

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 July 6, 2004, at 5:00 p.m.

Chairman John L. Dobberteen called the meeting to order.

The Invocation was given by Commissioner Pueschel.

The Pledge to the American Flag was given.

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

Eric Shafer	John W. Bippus
Robin Baker	David J. Pueschel
John L. Dobberteen	

Absent: Gerald E. Loudenslager and Monte Bordner

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

AGENDA

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

MINUTES APPROVED

It was moved by Commissioner Shafer and supported by Commissioner Baker that the minutes for June 15, 2004 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, June 18, June 25 and July 2, 2004.
2. Letter from Michigan Association of Counties, Re: MAC annual summer conference, August 16-17, 2004.
3. Letter from the City of Sturgis, Re: Notice of public hearing on June 23 to consider an Industrial Facilities Exemption Certificate for Sturgis Tool and Die.
4. Letter from the City of Sturgis, Re: Notice of public hearing on July 14 to consider an Industrial Facilities Exemption Certificate for Unique Truck Accessories.
5. Resolution from Roscommon County, Re: Revenue sharing.
6. Resolution from Roscommon County, Re: Veterans drug co-pay and annual fees.
7. Resolution from Roscommon County, Re: July property tax collection proposal.
8. Resolution from Lake County, Re: Revenue sharing.
9. Resolution from Saginaw County, Re: July property tax collection proposal.
10. Resolution from Antrim County, Re: Signage on State and Federal ORV and snowmobile trails.
11. Minutes of Southwest Michigan Substance Abuse Advisory Council meeting of May 17, 2004.
12. Minutes of Commission on Aging Board meeting of May 19, 2004.
13. Minutes of Family Independence Agency Board meeting of May 25, 2004.
14. Minutes of Community Mental Health Services Board meeting of May 27, June 3 and June 16, 2004.

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

REQUEST FOR TEMPORARY REPLACEMENT FOR FRIEND OF THE COURT CASEWORKER POSITION

Ms. West-Wing stated that the Friend of the Court, William Thistlethwaite, explained to the Executive Committee on July 1st the need for a temporary replacement for the caseworker position held by Sheila Clancy who has been hospitalized. He shared some comparables with other counties regarding their caseload, clients and employees. This position is funded at 34% by the County.

It was moved by Commissioner Bippus and supported by Commissioner Baker that the temporary caseworker position be filled in the Friend of the Court Office. Motion carried.

REQUEST TO FILL VACANT FRIEND OF THE COURT CASEWORKER POSITION

Mr. Thistlethwaite also is requesting that a caseworker position be filled when the current employee resigns effective August 13, 2004. This position is also funded by the County at 34%.

It was moved by Commissioner Shafer and supported by Commissioner Baker that the caseworker position in the Friend of the Court be filled. Motion carried.

REQUEST TO FILL VACANT DEPUTY DATA ENTRY POSITION IN THE REGISTER OF DEEDS OFFICE

Mr. Cleaver stated that there is a data entry position in the Register of Deeds that is being filled with a temporary person at 40 hours per week. They have been notified by the union that a grievance will be filed because this is a union position.

It was moved by Commissioner Shafer and supported by Commissioner Baker that the request to fill the vacant Deputy Data Entry Position in the Register of Deeds Office be approved. Motion carried.

PROSECUTING ATTORNEY'S REQUEST TO PURCHASE A COMPUTER

Ms. West-Wing stated that the Prosecuting Attorney is requesting approval to purchase a computer to replace the one that belongs to the State FIA. They would like a County computer that would allow for all programs to be loaded onto the computer.

Commissioner Bordner was present at this time.

It was moved by Commissioner Shafer and supported by Commissioner Pueschel that the request from the Prosecuting Attorney to purchase a computer be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

RESIDENCY POLICY CHANGE

Ms. West-Wing stated that there is a recently passed law that allows for employees to live within 20 miles of the County's border. She stated that we need to amend our policy to be consistent with the new Public Act.

It was moved by Commissioner Bordner and supported by Commissioner Pueschel that the Residency of Employees Policy be changed to remain consistent with the new law that allows employees to live within 20 miles of the County's border.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

SHERIFF'S ADMINISTRATION ANNUAL COMPENSATION POLICY REVISION

Ms. West-Wing stated that the Law Enforcement Committee is recommending that the Sheriff's Administration be removed from the Rye Classification and Compensation system. The salaries for the Sheriff, Undersheriff and Jail Administrator will remain the same for 2004. The Emergency Services Coordinator's job description will change and the salary will be increased to \$49,739 effective July 6, 2004. Effective January 1, 2005 the annual salary of the Sheriff will be 32% more than the base wage of the Road Sergeant; the Undersheriff 20% above the base pay of the Road Patrol Sergeant, the Jail Administrator and Emergency Services Coordinator's will be at 11% above the base wage of the Road Patrol Sergeant. Any annual increases in salary for the four classifications will not be determined until the contract for the Road Patrol Sergeant classification has been signed by the parties. Retroactive pay would be provided in these four classifications if it is provided to the Road Patrol Sergeant classification.

It was moved by Commissioner Bippus and supported by Commissioner Baker that the compensation policy as presented for the Sheriff's Administration be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

SHERIFF'S DEPARTMENT – ACCEPTANCE OF DONATED FOUR-WHEELERS

Ms. West-Wing stated that Planter Power Sports has offered the use of two four wheelers to the Sheriff's Department for 4 months. The County is responsible for maintenance and insurance and the purchase of helmets.

It was moved by Commissioner Baker and supported by Commissioner Pueschel that two four wheelers be accepted for use by the Sheriff's Department, the County will provide maintenance, insurance and that helmets be purchased.

Commissioner Bordner emphasized the use of the helmets.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

SHERIFF'S DEPARTMENT – SALE OF SHOTGUNS/PURCHASE OF TASERS

Ms. West-Wing stated that the Sheriff would like to sell 7 shotguns and with the estimated \$1,500 from the sale of these weapons, a grant from Michigan Municipal Risk Management Authority (MMRMA) and a \$2,500 transfer from the ammunition line item would like to buy 6 taser weapons.

It was moved by Commissioner Pueschel and supported by Commissioner Bordner that the shotguns be sold and 6 tasers be purchased as proposed.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

COUNTY AUCTION OF SURPLUS PROPERTY

It was moved by Commissioner Bippus and supported by Commissioner Baker that the County Auction of Stolen and Unclaimed Property and Surplus County Property be held on August 3, 2004. Motion carried.

TERRORISM RESPONSE PLAN

Captain Jim Barnes, Emergency Services Coordinator, stated that the Terrorism Response Plan represents how we do business in response to a terrorist attack. This is a supplement to the Emergency Action Plan. This was reviewed by all the players that would be involved should we have a terrorist attack, suggestions were made, it was corrected and is ready for approval by the Board of Commissioners.

It was moved by Commissioner Baker and supported by Commissioner Bordner that the Terrorism Response Plan be adopted.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Plan adopted.

ASSESSMENT AND TAX ADMINISTRATION CONTRACT AMENDMENT – FAWN RIVER TOWNSHIP

Ms. West-Wing stated that Fawn River Township desires to have their assessor be responsible for all record keeping associated with Principal Residence Exemption (PER) status for all property owners within said township, therefore their Assessment and Tax Administration Contract needs to be amended.

It was moved by Commissioner Bordner and supported by Commissioner Bippus that the Assessment and Tax Administration Contract with Fawn River Township be amended.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

RESOLUTION NO. 20-2004
GUARANTEE OF STATE REVENUE SHARING

Commissioner Bippus presented the following resolution:

WHEREAS, county governments are subdivisions of the state government and are required to finance or carry out state mandates in many areas, including public and mental health, disease control, substance abuse, courts, jails, detention of juvenile delinquents and care of abused and neglected youth, equalization of assessments, maintenance of vital records, prosecution of crimes, and oversight of elections; and

WHEREAS, the provision of these mandated services constitute the vast majority of county services; and

WHEREAS, the demand for most mandated county services arises from the circumstances of poverty and crime, which directly affect the quality of life for county residents; and

WHEREAS, funding for these services comes in great part from state-shared revenues; and

WHEREAS, cities, villages and townships have constitutional protection for a portion of their revenue sharing while counties do not; and

WHEREAS, constitutional limits on the growth of property tax revenues decreases in state shared revenues, and statutory limits on the generation of fees and charges are significantly limiting the ability of county governments to provide these services; and

WHEREAS, the Representatives in the House have introduced a proposed constitutional amendment, House Joint Resolution Y, to protect a portion of state revenue sharing for counties by ensuring that counties would get 2% of the first 4 cents of sales tax constitutionally; and

WHEREAS, County Board of Commissioners under House Joint Resolution Y would then have the same abilities to serve the citizens of the state as do city councils, township boards and village councils.

NOW THEREFORE BE IT RESOLVED, that the St. Joseph County Board of Commissioners supports the State Legislators efforts to provide the same constitutional guarantees of state revenue sharing to counties as is afforded to cities, township and villages.

BE IT FURTHER RESOLVED, that the St. Joseph County Board of Commissioners recommends that the Michigan Association of Counties, the Governor and the State Legislature support the proposed constitutional amendment House Joint Resolution Y which will ensure the citizens of Michigan receive stable funding of state mandated and state constitutional services appropriate to their needs.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Michigan Association of Counties, Governor Granholm, Representative Shaffer, Senator Brown and all of the counties of Michigan.

It was moved by Commissioner Bippus and supported by Commissioner Shafer that the resolution be adopted and second reading waived.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Commission on Aging

It was moved by Commissioner Shafer and supported by Commissioner Bippus that Andrew Rogness, Dorothy Pagels, Lois Lucas and Polly Oliver be nominated and appointed to the Commission on Aging for 2 year terms expiring June 30, 2006 and Lillian Carter to a 1 year term expiring June 30, 2005. Motion carried.

COMMITTEE REPORTS

Law Enforcement

The minutes of the last Law Enforcement Committee have been distributed to all Commissioners.

Judiciary

Commissioner Bordner stated that the next meeting of the Judiciary Committee is July 14, 2004 at noon.

Physical Resources

Chairman Dobberteen stated that the Physical Resources Committee met on June 24th and a credit was received for some things regarding the jail renovation and we will have to spend some money on other things and the negatives balanced the positives.

Executive Committee

Commissioner Bordner stated that the Executive Committee met on July 1st and all items that were discussed have been discussed tonight with the exception of the motor vehicle contracts which is slated for later on the agenda and also the County's assessment regarding the Portage Lake Drain which is \$28,807 which can be paid in a lump sum or paid over 7 years.

Community Mental Health

In relationship to the Community Mental Health Board, it was moved by Commissioner Baker and supported by Commissioner Pueschel that Gerald Loudenslager and Joyce Clay be removed from the CMH Board, that their combined actions against the CMH Board Administrator violated the bylaws of CMH by mismanaging CMH and not supplying the entire Board of all the facts in the investigation against the Director; also violation of the HIPAA Law by seizing the Director's CMH computer with client information on it; this has resulted in friction in the CMH Board members towards Clay and Loudenslager's actions and have deteriorated to the point where the Board cannot function 100% with their participation; the CMH Board voted on this and it was an 8-3 vote to censure Jerry Loudenslager and Joyce Clay.

Commissioner Shafer stated that he is the Commissioner that is the most removed from CMH. He has known Commissioner Loudenslager for a long time serving with him on the Board of Public Works and he respects him. He is unhappy with the way that he handled this and he will be voting yes, but it was a very difficult decision for him to make.

Commissioner Bippus stated that he did not hear in the motion or the support that there is a legal procedure that they must be given written notice by certified letter and that they have an opportunity to respond and a time needs to be set to allow them to do this.

Commissioner Baker thanked Commissioner Bippus for reminding him of this addition. He would like the deadline to be at the next Commission meeting.

The restated motion is as follows:

In relationship to the Community Mental Health Board, it was moved by Commissioner Baker and supported by Commissioner Pueschel that Gerald Loudenslager and Joyce Clay be removed from the CMH Board, that their combined actions against the CMH Board Administrator violated the bylaws of CMH by mismanaging CMH and not supplying the entire Board of all the facts in the investigation against the Director; also violation of the HIPAA Law by seizing the Director's CMH computer with client information on it; this has resulted in friction in the CMH Board members towards Clay and Loudenslager's actions and have deteriorated to the point where the Board cannot function 100% with their participation; the CMH Board voted on this and it was an 8-3 vote to censure Jerry Loudenslager and Joyce Clay and that a certified letter be sent to them so that they may have an opportunity to respond with a deadline of the next Commission Meeting.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

It was moved by Commissioner Baker and supported by Commissioner Bippus that Chairman Dobberteen be appointed to the Community Mental Health Board, term to expire March 31, 2006.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

NEW HIRE:

Lyle Garrison has been hired as part-time Transport Officer at \$12.60/hr. effective June 16, 2004.

RESIGNATION:

Christi Young, Friend of the Court Enforcement Caseworker, has resigned effective August 13, 2004.

TEMPORARY/SEASONAL EMPLOYMENT:

Jennifer Lester Brown has been hired as temporary Friend of the Court Caseworker at \$15.14/hr. with no benefits (grade 9, Soltysiak system, minimum) effective July 7, 2004.

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

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

FROM CONTINGENCY:

\$1,285.00 from General Fund Contingency to Prosecutor's line item 101-229-984.000 (computer hardware).

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

BILLS

Mr. Carey presented the following report:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Prepaid Insurance	\$ 14,101.00	\$
Appropriations	30,690.83	
County Commission	3,940.86	7,229.87
Circuit Court	7,015.71	16,366.19
District Court	1,398.05	61,665.58
Friend of the Court	3,899.00	33,530.60
Jury Commission		668.78
Probate Court	1,830.97	18,729.21
Juvenile Branch	10,139.63	44,565.56
Appeals Court	1,434.25	
Administration	150.00	8,673.06
Finance Department	247.20	10,949.33

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Clerk	\$	\$ 20,898.31
Equalization Department	398.88	16,661.22
Human Resources	72.00	6,124.33
Geographic Information Systems	439.90	8,770.18
Prosecutor's Office	4,796.04	38,126.19
Central Services	6,617.94	5,058.48
Register of Deeds	1,656.83	10,933.63
County Treasurer		13,431.72
Cooperative Extension	1,401.47	7,587.24
Information Technology	755.81	7,485.82
Buildings & Grounds	5,361.03	13,531.46
Courts Building Security	245.40	4,767.44
Drain Commission		4,384.98
Sheriff Department	16,686.82	88,788.98
Sheriff Reserves	70.00	
Marine Patrol	2,561.07	2,805.55
Jail & Turnkey	28,633.20	95,095.59
Planning Commission	1,556.25	
Emergency Services	7,648.06	3,946.88
Animal Control	1,677.92	7,891.77
Board of Public Works	250.00	647.72
Medical Examiners	825.00	
Child Care - Probate	7,388.02	520.14
Utilities & General Services	20,231.49	
Total	\$ 184,120.63	\$ 559,835.81
<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Road Commission	\$ 579,086.57	\$
Parks & Recreation	8,964.59	9,234.74
Emergency 911 Service	12,394.94	54,192.94
Central Dispatch - Wireless	398.04	5,238.74
Meyer Broadway/Coon Hollow Park	3,124.67	1,732.45
Friend of the Court		1,277.51
Cade Lake Park	54,266.15	653.98
State Court - Caseflow Assistance	320.00	
Waste Management Fund		
County Commission	12,500.00	
Resource Recovery Program	499.26	451.75
Traffic Safety Program Fund	23.87	
Economic Development Fund	1,256.19	8,048.14
Register of Deeds Automation Fund		75.35
Victims' Rights Advocate Fund		3,008.96
Community Corrections Advisory Board	10,478.34	2,596.90
Community Corrections Program	2,839.00	398.31
Drug Law Enforcement Fund	1,775.57	
Law Enforcement Fund	210.92	20,338.72
Secondary Road Patrol	3,440.00	8,307.64
Law Library Fund	2,533.35	
Principal Residence Denial Fund		918.28
Commission on Aging	48,157.30	41,523.06

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Community Development Block Grant	\$ 31,299.76	\$
Sheriff's Justice Training Fund	270.00	
Family Independence Agency	52,028.32	
Child Care - Probate Court	60,812.00	3,104.97
Child Care - Family Independence Agency	14,665.06	
Facilities Maintenance Fund	239,073.72	
BPW #16 Lockport Township	47,872.46	
Water Supply System Construction		
Tax Payment Fund	17,720.41	
Inmate Store	474.44	
Three Rivers Community Center	2,041.75	215.83
Long Lake Level Revolving Fund	7.62	
Flexible Benefits Insurance Fund	130,060.45	
Total	<hr/>	<hr/>
Total	\$ 1,338,594.75	\$ 161,318.27
 Grand Total	 \$ 1,522,715.38	 \$ 721,154.08
 General Fund Operating Expenditures		
Pre-Authorized	\$133,310.82	
Accounts Payable	\$50,809.81	\$ 184,120.63
 General Fund Payroll Expenditures	 \$ 559,835.81	
 Other Funds Operating Expenditures		
Pre-authorized	\$1,279,042.93	
Accounts Payable	\$59,551.82	\$ 1,338,594.75
 Other Funds Payroll Expenditures	 <u>161,318.27</u>	
 Total Recorded for the Month	 \$ 2,243,869.46	

It was moved by Commissioner Bordner and supported by Commissioner Shafer that the bills be approved for payment. Motion carried.

Independent Contractor's Agreements

Mr. Carey presented the following Independent Contractor's Agreements:

Boland Tire, Inc.

It was moved by Commissioner Bippus and supported by Commissioner Bordner that the Independent Contractor's Agreement with Boland Tire, Inc., for tires and tire repair for St. Joseph County Fleet be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

Cole Motors – Chrysler, Dodge & Jeep

It was move by Commissioner Bippus and supported by Commissioner Bordner that the Independent Contractor’s Agreement with Cole Motors – Chrysler, Dodge & Jeep for general fleet maintenance, service work, additional lube, oil and filer service be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

Eugene Alli

It was moved by Commissioner Bippus and supported by Commissioner Baker that the Independent Contractor’s Agreement with Eugene Alli as a solution area planner be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

MISCELLANEOUS

Commissioner Shafer stated that Cade Lake County Park will be open on July 19th.

Commissioner Bordner stated that the action regarding CMH was difficult but protocol has to be followed.

Commissioner Bordner further stated that Cade Lake County Park is gorgeous and he commends Dave Rachowicz and his staff for doing a tremendous job.

He also commended the City of Sturgis, Chamber and Exchange Club for doing a terrific job with Ribs on the Runway. The dinner was excellent as were the fireworks.

ADJOURNMENT

It was moved by Commissioner Pueschel and supported by Commissioner Baker that the St. Joseph County Board of Commissioners adjourn until July 20, 2004 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

John L. Dobberteen, Chairman