

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 5, 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

Absent: 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 Baker and supported by Commissioner Dunlap that the agenda be approved. Motion carried.

MINUTES APPROVED

Commissioner Baker stated that on page 141 of the August 15th minutes that he did not have a committee meeting on July 4th but he did on August 4th.

It was moved by Commissioner Baker and supported by Commissioner Pueschel that the minutes for August 15, 2006 be approved as amended. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, August 18 and September 1, 2006.
2. Letter from the Village of White Pigeon, Re: Notice of public hearing on September 20, 2006 to consider an Industrial Facilities Tax Exemption Certificate for Silver Crown, LLC.
3. Letter from Representative Rick Shaffer, Re: Repeal of the State's Single Business Tax.
4. Letter from Senator Cameron Brown, Re: Repeal of the State's Single Business Tax.
5. Letter from Michigan Association of Counties, Re: Repeal of the State's Single Business Tax.
6. Resolution from Osceola County, Re: Personal Protection Order Filing Fee.
7. Minutes of the Commission on Aging Board meeting of July 19 and August 16, 2006.
8. Minutes of the Department of Human Services Board meeting of July 25, 2006.
9. Minutes of the Community Mental Health Services Board meeting of July 25, 2006.

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

PROPOSED FEE INCREASE

Ms. West-Wing stated that at the last meeting the proposed fee increase for the County Clerk's Office was tabled.

It was moved by Commissioner Loudenslager and supported by Commissioner Shafer that the proposed fee increase for the County Clerk's Office be removed from the table. Motion carried.

Vital Records Fees

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that the vital records fees for the County Clerk’s Office be increased effective October 1st as follows:

	<u>Current Fee</u>	<u>New Fee</u>
1st Certified Copy	\$10.00	\$13.00
Additional Purchased at the Same Time	3.00	4.00

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

Photos

Ms. West-Wing explained that at the last meeting the Board approved the purchase of a camera, printer, supplies etc., for the County Clerk to take passport and concealed weapons license photos as well as for employee ID’s and the Clerk is proposing that they charge the customer \$6.00 for two photos.

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the fee for the taking of passport and CCW photos be set at \$6.00 per pair.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

GRANT AGREEMENT

Ms. West-Wing recommended approval of a Grant Agreement between the State Department of Community Health and St. Joseph County for the Victims’ Rights Grant in the amount of \$55,000 for the period October 1, 2006 through September 30, 2007.

It was moved by Commissioner Baker and supported by Commissioner Shafer that the Grant Agreement be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

APPEAL COLON NO. 1 DRAIN

Ms. West-Wing stated that she filed an appeal in Probate Court protesting the 19.01% project cost to the County for Colon No. 1 Drain in the amount of \$58,524.74, not including interest, and would like the Board to ratify and confirm the filing of the appeal.

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the Appeal filed by the Administrator/Controller regarding the County's assessment for the project for Colon No. 1 Drain be ratified and confirmed.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

NOTTAWA PARK VENDOR AGREEMENT WITH MICHAEL AND CINDY KING

Ms. West-Wing recommended approval of an Agreement with Michael and Cindy King as the Nottawa Park Vendors from August 11, 2006 through September 24, 2006.

Commissioner Shafer suggested that this be let out for bids next year.

Commissioner Dunlap stated that the Kings understand that this will be let out for bids next year.

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the Nottawa Park Vendor Agreement with Michael and Cindy King be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

FISH LAKE SPECIAL ASSESSMENT ROLL

David Hassenger, Drain Commissioner, requested approval of the Fish Lake Special Assessment Roll. This is for inspection and maintenance of the water control structure.

RESOLUTION NO. 20-2006

FISH LAKE RESOLUTION
PURSUANT TO MCL 324.30701 et seq

WHEREAS, on October 28, 1994, a normal lake level for Fish Lake was established under the Inland Lake Level Act, Act 451 of the Public Acts of 1994; and

WHEREAS, the St. Joseph County Circuit Court established and confirmed the boundaries of a special assessment district for the lake level of Fish Lake on April 24, 1995; and

WHEREAS, the St. Joseph County Drain Commissioner serves as delegated authority and has prepared a computation of costs pursuant to MCL 324.30712 and has prepared a special assessment roll pursuant to MCL 324.30714; and

WHEREAS, the St. Joseph County Drain Commissioner, upon proper notice, held a hearing to review the inspection and maintenance costs and the special assessment roll pursuant to MCL 324.30714(2), and after such hearing approved the inspection and maintenance costs and the special assessment roll; and

WHEREAS, the Board of Commissioners has reviewed the project cost and the special assessment roll prepared by the Drain Commissioner.

NOW, THEREFORE BE IT RESOLVED:

1. The St. Joseph County Board of Commissioners hereby approves the inspection and maintenance costs and special assessment roll prepared by the Drain Commissioner.
2. The Board of Commissioners hereby directs the Drain Commissioner to levy special assessments for the inspection costs consistent with MCL 327.30701, et seq., after the expiration of the appeal period.

Mr. Hassenger responded to a question regarding the lake level and he stated that there is not a specified high or low level. This assessment will take care of the inspection due this year.

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

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Resolution adopted.

RESOLUTION NO. 21-2006

KLINGER LAKE SPECIAL ASSESSMENT ROLL
LAKE LEVEL RESOLUTION
PURSUANT TO MCL 324.30701 et seq

Mr. Hassenger stated that if the following resolution is approved that this assessment will take care of the inspection and future maintenance related to the established lake level and there is outstanding maintenance that needs to be done.

WHEREAS, a lake level for Klinger Lake was established under the Inland Lake Level Act, formerly Act 146 of the Public Acts of 1961, on November 28, 1972 at 806.52 feet above mean sea level; and

WHEREAS, by resolution adopted on June 18, 2002, the Board of Commissioners of the County of St. Joseph (the "County") directed the St. Joseph County Drain Commissioner, as the County's "delegated authority" to institute proceedings in St. Joseph County Circuit Court to establish and confirm special assessment district boundaries for the established lake level of Klinger Lake, under the provisions of Part 307 of the Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended ("Part 307") and determined that the financing of all future maintenance and improvements related to the established lake level for Klinger Lake will be borne by assessing the Klinger Lake Special Assessment District (the "Special Assessment District"); and

WHEREAS, on May 31, 2005, the St. Joseph County Circuit Court entered an Order establishing and confirming the Klinger Lake Level Special Assessment District; and

WHEREAS, the St. Joseph County Drain Commissioner serves as delegated authority and has prepared a computation of costs pursuant to MCL 324.30712 and has prepared a special assessment roll pursuant to MCL 324.30714; and

WHEREAS, the St. Joseph County Drain Commissioner, upon proper notice, held a hearing to review the project costs and the special assessment roll pursuant to MCL 324.30714(2), and after such hearing approved the cost of the project and the special assessment roll; and

WHEREAS, the Board of Commissioners has reviewed the project cost and the special assessment roll prepared by the Drain Commissioner.

NOW, THEREFORE BE IT RESOLVED:

1. The St. Joseph County Board of Commissioners hereby approves the project cost and special assessment roll prepared by the Drain Commissioner.
2. The Board hereby directs the Drain Commissioner to levy special assessments for the cost of the project consistent with MCL 327.30701, *et seq.*, after the expiration of the appeal period.
3. The project to establish and confirm special assessment district boundaries for the established lake level of Klinger Lake, and to improve and maintain the established lake level for Klinger Lake shall be financed by the issuance of bonds, notes or other obligations by the Special Assessment District (the "Bonds") in anticipation of the special assessments described in paragraph 1 above and the St. Joseph County Drain Commissioner, as delegated authority, is authorized to take such steps as are necessary to enable the Bonds to be issued in accordance with Part 307 and other applicable law. Preliminary costs of the project, including engineering and legal costs, may be defrayed from the proceeds of notes (the "Notes") issued by the Special Assessment District in anticipation of the proceeds of the Bonds in accordance with Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in a principal amount not to exceed \$150,000.00, and the St. Joseph County Drain Commissioner, as delegated authority, is authorized to take such steps as are necessary to enable the Notes to be issued in accordance with Act 34 and other applicable law.
4. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

It was moved by Commissioner Dunlap 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: 6 - Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner and Pueschel.

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Resolution adopted.

SPECIALIZED LEGAL COUNSEL

Ms. West-Wing is requesting that the Board authorize the Administrator/Controller to hire Specialized Legal Counsel, if needed, between Commissioner meetings with the concurrence of the Executive Committee.

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the Administrator/Controller be authorized to hire Specialized Legal Counsel, if needed, between Commissioner meetings with the concurrence of the Executive Committee.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

SOS BALLOT PROPOSAL

RESOLUTION OPPOSING THE “STOP OVERSPENDING” BALLOT PROPOSAL

RESOLUTION NO. 22-2006

Commissioner Shafer presented the following resolution:

WHEREAS, the Stop OverSpending proposal would amend the Michigan Constitution to put in place rigid tax and spending limits at the state and local levels of government; and

WHEREAS, such a proposal would dramatically limit the ability of local and state government to provide services such as public safety, education and health care, and other vital services that better the quality of life for all Michigan citizens as well as construct or improve infrastructure such as roads, sewer and water that are necessary to accommodate and advance the economy of our state; and

WHEREAS, this proposal is modeled on a similar Colorado initiative that was adopted in 1992 and recently suspended by voters in that state because of reductions in essential services at all levels of government; and

WHEREAS, due to state budget cuts, state funding to local communities in Michigan has already been reduced by \$1.5 billion the last four years, leading to numerous cuts in services including the loss of over 1,500 police officers in Michigan since September 11, 2001; and

WHEREAS, the SOS proposal would require township or county-wide votes on projects that may only impact a small group of properties who would be responsible for the full cost of the project and require votes on public construction projects that would be funded out of existing revenues thereby creating delays in critical economic development projects; and

WHEREAS, passage of the SOS proposal will lead to unnecessary litigation, undermine the ability of local leaders to act in times of crisis and unpredictable circumstances, and increase local spending on elections; and

WHEREAS, such a proposal undermines our system of representative democracy and would require local and state officials to pass off responsibility for making the tough decisions they are elected to make on behalf of the community they serve.

NOW, THEREFORE BE IT RESOLVED, the St. Joseph County Board of Commissioners opposes the “Stop OverSpending” ballot proposal.

BE IT FURTHER RESOLVED, that copies of this resolution be provided to the Michigan Association of Counties, Representative Rick Shaffer and Senator Cameron Brown.

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: 6 - Commissioners Shafer, Loudenslager, Dunlap, Baker, Bordner and Pueschel.

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Solid Waste Management Planning Committee

It was moved by Commissioner Shafer and supported by Commissioner Pueschel that Eric Shafer, Aaron Cullifer, Robert Robinson, John Dobberteen and Carl Holsinger be nominated and reappointed to the Solid Waste Management Planning Committee for 2 year terms expiring September 1, 2008. Motion carried.

Commissioner Shafer mentioned that there are currently 5 vacancies on the Board.

COMMITTEE REPORTS

Law Enforcement

Commissioner Loudenslager stated that there was no report.

Judiciary

Commissioner Baker stated that the Judiciary Committee met on August 30th and everyone has a copy of the minutes and he will answer any questions that anyone may have. He highlighted the following:

- * Judge Middleton will become Chief District Judge effective October 1st and he and Judge Welty are switching offices and courtrooms.
- * the Courts plan to set aside money in their budget each year for several years so that all 50 computers that were purchased by the State a few years ago can be replaced all at the same time.
- * the supervised visitation program will see a cut in their grant from \$15,000 to \$2,400. The supervised visitations will probably take place every 2 weeks for 4 hours.

Physical Resources

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

Executive Committee

Commissioner Baker stated that the Executive Committee met on September 1st and everyone has a copy of the minutes and he would answer any questions that anyone may have. He highlighted the following:

- * the proposed new Computer Use Policy was discussed.
- * the new Referee Hearing Room is being used by the Friend of the Court, District Court and Juvenile.

Website

Commissioner Shafer reported on the Website Committee meeting held today and mostly continued discussion on matters discussed at the previous meeting.

Planning Commission

Commissioner Shafer stated that they will begin working on the County's Master Plan and they will be having a kickoff on October 5th at 6:30 p.m. at the Intermediate School District. They want to focus on the future direction of the land use within the County.

Community Action Agency

Chairman Bordner introduced Nancy Macfarlane, Executive Director of the Community Action Agency, who gave an overview of the CAA, how it is funded, their presence in St. Joseph County and reason for existence.

She stated that the demographics show St. Joseph County to have 11.3% poverty. They have served over 4,900 people with mostly food, but also utility costs as well as housing and youth. The numbers increase when they assist those with their tax returns. The CAA is a collaborative/coordinated effort by many.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

MISCELLANEOUS:

Brenda Walls, Clerk/Typist, will change from full-time to part-time (20 hours per week) effective September 5, 2006.

NEW HIRE:

Jason Auton has been hired as full-time Road Patrol Officer at \$18.46/hr. effective September 12, 2006.

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

REQUISITION

Ms. West-Wing presented the following report:

One desk, one mobile computer cart and one forms organizer for new referee room in the lower level of
of Courts Building Total not to exceed \$ 905.00

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

BUDGET ADJUSTMENT

Ms. West-Wing presented the following report:

BUDGET AMENDMENT:

DECREASE FRIEND OF THE COURT'S BUDGET:

Line item 101-141-816.000 (Contractual Services) \$ 900.00

INCREASE FRIEND OF THE COURT'S BUDGET:

Line item 101-141-978.000 (Furniture and Fixtures) \$ 900.00

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

BILLS

Mr. Carey presented the following bills for payment:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Commission	\$ 150.00	\$ 6,707.51
Circuit Court	404.48	12,988.34
District Court	1,900.78	60,745.97
Friend of the Court	2,307.65	35,058.90
Jury Commission		183.68
Probate Court		18,871.28
Juvenile Branch	13,893.58	42,499.79
Appeals Court	1,690.75	290.23
Administration		9,636.37
Elections	431.58	
Finance Department	1,374.42	11,711.59
County Clerk	491.52	22,887.30
Equalization Department	819.00	15,152.12
Human Resources	139.00	6,937.46
Geographic Information Systems	100.00	6,339.52
Prosecutor's Office	1,655.28	41,648.12
Central Services	8,694.83	5,490.03

GENERAL FUNDEXPENDITURESPAYROLL

Register of Deeds	\$ 607.04	\$ 12,948.07
County Treasurer	100.00	13,818.40
Cooperative Extension	810.04	8,381.70
Information Technology	201.48	11,101.70
Buildings & Grounds	1,073.13	15,084.17
Courts Building Security		5,813.46
Drain Commission		5,371.03
Sheriff Department	20,442.00	87,708.35
Sheriff Reserves	137.16	
Marine Patrol	634.84	5,851.52
Jail & Turnkey	14,796.57	95,340.36
Emergency Services	1,258.34	5,272.14
Animal Control	627.09	8,770.84
Board of Public Works		628.50
Child Care - Probate	11,871.68	62.44
Department of Veterans' Affairs	300.00	
Veterans' Services	25.00	796.88
Utilities & General Services	4,713.09	
Total	\$91,650.33	\$574,097.77

OTHER FUNDSEXPENDITURESPAYROLL

County Road Commission	\$ 1,028,552.79	\$
Parks & Recreation	991.02	9,502.89
Emergency 911 Service	3,159.18	52,971.96
Central Dispatch - Wireless	105.00	3,761.48
Meyer Broadway/Coon Hollow Park	869.83	2,615.46
Friend of the Court		1,438.84
Family Counseling	392.35	
Cade Lake Park	1,580.61	3,378.13
Waste Management Fund		
County Commission	5,468.75	
Resource Recovery Program		455.37
Traffic Safety Program Fund	1,286.36	
Economic Development Fund		3,913.67
Register of Deeds Automation Fund	13,505.78	889.76
Victims' Rights Advocate Fund		3,212.56
Community Corrections Advisory Board	5,741.67	2,938.81
Community Corrections Program	385.02	
Drug Law Enforcement Fund	1,139.74	
Law Enforcement Fund	35.92	17,758.22
Secondary Road Patrol		8,913.17
Homeland Security Grant Fund	5,208.00	
Law Library Fund	1,248.00	
Principal Residence Denial Fund		693.09
Commission on Aging	21,316.85	46,997.85
Community Development Block Grant	14,600.00	
Sheriff's Justice Training Fund	275.00	
Department of Human Services	51,847.17	
Child Care - Probate Court	20,581.75	3,191.28
Child Care - Department of Human Services	26,893.08	
Veterans Trust Fund	2,569.35	

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Facilities Maintenance Fund	\$ 8,961.85	\$
Forfeiture & Foreclosure Fund	22,865.23	
Tax Payment Fund	66,251.36	
Inmate Store	991.29	
Three Rivers Community Center	1,118.73	886.12
Long Lake Level Revolving Fund	5.49	
Flexible Benefits Insurance Fund	143,523.12	
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Total	\$ 1,451,470.29	\$ 163,518.66
Grand Total	\$ 1,543,120.62	\$ 737,616.43
General Fund Operating Expenditures		
Pre-Authorized	\$11,435.45	
Accounts Payable	<u>80,214.88</u>	
	\$ 91,650.33	
General Fund Payroll Expenditures	\$ 574,097.77	
Other Funds Operating Expenditures		
Pre-authorized	\$1,263,601.74	
Accounts Payable	<u>187,868.55</u>	
	\$ 1,451,470.29	
Other Funds Payroll Expenditures	\$ <u>163,518.66</u>	
Total Recorded for the Month	\$ 2,280,737.05	

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

CHAIRMAN'S REPORT

Chairman Bordner stated that the County Fair will be here in a couple of weeks and encouraged everyone to attend to support the 4-H kids stating that there are 1,000 kids in the program.

Several Commissioners have volunteered to help out at the 4-H livestock auction.

CAA

Ms. Macfarlane, 104 Lakewood, Battle Creek stated that this is a gem of a Courthouse and Commission Chamber, it is absolutely beautiful.

Chairman Bordner mentioned that Ms. Macfarlane serves on the Battle Creek City Council.

MISCELLANEOUS

Commissioner Shafer reminded everyone of the employee golf outing that will be held on September 25th.

Commissioner Pueschel stated that this has been the best year for farming.

Commissioner Loudenslager encouraged everyone to read the article that he provided everyone regarding curbside recycling in Leelanau County.

Ms. West-Wing stated that the Special Revenue Fund Budgets will be presented for approval at the next meeting.

ADJOURNMENT

It was moved by Commissioner Baker and supported by Commissioner Dunlap that the St. Joseph County Board of Commissioners adjourn until September 19, 2006 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

Monte Bordner, Chairman