

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 June 18, 2019 at 5:00 p.m.

Chairman Allen called the meeting to order.

The Invocation was given by Commissioner Czajkowski.

The Pledge to the American Flag was given.

County Clerk Lindsay Oswald called the roll, and the following Commissioners were present:

Allen Balog	Daniel R. Czajkowski
Kenneth L. Malone	Kathy Pangle
	Dennis Allen

Also present: Teresa Doehring, County Administrator and Angie Steinman, Finance Director.

#### AGENDA

Commissioner Balog asked that the energy agreements be removed. It was moved by Commissioner Balog and seconded by Commissioner Pangle that the agenda be approved as amended. Motion carried.

#### MINUTES APPROVED

It was moved by Commissioner Malone and seconded by Commissioner Pangle that the minutes for June 4, 2019 be approved as presented. Motion carried.

#### COMMUNICATIONS

Resolution from Gratiot County, Re: Veterans Services Grant Funding.

Resolution from Cheboygan County, Re: Supporting U.S. HB 530.

Minutes of the Commission on Aging Advisory Board meeting of May 15, 2019.

It was moved by Commissioner Pangle and seconded by Commissioner Malone that the communications be placed on file. Motion carried.

#### CITIZENS' COMMENT

There were no citizen comments.

#### AREA AGENCY ON AGING FY 2020-2022 MULTI-YEAR PLAN AND FY 2020 ANNUAL IMPLEMENTATION PLAN AND RESOLUTION 9-2019

Commissioner Malone presented the following resolution:

WHEREAS, the Branch-St. Joseph Area Agency on Aging (Region IIIC) has been designated as the area agency on aging to serve Branch and St. Joseph Counties since 1996 under the Federal Older Americans Act (Public Law 89-73, and subsequent amendments), and the State Older Michigianians Act (Public Act 180, and subsequent amendments); and

WHEREAS, the Branch-Hillsdale-St. Joseph Community Health Agency Board of Health has been designated and approved as the Policy Board for Region IIIC; and

WHEREAS, Region IIIC is required to develop a Multi-Year Area Implementation Plan for fiscal years 2020, 2021, and 2022 and an Annual Implementation Plan for fiscal year 2020; and

WHEREAS, the Region IIIC Policy Board has developed, reviewed and accepted the Plan after two input sessions and two public hearings; and

WHEREAS, the Region IIIC Policy Board has taken into consideration the views expressed at the public hearings for the final draft of the Multi-Year Area Implementation Plan and Annual Implementation Plan; and

WHEREAS, the Region IIIC Policy Board substantiates that this document meets the Michigan Aging & Adult Service Agency Approval Criteria.

NOW, THEREFORE, BE IT RESOLVED, that the St. Joseph County Board of Commissioners endorses the submission of this final planning document to the Michigan Commission on Services to the Aging for final review and approval.

It was moved by Commissioner Pangle and seconded by Commissioner Malone to adopt the resolution and waive second reading. Motion carried 5-0 upon a roll call vote.

#### SHERIFF'S DEPARTMENT ANNUAL REPORT

It was moved by Commissioner Malone and seconded by Commissioner Balog to accept the report and place it on file. Motion carried.

#### EXCEPTION TO HIRING FREEZE – DISTRICT COURT DEPUTY CLERK

It was moved by Commissioner Balog and seconded by Commissioner Malone to approve the exception for a district court deputy clerk. Motion carried.

SOUTHWEST MICHIGAN MOUNTAIN BIKE ASSOCIATION AND DANIEL WARNAAR  
RESOLUTION 10-2019

Commissioner Malone presented the following resolution:

WHEREAS, SWMMBA and Daniel Warnaar designed and constructed a sustainable, seven-mile mountain bike course at Meyer Broadway County Park, which provides a public riding area in St. Joseph County for cyclists of all ages and skill levels; and

WHEREAS, SWMMBA provided funds for construction of Warnaar Trail and dedicated future funding for ongoing maintenance of the trail and trailhead amenities; and

WHEREAS, Daniel Warnaar tirelessly, volunteered hundreds of hours of his time creating a one-of-a-kind, professionally built trail that rivals any course in Michigan; and

WHEREAS, SWMMBA and Daniel Warnaar's efforts have created a regional draw for St. Joseph County that will be enjoyed by citizens and visitors of Meyer Broadway County Park.

NOW, THEREFORE BE IT RESOLVED, the St. Joseph County Board of Commissioners recognizes Daniel Warnaar and SWMMBA for great and generous contributions to the Parks and Recreation Commission for the citizens and visitors of St. Joseph County to use and enjoy for generations to come.

BE IT FURTHER RESOLVED, that this resolution be spread upon the proceedings of the St. Joseph County Board of Commissioners this 18th day of June 2019 and be presented to Daniel Warnaar and SWMMBA during the Warnaar Trail ribbon cutting July 14th.

It was moved by Commissioner Malone and seconded by Commissioner Balog to adopt the resolution and waive second reading. Discussion included the draw to the parks and the amount of work Mr. Warnaar contributed to the project. Motion carried.

FINANCING RESOLUTION FOR EQUIPMENT LEASE / PURCHASE AGREEMENT  
RESOLUTION 11-2019

Commissioner Malone presented the following resolution:

WHEREAS, the Board of County Commissioners of the of the County of St. Joseph (the "County") has determined that it is in the best interest of the County to acquire various energy conservation improvements to certain County facilities (the "Equipment") to be installed by ABM Building Solutions, LLC (the "Vendor"), as described in the "Request for Financing Proposals-St. Joseph County, Michigan Tax Exempt Lease Purchase Agreement Associated with a Performance Contract Project" administered by D.A. Davidson & Co., as Placement Agent, and issued by the County on May 2, 2019 (the "RFP"); and

WHEREAS, in response to the RFP, the County has received a proposal from Banc of America Public Capital Corp to finance the Equipment through a tax-exempt equipment lease/purchase agreement; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the County to finance the acquisition and installation of the Equipment by entering into an Equipment Lease/Purchase Agreement (the "Agreement") between the County, as lessee, and Bank of America, National Association (or one of its affiliates), as lessor (the "Lessor") pursuant to section 11c of the County Board of Commissioners Act, Act 156, Michigan Public Acts of 1851, as amended ("Act 156"); and

WHEREAS, it will be necessary for the County to enter into an Escrow and Account Control Agreement among Lessor, the County, and Bank of America, National Association, as Escrow Agent (the "Escrow Agreement") to set forth the terms and conditions for the disbursement of funds from an escrow account to pay for costs of acquisition and installation of the Equipment;

WHEREAS, it is the desire of the Board of County Commissioners to authorize the Authorized Officers (defined herein) to negotiate and finalize the terms of the Agreement and the Escrow Agreement pursuant to Act 156, and authorize County officials to execute certain other documentation and undertake necessary actions relative thereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization to Enter into Agreement. The Board of County Commissioners hereby authorizes the execution and delivery of the Agreement in a principal amount not to exceed Three Million Dollars (\$3,000,000), for a term not to exceed twenty (20) years, at an interest rate not to exceed 2.8% per annum.
2. Selection of Lessor. The proposal of Banc of America Public Capital Corp is hereby determined to produce the highest overall economic benefit to the County.
3. Delegation of Authority; Delivery of Agreement. The Chair of the Board of County Commissioners and the County Administrator/Controller, or either one of them acting alone (each an "Authorized Officer"), are hereby authorized and directed to make all determinations required under Act 156 and as authorized representatives of the County for purposes of the Agreement and the Escrow Agreement until such time as the Board of County Commissioners shall designate any other or different authorized representatives for purposes of the Agreement or the Escrow Agreement. The form, terms and provisions of the Agreement are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by the Authorized Officer executing the same, subject to the parameters set forth in this resolution, the execution of such documents being conclusive evidence of such approval. The

Authorized Officers are each hereby authorized and directed to execute the Agreement and any related exhibits attached thereto and such additional documentation as shall be necessary to effectuate the closing of the Agreement.

4. Other Actions Authorized. Any Authorized Officer may take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of a Final Acceptance Certificate, the Escrow Agreement, Disbursement Requests and any tax certificate and agreement, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

5. Security; Agreement Not Debt. Payments under the Agreement shall be a current operating expense of the County subject to annual appropriations of funds by the Board of County Commissioners. During the term of the Agreement, the County shall be the vested owner of the Equipment and may grant a security interest in the Equipment to the Lessor. Upon the termination of the Agreement and the satisfaction of the obligations of the County, the Lessor shall release any such security interest in the Equipment. The Agreement shall not be subject to the Revised Municipal Finance Act, Act 34, Michigan Public Acts of 2001, as amended (“Act 34”), and shall not be a municipal security or a debt as those terms are defined in Act 34.

6. Tax Covenant. The County hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exemption of the interest on the obligations under the Agreement from federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the Agreement and moneys deemed to be proceeds.

7. Qualified Tax-Exempt Obligation. The County reasonably anticipates that the amount of qualified tax-exempt obligations that will be issued by the County and all subordinate entities during this calendar year shall not exceed \$10,000,000. The County hereby designates the Agreement, in its total principal amount, as a qualified tax-exempt obligation for purposes of Section 265(b)(3)(B) of the Code.

8. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

9. Resolution Subject to Michigan Law. The provisions of this resolution are subject to the laws of the State of Michigan.

10. Section Headings. The section headings in this resolution are furnished for convenience of reference only and shall not be considered to be a part of this resolution.

11. Severability. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this resolution.

12. Effective Date of Resolution. This Resolution is determined by the Board of County Commissioners to be immediately necessary for the preservation of the peace, health and safety of the County and shall be in full force and effect from and after its passage.

It was moved by Commissioner Malone and seconded by Commissioner Pangle to adopt the resolution and waive second reading pending legal approval. Motion carried 5-0 upon a roll call vote.

#### NOMINATIONS AND APPOINTMENTS

It was moved by Commissioner Malone and seconded by Commissioner Pangle to reappoint Allen Balog, Charles Thompson, Lee Austermann, Deborah Davis, and James MacTavish to the Commission on Aging with terms expiring June 30, 2021. Motion carried.

#### COUNTY ADMINISTRATOR’S REPORT

Ms. Doehring noted the annual report would be available on the website.

#### FINANCE DIRECTOR’S REPORTS

Ms. Steinman presented the following reports:

#### Budget Amendments

There were none.

#### Financial Statement

It was moved by Commissioner Balog and seconded by Commissioner Malone to accept the financial report and place it on file. Motion carried.

#### COMMITTEE REPORTS

#### Law Enforcement

Commissioner Balog stated that the committee had not met.

#### Judiciary

Commissioner Malone stated that the committee had not met.

Physical Resources

Commissioner Malone noted the committee had not met, but committee members had reviewed the resolution for financing the project.

Executive/Committee of the Whole

Chairman Allen noted the committee had met and minutes were available.

Other Committees

Commissioner Pangle commented on the Veteran’s Committee approval of a new therapy dog.

Commissioner Malone commented that the upkeep of parks grounds was done despite the weather and noted the upcoming anniversary of the parks system.

CHAIRMAN’S REPORT

Chairman Allen noted the upcoming Relay for Life.

COMMISSIONERS’ COMMENTS

Commissioner Pangle commented on the Lincoln Day Dinner. She asked that commissioners visit the jail for a tour to see the operations.

Commissioner Czajkowski commented on the upcoming projects for energy savings, the draw that the parks provide, the Commission on Aging center with apartments in Three Rivers, and the roadwork being done.

ADJOURNMENT

At 5:20 p.m., it was moved by Commissioner Pangle and seconded by Commissioner Malone that the St. Joseph County Board of Commissioners adjourn until July 2, 2019 at 5:00 p.m. Motion Carried.

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Lindsay Oswald, County Clerk

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Dennis Allen, Chairman