

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 November 4, 2003, at 5:00 p.m.

Chairman John L. Dobberteen 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
Robin Baker	Monte Bordner
David J. Pueschel	John L. Dobberteen

Absent: John W. Bippus

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

AGENDA

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

MINUTES APPROVED

It was moved by Commissioner Baker and supported by Commissioner Loudenslager that the minutes for October 21, 2003 be approved. Motion carried.

COMMUNICATIONS

1. Letter from Michigan Association of Counties, Re: MAC Legislative Updates, October 24 and October 31, 2003.
2. Letter from Clarice Sperry, Ogemaw County, Re: Action taken against County Commissioners.
3. Resolution from Isabella County, Re: Urging State and Federal Legislators to provide the nation affordable, quality health care programs.
4. Resolution from Osceola County, Re: Participation in the State prescription drug-purchasing program.
5. Resolution from St. Clair County, Re: Revenue Sharing.
6. Resolution from Lake County, Re: USA Patriot Act and the preservation of civil liberties.
7. Minutes of Community Mental Health Services Board meeting of September 30, 2003.
8. Minutes of Family Independence Agency Board meeting of September 23, 2003.
9. Southwest Michigan Substance Abuse Advisory Council's meeting schedule for 2004.
10. Michigan Works! Annual Report – 2002-2003.

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

CITIZENS COMMENTS

Tim Carls, Klinger Lake Road, Centreville, thanked the Administrator and the County Clerk for providing him with information that he requested at the last meeting.

Mr. Carls asked for the authority on the creation of the Compensation Committee that the Commissioners have done as he believes that it is unconstitutional. Ms. West-Wing responded by saying that she would provide Mr. Carls with the information.

DONATION OF SICK LEAVE FOR RONDI BECKWITH

Ms. West-Wing read the motion regarding the donation of sick leave for Rondi Beckwith that the Board passed at the last meeting and stated that in order to implement the policy that clarification was needed.

Chairman Dobberteen stated that it was the intent of the Board to allow sick leave donations of 30 days or whatever it would take to get her to the time when the Sick and Accident Insurance Benefits begin.

It was moved by Commissioner Bordner and supported by Commissioner Baker that for clarification, the intent for the donation of sick leave for Mrs. Beckwith is until the Sick and Accident Insurance Benefits begin. Motion carried.

AFSCME GENERAL UNIT - LETTER OF UNDERSTANDING

Ms. West-Wing stated that in order for an employee to receive donated sick leave from other employees a Letter of Understanding between the Union and the County must be approved as follows:

LETTER OF UNDERSTANDING:
CATASTROPHIC LEAVE DONATION AGREEMENT
BETWEEN: ST. JOSEPH COUNTY AND
CHAPTER OF LOCAL #2955
MICHIGAN COUNCIL #25, AFSCME, AFL-CIO
FOR GENERAL UNIT

It is understood and agreed to by the parties above that employees may receive "Sick Time" donated by county employees as approved by the St. Joseph County Board of Commissioners action.

It is also understood that this action is not intended to be precedent setting and will be addressed on a one-on-one basis.

It was moved by Commissioner Baker and supported by Commissioner Loudenslager that the Letter of Understanding between the AFSCME General Unit and the County be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Bippus.

Motion carried.

PARKS & RECREATION DESIGNATION AS A UNITED WAY PARTICIPATING AGENCY

Ms. West-Wing stated that all Commissioners have a copy of Attorney Peter Cohl's opinion allowing the Parks and Recreation to become designated as a United Way Participating Agency. Any employee, or anyone else, can designate their donations to the Parks and Recreation through the United Way.

Commissioner Bippus was present at this time.

It was moved by Commissioner Bordner and supported by Commissioner Shafer that the Board accept the opinion of Attorney Peter Cohl and allow the Parks and Recreation to be designated as a participating agency of the St. Joseph County United Way.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

ANIMAL SHELTER NEW ENTRANCE

Ms. West-Wing stated that there have been discussions over the past several months between the County, Grange Fair Board and the Village concerning creating a new entrance to the Animal Shelter. Currently, in order to access the Animal Shelter everyone must drive through the Sheriff's Department area which should be secure.

An arrangement has been worked out that would allow an entrance to the east. About 40 feet of fair property is needed to build the entrance drive and the Fair Board would like to put up a fence and gate also. The Fair would then be allowed to use the drive after 10:00 p.m. on certain days of the year or for emergencies.

Ms. West-Wing stated that the County would pay the expense of building the drive which will include: a curb cut off of Industrial Parkway; the drive surface will be asphalt; the County will maintain the drive including plowing snow; the County will place appropriate signage near the intersection of Industrial Parkway to indicate to the public the entrance for the Animal Shelter; the County will seek appropriate legal easement documents for recording and paying the expenses associated for such.

Ms. West-Wing stated that Phil Adams' estimated cost of this would be \$40,000.

It was moved by Commissioner Shafer and supported by Commissioner Loudenslager that the Board enter into a Letter of Understanding with the Village of Centreville and the Grange Fair for the development of a new drive to the Animal Shelter.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

PUBLIC HEARING ON 2004 BUDGET

Chairman Dobberteen declared the public hearing on the 2004 budget opened.

Jay Newman appeared on behalf of the Human Services Commission and thanked the County Commissioners for the consideration in the 2004 budget of allocating funds for their Early Childhood Programs and the Leadership Academy.

Mr. Newman stated that the Board's consideration is tremendously appreciated. He further stated that there is a need to have services for children from birth to school age. He also remarked on the need for leadership in the County. He stated that we need to guarantee people that they will be taken care of in the future and leaders are needed to do that.

Chairman Dobberteen stated that the Board is planning to approve the budget at the first meeting in December.

At this time Chairman Dobberteen declared the public hearing closed.

USE OF COURTHOUSE LAWN AND PARKING LOTS - COVERED BRIDGE DAYS COMMITTEE

Ms. West-Wing stated that she had received a request from the newly formed Covered Bridge Days Committee for the use of the Courthouse lawn and parking lots.

It was moved by Commissioner Loudenslager and supported by Commissioner Bordner that the Covered Bridge Days Committee be granted use of the Courthouse lawn and parking lots on June 25-27, 2004. Motion carried.

Ms. West-Wing stated that the Committee will provide the County with an insurance certificate indemnifying the County.

GLEN OAKS COMMUNITY COLLEGE MILLAGE INFORMATION

Ms. West-Wing stated that she had received a request from Glenn Oxender, President of Glen Oaks Community College, to place information on the Glen Oaks Community College Millage election to be held on December 8th with County employees' paychecks on December 5th.

It was moved by Commissioner Bordner and supported by Commissioner Pueschel that information on the Glen Oaks Community College Millage be placed with the employees' paychecks on December 5th.

Commissioner Shafer stated that the Board approved this at the last Glen Oaks election and several employees responded and he believes that the Board needs to be sensitive to their comments. He said that the materials from Glen Oaks will be informational and not to sway one to vote for the issue.

Commissioner Pueschel stated that he believes that we are doing the right thing.

Motion carried.

ELECTRONIC TRANSACTIONS UNDER PUBLIC ACT 738

Ms. West-Wing stated that County Treasurer, Janet Beals, request that the Board approve the following resolution:

RESOLUTION NO. 24-2003

Resolution to Authorize Electronic Transactions
Under Public Act 738 of 2002

WHEREAS, Public Act 728 of 2002, requires the St. Joseph County Board of Commissioners to adopt a resolution to authorize electronic transactions; and

WHEREAS, Public Act 728 of 2002, effective December 30, 2002, authorizes counties to make electronic transactions involving public funds by electronic payment, debit or credit transfer processed through an automated clearing house; and

WHEREAS, Public Act 728 of 2002, authorizes the St. Joseph County Treasurer to enter into an ACH arrangement for a national and governmental organization that has authority to process electronic payment (ACH) including, but not limited to, the National Automated Clearing House Association and the Federal Reserve System; and

WHEREAS, the St. Joseph County Treasurer has prepared a written automated clearing house (ACH) policy as required by the Act, for the purposes of maintaining effective internal control by clarifying and emphasizing the departments initiation ACH transactions through systems provided by the County.

NOW, THEREFORE, BE IT RESOLVED, that the St. Joseph County Board of Commissioners authorizes the County to utilize electronic transactions in compliance with the written procedures and internal controls developed and adopted by the St. Joseph County Treasurer as the County's ACH policy and presented to the St. Joseph County Board of Commissioners on November 4, 2003.

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 called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Resolution adopted.

RETIREMENT

Ms. West-Wing stated that a committee of persons from the Retirement Board met a few times to revamp the entire Employees Retirement Resolution. Many changes were as a result of changes in the Internal Revenue Service laws. These were recommended by Attorney Robert Brothers from Sturgis who is an expert in these types of issues and he was recommended by our actuary to review our plan. Also, effective January 1, 2004, the multiplier increases to 2% by approval of the Board of Commissioners earlier this year. In addition, effective January 1st the employees will now pay 2% of pretax dollars of their pay into their retirement account. There were some other language issues that were changed.

Ms. West-Wing stated that the changes need to be in place by January 1, 2004 because of the changes that take effect on that date but it was not necessary to approve it tonight.

The following resolution was presented:

ST. JOSEPH COUNTY EMPLOYEES' RETIREMENT SYSTEM 2003 AMENDMENT RESOLUTION #25-2003

WHEREAS, the St. Joseph County Board of Commissioners has agreed to increase the retirement multiplier for members of the St. Joseph County Employees' Retirement System; and

WHEREAS, the St. Joseph County Board of Commissioners has reviewed a supplemental actuarial analysis regarding the costs of the proposed increase in the retirement multiplier; and

WHEREAS, the St. Joseph County Board of Commissioners has agreed to a 2% of compensation pretaxed payroll deduction to provide Member Contributions under the St. Joseph County Employees' Retirement System; and

WHEREAS, all of the affected bargaining units (AFSCME General Unit, Circuit Court, Family Court and Probate Court, and the Telecommunicators' Association and the District Court Employees' Association) have agreed to the changes; and

WHEREAS, the St. Joseph County Board of Commissioners has determined that certain amendments are required for compliance with recent tax law changes as well as other changes.

NOW, THEREFORE BE IT RESOLVED, that Sections 1.2(c), 2.1(c), 3.1, 3.2(e), 3.3, 4.1, 4.3(a) & (b), 6.2(a), 6.3(a) & (a-1), 6.4, 6.8, 9.1(a), 10.3, 11.2, 11.6, 12.2, and 12.3(e) & (f) of the St. Joseph County Employees' Retirement System Resolution shall be amended and new Sections 13.7 and 13.8 shall be added to the St. Joseph County Employees' Retirement System Resolution.

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

Commissioner Baker asked about the \$200,000 figure on page 2. Ms. West-Wing responded that would only be effective for any employee that may have a salary of \$200,000. Commissioner Baker also asked about the longevity pay and sick and vacation time not being included when figuring final average compensation. Ms. West-Wing responded by saying that this has always been a part of this plan unlike the MERS system.

The aye and nay vote was called as follows:

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

Nay votes cast: 1 - Commissioner Baker.

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Solid Waste Management Planning Committee

It was moved by Commissioner Shafer and supported by Commissioner Loudenslager that Aaron Cullifer be appointed to the Solid Waste Management Planning Committee representing Industry to fill an unexpired term that will expire September 1, 2004. Motion carried.

Economic Development Corporation

Commissioner Bordner nominated Tod Mowery to the Economic Development Corporation.

COMMITTEE REPORTS

Law Enforcement

Commissioner Bippus stated that there was no report.

Judiciary

Commissioner Bordner stated that Judiciary Committee will meet tomorrow at noon.

Physical Resources

Commissioner Bippus stated that there was no report.

Executive Committee

Commissioner Bordner stated that several items discussed at the Executive Committee meeting on October 31st have been discussed tonight. Other items discussed at Executive were:

- * discussed a possible fee study for the Register of Deeds Office.
- * thought that the employees having fundraisers for Mrs. Beckwith were appropriate.
- * clarified to the Land Resource Centre on how to communicate with the Board and that is to go through the Administrator's Office.
- * request from Mrs. Jarnefelt regarding providing digital maps was deferred until later.

Commissioner Bordner asked if there were any questions.

Investment Advisory Committee

Commissioner Bippus stated that the Investment Advisory Committee met on October 21st and reviewed the investment portfolio reports, depositories, custodians and securities dealers and all were in compliance with policy.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET ADJUSTMENTS:

INCREASE REVENUES:

Line item 213-751-676.000 (Budgeted Use of Fund Balance)	\$23,180.45
Line item 213-751-547.000 (State Recreation Grant)	<u>\$26,819.55</u>
	\$50,000.00

INCREASE EXPENDITURES:

Line item 213-751-974.000 (Land Improvement)	\$50,000.00
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FROM APPROPRIATION:

\$15,000.00 from Probate Child Care Appropriation to Probate Child Care Fund.

It was moved by Commissioner Bippus 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>
Prepaid Insurance	\$ 121,189.00	\$
Appropriations	30,500.16	
County Commission	1,509.18	3,478.02
Circuit Court	8,647.60	16,406.74
District Court	875.76	60,615.41
Friend of the Court	4,276.01	32,434.15
Probate Court	1,463.58	17,537.35
Juvenile Branch	8,308.21	37,497.44
Appeals Court	593.38	981.18
Administration		7,988.22
Finance Department	1,071.34	10,285.84
County Clerk		19,970.19
Equalization Department	9,001.70	13,162.38
Human Resources		3,916.82
Geographic Information Systems		6,462.41
Prosecutor's Office	3,631.92	34,827.16
Central Services	10,053.67	4,795.71
Register of Deeds	84.00	10,981.45
County Treasurer	2,726.48	12,470.81
Cooperative Extension	892.07	6,810.19
Data Processing	821.57	6,968.78
Buildings & Grounds	1,528.25	13,903.54
Courts Building Security		4,697.52
Drain Commission	20.00	3,537.22
Sheriff Department	16,647.84	82,661.61
Sheriff Reserves	1,080.00	480.65
Jail & Turnkey	9,694.88	87,479.93
Emergency Services	1,812.11	3,761.26
Animal Control	713.38	7,635.07
Board of Public Works		740.26
Medical Examiners	3,800.00	
Child Care - Probate	5,361.34	1,959.45
Department of Veterans' Affairs	330.00	
Veterans Services		522.19
Utilities & General Services	18,812.81	
Totals	\$ 265,446.24	\$ 514,968.95

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Road Commission	\$ 436,915.90	\$
Parks & Recreation	747.84	6,901.22
Emergency 911 Service	1,648.63	46,433.86
Central Dispatch - Wireless		1,569.53
Meyer Broadway/Coon Hollow Park	5,256.00	1,847.22
Friend of the Court		2,077.87
Family Counseling	1,097.50	
<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>

Cade Lake Park	\$	15,987.00	\$	
Waste Management Fund				
County Commission		6,250.00		
Resource Recovery Program		41.48		618.72
Traffic Safety Program Fund		23.40		
Economic Development Fund		1,855.36		4,761.50
Survey & Remonumentation		300.00		
Register of Deeds Automation Fund				1,122.48
Victims' Rights Advocate Fund				2,805.01
Community Corrections Advisory Board		4,071.63		2,391.59
Community Corrections Program		3,183.82		269.13
Drug Law Enforcement Fund		700.54		
Law Enforcement Fund		357.59		19,767.19
Secondary Road Patrol				7,963.45
Law Library Fund		409.50		
Commission on Aging		45,853.97		50,902.70
Sheriff's Justice Training Fund		250.00		
Family Independence Agency		38,828.89		
Child Care - Probate Court		21,544.39		2,745.60
Child Care - Family Independence Agency		10,097.90		
Veterans' Trust Fund				322.95
Facilities Maintenance Fund		13,868.31		
BPW #14 Constantine Village Sewer Construction		80,627.21		
Tax Payment Fund		181.82		
Inmate Store		212.61		
Three Rivers Community Center		924.72		580.88
COA Gadabouts		1,506.68		14.65
Long Lake Level Revolving Fund		4.56		
Flexible Benefits Insurance Fund		104,247.43		
Totals				
		<hr/>		<hr/>
	\$	796,994.68	\$	153,095.55
Grand Total				
	\$	1,062,440.92	\$	668,064.50
General Fund Operating Expenditures				
Pre-Authorized				
Accounts Payable	\$225,788.37			
	39,657.87	\$	265,446.24	
General Fund Payroll Expenditures			\$	514,968.95
Other Funds Operating Expenditures				
Pre-authorized				
Accounts Payable	\$782,874.00			
	14,120.68	\$	796,994.68	
Other Funds Payroll Expenditures				153,095.55
Total Recorded for the Month				
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	\$	1,730,505.42		

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

CHAIRMAN'S REPORT

Chairman Dobberteen stated that he had nothing to report except that the budget is in process.

MISCELLANEOUS

Commissioner Pueschel stated that he has learned a lot during the budget process and he appreciates those that have been there to let the newer Commissioners know what some of the history is as they go through the process.

Commissioner Shafer stated that the Website Committee met today and they are in the process of completing Phase II which should be by the end of the year. Then an evaluation will be done to determine what will be in Phase III next year.

ADJOURNMENT

It was moved by Commissioner Bordner and supported by Commissioner Baker that the St. Joseph County Board of Commissioners adjourn until November 18, 2003 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

John L. Dobberteen, Chairman