

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 September 2, 2003, at 5:00 p.m.

Vice-Chairman Monte Bordner called the meeting to order.

The Invocation was given by Commissioner Loudenslager.

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
John W. Bippus	Robin Baker
Monte Bordner	David J. Pueschel

Absent: John L. Dobberteen

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

#### AGENDA

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

#### MINUTES APPROVED

The Clerk stated that on page 147 of the August 20, 2003 Commissioners minutes that the per diem for Commissioner Pueschel should be changed from \$495 to \$470 because one of the days was a Mental Health day. Also, the total per diem was \$3,800 instead of \$3,825.

It was moved by Commissioner Bippus and supported by Commissioner Shafer that the minutes for August 20, 2003 be approved as amended. Motion carried. Commissioner Loudenslager abstained due to absence.

#### COMMUNICATIONS

1. Letter from Michigan Association of Counties, Re: MAC Legislative Update, August 29.
2. Letter from the City of Three Rivers, Re: Notice of public hearing on September 2 and September 16 to consider the proposed use of a PILOT program to help with the financing of an apartment complex; proposed establishment of a Local Development Financing Authority District for Dr. Haines Municipal Airport and Airport Industrial Park; and a proposed Brownfield Plan for Central Manufacturing Services.
3. Letter from Michigan Works!, Re: Program Overview June 30, 2003.
4. Letter from Michigan Association of Counties, Re: MAC Bankcard Program.
5. Letter from Michigan Public Service Commission, Re: Notice of hearing on September 15, 2003.
6. Resolution from Midland County, Re: Local Government Participation in the State Purchasing Program for Pharmaceutical Drugs.
7. Resolution from Arenac County, Re: State Revenue Sharing.
8. Resolution from Antrim County, Re: State Revenue Sharing.
9. Resolution from Antrim County, Re: Local Government Participation in the State Purchasing Program for Pharmaceutical Drugs.
10. Resolution from Oceana County, Re: Opposition to proposed changes to implement Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act.
11. Resolution from Oceana County, Re: Opposition to proposed changes to the State Drain Code.
12. Minutes of Family Independence Agency Board meeting of July 22, 2003.
13. Minutes of St. Joseph River Basin Commission meeting of June 3, 2003.

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

## CITIZENS COMMENTS

Tim Carls, Klinger Lake Road, Centreville expressed concern for a resolution passed at the last meeting concerning supporting \$350 toward lobbying efforts to pass legislation that would allow for a Tax Administration Fee to be assessed. He stated that that was what Representative Shaffer should be doing is lobbying for us.

Vice-Chairman Bordner stated that this would be a tax service fee which would help defray our ongoing technology cost increases.

Mr. Carls then stated that he was also concerned with the County passing a resolution some meetings ago regarding DNR issues. Vice-Chairman Bordner asked Mr. Carls if he would send a letter to the Administration expressing his concerns.

## ECONOMIC DEVELOPMENT CORPORATION BYLAW AMENDMENTS

Dave Allen, EDC Director, requested approval of some amendments to their bylaws as follows:

### Article XI: Section 8. (New)

The EDC may hire an Executive Director to manage the day-to-day operations of the Corporation. This position is subject to the review and approval of the County Commission. The Executive Director reports to the EDC's Executive Committee.

### Article V: Section 8. (Amended)

The Executive Committee of the EDC Board shall consist of all officers, including the Past-President. This committee shall set Board meeting agendas, review the performance of the Executive Director, be part of the nominating committee for Executive Director hiring and nominates all new Board members to the full EDC Board *for their approval and subsequent approval by the County Board of Commissioners.*

### Article III: Section 2 (Amend)

The Corporation shall have its principal office at a location determined by the Board of Directors.

### Article V: Section 5 (New)

Add to: A Director may be removed from office for cause by a majority vote of the County Board of Commissioners. The Executive Committee of the EDC Board will determine on-going Board membership of any Director that misses more than 1/3 of the meetings in a 12-month "rolling time" period *by recommending an appropriate course of action to be taken by the County Board of Commissioners.*

### Article XI: Section 7 (New)

Amendments to the Bylaws require two readings at Board meetings before forwarding to the County Board of Commissioners. Amendments must be approved by a 2/3 majority of those present at the second reading.

It was moved by Commissioner Bippus and supported by Commissioner Shafer that the amendments to the EDC Bylaws be approved.

The aye and nay vote was cast as follows:

Aye votes cast:       6 -     Commissioners Shafer, Loudenslager, Bippus, Baker, Pueschel and Bordner.

Absent:                1 -     Commissioner Dobberteen.

Motion carried.

## REVISED EDC EMPLOYMENT AND FINANCIAL AGREEMENT

Dave Allen requested approval of a Revised EDC Employment and Financial Agreement so that a project manager could be hired.

It was moved by Commissioner Bippus and supported by Commissioner Pueschel that the Revised EDC Employment and Financial Agreement be approved.

The aye and nay vote was cast as follows:

Aye votes cast: 6 - Commissioners Shafer, Loudenslager, Bippus, Baker, Pueschel and Bordner.

Absent: 1 - Commissioner Dobberteen.

Motion carried.

RESOLUTION NO. 17-2003  
CONSTITUTION WEEK

Commissioner Bippus read the following resolution:

WHEREAS, over two hundred years ago, American Colonists sacrificed and died to establish the freedoms guaranteed to us by the Constitution of the United States of America. These farsighted men provided a Republic, which established laws to protect the rights of all citizens. Today we watch as people throughout the world work toward obtaining these rights many of us take for granted; and

WHEREAS, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, September 17, 2003 is the two hundred sixteenth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion.

NOW, THEREFORE, BE IT RESOLVED, that the St. Joseph County Board of Commissioners hereby proclaims the week of September 17 through 23 as "Constitution Week" and asks our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

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

The aye and nay vote was cast as follows:

Aye votes cast: 6 - Commissioners Shafer, Loudenslager, Bippus, Baker, Pueschel and Bordner.

Absent: 1 - Commissioner Dobberteen.

Resolution adopted.

RESOLUTION NO. 18-2003  
SEPTEMBER 11<sup>TH</sup> REMEMBRANCE

Commissioner Bippus read the following resolution:

WHEREAS, over 200 years ago our Forefathers began the process that secured for us the ideals of liberty and freedom; and

WHEREAS, in the 20<sup>th</sup> century millions of lives were lost between nations and in efforts by totalitarian dictatorships to stomp out the light of these ideals within and outside of their nations; and

WHEREAS, in the 21<sup>st</sup> century, bloody conflicts of ethnic and tribal hatred are and will be continued to be fought in an effort to silence the voices seeking to invoke the ideals of liberty and freedom; and

WHEREAS, with freedom and democracy advancing, a real threat to the security and the world is rooted in the knowledge that while there are forces that are lifting most of us up and opening unparalleled opportunities to many people, there are other forces that contain a dark and sinister side; and

WHEREAS, open societies glow with free and rapid movement of people, technology and information that makes them very vulnerable to organized destruction and evil that seeks to extinguish that glow; and

WHEREAS, on September 11, 2001 a deadly challenge to not only the security of our nation, but also that of the world was struck by one of these forces of evil that led to the loss of many lives from many nations; and

WHEREAS, it is fitting on this second anniversary of that event to set aside time for remembrance and reflection on the lives of the many victims of this act.

NOW, THEREFORE, BE IT RESOLVED, that the St. Joseph County Board of Commissioners hereby proclaims September 11, 2003 as "A Day of Remembrance" and asks our citizens to reflect and celebrate on the lives of the victims and rededicate our lives to the ideals of liberty and freedom and to vigilantly protect and defend those ideals for which so many people died.

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

The aye and nay vote was cast as follows:

Aye votes cast: 6 - Commissioners Shafer, Loudenslager, Bippus, Baker, Pueschel and Bordner.

Absent: 1 - Commissioner Dobberteen.

Resolution adopted.

#### COMMITTEE REPORTS

##### Law Enforcement

Commissioner Bippus stated that there was no report.

##### Judiciary

Vice-Chairman Bordner stated that Judiciary had not met.

##### Physical Resources

Commissioner Bippus stated that according to the Executive Committee minutes that a schedule has been set for the jail renovation project.

##### Executive Committee

Commissioner Bippus reported the following from the Executive Committee on August 29th:

- \* they are looking for solutions on the roadblocks involved in the Parks and Recreation Commission becoming an agency of the United Way. Vice-Chairman Bordner added that an opinion would be requested from Attorney Peter Cohl on this matter.
- \* the County is obligated to pay the first \$75,000 in the defense of Judge Noecker's issue with Judicial Tenure Commission.

Commissioner Loudenslager stated that when he read the Executive Committee minutes regarding the \$75,000 the County is obligated to pay for Judge Noecker's defense he was outraged and wondered if the Executive Committee had the same feeling. Vice-Chairman Bordner responded in the affirmative.

#### ADMINISTRATOR'S REPORT

Ms. West-Wing presented the following reports:

Personnel Report

MISCELLANEOUS:

Dennis DeVore, Juvenile Division Director, is on medical leave effective August 25, 2003 under the Family and Medical Leave Act of 1993.

Approve the position of CTE Intern at \$5.15/hr. This position will be 20 hours per week; the cost is to be shared between the Register of Deeds and the County Treasurer.

RESIGNATION:

Gary Phelps, Address Technician, has resigned effective August 1, 2003.

NEW HIRE:

Anita Trayling has been hired as Address Technician for GIS and Central Dispatch at \$12.00/hr. effective August 26, 2003. (This is a temporary, full-time position with no benefits.)

Catherine Wittenberg has been hired as part-time Telecommunicator at \$7.50/hr. effective September 3, 2003.

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

Requisition

Urethane/Epoxy floor sealant for 2,134 square of kennel floor space; urethane/epoxy floor sealant for all kennel walls extending up 4 feet from the floor level for Animal Control \$13,411.71

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

Budget Adjustments

FROM CONTINGENCY:

\$5,000.00 from Contingency to line item 101-101-801.000 (Professional fees).

BUDGET ADJUSTMENTS:

DECREASE:

Line item 101-236-706.130 (Wages – deputies) \$ 600.00  
Line item 101-236-712.000 (Wages – overtime) \$ 400.00

INCREASE:

Line item 101-236-707.000 (Wages – part time) \$ 1,000.00

INCREASE:

Line item 261-229-706.140 (Wages – supervisor) \$ 8,751.00  
Line item 261-229-715.000 (FICA) 670.00  
Line item 261-229-716.020 (S & A insurance) 84.00  
Line item 261-229-716.100 (Worker's comp) 30.00  
Line item 261-229-717.000 (Life insurance) 17.00  
Line item 261-229-718.010 (Retirement) 534.00  
Line item 261-229-725.010 (Accumulated sick & vacation) 1,000.00  
Line item 261-229-846.020 (CCAB mental health outpatient) 400.00  
Line item 261-229-941.000 (Contingency) 6,767.98  
Line item 263-229-846.060 (Admin/board expense) 600.00  
Line item 263-229-846.070 (Admin/contract services) 2,200.00  
Line item 263-229-846.080 (Admin/training) 600.00  
Line item 263-229-846.090 (Admin/travel) 1,000.00  
Line item 263-229-999.000 (Operating transfers out) 10,000.00  
\$32,653.98

DECREASE:

Line item 261-229-716.000 (Health insurance)	\$ 2,692.23
Line item 261-229-716.010 (Dental insurance)	161.17
Line item 261-229-846.030 (CCAB mental health screening/assess)	400.00
Line item 261-229-846.050 (Admin/personnel)	1,878.00
Line item 261-229-846.060 (Admin/board expense)	500.00
Line item 261-229-846.070 (Admin/contract services)	1,244.53
Line item 261-229-846.080 (Admin/training)	560.00
Line item 261-229-846.090 (Admin/travel)	818.05
Line item 263-229-941.000 (Contingency)	<u>10,515.00</u>
	\$ 18,768.98

INCREASE REVENUES:

Line item 261-229-699.000 (Operating transfers in)	\$ 10,000.00
Line item 263-229-676.000 (Budgeted use of fund balance)	<u>3,885.00</u>
	\$ 13,885.00

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

BILLS

Mr. Carey presented the following bills for payment:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Prepaid Insurance	\$ 12,120.00	\$
Appropriations	30,500.16	
County Commission	441.62	12,133.50
Circuit Court	1,500.49	23,939.53
District Court	338.32	89,495.25
Friend of the Court	3,641.35	49,507.10
Jury Commission	67.28	84.38
Probate Court	1,502.27	25,932.64
Juvenile Branch	10,176.17	58,107.87
Public Defender	442.97	
Administration	117.00	11,982.33
Finance Department	791.94	15,428.73
County Clerk	150.98	29,990.01
Equalization Department	4,993.52	20,646.50
Human Resources	161.21	5,875.23
Geographic Information Systems		10,774.94
Prosecutor's Office	2,765.67	53,797.71
Central Services	9,762.26	7,193.50
Register of Deeds	14.00	16,274.33
County Treasurer	430.98	18,601.89
Cooperative Extension	984.32	11,487.25
Data Processing	156.50	10,453.14
Buildings & Grounds	5,518.34	20,771.78
Courts Building Security	46.21	6,677.64
Drain Commission		5,305.83
Sheriff Department	3,645.78	119,462.65
Marine Patrol	538.07	13,265.98
Jail & Turnkey	14,180.10	132,474.37
Plat Board		161.49
Emergency Services	10,122.50	5,641.86
Animal Control		13,363.58
Board of Public Works	125.00	1,237.39

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Medical Examiners	\$ 3,450.00	\$
Child Care - Probate	4,071.99	1,934.51
Department of Veterans' Affairs	300.00	
Utilities & General Services	17,355.12	
	-----	-----
Totals	\$ 140,412.12	\$ 792,002.91
<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Road Commission	\$ 1,294,380.37	\$
Parks & Recreation	1,592.07	12,513.96
Emergency 911 Service	4,657.56	65,780.64
Central Dispatch - Wireless		1,446.82
Meyer Broadway/Coon Hollow Park	410.63	650.21
Friend of the Court		2,000.55
Family Counseling	1,376.40	
Cade Lake Park	189.38	
Waste Management Fund		
County Commission	6,250.00	
Resource Recovery Program	111.08	989.95
Traffic Safety Program Fund	23.28	
Economic Development Fund	180.00	7,142.25
Register of Deeds Automation Fund	2,400.00	2,832.60
Victims' Rights Advocate Fund		4,309.03
Community Corrections Advisory Board	4,370.00	3,587.39
Community Corrections Program	2,740.03	678.21
Drug Law Enforcement Fund	1,429.79	
Law Enforcement Fund	435.00	27,649.80
Secondary Road Patrol		12,034.82
Law Library Fund	1,218.80	
Commission on Aging	27,057.43	63,950.39
Sheriff's Justice Training Fund	250.00	
Family Independence Agency	54,984.30	
Child Care - Probate Court	20,208.40	3,929.98
Child Care - Family Independence Agency	2,824.00	
Veterans' Trust Fund		322.95
Tax Payment Fund	1,429.45	
Inmate Store	148.02	
Three Rivers Community Center	1,077.16	702.43
COA Gadabouts	14,457.43	48.81
Long Lake Level Revolving Fund	8.03	
Flexible Benefits Insurance Fund	104,030.95	
	-----	-----
Totals	\$ 1,548,239.56	\$ 210,570.79
Grand Total	\$ 1,688,651.68	\$ 1,002,573.70
General Fund Operating Expenditures		
Pre-Authorized	\$125,532.11	
Accounts Payable	14,880.01	
	\$ 140,412.12	
General Fund Payroll Expenditures	\$ 792,002.91	

Other Funds Operating Expenditures			
Pre-authorized	\$1,526,876.53		
Accounts Payable	21,363.03	\$	1,548,239.56
Other Funds Payroll Expenditures			210,570.79
Total Recorded for the Month			<hr/>
		\$	2,691,225.38

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

SET BUDGET WORK SESSIONS

Budget work sessions were set for October 27th at 5:00 p.m. and October 29th at 5:00 p.m.

CITIZENS COMMENTS

Rebecca Shank of 12302 Corey Lake Road, Three Rivers on behalf of the Abiel Chapter of the Daughters of the American Revolution thanked the Board for passing the resolutions concerning the Constitution and September 11th and then read a letter addressed to the Board regarding access to public information.

Tim Carls spoke again regarding Rand Bowman and the funds that we pay him to oversee the Planning Commission. Ms. West-Wing responded to him by saying that Mr. Bowman provides services on a set fee for the year.

Mr. Carls asked if the Prosecuting Attorney looked over the information that Mr. Bowman provides.

No one could answer the question.

MISCELLANEOUS

Commissioner Loudenslager noticed from the minutes of the last meeting that Commissioners Bordner and Dobberteen had attended the MAC conference and were glad that they found it worthwhile.

He also stated that he would have voted in opposition to the retroactive pay issue.

Vice-Chairman Bordner encouraged everyone to attend the fair and support our 4-H youth.

ADJOURNMENT

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the St. Joseph County Board of Commissioners adjourn until September 16, 2003 at 5:00 p.m. Motion carried.

-----  
Pattie S. Bender, County Clerk

-----  
Monte Bordner, Vice-Chairman