

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 October 6, 2009, at 5:00 p.m.

Chairman John L. Dobberteen called the meeting to order.

The Invocation was given by Commissioner Shaffer.

The Pledge to the American Flag was given.

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

Rick Shaffer	Gerald E. Loudenslager
Robin Baker	Michael D. Dunlap
Jerry Ware	David J. Pueschel
John L. Dobberteen	

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

#### AGENDA

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

#### MINUTES APPROVED

It was moved by Commissioner Loudenslager and supported by Commissioner Shaffer that the minutes for September 15, 2009 be approved. Motion carried.

#### COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Update, October 2, 2009.
2. Letter from the Michigan Association of Counties, Re: Creation of the MAC Agriculture and Tourism Subcommittee and an invitation to join it.
3. Letter from the City of Sturgis, Re: Notice of public hearing on October 14 to consider an Industrial Facilities Exemption Certificate to VCI, Inc.
4. Copy of letter from State Tax Commission to Universal Forest Products, Re: Revocation of Industrial Facilities Exemption Certificates.
5. Investment Activity Quarterly Reports from County Treasurer Phyllis Bainbridge in compliance with PA 213 of 2007. (Report for June 2009)
6. Letter from Chuck Worley, Re: Invitation to attend a re-dedication ceremony for a monument to the veterans of the Civil War at Oak Lawn Cemetery in Sturgis.
7. Letter from Tim Carls, Re: Denial of additional funds to Department of Human Services.
8. Copy of letter to Governor Granholm from Oceana County, Re: Opposing the merger of the Michigan Department of Agriculture with another State department.
9. Resolution from Charlevoix County, Re: Opposing the merger of the Michigan Department of Agriculture with another State department.
10. Resolution from Oakland County, Re: Supporting the continuation of the State Fair.
11. Resolution from Huron County, Re: Decreasing payments to the State of Michigan if state mandated payments to the county are decreased.
12. Resolution from Allegan County, Re: Opposition to current LEIN funding formula.
13. Resolution from VanBuren County, Re: Encouraging Kent County to move forward with the proposed class-action lawsuit against DHS.
14. Resolution from Oscoda County, Re: Support of House Bills 4785 and 4786 (Expansion of unemployment benefits and acceptance of federal stimulus funds.)
15. Minutes of the Community Mental Health Services Board meeting of August 25, 2009.
16. Minutes of the Veterans' Affairs Board meetings of June 10 and September 9, 2009.

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

#### DEPARTMENT OF HUMAN SERVICES REQUEST FOR ADDITIONAL CHILD CARE FUNDS

At their September 15th meeting the Board of Commissioners defeated a motion from the DHS requesting an additional \$80,000 for their Child Care Fund for the 2008-2009 budget year.

It was moved by Commissioner Baker and supported by Commissioner Pueschel that the motion that was defeated at the last meeting be reconsidered.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Motion carried.

Chris Kudalski, DHS Director, stated that this \$80,000 that is being requested is to pay previous bills related to child care expenses.

The Executive Committee met with Mr. Kudalski and Judge Shumaker to discuss this issue last Friday.

Both the DHS and Juvenile staffs are aware of the issues and it is their charge to keep more children in their homes. They are working out strategies.

Judge Shumaker talked about the recent State settlement with private agencies, which, in essence, gave the private agencies more money and the cost to the counties increased. He stated that they are trying to do more things locally rather than placing children in out of county facilities, but the costs have doubled.

Chairman Dobberteen stated that by approving this \$80,000 it compromises the County's funds that could lead to layoffs.

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the Board grant the request for \$80,000 from DHS.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Motion carried.

#### ANNUAL CHILD CARE FUND PLAN AND BUDGET

Judge Shumaker presented the Annual Child Care Fund Plan and Budget for 2010 explaining that it is not really a budget but is a grant application to the State. This grant request is to apply for funds to reimburse the County 50% of costs associated with child care. He stated that we are not truly getting 50% back from the State because they are identifying "charge-backs" to the counties resulting in less than 50% being returned to the County.

It was moved by Commissioner Baker and supported by Commissioner Pueschel that the Child Care Fund Grant Request be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Motion carried.

#### SET COUNTY CLERK ELECTION FEES

The Clerk stated that beginning in 2010 there will be a licensing fee charged to the County for the software used to program all elections. This cost will be \$6,676.63 per year. Because of the fact that there are few elections in an odd numbered year, the Clerk would like to recoup these software costs over a 2 year period and is requesting that the following fees be established:

Each township and city for each election	\$200 per precinct
(unless it is just a school election then the school is charged)	
Each school district	\$200 per election
ISD	\$200 per election
Glen Oaks Community College	\$200 per election

It was moved by Commissioner Dunlap and supported by Commissioner Loudenslager that the Election Fees be set as requested.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Motion carried.

#### DESIGNATION OF COUNTYWIDE RECOVERY ZONE

Commissioner Loudenslager read excerpts of the following resolution:

#### RESOLUTION NO. 16-2009

#### RESOLUTION DESIGNATING A 'RECOVERY ZONE' FOR RECOVERY ZONE FACILITY BONDS AND RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") was passed by Congress on February 13, 2009, and was signed by the President on February 17, 2009; and

WHEREAS, the ARRA provides counties and large municipalities (an "Issuer" or the "Issuers") with two new economic development tools which will permit the Issuers and their economic development corporations to issue (1) tax-exempt "private activity bonds" called "Recovery Zone Facility Bonds" (RZFBs) for the benefit of a variety of private businesses for which tax-exempt bonds have not been available in the past to finance plant and equipment, and (2) taxable public purpose bonds called "Recovery Zone Economic Development Bonds" (RZEDBs) to promote economic development and receive reimbursement from the U.S. Treasury Department of 45% of each interest payment on the bonds; and

WHEREAS, RZFBs may be issued to finance certain depreciable property for any trade or business, commercial or industrial, and RZFBs may be issued to finance both depreciable property and working capital for an Issuer, but only if the property is located in a "Recovery Zone" designated by the Issuer and is purchased or constructed after such designation; and

WHEREAS, under the ARRA, a "Recovery Zone" is an area designated by the Issuer as having significant poverty, unemployment, home foreclosures or general distress; and

WHEREAS, the dramatic economic meltdown of the economy across the United States, and in the State of Michigan in particular, and the ensuing adverse effects on manufacturing and other businesses in the State and St. Joseph County have directly caused employment in St. Joseph County to decline, layoffs to increase dramatically and home foreclosures to rise considerably, all directly resulting in unemployment and economic and general distress throughout St. Joseph County; and

WHEREAS, the breadth of the distress suffered by St. Joseph County, as represented by the loss of jobs, home foreclosures and rapidly declining property values, supports a finding by the St. Joseph County Board of Commissioners that all of St. Joseph County qualifies as a "Recovery Zone" as contemplated by ARRA; and

WHEREAS, to continue to provide businesses within St. Joseph County and those wishing to locate in St. Joseph County the most favorable financing vehicles available in the United States today, and on the basis of the St. Joseph County Board of Commissioners' finding that the conditions precedent for qualifying as a "Recovery Zone" exist throughout St. Joseph County, the St. Joseph County Board of Commissioners deems it in the best interests of St. Joseph County to designate all of St. Joseph County a "Recovery Zone" within the meaning of ARRA; and

WHEREAS, the St. Joseph County Board of Commissioners' formal designation of the aforementioned area as a "Recovery Zone", as required under the ARRA, will hereafter permit (1) the acquisition or construction by businesses located and doing business within St. Joseph County of property qualifying as "recovery zone property" in St. Joseph County to take advantage of RZFBs, and permit St. Joseph County to issue RZEDBs to finance public property for economic development purposes, subject in each case to the aggregate amount of "recovery zone bond limitation" allocated under ARRA to St. Joseph County; and

WHEREAS, this action of the St. Joseph County Board of Commissioners in designating a "Recovery Zone" reflects St. Joseph County's desire to assist qualifying businesses through the issuance of RZFBs, but such action does not and will not ever constitute a desire or ability on the part of the St. Joseph County Board of Commissioners to directly or indirectly lend the credit or any property of St. Joseph County to any RZFBs issued by St. Joseph County, and any and all RZFBs issued by the St. Joseph County will clearly and unequivocally state that the RZFBs are payable solely and only out of the security provided by the businesses benefited thereby and that St. Joseph County shall not be liable for any reason or under any circumstances on, or as a result of the issuance of or failure to issue, RZFBs, the acquisition or construction of recovery zone property within St. Joseph County or the operation of such property within St. Joseph County.

NOW, THEREFORE, BE IT HEREBY RESOLVED,

1. The St. Joseph County Board of Commissioners finds that the conditions set forth in the ARRA for qualification of a geographic area as a "Recovery Zone", viz., poverty, unemployment, home foreclosures and general distress, exist throughout St. Joseph County.

2. The St. Joseph County Board of Commissioners hereby designates St. Joseph County as a "Recovery Zone" within the meaning of the ARRA, effective immediately.

3. Recovery Zone Facility Bonds issued by St. Joseph County shall in each and every case clearly and unequivocally state on their face that they are payable solely and only out of the security provided by the business benefited by them and that St. Joseph County shall not be liable for any reason or under any circumstances on, or as a result of the issuance of or failure to issue, the Recovery Zone Facility Bonds, or for any action taken by any person relating to the acquisition or construction of "recovery zone property" or for the operation of any such property.

4. The Chairman of the St. Joseph County Board of Commissioners and/or his designees are hereby authorized on behalf of the St. Joseph County Board of Commissioners to take such action as may be necessary or appropriate to fulfill the purposes of this resolution, including but not limited to notification of the State of Michigan and the United States government that St. Joseph County has designated the aforementioned geographic area as a "Recovery Zone" under ARRA, and to establish procedures and conditions for the issuance by St. Joseph County of RZFBs and RZEDBs, and to take such other action as may be necessary or desirable to satisfy any additional conditions or qualifications now existing or hereafter established under ARRA relating to Recovery Zone Facility Bonds and Recovery Zone Economic Development Bonds and the allocation of bond limitation therefore.

5. The provisions of this resolution shall take precedence over all or any portion of any resolution heretofore adopted by the St. Joseph County Board of Commissioners in conflict herewith.

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

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Resolution adopted.

### NOMINATIONS/APPOINTMENTS

It was moved by Commissioner Ware and supported by Commissioner Dunlap that Steve Zarza be nominated and appointed to the Parks and Recreation Commission to fill a vacancy, term to expire January 1, 2010. Motion carried.

### COMMITTEE REPORTS

#### Law Enforcement

Commissioner Baker stated that they had not met.

#### Judiciary

Commissioner Loudenslager stated that the Judiciary Committee will meet on October 14th at noon.

#### Physical Resources

Commissioner Dunlap stated that they had not met.

#### Executive Committee

Commissioner Baker stated that the Executive Committee met on October 2, 2009 and everyone has received a copy of the minutes and he would answer any questions that anyone may have.

### PERSONNEL REPORT

Ms. West-Wing presented the following report:

#### RESIGNATIONS:

Alice DeJongh, District Court Probation Officer, has resigned effective October 7, 2009.

Becky Williams, COA In-home Services Aide, has resigned effective September 17, 2009.

Jennifer Palmer (Kurtz), Road Patrol, has resigned effective October 13, 2009.

#### DISMISSAL:

Kristina McLaughlin, COA Nutrition HDM Driver, was dismissed effective August 11, 2009.

#### NEW HIRES:

Ryan B. Smith has been hired as District Court Probation Officer at \$36,009.00/yr. (Rye system, grade 7, minimum) effective October 6, 2009.

Cynthia M. Ferguson has been hired as In-Home Services Aide at \$9.85/hr. (COA, grade 5, minimum) effective September 17, 2009.

Kelli R. Lusk has been hired as part-time Telecommunicator at \$8.75/hr. effective October 9, 2009.

#### MISCELLANEOUS:

Andrew Goldberger, Central Dispatch Director, is on medical leave commencing October 6, 2009 under the Family and Medical Leave Act of 1993.

Approve COA Finance Clerk classification change from pay grade 9 to pay grade 10 with 810 points under the COA system.

Penny Hayes, COA Finance Clerk, will change to \$13.69/hr. (COA, grade 10, minimum) effective October 9, 2009.

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

#### REQUISITION

Ms. West-Wing presented the following report:

One Dell OptiPlex Desktop Computer with 19' monitor for Economic Development Corporation	\$ 1,008.00
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It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the requisition be approved. Motion carried.

#### BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

#### FROM APPROPRIATION:

\$50,000.00 from Probate Child Care Appropriation to Probate Child Care Fund.

#### BUDGET AMENDMENTS:

##### DECREASE ECONOMIC DEVELOPMENT FUND #244:

Line item 244-728-941.000 (Contingency) \$ 1,008.00

##### INCREASE ECONOMIC DEVELOPMENT FUND #244:

Line item 244-728-984.000 (Computer Hardware) \$ 1,008.00

##### DECREASE TAX FORFEITURE FUND #514:

Line item 514-203-676.000 (Budgeted Use of Fund Balance) \$ 14,974.00

##### INCREASE TAX FORFEITURE FUND #514:

Line item 514-203-999.000 (Operating Transfers Out) \$ 14,974.00

##### DECREASE REVENUE SHARING RESERVE FUND #284:

Line item 284-716-676.000 (Budgeted Use of Fund Balance) \$ 3,972.00

##### INCREASE REVENUE SHARING RESERVE FUND #284:

Line item 284-716-999.000 (Operating Transfers Out) \$ 3,972.00

##### DECREASE DISTRICT COURTS BUDGET:

Line item 101-136-806.000 (Jury Fees) \$ 100.00

##### INCREASE DISTRICT COURTS BUDGET:

Line item 101-136-978.000 (Furniture & Fixtures) \$ 100.00

##### DECREASE COURTS BUILDING SECURITY'S BUDGET:

Line item 101-266-707.020 (Wages-Part-time) \$ 1,902.00

##### INCREASE COURTS BUILDING SECURITY'S BUDGET:

Line item 101-266-931.000 (Equipment Maintenance) \$ 1,902.00

##### DECREASE GENERAL FUND CONTINGENCY:

Line item 101-890-941.000 (Contingency Fund) \$ 80,000.00

##### INCREASE DHS CHILD CARE APPROPRIATION:

Line item 101-001-965.120 (DHS Child Care Appropriation) \$ 80,000.00

##### INCREASE GENERAL FUND REVENUES:

Line item 101-390-676.000 (Use of Fund Balance) \$150,000.00

##### INCREASE GENERAL FUND EXPENDITURES:

Line item 101-890-941.000 (Contingency Fund) \$150,000.00

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

#### BILLS

Mr. Carey presented the following report:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Due from State	\$ 2,184.11	\$
Prepaid Insurance	169,673.00	
County Commission	859.71	6,068.17
Circuit Court	2,619.05	13,448.38
District Court	11,662.51	59,416.11
Friend of the Court	730.25	40,428.16
Probate Court	1,526.93	19,341.09
Juvenile Branch	15,205.08	35,323.37
Appeals Court	5,424.06	
Administration		9,754.42
Finance Department	1,117.34	13,272.29
County Clerk		22,844.93
Equalization Department	8,048.00	16,311.20
Human Resources	130.30	6,430.17
Geographic Information Systems		7,145.28
Prosecutor's Office	1,314.79	34,838.09
Central Services	7,917.93	5,498.60
Register of Deeds	1,433.07	13,549.78
County Treasurer		15,197.87
Cooperative Extension	489.03	8,532.00
Information Technology	8,496.67	12,379.04
Buildings & Grounds	9,690.19	14,459.89
Courts Building Security		7,692.63
Drain Commission		6,271.99
Sheriff Department	13,267.76	100,736.95
Sheriff Reserves	40.00	
Marine Patrol	798.63	2,219.22
Jail & Turnkey	18,793.36	104,812.81
Emergency Services	34.30	5,514.10
Animal Control	828.04	9,429.22
Board of Public Works		698.70
Medical Examiners	1,313.25	
Child Care - Probate	4,046.07	
Department of Veterans' Affairs	1,500.00	
Veterans' Services	30.00	1,652.99
Utilities & General Services	30,988.76	
Total	\$ 320,162.19	\$ 593,267.45
<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Road Commission	\$ 1,083,835.26	\$
Parks & Recreation	955.60	8,698.02
Emergency 911 Service	71,077.76	57,950.20
Central Dispatch - Wireless	71.68	4,088.86
Meyer Broadway/Coon Hollow Park	277.47	2,436.93
Family Counseling	1,040.00	
Cade Lake Park	3,720.88	3,188.86
Traffic Safety Program Fund	25.91	
Economic Development Fund	465.75	7,883.58
<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>

Survey & Remonumentation	\$ 13,314.07	\$	
Victims' Rights Advocate Fund			3,277.46
Community Corrections Advisory Board	6,771.67		2,954.35
Community Corrections Program	2,851.49		
Drug Law Enforcement Fund	1,904.06		
Law Enforcement Fund			17,841.67
Secondary Road Patrol			10,627.17
Homeland Security Grant Fund	7,573.44		
Law Library Fund	574.00		
Principal Residence Denial Fund			699.34
Commission on Aging	53,952.65		61,517.39
Community Development Block Grant	13,956.00		
Child Care: Probate Court	32,210.42		3,477.73
Veterans' Trust Fund	1,810.32		
Forfeiture & Foreclosure Fund	2,851.82		
Tax Payment Fund	5,502.79		
Inmate Store	3,761.34		
Three Rivers Community Center	\$ 1,883.22	\$	763.87
Flexible Benefits Insurance Fund	166,808.00		
Total	\$ 1,477,195.60	\$	185,405.43
Grand Total	\$ 1,797,357.79	\$	778,672.88
General Fund Operating Expenditures			
Pre-Authorized	\$131,997.59		
Accounts Payable	<u>188,164.60</u>		
	\$ 320,162.19		
General Fund Payroll Expenditures	\$ 593,267.45		
Other Funds Operating Expenditures			
Pre-authorized	\$1,420,973.37		
Accounts Payable	<u>56,222.23</u>		
	\$ 1,477,195.60		
Other Funds Payroll Expenditures	\$ 185,405.43		
Total Recorded for the Month	\$ 2,576,030.67		

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

#### CHAIRMAN'S REPORT

Chairman Dobberteen stated that last year the County allocated the P.A. 2 funds 50% to the Community Healing Center and 50% to Community Mental Health. Kalamazoo County has spent the entire amount without our knowledge. Ms. West-Wing will find out if they misappropriated our funds. He understands that people from Kalamazoo County are coming to Hope House, end up staying and they become our burden even though they are residents of Kalamazoo County.

Judge Shumaker stated that they have wonderful people working at Hope House but they need to have accountability. They have provided much needed programs for women. He stands behind Chairman Dobberteen to find out what happened to our funds.

#### CLOSED SESSION

It was moved by Commissioner Dunlap and supported by Commissioner Shaffer that the Board go into closed session to discuss property acquisition.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Motion carried.

#### OPEN SESSION

It was moved by Commissioner Dunlap and supported by Commissioner Loudenslager that the Administrator be directed to proceed as discussed in closed session. Motion carried.

#### MISCELLANEOUS

Ms. West-Wing stated that we have received an assessment for the weed control in Long and Palmer Lakes in Colon Township. The Board of Commissioners have indicated that they do not want the County to be a part of these Special Assessment Districts. Unfortunately, the County Treasurer paid this bill in error last year as it slipped through during the delinquent tax process. We never received an official notice of the hearing and she will be getting some legal advice from our attorney.

Commissioner Shaffer invited everyone to participate in the domestic violence vigil that will take place on the Courthouse lawn on Thursday evening.

Commissioner Dunlap mentioned that he thought that the Board should have a work session sometime to discuss Special Assessment Districts and give the Administrator some parameters on decision making when these issues come up in between Commission meetings.

Commissioner Baker reminded everyone of the work session scheduled for tomorrow at 4:00 p.m.

#### ADJOURNMENT

It was moved by Commissioner Shaffer and supported by Commissioner Loudenslager that the St. Joseph County Board of Commissioners adjourn until October 20, 2009 at 5:00 p.m. Motion carried.

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Pattie S. Bender, County Clerk

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John L. Dobberteen, Chairman