseph County consists of elders over sixty years and older who require a different understanding of their rights as they age; and

WHEREAS, all citizens should become more aware of the rights of elders and ways to assist them and become involved in preventing future abuse, neglect and/or exploitation; and

WHEREAS, the focusing of this awareness on elder rights, including the right to be safe, is needed throughout St. Joseph County and follows the intent of World Elder Abuse Awareness Day June 15; and

WHEREAS, a group of committed local agencies and organizations has collaboratively shared their time and knowledge in developing the "St. Joseph County Vulnerable Adult Protocol"; and

WHEREAS, the intent and purpose of the protocol is to raise awareness, reduce or eliminate existing and prevent future abuse, neglect and exploitation of vulnerable adults through educating the public and elders; and

WHEREAS, we collaboratively support trainings for mandatory reporters, medical personnel, police, banks, and others who work with elders.

NOW, THEREFORE BE IT RESOLVED, that the St. Joseph County Board of Commissioners proclaims the day of June 21 to be ELDER RIGHTS AWARENESS DAY and reaffirms this County's commitment to respect and enforce elders' rights throughout the year.

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

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Resolution adopted.

### NOMINATIONS/APPOINTMENTS

#### Economic Development Corporation

It was moved by Commissioner Dobberteen and supported by Commissioner Balog that David Allen (At-Large) and Robert Montgomery (Industry) be reappointed to the EDC for terms to expire June 1, 2017. Motion carried.

## Road Commission

Commissioner Baker stated that on April 28th the interview committee of himself and Commissioners Shaffer and Eaton met to interview the 8 applicants for the Road Commission positions. The Committee is recommending that David Allen and Eric Shafer be appointed.

It was moved by Commissioner Baker and supported by Commissioner Eaton that Eric Shafer and David Allen be nominated and appointed to the Road Commission with Shafer's term to expire December 31, 2013 and Allen's to expire December 31, 2015.

Commissioner Ware believes that Shafer and Allen would be fine additions to the Road Commission, but that would make 4 from the Three Rivers area on the Road Commission with only 1 from the Sturgis area and for that reason he would be voting no.

Commissioner Eaton stated that almost all of the candidates were from the mid to northern sections of the County.

Commissioner Dobberteen stated that he represents the Sturgis area and he prefers qualified candidates rather than geography.

Commissioner Balog stated that he knows both candidates and believes that they would make excellent additions to the Road Commission.

Chairman Shaffer stated that all of the candidates were stellar and they had good discussion with all of them. He would like to see the remaining 6 candidates be encouraged to serve on other Boards and Commissions. He thanked the Commissioners for their thoughtful consideration.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Loudenslager, Balog, Baker, Eaton and Dobberteen.

Nay votes cast: 1 - Commissioner Ware.

Motion carried.

## COMMITTEE REPORTS

### Law Enforcement

Commissioner Loudenslager stated that there was no report.

### Judiciary

Commissioner Loudenslager stated that the Judiciary Committee met last Wednesday and all have a copy of the minutes.

### Physical Resources

Commissioner Ware stated that the Physical Resource Committee's business was taken care of during the new business part of today's agenda.

### Executive Committee

Commissioner Dobberteen stated that the Executive Committee met on May 11, 2011 and all have a copy of the minutes and he would answer any questions that anyone may have.

## PERSONNEL REPORT

Ms. West-Wing presented the following report:

TEMPORARY/SEASONAL EMPLOYMENT:

Denise Franklin has been hired as Nottawa Campground Attendant at \$8.00/hr. effective May 24, 2011.

Kayla M. Mitchell has been hired as Cade Lake Campground Attendant at \$7.50/hr. effective May 24, 2011.

NEW HIRE:

Antonia Magana has been hired as Sub Driver (HDM & Bulk) at \$9.01/hr. (COA, grade 2, minimum) effective May 9, 2011.

Mary E. Woodhouse has been hired as District Court Probation Officer at \$36,729.00 (Rye system, grade 7, minimum) effective June 7, 2011. (Note: On 3/15/11 the Board approved filling the position as Probation Officer/Magistrate but District Court decided to fill position as Probation Officer instead.)

DISMISSAL:

Ruth Graff, COA In-home Services Aide, was dismissed effective February 23, 2011.

April Wells, COA In-home Services Aide, was dismissed effective April 25, 2011.

RESIGNATION:

Merissa Hunsberger, Court Liaison Secretary - Prosecutor, has resigned effective May 27, 2011.

MISCELLANEOUS:

Sandy Bowen, Chief Deputy County Clerk, is on intermittent family leave commencing April 29, 2011 under the Family and Medical Leave Act of 1993.

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

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

DECREASE GENERAL FUND CONTINGENCY:

Line item 101-890-941.000 (Contingency) \$ 327.00

INCREASE COUNTY CLERK'S BUDGET:

Line item 101-215-708.000 (Per Diem) \$ 250.00

Line item 101-215-860.000 (Travel) 77.00

\$ 327.00

DECREASE EQUALIZATION'S BUDGET:

Line item 101-225-985.000 (Software) \$ 2,700.00

INCREASE EQUALIZATION'S BUDGET:

Line item 101-225-862.000 (Seminar & Employee Training) \$ 2,700.00

DECREASE CIRCUIT COURT'S BUDGET:

Line item 101-131-802.050 (Visiting Judge) \$ 111.00

INCREASE CIRCUIT COURT'S BUDGET:

Line item 101-131-980.000 (Equipment) \$ 111.00

DECREASE DISTRICT HEALTH APPROPRIATION:

Line item 101-001-965.050 (District Health Appropriation) \$37,807.00

INCREASE GENERAL FUND CONGINGENCY:

Line item 101-890-941.000 (Contingency) \$37,807.00

FROM APPROPRIATION:

\$100,000.00 from Probate Child Care Appropriation to Probate Child Care Fund.

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

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker - 5 half days 4/20, 4/21, 4/23, 4/28 & 4/29/11 & 6 full days 4/21, 4/25, 4/28, 5/3, 5/4 & 5/5/11	\$ 820.00
Allen Balog - 9 half days 4/20, 4/21 x 2, 4/23, 4/26 & 4/28, 5/2, 5/11 & 5/12/11	450.00
John Dobberteen - 6 half days 4/26, 4/28, 5/9, 5/10, 5/11 & 5/17/11 & 4 full days 4/25, 5/3, 5/4 & 5/5/11	680.00
Gerald Loudenslager - 8 half days 3/22, 4/28, 5/2, 5/4, 5/6, 5/10, 5/11 & 5/14/11	400.00
Rick Shaffer – 11 half days 3/17, 3/24, 3/31, 4/12 x 2, 4/15, 4/21, 4/28, 4/29 & 5/4/11 x 2	550.00
Jerry Ware – 5 half days 4/21, 4/29, 5/2, 5/4 & 5/11/11	<u>250.00</u>
	\$3,150.00

Expenses

Robin Baker	\$ 215.22
Allen Balog	70.38
John Dobberteen	93.33
Gerald Loudenslager	89.25
Rick Shaffer	93.84
Jerry Ware	<u>61.20</u>
	\$ 623.22

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

Financial Statements

	Revenues	Expenditures
April	\$ 1,098,405	\$ 1,252,387
Year to Date	4,296,661	4,670,640
Period Fund Balance	(\$153,982)	
Year to Date	(\$373,979)	

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

CHAIRMAN'S REPORT

Chairman Shaffer reminded everyone of the work session scheduled tomorrow at 3:00 p.m.

MISCELLANEOUS

Commissioner Loudenslager remarked that he had recently read in the Kalamazoo Gazette that VanBuren County will have to get between a \$10 and \$15 million bond to cover their delinquent taxes and added that we are fortunate that ours is so healthy and we do not have to borrow against the fund.

ADJOURNMENT

It was moved by Commissioner Loudenslager and supported by Commissioner Balog that the St. Joseph County Board of Commissioners adjourn until June 7, 2011 at 5:00 p.m. Motion carried.

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Pattie S. Bender, County Clerk

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Rick Shaffer, Chairman