

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 21, 2007 at 5:00 p.m.

Chairman Baker 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
David J. Pueschel	Monte Bordner
John Dobberteen	

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

AGENDA

Ms. West-Wing asked that the Clear and Pleasant Lake Level Special Assessment Districts in regards to Fabius Township be added under new business.

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

MINUTES APPROVED

It was moved by Commissioner Dunlap and supported by Commissioner Dobberteen that the minutes for August 7, 2007 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, August 10 and August 17, 2007.
2. Letter from Vivian Chobot, Re: Discontinuation of recycling drop-off bins.
3. Resolution from Antrim County, Re: Opposing House Bill 4852 (surcharge on phones.)
4. Resolution from Allegan County, Re: Opposing House Bill 4780-4788 (shifting some services from the township level of government to the county level.)
5. Notice from Southwest Michigan Substance Abuse Council – No meeting in August; next meeting will be September 17, 2007.

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

CITIZENS' COMMENTS

James O'Neill, Fabius Township Trustee of 11319 Elizabeth Drive, Three Rivers, stated that he was a Clear Lake resident. He said that the assessment to Fabius Township is wrong. He also stated that when the information was put together for the Special Assessment District that the Township was never contacted and they had a lot of the information that would not have to be obtained. He believes that the whole thing was handled poorly and that David Hassenger, Drain Commissioner, was arrogant at the meeting and did not do a very good job.

Herb Feinman, 11239 Elizabeth Drive, Three Rivers referred to the County's Mission Statement and also the Commissioners' Resolution that established the Special Assessment Districts on Clear and Pleasant Lakes. He believes that the amended assessment does not provide for any maintenance fees. He believes that the Special Assessment District could have been done more fiscally responsibly.

State Senator, Cameron Brown, gave an update of several bills that are pending, but first expressed his sympathy for Jonathan Edds, a young soldier from White Pigeon who was recently killed in Iraq.

Senator Brown stated that S.B. 410 and 411 regarding 911 are being held hostage in the House of Representatives. The House wants to add a \$1.35 surcharge on the land lines for unrelated services, i.e. payment for some state police services, MiColes and LEIN.

The 911 bills are revenue neutral and provide sustainable equitable funding for 911 services.

He stated that the Presidential Primary may be set for January 15, 2008.

The building of new State Police Headquarters in the City of Lansing is a done deal. It is unfortunate that it will not provide the necessary facilities for the State Police and it will cost \$40 million to build.

SPECIAL ASSESSMENT DISTRICTS FOR CLEAR AND PLEASANT LAKES

Ms. West-Wing stated that it was the consensus of the Executive Committee at their meeting on August 17th that the Township of Fabius not be assessed on the Special Assessment Rolls for Clear and Pleasant Lakes. She stated that the Drain Commissioner would like the full Board to vote on removing Fabius Township.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that Fabius Township be assessed zero on the Special Assessment Rolls for Clear and Pleasant Lakes.

Commissioner Dunlap asked if this motion would remove all townships from Special Assessment Rolls in their townships.

Ms. West-Wing stated that this motion only applies to Fabius Township for Clear and Pleasant Lakes. She further stated that Fabius Township does not levy any millage, not even the 1 mill that they are statutorily allowed to levy. The township does not own any property on the lake, but they are still part of the district.

Further discussion provided information to the public that the Board of Commissioners has some latitude when it comes to lake levels whereas they do not when there are drain project issues.

Chairman Baker stated that he has been asked to attend the next Fabius Township Meeting on September 12th and he asked Ms. West-Wing to accompany him.

After further discussion the aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

GRANT RENEWAL AGREEMENT FOR VICTIM RIGHTS

Ms. West-Wing recommended approval of the Grant Renewal Agreement for Victim Rights in the amount of \$53,200 for 1 year, October 1, 2007 through September 30, 2008. This reimburses 1 full time and 1 part time position.

It was moved by Commissioner Loudenslager and supported by Commissioner Shafer that the Grant Renewal Agreement for Victim Rights be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

ECONOMIC DEVELOPMENT CORPORATION GRANT WRITER POSITION
MEMORANDUM OF UNDERSTANDING

Cathy Annis, Executive Director of the EDC, requested approval of a Memorandum of Understanding for a Grant Writer Position for the EDC. This is a follow-up to the Board's motion passed at the July 3rd meeting to approve this position in concept. She stated that she has met with each other entity, the Cities of Sturgis and Three Rivers and the EDC Board to work out the details. Currently the City of Sturgis had not bought into the concept, but she has received information that they will likely approve this at their meeting on August 22nd. If they do not approve of the City participating the program will not go the full year, but only until the money runs out.

Before any grant is applied for, the grant writer will go back to the entity with details of the grant. The memorandum of understanding is for 1 year and will begin on September 4th. After 10 months the program will be evaluated.

It was moved by Commissioner Shafer and supported by Commissioner Bordner that the EDC Grant Writer Position Memorandum of Understanding be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

EDC GRANT WRITER POSITION – EMPLOYMENT AGREEMENT WITH MARCIA SAUNDERS

Cathy Annis requested approval of an Employment Agreement with Marcia Saunders for 1 year beginning September 4th for \$40,000 or until the money runs out. She will be housed in the EDC Office.

It was moved by Commissioner Bordner and supported by Commissioner Shafer that the EDC Grant Writer Position – Employment Agreement with Marcia Saunders be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Motion carried.

AGREEMENT WITH THE CITY OF THREE RIVERS TO ADMINISTER
THEIR MSHDA RENTAL REHAB GRANT

It was moved by Commissioner Dobberteen and supported by Commissioner Bordner that the Agreement with the City of Three Rivers to administer the MSHDA Rental Rehab Grant be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 – Commissioners Shafer, Loudenslager, Dunlap, Baker, Pueschel, Bordner & Dobberteen

Nay votes cast: 0

Motion carried.

FARMLAND PRESERVATION ORDINANCE AMENDMENTS

Brad Neumann requested approval of the amendments to the Farmland Preservation Ordinance as recommended by the Ag Board.

He stated that some of the acts that were referred to in the ordinance are outdated and there were some other minor substantive changes.

Commissioner Dunlap questioned the fact that within the amendments the County will be paying for the property appraisals and he thought that the farmer should pay.

Mr. Neumann stated that the Ag Board will be instrumental in starting the application process for development rights and then the Board of Commissioners reviews the applications.

It was moved by Commissioner Bordner and supported by Commissioner Dobberteen that the Farmland Preservation Ordinance Amendments be approved.

Commissioner Bordner stated that he appreciates all of the work of Mr. Neumann and the Ag Board. This is a functional, living document.

Commissioner Dunlap stated that appraisals cost a lot of money and this is clearly for the benefit of the property owner.

Mr. Neumann responded by saying that there is definite value to open space so not just the property owner benefits.

The aye and nay vote was called as follows:

Aye votes cast: 5 - Commissioners Shafer, Baker, Pueschel, Bordner & Dobberteen

Nay votes cast: 2 – Commissioners Loudenslager and Dunlap.

Motion carried.

ESTABLISH APPLICATION FEE FOR FARMLAND PRESERVATION PROGRAM

Mr. Neumann requested that the Board of Commissioners approve a one time \$25.00 application fee as recommended by the Ag Board.

It was moved by Commissioner Dobberteen and supported by Commissioner Pueschel that the \$25.00 application fee be established.

The aye and nay vote was called as follows:

Aye votes cast: 7 – Commissioners Shafer, Loudenslager, Dunlap, Baker, Pueschel, Bordner & Dobberteen

Nay votes cast: 0

Motion carried.

CONCEPT OF COUNTY SERVING AS FIDUCIARY FOR 211 PROGRAM

Ms. West-Wing stated that at the Executive Committee Meeting on August 17th, Kelly Hostetler, Executive Director of the St. Joseph County United Way and Matt Chambers requested that the County act as the fiduciary for the 211 Program. Funding is secure, it will require no County staff and the County would write very few checks per year. The County has no responsibility for funding or any shortfall. If the County is agreeable then a Letter of Understanding will be developed and presented at a later date.

It was moved by Commissioner Bordner and supported by Commissioner Shafer that the County approve of the concept of the County serving as the fiduciary for the 211 Program.

Commissioner Loudenslager stated that he heartily endorses the concept.

Commissioner Dunlap stated that Kelly Hostetler does a really good job and this would be a minor contribution for the County to this program.

Chairman Baker stated that the 211 calls will be logged as to need which will give the County good information on what the needs are for the residents of St. Joseph County.

Motion carried.

SUSPENDING THE RULES

It was moved by Commissioner Bordner and supported by Commissioner Dobberteen that the Board suspend its rules to discuss House Bill 4852. Motion carried.

RESOLUTION NO. 15-2007

Ms. West-Wing read a resolution from Antrim County which will be re-written for St. Joseph County as follows:

WHEREAS, an impact of the poor state of the Michigan economy, revenues flowing in the State's general fund are substantially below projections; and

WHEREAS, in order to balance its 2007 general fund budget, the Michigan Legislature and Governor were forced to reduce funding from a wide variety of services; and

WHEREAS, there appears to be a reluctance of the Legislature to approve tax increases in order to main service levels; and

WHEREAS, House Bill 4852 was introduced to generate funds earmarked to restore a number of the program reductions; and

WHEREAS, House Bill 4852 initially proposed to impose fees on home owners insurance, the latest version would place a surcharge fee on land and cellular phone users; and

WHEREAS, few of the designated recipients' of the funds generated through the fee assessment specified in House Bill 4852 can be related to the phone access; and

WHEREAS, services funded through the assessment of fees must be tested against two standards:

Are the services reasonably related to the source of the fees?

Are the charges related to the cost of the services?; and,

WHEREAS, it is a betrayal of the public trust to impose fees wherein the benefit is not even remotely related; and

WHEREAS, House Bill 4852 may very well jeopardize the capacity to assess fees for critical services such as Dispatch of Emergency Personnel.

THEREFORE BE IT RESOLVED that the St. Joseph County Board of Commissioners hereby vigorously opposes House Bill 4852 as an inappropriate assessment of fees for services as well as a betrayal of the trust of the public by disguising a tax increase, and the legislation jeopardizes the capacity of the public to accept fee increases directly related to benefits received.

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

Nay votes cast: 0

Resolution adopted.

Commissioner Dobberteen stated that the resolution should be sent to the Governor, the Speaker of the House, the President of the Senate, MAC, Representative Shaffer and Senator Brown.

NOMINATIONS/APPOINTMENTS

Solid Waste Management Planning Committee

It was moved by Commissioner Dobberteen and supported by Commissioner Pueschel that the following be nominated and appointed or reappointed to their respective terms on the Solid Waste Management Planning Committee:

	<u>Term Expires</u>
Glenn Nissley – Industry	September 1, 2009
John Smits – Industry	September 1, 2009
Frank Kalasky – Environmental	September 1, 2009
Michael McCarthy – General Public	September 1, 2009
Mary Conklin – General Public	September 1, 2009
Krysti Boughton – Environmental	September 1, 2008

Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Dobberteen stated that they had not met.

Judiciary

Commissioner Loudenslager stated that there was no report.

Physical Resources

Commissioner Shafer stated that there was no report.

Executive Committee

Commissioner Bordner stated that the Executive Committee met on August 17th and everyone has 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:

Marilyn Richardson to work temporary, part-time for the County Clerk at \$9.00/hr. effective September 19, 2007.

Vicki Klopfenstein has been hired as Cade Lake Park Attendant at \$7.50/hr. effective August 21, 2007.

MISCELLANEOUS:

Establish the wage for Francisco Ortiz, Juvenile Division Casework Supervisor/Referee, at \$46,220.00 (Rye system grade 10, step 1) effective September 4, 2007. (The hiring of Mr. Ortiz was approved on 8/07/07.)

Dee Frye to change from Deputy Register of Deeds/Data Entry Clerk to Deputy Register of Deeds at \$11.40/hr. (Soltysiak system, grade 4, minimum) effective August 21, 2007.

Approve Child Support and Paternity Investigator classification change from Rye system to Soltysiak system, pay grade 8, 2130 points, effective October 1, 2007.

Julia Pond, Child Support and Paternity Investigator, will change to \$15.92/hr. (Soltysiak system, grade 8, 6-month step) effective October 1, 2007.

Mary DeBruyn-Towner, FOC Account Clerk, is on intermittent family leave commencing July 23, 2007 under the Family and Medical Leave Act of 1993.

RESIGNATION:

Deborah Hotchkiss, part-time Telecommunicator, has resigned effective August 15, 2007 (last day worked 8/03/07).

It was moved by Commissioner Dobberteen 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 101-229-706.260 (Wages)	\$ 8,406.00
Line item 101-229-715.000 (FICA)	644.00
Line item 101-229-716.000 (Health)	2,229.00
Line item 101-229-716.010 (Dental)	103.00
Line item 101-229-716.020 (S & A)	16.00
Line item 101-229-716.100 (Worker's Compensation)	11.00
Line item 101-229-717.000 (Life)	10.00
Line item 101-229-718.010 (Retirement)	<u>193.00</u>
	\$ 11,612.00

INCREASE FRIEND OF THE COURT'S BUDGET:

Line item 101-141-706.260 (Wages)	\$ 8,406.00
Line item 101-141-715.000 (FICA)	644.00
Line item 101-141-716.000 (Health)	2,229.00
Line item 101-141-716.010 (Dental)	103.00
Line item 101-141-716.020 (S & A)	16.00
Line item 101-141-716.100 (Worker's Compensation)	11.00
Line item 101-141-717.000 (Life)	10.00
Line item 101-141-718.010 (Retirement)	<u>193.00</u>
	\$ 11,612.00

DECREASE GENERAL FUND CONTINGENCY:

Line item 101-890-941.000 (Contingency)	\$ 3,673.00
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INCREASE FRIEND OF THE COURT'S BUDGET:

Line item 101-141-707.155 (Wages)	\$ 3,336.00
Line item 101-141-715.000 (FICA)	256.00
Line item 101-141-716.100 (Worker's Compensation)	4.00
Line item 101-141-718.010 (Retirement)	<u>77.00</u>
	\$ 3,673.00

INCREASE REVENUE SHERIFF'S DEPARTMENT:

Line item 101-301-676.060 (Reimbursed wages)	\$ 5,325.00
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INCREASE EXPENDITURES SHERIFF'S DEPARTMENT:

Line item 101-351-707.000 (Wages – part time)	\$ 4,946.00
Line item 101-351-715.000 (FICA)	<u>379.00</u>
	\$ 5,325.00

INCREASE EXPENDITURES LOCAL CORRECTIONS OFFICER'S TRAINING FUND:

Line item 264-351-999.000 (Operating Transfers Out)	\$ 5,325.00
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DECREASE EXPENDITURES LOCAL CORRECTIONS OFFICER'S TRAINING FUND:

Line item 264-351-862.000 (Seminars) \$ 5,325.00

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

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker – 11 half days 7/25, 7/26 x 2, 8/1 x 2, 8/4, 8/7, 8/8, 8/10, 8/11 & 8/17/07 & 2 full days 8/20 & 8/21/07	\$ 740.00
Monte Bordner – 6 half days 7/26 x 2, 8/1, 8/14 x 2 & 8/17/07 & 4 full days 7/23, 8/19, 8/20 & 8/21/07	680.00
John Dobberteen – 13 half days 7/25 x 2, 7/26, 7/28, 8/2, 8/3, 8/6, 8/7, 8/8, 8/14 x 2, 8/15 & 8/17/07 & 3 full days 8/19, 8/20 & 8/21/07	935.00
Michael Dunlap – 6 half days 7/26 x 2, 8/1, 8/3, 8/7 & 8/14/07	300.00
Gerald Loudenslager – 4 half days 7/19, 7/26, 8/8 & 8/11/07 & 2 full days 8/15 & 8/20/07	390.00
David Pueschel – 5 half days 7/26, 8/6, 8/9, 8/13 & 8/15/07	250.00
Eric Shafer – 7 half days 7/18, 7/26, 7/30, 8/1, 8/6, 8/7 & 8/15/07	<u>350.00</u>
	\$3,645.00

Expenses

Robin Baker	\$ 255.11
Monte Bordner	182.89
John Dobberteen	156.17
Michael Dunlap	79.54
Gerald Loudenslager	402.00
David Pueschel	<u>68.39</u>
	\$1,144.10

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

Financial Statements

	Revenues	Expenditures
July	\$ 1,279,147	\$ 1,140,959
Year to Date	8,027,000	8,060,382
Period Fund Balance	\$138,188.00	
Year to Date	(\$511,839.00)	
Percent of budget year elapsed year to date.	58.33%	
Percent of total budgeted funds earned year to date	55.53%	
Percent of total budgeted funds expended year to date	57.67%	

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

MISCELLANEOUS

Commissioner Loudenslager stated that the work on the Covered Bridge will not start until next year.

Ms. West-Wing mentioned that 10 years ago yesterday the Commissioners held their first meeting in this renovated room.

ADJOURNMENT

It was moved by Commissioner Dobberteen and supported by Commissioner Bordner that the St. Joseph County Board of Commissioners adjourn until September 4, 2007 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

Robin Baker, Chairman