

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 7, 2008, at 5:00 p.m.

Vice-Chairman John L. Dobberteen 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	David J. Pueschel
John L. Dobberteen	

Absent: Robin Baker and Monte Bordner.

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

AGENDA

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

MINUTES APPROVED

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the minutes for September 16, 2008 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, September 26 and October 3, 2008.
2. Resolution from Lenawee County, Re: Encouraging legislation that will provide protection to owners of low capacity wells.
3. Resolution from Montcalm County, Re: Opposing HB 6070 (911 funding.)
4. Resolution from Clinton County, Re: Opposing HB 6112 (Corrections Officers Compulsory Arbitration Act.)
5. Minutes of the Community Mental Health Services Board meeting of August 26, 2008.
6. Minutes of the Department of Human Services Board meeting of August 26, 2008.
7. Minutes of the Southwest Michigan Substance Abuse Advisory Council meeting of September 15, 2008.
8. Minutes of the Veterans' Affairs Board meeting of September 10, 2008.

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

CITIZENS COMMENTS

Joe Bingaman from Mendon spoke to the Commissioners regarding negotiations at the Road Commission. He is an employee and there were others in the audience as well. Mr. Bingaman stated that they are attempting to save the Road Commission money by having the employees become a part of the MERS Retirement Program. He stated that the estimated savings to the Road Commission would be \$16,000 per year and the Road Commission is not interested.

Vice-Chairman Dobberteen explained to Mr. Bingaman that the Road Commission is their own entity and the only thing that the Board of Commissioners does is to appoint the Road Commissioners. He stated that they can recommend to the Road Commission that they look into the MERS Program.

Mr. Bingaman further stated that the Road Commission is offering a buy out for an employee in order to create a Road Manager position.

Andy Brandt, 513 W. Burr Oak Street, Centreville stated that he does not want to see the County's budget grow 17% as it did last year. He is tired of growing the government and would like the Commissioners to be mindful of that when they make their decisions.

Jergen Bustorf from Germany stated that he has been a resident of Leonidas Township for 3 months. He operated a dairy farm in Germany and had no room to expand. He and his family like it here and they have been denied permits by the Department of Environmental Quality (DEQ) for a dairy farm operation. He stated that he was disappointed in the decision. There would be 40 jobs created. They are reapplying and he stated that the environment is their number 1 priority. There are nearly the same rules for dairy farm operation in Germany as there are in the United States.

Dana Kirk from the Wilcox Engineering Group distributed some information to clear up some facts regarding Mr. Bustorf's attempt to create a dairy farm operation. Their latest application for permits is in line with the DEQ's expectations.

VENDOR AGREEMENT WITH JOHN AND CINDY KING

Ms. West-Wing recommended approval of an agreement with John and Cindy King doing business as "Weenie Kings." The agreement is effective from October 10, 2008 through October 19, 2008. They plan on being at Cade Lake Park on October 10th and 11th and at Meyer-Broadway Park for the Color Tour festivities on October 19th.

It was moved by Commissioner Dunlap and supported by Commissioner Shafer that the vendor agreement with John and Cindy King be approved.

The aye and nay vote was called as follows:

Aye votes cast: 5 - Commissioners Shafer, Loudenslager, Dunlap, Pueschel and Dobberteen.
Nay votes cast: 0
Absent: 2 - Commissioners Baker and Bordner.

Motion carried.

RAWSON'S KING MILL PARK

Ms. West-Wing stated that the Park and Recreation Commission is recommending that the County purchase $\frac{3}{4}$ of an acre of property to be used for parking at Rawson's King Mill Park from Bernist Plair for an amount not to exceed \$15,000. We have offered to buy the entire 13 acres but she is not interested in selling.

It was moved by Commissioner Shafer and supported by Commissioner Dunlap that the County offer up to \$15,000 for $\frac{3}{4}$ of an acre of property from Bernist Plair to be used for parking at Rawson's King Mill Park.

The aye and nay vote was called as follows:

Aye votes cast: 5 - Commissioners Shafer, Loudenslager, Dunlap, Pueschel and Dobberteen.
Nay votes cast: 0
Absent: 2 - Commissioners Baker and Bordner.

Motion carried.

OPPOSING HOUSE BILL 6070 RESOLUTION NO. 16-2008

Commissioner Shafer presented the following resolution:

WHEREAS, the Michigan House of Representatives introduced House Bill 6070 (HB 6070) which seeks to amend Public Act 32 of 1986 entitled the 'Emergency Telephone Service Enabling Act' by usurping a County Board of Commissioners' ability to levy a local 9-1-1 operational surcharge by resolution; and

WHEREAS, House Bill 6070 would mandate that any 9-1-1 operational surcharges be approved by the Michigan Public Service Commission, an appointed, unelected bureaucracy with no direct accountability to the citizens of St. Joseph County, rather than the legally elected Board of Commissioners that the residents of St. Joseph County have entrusted to represent them and do hold accountable; and

WHEREAS, HB 6070 would only allow a county 9-1-1 surcharge to be assessed after approval from the Michigan Public Service Commission, followed by a vote of the people of the county, to wit: "A county MAY NOT seek voter approval for a 9-1-1 surcharge unless the proposed 9-1-1 surcharge has been approved by the commission"; and

WHEREAS, the Michigan Public Service Commission is a regulatory commission dealing with tariff rate for utilities and has no knowledge of local public safety communications needs, including the needs of the County of St. Joseph; and

WHEREAS, the residents of St. Joseph County have historically funded public safety communications through a dedicated, fiscally conservative 9-1-1 operation millage without asking permission from an appointed State commission; and

WHEREAS, HB 6070 continues to provide unnecessary and excessive benefits to the telecommunication service providers including a 2% 'billing and collection' charge plus an undefined "technical surcharge" for which there is no accountability, while impeding the County Board's ability to fund critical services with inflexible mandatory timelines; and

WHEREAS, House Bill 5892 (HB 5892) has also been introduced in the Michigan legislature as an alternative to House Bill 6070. HB 5892 would continue operations under the current Emergency 9-1-1 Service Enabling Act, as amended by Act 165 of the Public Acts of 2007, through December 31, 2013.

NOW, THEREFORE. BE IT RESOLVED, that the St. Joseph County Board of Commissioners strongly opposes HB 6070 and supports the passage of HB 5892.

BE IT FURTHER RESOLVED, that copies of this Resolution be transmitted to Governor Jennifer M. Granholm, Senator Cameron Brown, Representative Rick Shaffer and the Michigan Association of Counties.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

After discussion it was moved by Commissioner Shafer 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: 5 - Commissioners Shafer, Loudenslager, Dunlap, Puschel and Dobberteen.

Nay votes cast: 0

Absent: 2 - Commissioners Baker and Bordner.

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Department of Human Services

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that Sally Carpenter be reappointed to the Department of Human Services for a 3 year term to expire October 31, 2011. Motion carried.

Workforce Development Board

It was moved by Commissioner Dunlap and supported by Commissioner Loudenslager that Richard Anderson, Robin Baker, Erv Heidbrink, Robert Smith and Chris Kadulski be reappointed to the Workforce Development Board for 2 year terms expiring December 31, 2010. Motion carried.

COMMITTEE REPORTS

Law Enforcement

Vice-Chairman Dobberteen stated that the Law Enforcement Committee had not met.

Judiciary

Commissioner Loudenslager stated that the Judiciary Committee will meet tomorrow at noon.

Physical Resources

Commissioner Shafer stated that the Physical Resources Committee had not met, but noted the plaster work that is currently being done on the Courthouse.

Executive Committee

Vice-Chairman Dobberteen stated that everyone has a copy of the Executive Committee minutes of the meeting on October 3, 2008 and would answer any questions that anyone may have.

Website

Commissioner Shafer stated that the Website Committee met today and the 'new website' should be ready to launch in January of 2009. If any of the Commissioners are interested in viewing it to let him know and he would contact IT to make arrangements.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

MISCELLANEOUS:

Mark Lillywhite, Road Patrol Sergeant, was on medical leave from September 8 until September 24, 2008 under the Family and Medical Leave Act of 1993.

Cheri Bouterse, Deputy Drain Commissioner, was on medical leave from September 18 until September 29, 2008 under the Family and Medical Leave Act of 1993.

Mark Books, Jail Administrator, is on medical leave commencing September 30, 2008 under the Family and Medical Leave Act of 1993.

RESIGNATION:

Cody Cripe, part-time Court Security, has resigned effective October 3, 2008.

DISMISSAL:

Julie Yunker, part-time Telecommunicator, has been dismissed effective September 25, 2008.

NEW HIRES:

Elishia D. Arver has been hired as Human Resource Director at \$45,100.00/year (Rye system, grade 10, minimum) effective October 28, 2008.

Kristina McLaughlin has been hired as Nutrition Sub at \$8.83/hr. (COA system, grade 2, minimum) effective October 3, 2008.

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

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

INCREASE GENERAL FUND REVENUES:

Line item 101-301-676.060 (Reimbursed Wages and Fringe Benefits) \$ 12,575.01

INCREASE GENERAL FUND EXPENDITURES:

Line item 101-351-706.380 (Wages–Corrections Officers) \$ 5,778.72
 Line item 101-351-712.000 (Wages–Overtime) 4,606.65
 Line item 101-351-715.000 (FICA) 794.48
 Line item 101-351-718.050 (Retirement MERS) 1,142.39
 Line item 101-351-716.100 (Workers’ Compensation) 252.77
 \$ 12,575.01

INCREASE LOCAL CORRECTIONS OFFICER TRAINING FUND EXPENDITURES:

Line item 264-351-862.000 (Seminar and Employee Training) \$ 3,400.00
 Line item 264-351-999.000 (Operating Transfers Out) 3,000.00
 \$ 6,400.00

INCREASE LOCAL CORRECTIONS OFFICER TRAINING FUND REVENUES:

Line item 264-351-609.030 (Sheriff Booking Fees) \$ 6,400.00

DECREASE JAIL AND TURNKEYS BUDGET:

Line item 101-351-862.000 (Seminar and Employee Training) \$ 2,485.00

INCREASE JAIL AND TURNKEYS BUDGET:

Line item 101-351-707.000 (Part-time Wages) \$ 2,485.00

DECREASE GENERAL FUND CONTINGENCY:

Line item 101-890-941.000 (Contingency) \$ 50,000.00

INCREASE JUVENILE BRANCHS BUDGET:

Line item 101-149-802.000 (Court Appointed Attorneys) \$ 50,000.00

INCREASE CIRCUIT COURT EXPENDITURES:

Line item 101-131-985.000 (Computer Software) \$ 1,500.00

DECREASE CIRCUIT COURT EXPENDITURES:

Line item 101-131-806.000 (Jury Fees and Mileage) \$ 1,500.00

It was moved by Commissioner Dunlap and supported by Commissioner Loudenslager 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>
Due from State	\$ 9,705.54	\$
Due from Employees	1,049.50	
Appropriations	64,286.00	
County Commission		6,972.42
Circuit Court	2,243.95	13,377.40
District Court	11,181.78	61,069.19
Friend of the Court	3,073.52	38,747.83
Probate Court	4,988.10	18,806.50
Juvenile Branch	34,118.15	39,223.98
Appeals Court	4,254.05	
Administration		9,810.16

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Finance Department	\$ 983.20	\$ 13,142.22
County Clerk		22,355.97
Equalization Department	5,800.00	15,746.68
Human Resources	70.40	8,126.56
Geographic Information Systems		7,558.18
Prosecutor's Office	2,524.31	37,194.75
Central Services	9,143.93	5,437.95
Register of Deeds	915.59	13,337.80
County Treasurer		14,784.30
Cooperative Extension	271.14	9,966.66
Information Technology	1,909.36	11,923.72
Buildings & Grounds	9,522.50	14,158.54
Courts Building Security	272.05	8,408.81
Drain Commission	24.00	5,717.48
Sheriff Department	15,682.59	94,461.85
Sheriff Reserves	173.00	
Marine Patrol	1,588.04	2,698.79
Jail & Turnkey	18,422.75	101,968.55
Emergency Services	525.13	5,479.52
Animal Control	440.30	9,092.30
Board of Public Works		674.26
Medical Examiners	3,036.85	
Child Care - Probate	3,872.94	562.57
Veterans' Services	400.00	1,135.60
Utilities & General Services	27,658.08	
Total	\$ 238,136.75	\$ 591,940.54
<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Road Commission	\$ 698,083.59	\$
Parks & Recreation	3,085.17	9,978.96
Emergency 911 Service	163,404.34	55,820.37
Central Dispatch - Wireless	239.19	4,040.82
Meyer Broadway/Coon Hollow Park	446.98	2,810.66
Family Counseling	1,687.50	
Cade Lake Park	2,190.63	3,641.27
State Court - Caseflow Management	175.28	
Waste Management Fund		
County Commission	4,500.00	
Traffic Safety Program Fund	324.53	
Economic Development Fund	19,280.83	7,927.57
Register of Deeds Automation Fund	190.85	
Victims' Rights Advocate Fund		3,232.76
Community Corrections Advisory Board	6,481.67	2,929.44
Community Corrections Program	1,760.00	73.49
Drug Law Enforcement Fund	960.93	
Law Enforcement Fund	17.96	15,498.57
Secondary Road Patrol		9,086.80
Homeland Security Grant Fund	6,142.83	
Law Library Fund	549.00	
Principal Residence Denial Fund		674.87

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Commission on Aging	\$ 77,440.42	\$ 55,054.53
Child Care - Probate Court	25,885.12	3,872.18
Veterans' Trust Fund	2,606.01	
Forfeiture & Foreclosure Fund	2,331.71	
Tax Payment Fund	10,245.39	
Inmate Store	878.50	
Three Rivers Community Center	2,175.44	959.89
Flexible Benefits Insurance Fund	158,196.04	
Total	\$ 1,189,279.91	\$ 175,602.18
Grand Total	\$ 1,427,416.66	\$ 767,542.72
General Fund Operating Expenditures		
Pre-Authorized	\$158,675.73	
Accounts Payable	79,461.02	
	\$ 238,136.75	
General Fund Payroll Expenditures	\$ 591,940.54	
Other Funds Operating Expenditures		
Pre-authorized	\$1,133,231.75	
Accounts Payable	564,048.16	
	\$ 1,189,279.91	
Other Funds Payroll Expenditures	\$ 175,602.18	
Total Recorded for the Month	\$ 2,194,959.38	

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

CLOSED SESSION

It was moved by Commissioner Dunlap and supported by Commissioner Loudenslager that the Board go into closed session for the purpose of discussing contract negotiations.

The aye and nay vote was called as follows:

Aye votes cast: 5 - Commissioners Shafer, Loudenslager, Dunlap, Poeschel and Dobberteen.

Nay votes cast: 0

Absent: 2 - Commissioners Baker and Bordner.

Motion carried.

OPEN SESSION

The Board resumed business in open session.

BUDGET WORK SESSION DATES SET

It was the consensus that October 24th at 10:00 a.m. be set for a budget work session and if another date is necessary that date is October 30th at 2:00 p.m.

ANNOUNCEMENT

Ms. West-Wing reported that Chairman Baker's mother passed away.

ADJOURNMENT

It was moved by Commissioner Dunlap and supported by Commissioner Shafer that the St. Joseph County Board of Commissioners adjourn until October 21, 2008 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

John L. Dobberteen, Vice-Chairman