

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 August 15, 2006, at 5:00 p.m.

Chairman Bordner 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	Gerald E. Loudenslager
Michael D. Dunlap	Robin Baker
Monte Bordner	David J. Pueschel
John L. Dobberteen	

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

AGENDA

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

MINUTES APPROVED

It was moved by Commissioner Dobberteen and supported by Commissioner Pueschel that the minutes for August 1, 2006 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, August 4 and August 11, 2006.
2. Letter from Park Township, Re: Notice of public hearing on August 9, 2006 to consider an Industrial Facilities Tax Exemption Certificate to X-L Machine Company, Inc.

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

CLOSED SESSION

It was moved by Commissioner Shafer and supported by Commissioner Dobberteen that the Board go into closed session for the purposes of discussing pending litigation.

The aye and nay vote was called as follows:

Aye votes cast: 7-Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner, Pueschel and Dobberteen

Nay votes cast: 0

Motion carried.

OPEN SESSION

The Board resumed business in open session.

LONG SETTLEMENT

It was moved by Commissioner Dobberteen and supported by Commissioner Pueschel that the Board ratify the settlement negotiated at the August 4, 2006 mediation hearing and authorize commitment of the County's self insured retention and payment by the Michigan Municipal Risk Management Authority, the County's risk manager, for a total of \$190,000 in the case of Long vs. St. Joseph County.

The aye and nay vote was called as follows:

Aye votes cast: 7-Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner, Pueschel and Dobberteen

Nay votes cast: 0

Motion carried.

RETIREMENT SYSTEM AMENDMENTS

Ms. West-Wing stated that the Retirement Board is recommending amendments to the Retirement Resolution including allowing former Fairview Employees that may work for the County to add their years together and use the multiplier at the time of retirement for all of their service credit.

The following resolution was presented:

ST. JOSEPH COUNTY EMPLOYEES' RETIREMENT SYSTEM
2006 AMENDMENT
RESOLUTION #18-06

WHEREAS, the St. Joseph County Retirement Board of Trustees has reviewed proposed changes to the Retirement Resolution at their August 1, 2006 meeting; and

WHEREAS, the Retirement Board of Trustees has recommended that the St. Joseph County Board of Commissioners adopt said changes.

NOW, THEREFORE BE IT RESOLVED, that Sections 2.1(e), 3.2(e), 4.1, 5.3, and 6.3(a) of the St. Joseph County Employees' Retirement System Resolution shall be amended. The amendments shall read as follows:

Definitions.

Section 2.1.

(e). "Final average compensation" means twelve times the average of the monthly compensations paid a member during any 60 consecutive months of credited service producing the highest average. Gaps in credited service shall be disregarded for purposes of the determination of consecutive months of credited service. If a member has less than 60 consecutive months of credited service (i.e. where Duty Incurred Disability), then final average compensation shall mean twelve times the average of the monthly compensations paid a member during the member's months of service. (Amended 8/2006)

Excluded Positions.

Section 3.2 (e). Any position held by a person employed in the Sheriff's Department and covered by a bargaining agreement between the County and the St. Joseph County Police Officers Association of Michigan (POAM) (8/1994), or the Command Officers Association of Michigan (COAM) (11/03) or the Fraternal Order of Police Labor Council (FOPLC) (Amended 8/2006)

Credited Service; Reinstatement of .

Section 4.1. Service rendered by a member shall be credited to the member's individual credited service account in accordance with rules the Board of Trustees shall prescribe as shown below.

- A member shall not receive more than one year of credited service on account of all service rendered by a member in any one year based on the anniversary of the members date-of-hire. (Amended 11/2003)

- At least ten paid working days of service in a calendar month shall be credited as a month of service. (Amended 11/2003)
- Fractions of years of service will be determined in 1/12th increments. (Amended 8/2006)

Benefit groups; Effect on Pension Amount.

Section 5.3. Pension amounts shall be separately determined for each benefit group for which the member has credited service, using retirement system provisions in effect at time of termination of membership. The amount of a pension under optional form of payment SL (section 6.3) is equal to the sum of separate amounts determined in accordance with the benefit formula applicable to each benefit group under which the retiring individual has credited service. The amount of pension attributable to credited service under a particular benefit group is equal to a fraction of the amount of pension determined as if the individual's total credited service in force was under the benefit group. The numerator of the fraction is the individual's credited service under the benefit group. The denominator of the fraction is the individual's total credited service. The foregoing notwithstanding, if the member has two or more years of credited service in a group with the highest benefit formula, that benefit formula shall be used to calculate the member's total benefit and the member's benefit shall not be separately determined for each benefit group (added 8/2006).

Normal Retirement; Pension Amount.

Section 6.3. The applicable benefit amount under form of payment SL (Straight Life) is computed as follows:

(a). Benefit Group General. Years and fractions of a year of credited service multiplied by the sum of ~~4.8 percent (.018) (effective 3/30/1999)~~ 2.0 percent (.02) (effective 1/1/2004; approved 11/03) of the member's final average compensation. A vested former member that later is re-employed must have a minimum of 2 years of service during a period that a higher multiplier is in effect in order to have that multiplier applied to all credited service (added 8/2006).

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

The aye and nay vote was called as follows:

Aye votes cast: 7-Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner, Pueschel and Dobberteen

Nay votes cast: 0

Resolution adopted.

2006 COOPERATIVE REIMBURSEMENT AMENDMENT – PROSECUTING ATTORNEY

Ms. West-Wing recommended approval of the 2006 Cooperative Reimbursement Amendment for the Prosecuting Attorney. The amendment increases the total by \$14,366.

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the 2006 Cooperative Reimbursement Amendment for the Prosecuting Attorney be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7-Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner, Pueschel and Dobberteen

Nay votes cast: 0

Motion carried.

VACANT ROAD PATROL POSITION

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the vacant Road Patrol Position at the Sheriff's Department be filled. Motion carried.

SECONDARY ROAD PATROL GRANT APPLICATION RENEWAL

Ms. West-Wing stated that the Secondary Road Patrol Grant would cover October 1, 2006 to September 30, 2007 and covers approximately \$100,000 of the \$160,000 in wages and benefits for 2 road patrol deputies for traffic enforcement.

It was moved by Commissioner Dobberteen and supported by Commissioner Baker that the Secondary Road Patrol Grant Application Renewal be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7-Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner, Pueschel and Dobberteen

Nay votes cast: 0

Motion carried.

COUNTY CLERK'S FEE INCREASE

Ms. West-Wing stated that the County Clerk's certified copy fees have not been increased since 1989 and she requested for the 2007 budget that they increase from \$10.00 for the first copy to \$13.00 for the first copy and from \$3.00 for each additional to \$4.00. Also, she requested a camera, printer and paper in the 2007 budget to take passport and concealed weapons license photos as well as employee ID photos. She suggested charging \$6.00 for a pair of photos for this purpose. Because both of these would increase revenue it was suggested that they begin this year.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the increase in certified copy fees and the request for the photo fee be tabled. Motion carried.

MAINTENANCE CONTRACT FOR HVAC AT THE JAIL

Ms. West-Wing stated that there have been ongoing difficulties at the jail with the heating, ventilation and cooling system. Trane is the manufacturer that installed the system. There have been many, many meetings to resolve issues.

It is suggested by the jail staff and the Buildings and Grounds Director that we sign a maintenance contract with Trane for 5 years for \$13,504 per year, subject to annual increases, effective August 1, 2006. This contract will not be all inclusive and we will have to pay some additional costs above and beyond the \$13,504.

Commissioner Shafer stated that this has been a long and arduous process and he does not like this but will vote for the motion.

It was moved by Commissioner Shafer and supported by Commissioner Dobberteen that the Maintenance Contract for HVAC at the Jail with Trane be approved.

Commissioner Pueschel stated that he is worried about which parts will be covered and it was agreed that this will be a management hassle but Mr. Adams and Ms. West-Wing will stay on top of the matter.

The aye and nay vote was called as follows:

Aye votes cast: 7-Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner, Pueschel and Dobberteen

Nay votes cast: 0

Motion carried.

ECONOMIC DEVELOPMENT CORPORATION BYLAW AMENDMENT

Ms. West-Wing stated that the EDC has recently discovered that the EDC bylaws and Articles of Incorporation conflict in regards to the number of Board members.

This proposed amendment is to make the bylaws consistent with the Articles.

It was moved by Commissioner Baker and supported by Commissioner Dunlap that the EDC bylaw amendment be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7-Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner, Pueschel and Dobberteen

Nay votes cast: 0

Motion carried.

WEST MICHIGAN ECONOMIC DEVELOPMENT PARTNERSHIP

Commissioner Shafer read the following resolution:

RESOLUTION NO. 19-2006

WHEREAS, the communities of West Michigan wish to encourage economic development in the following counties, Berrien, Cass, St. Joseph, Van Buren, Kalamazoo, Calhoun, Allegan, Barry, Ottawa, Kent, Muskegon, Newaygo and Ionia; and

WHEREAS, one of the fastest growing trends in site location is the demand for certified industrial stand alone sites; and

WHEREAS, the communities of West Michigan wish to establish a certified industrial site program that will identify multiple stand alone “ready” sites in the region greater than 300 acres of land; and

WHEREAS, Kalamazoo County has agreed to make an application for a Planning Grant from the State of Michigan Community Development Block Grant on behalf of the communities of West Michigan as identified previously; and

WHEREAS, St. Joseph County has agreed to be part of the application.

NOW, THEREFORE, LET IT BE RESOLVED, the St. Joseph County Board of Commissioners supports Kalamazoo County in making an application to the State of Michigan Community Development Block Grant Program on their behalf.

Cathy Annis, EDC Executive Director, introduced Jill Bland, Vice-President of Southwest Michigan First. She stated that the proposed resolution would approve a partnership between 13 counties to regionally partner in attraction efforts.

The group will apply for a grant of \$50,000 which will cover the costs for a professional site consulting firm to perform several functions in order to attract corporations to this area.

Ms. Bland stated that this area is behind the times is offering sites with infrastructure as a way of marketing the area. Currently there are two 12-2000 acre sites have been identified with dual rail as well as 3 lesser acre sites.

If the grant is not approved by the State of Michigan we may have to provide funds between \$2,500 - \$5,000 in order to participate in this regional concept.

It was moved by Commissioner Shafer 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: 7-Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner, Pueschel and Dobberteen

Nay votes cast: 0

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Economic Development Corporation

It was moved by Commissioner Baker and supported by Commissioner Pueschel that Marty Barth be moved from an at-large appointment to a township appointment that was vacated due to the death of Tom Donaldson, term to expire June 1, 2010 and that Erv Heidbrink be appointed to fill an at-large position for a term to expire on August 1, 2012. Motion carried.

COMMITTEE APPOINTMENTS

Law Enforcement

Commissioner Dobberteen stated that the Law Enforcement Committee had not met.

Judiciary

The next Judiciary Committee Meeting is scheduled for August 30, 2006.

Physical Resources

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

Executive Committee

The Executive Committee met on August 11th and minutes were distributed and Commissioner Dobberteen stated that he would answer any questions that anyone may have. He drew everyone's attention to the fact that the City of Three Rivers will be applying for a curbside recycling grant.

Investment Advisory

Commissioner Dunlap stated that the Investment Advisory Committee met on July 31st and found the investments to be in order. There has been a steady increase in interest rates and it was suggested to the Treasurer that she may consider investing for longer periods of time.

Wood-Watson Drain

Chairman Bordner stated that the review panel met on the appeal filed by Burr Oak Village on the Wood-Watson Drain Assessment and the Drain Commissioner's position on the inclusion of the Village in the District was sustained.

Website

Commissioner Shafer stated that the Website Committee met today and the Intranet, named Compass, is up and running. This is for employee use only and has a lot of employee information, forms from Human Resources, contracts, etc. This is a work in-progress.

He also stated that there are 140 pages on the County's website and we had 87,252 hits in July.

The Committee will be working on getting information on Boards and Commissions on the website including when there are openings.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

MISCELLANEOUS:

Eva Sylvester, Probate Register, is on medical leave commencing August 7, 2006 under the Family and Medical Leave Act of 1993.

Change rate of pay for Vicky Klopfenstein, Cade Lake Park Attendant, to \$7.35/hr. effective July 14, 2006. When approval was granted at the Board meeting of July 18, 2006, it was approved at \$7.25/hr. but this was submitted in error and the rate of pay should have been \$7.35/hr.

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

REQUISITION

Ms. West-Wing presented the following report:

One Sony UPX-C200 Digital Printing System (Camera and printer) and
Sony media paper for County Clerk's Office \$ 1,182.00 plus shipping

It was moved by Commissioner Dobberteen and supported by Commissioner Dunlap that the requisition be approved. Motion carried.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

<u>TRANSFER GENERAL FUND FUND BALANCE:</u>	
Line item 101-390-999.000 (Operating Transfer Out)	\$ 100,000.00
<u>INCREASE REVENUES:</u>	
Line item 406-253-699.000 (Operating Transfer In)	\$ 100,000.00
<u>INCREASE EXPENDITURES:</u>	
Line item 406-253-976.000 (Building Improvement)	\$ 100,000.00
<u>DECREASE LAW ENFORCEMENT FUND #266:</u>	
Line item 266-301-743.020 (Supplies)	\$ 140.00
<u>INCREASE LAW ENFORCEMENT FUND #266:</u>	
Line item 266-301-984.000 (Computer Hardware)	\$ 140.00

FROM CONTINGENCY:

<u>DECREASE GENERAL FUND CONTINGENCY:</u>	
Line item 101-890-941.000 (Contingency)	\$ 1,100.00
<u>INCREASE COUNTY CLERK'S BUDGET:</u>	
Line item 101-215-980.000 (Equipment)	\$ 1,100.00

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

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker – 4 half days 7/26, 7/28 & 8/1/06 x 2 & 3 full days 7/21, 7/27 & 8/4/06	\$ 485.00
Monte Bordner – 11 half days 7/18, 7/24, 7/25, 7/27 x 2, 7/28, 8/1, 8/8 x 2, 8/11 & 8/14/06 & 1 full day 8/4/06	645.00
John Dobberteen – 7 half days 7/19, 7/28, 8/3, 8/9, 8/11 & 8/15/06 x 2 & 2 full days 7/24 & 8/8/06	540.00
Michael Dunlap – 6 half days 7/31, 8/1, 8/2, 8/8, 8/9 & 8/15/06 & 2 full days 7/21 & 7/26/06	490.00
David Pueschel – 9 half days 7/17, 7/18, 7/19 X 2, 7/20, 7/25, 7/28, 8/1 & 8/10/06 & 2 full days 7/21 & 7/27/06	640.00
Eric Shafer – 4 half days 8/4 x 2, 8/11 & 8/15/06	<u>200.00</u>
	\$3,000.00

Expenses

Robin Baker	\$ 148.67
Monte Bordner	138.84
John Dobberteen	49.84
Michael Dunlap	121.04
David Pueschel	<u>128.16</u>
	\$ 586.55

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

Financial Statements

	Revenues	Expenditures
July	\$ 1,282,585	\$ 1,055,780
Year to Date	7,961,819	7,770,597

Period Fund Balance \$226,805.00

Percent of budget year elapsed year to date.	58.33%
Percent of total budgeted funds earned year to date	58.13%
Percent of total budgeted funds expended year to date	56.74%

It was moved by Commissioner Dobberteen and supported by Commissioner Dunlap that the Financial Statements be accepted. Motion carried.

CHAIRMAN'S REPORT

Chairman Bordner stated that the litigation settled according to the motion earlier in the meeting was from an unfortunate incident that happened at the jail. He stated that the money that we spend in the Human Services and Head Start arena and for other intervention in youngsters is money well spent.

Now we have to replenish our Risk Management account and this money could certainly have been put to better use in positive ways. We do make a difference.

CITIZENS' COMMENTS

Tim Carls, 63044 Klinger Lake Road, Centreville asked if the 140 pages on the County's website were available in hard copy. It was suggested that he go to the County Clerk's Office and find out what he is interested in and get those copies.

ADJOURNMENT

It was moved by Commissioner Baker and supported by Commissioner Shafer that the St. Joseph County Board of Commissioners adjourn until September 5, 2006 at 5:00 p.m. Motion withdrawn.

WORK SESSION

A work session was scheduled for October 5, 2006 at 1:30 p.m.

MISCELLANEOUS

Commissioner Loudenslager drew everyone's attention to the flyer received regarding the employee golf outing scheduled for September 25th.

Commissioner Dobberteen stated that since the Single Business Tax was abolished by the legislature he was curious to find out how the \$2 billion shortfall in the State's budget would be replaced.

It was moved by Commissioner Dobberteen and supported by Commissioner Shafer that a letter be sent to our legislators requesting an answer regarding how the \$2 billion budget shortfall would be addressed. Motion carried.

ADJOURNMENT

It was moved by Commissioner Baker and supported by Commissioner Shafer that the St. Joseph County Board of Commissioners adjourn until September 5, 2006 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

Monte Bordner, Chairman