

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 21, 2011 at 5:00 p.m.

Chairman Rick Shaffer called the meeting to order.

The Invocation was given by Chairman Shaffer.

The Pledge to the American Flag was given.

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

Rick Shaffer	Gerald E. Loudenslager
Allen Balog	Robin Baker
Jerry Ware	Donald Eaton
John L. Dobberteen	

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

#### AGENDA

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

#### MINUTES APPROVED

It was moved by Commissioner Dobberteen and supported by Commissioner Eaton that the minutes for June 7, 2011 be approved. Motion carried.

#### COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, June 10 and June 17, 2011.
2. Letter from McCartney & Company, P.C., Re: Copy of annual accounting for the St. Joseph County 9-1-1 Service District.
3. Minutes of the Commission on Aging Board meeting of May 18, 2011.
4. Minutes of the Department of Human Services Board meeting of April 26, 2011.
5. Minutes of the Southwest Michigan Substance Abuse Advisory Council meeting of May 23, 2011.

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

#### CITIZENS' COMMENTS

Angela Tabor, AFSCME Representative, requested the Board's assistance to change the parameters under which the Administrator can negotiate in order to hopefully come to an agreement with the AFSCME Units. In January of 2011 the contract was reopened for wages and benefits. She stated that the Union has submitted three reasonable options to the County to no avail. There is a hearing set with the Michigan Employment Relations Commission in late August pertaining to the unfair labor practice charge by the Union.

John Hayes, Retired Economic Development Director from the City of Sturgis, spoke in favor of the Board forming a relationship with Trine University. Before he was the City's EDC Director, Mr. Hayes worked for Grumman-Olson and worked out a cooperative with Tri-State University (now Trine) for students who were working towards mechanical engineering degrees to work alternate semesters at Grumman-Olson earning money for their tuition and then they were guaranteed a job when they graduated. Mr. Hayes stated that this was a very successful program and gave this example showing that there has been a history of a relationship with this University. He understands that some residents in the County may not appreciate the need for educational resources as our next generation might. He does not believe that this opportunity should be underestimated. He encouraged the Board to push forward quickly on the Trine proposal.

Vincent Mifsud, 24785 Sauger Lake Road, Sturgis stated that he would like some answers regarding the Trine proposal. He would like to know if it is legal; if anyone on the Board of Commissioners has any financial ties to Larry Franks or Trine University as that would be a conflict of interest if this is a legal situation. He also stated that Attorney General Opinion #3066 states that the credit of the State should not be granted to or in aid of any person, association or corporation, public or private. He added that this is in addition to what he previously said that public funds cannot be put into a private entity. He would recommend that the Board pass a motion to not act on the Trine proposal. He would like answers to these questions sent to [vincemifsud@aol.com](mailto:vincemifsud@aol.com) because it appears to him that the Commissioners are not listening to him.

John Wiedlea distributed some information to the Board of Commissioners stating that the present economy is teaching us that in the U.S. and the Midwest our problems are not cyclical but rather they are structural. He has found that it is a privilege to work with EDC officials in the County. It has also been a rewarding experience seeing the economic development and work force development recruiting new businesses and entrepreneurs and retaining businesses. Traditionally we have been able to say that it is a great place to live. It is a good location we have natural resources in abundance, a strong work ethic, a strong workforce and affordable housing just like many other areas. We have a good location and inexpensive land and incentives from our EDC, but other counties can say the same thing.

The Trine proposal offers many more tools for our toolbox. Tools to deal with structural issues, tools to market and sell our area, to differentiate our area and set us apart from others and to develop a unique brand for our County such as those for entrepreneurs. He appreciates that the Board of Commissioners is showing affirmative strong leadership by discussing partnering with a world class university.

Dan Lucas, 67608 Maple, Constantine said that townships in this County continue to say that they have no money and said that according to an Attorney General's opinion that these funds in the Tax Revolving Fund should be returned to the townships. He has heard that Michael Bock, Vice-President of Trine University, has said that there were no guarantees in this proposal for St. Joseph County.

Lynda Molter, 1501 Portage Avenue, Three Rivers read a list of names of all those that have been working on the Animal Control Bylaws that will come before the Board of Commissioners later in the agenda. Most of those that she listed were present. They have all been sincere, cooperative and honest as they worked through the bylaws.

Ken Jones, President of the Economic Development Corporation, thanked the Board of Commissioners for all of their hard work regarding the Trine proposal. He thanked them for their initiative and aggressiveness knowing that the devil is in the details. Mr. Jones remarked that the EDC is here to help the Board.

Brian McConnell, President of Burr Oak Tool of Sturgis, stated that he is a graduate of Tri-State University. He said that there is a theory out and about in the community that those employers that are in the community try to keep others out. That is clearly a philosophy for the uninformed. Those of us that have read and studied the Trine proposal know that stronger companies together are better. He said that he spent a year trying to find a programmer. He lost business and he lost opportunities with the lead time being longer. He found a nice young man out of Grand Rapids and he will be moving to this community with his wife. We need something so that these employees are not so hard to find. He stated that the Trine project needs to be challenged on its merit but it certainly warrants the challenge. He further stated that the Trine plan in front of the Board can provide a lot of benefits. He remarked that if the Board cannot come up with a similar plan or a better one then they are basically against everything and for nothing.

Rebecca Shank, 12302 Corey Lake Road, Three Rivers stated that Chairman Shaffer asked her previous to tonight what she thought of the Trine proposal. She had not thought about it until he asked her but has since published a letter to the editor in the paper. The County needs to provide a basis for the return rewards from the proposal if it is put into place. She has been thinking about some other proposals. Could we take this money and divide it into 3 parts: 1/3 the County will keep; 1/3 will be offered to Trine; and 1/3 would be used to fund parts of the County that are underfunded or unfunded that would create a better business environment and attraction for business coming into our community. Another idea that is not new, but we all know that communities that pay for medical school if the student when they graduate come back to the community to practice. For a like amount of money we could send 70 students fully funded to Glen Oaks and then on to another university with a stipulation that they have to move back here to work. Or it could be 35 students and spend the remaining on our own infrastructure, road work, MSUE or Soil Conservation with many of them being underfunded. She heartily urges the Board to set a public hearing as we need lots of ideas. With any of these suggestions it keeps all of the money and the people in Michigan which are 2 things that we are bleeding heavily from this State. She hopes that the Board studies all aspects of any plan.

Cathi Abbs, Executive Director of the Sturgis Chamber of Commerce, distributed the resolution adopted by the Chamber in support of the Trine proposal. She stated that there was excitement in the Chamber's endorsement of the Trine proposal. She further stated that the Chamber represents 350 businesses in the Sturgis area and a majority of those are small businesses. They represent manufacturing, professional services and retail businesses and one thing noted recently is dealing with entrepreneurs. One of the things that Trine offers that are not available to them now is market and product research. Membership and board members are diverse. Their resolution of support was unanimous.

Tim Carls, 63044 Klinger Lake Road, Centreville stated that he would like to see something on paper that will say exactly what would be discussed during a public hearing. He hopes that the public will be able to ask a lot of questions. He wants to see what Trine offers. Commissioner Ware gave him a copy of what was provided to each Commissioner.

Jan Reed, Human Services Commission, thanked the Board for declaring today as Elder Rights Awareness Day in the County. There was a training today that 68 people attended. They shared about how the process works in this County and elders can remain safe and how calls can be made anonymously and confidentially, to the Department of Human Services, the Commission on Aging, the Area Agency on Aging, the Domestic And Sexual Abuse Shelter and a variety of others shared on what is available in our County to keep people safe. It is the fastest growing segment of our population. They provided a trifold brochure that provides information and will be utilized by law enforcement and others that can be shared. The brochure has information to keep this population safe.

### ROAD COMMISSIONS ANNUAL REPORT

Louis Csokasy, Manager of the Road Commission (in Cass County too), gave an overview of the Annual Report for 2010. He stated that he is a graduate of Tri-State College. He stated that Road Commissions are usually controversial and usually when a room is packed he gets nervous, and it is obvious tonight that there are controversial issues.

Looking at past presentations, they were primarily financial in nature. He will be presenting an atypical report tonight. He is an engineer and has been around financial reports for a long time and is presenting a different type of report this year. He thanked the Board for appointing 2 additional members to the Road Commission making a total of 5.

He gave some County road facts:

- \*there are 1,023 miles of primary and local roads
- \*total of 96 bridges
- \*approximately 8,100 acres of total "right of way"
- \*828 miles of paved roads
- \*195 miles of gravel roads
- \*113 miles of State trunkline roads; 333 miles of County primary roads; and 690 miles of Local roads

The report shows a comparison of the last five years of their year end cash position which is \$900,000 for 2010 up from \$300,000+ for 2009.

Assets are up to \$31,000,000 which is the value of the roads. Long term liabilities are \$753,000; other liabilities are \$1.3 million which is mainly accounts payable and payroll, for a total liabilities dollar amount of \$2 million.

Unrestricted assets which are cash and short term investments are at \$2.1 up from \$1.5 million.

Mr. Csokasy stated that the revenue source from the State is derived from the MTF fund which is a tax on a gallon of gas. The revenue generated is 19 cents per gallon which has remained static since 1988.

He further stated that maintenance is by far the largest expenditure which is applying gravel, patching roads and plowing snow.

Ideally with the amount of miles of roads that are maintained, primary chip and seal, they should be doing 118 miles per year. 120 miles were done in 2006 dropping to a low of almost 60 miles in 2009 and 2010 with a projected amount of 90 miles for 2011.

Mr. Csokasy remarked that the employment numbers at the Road Commission have shrunk since 2006 and he sees that continuing as employees retire. There are about 40 employees currently.

He stated that they are out sourcing the mowing on the side of the roads and are saving \$10,000 just in fuel and equipment costs. That does not include the labor and overhead costs savings. Some of the money will be put into reserves and some of it will begin a new crack sealing operation.

Mr. Csokasy stated that a lot of good things are going on. They are developing a joint venture with Cass County in a lot of areas. Bids are being let for various things for both counties and they realize a tremendous savings. With the St. Joseph/Cass County as a single entity we are the 2nd largest Road Commission in the State.

The Colon garage has been split and some of those employees now work out of the Centreville garage.

They are having dialogue with townships and they hope to do joint ventures with the townships for 10 miles of roads.

There have been massive changes at the Road Commission. They cannot over-communicate. They are spending a tremendous amount of time communicating with the employees.

At the end of 2011 they hope to go through their list of goals that they had, saying that they accomplished them. They post this list of goals on the bulletin board so that all employees can be reminded of them.

They will be developing and initiating long term planning for additional equipment while remaining within their fiscal constraints.

The Road Commission will be addressing sign restrictions that must be in place by 2016.

The union has been very responsible by accepting no wage increases. The contract expires at the end of March 2012 so they will be entering into contract negotiations.

They will develop a safety and compliance program which is in process along with a technology review.

Commissioner Loudenslager complimented Mr. Csokasy on a good report and then asked him about the storm that went through the Moorepark area which toppled many trees. He said that he heard that the residents did not get any help for 2 days and then they were asked to remove trees that had fallen on their property.

Mr. Csokasy responded by saying that their workers were dispatched around 6:00 p.m. shortly after the storm passed through. It is the responsibility of the Road Commission that the public be safe and they worked day and night to clear trees from the roadway. All roads were clear and passable by 10:00 p.m. on Monday. The Road Commission does not own the trees and brush therefore the responsibility of removing them is the responsibility of the property owner.

It was moved by Commissioner Baker and supported by Commissioner Eaton that the Road Commission Annual Report for 2010 be accepted. Motion carried.

#### ANNUAL IMPLEMENTATION PLAN FOR THE AREA AGENCY ON AGING

Laura Sutter presented the Annual Implementation Plan for the AAA which outlines federal funding, program development and the allocations of funds. The agency provides planning, advocacy and administration of federal and state funds targeted to older adults, disabled adults and those that care for them across the two county planning and service area which are the counties of Branch and St. Joseph.

The Plan summarizes the planned activities, program development and funding allocations to community organizations for next year.

She stated that they anticipate receiving approximately \$900,000 in federal and state funds for services in fiscal year 2012. The aging network has had dramatic cuts in state funding over the past 5 years. They were grateful for being restored for the current fiscal year, but they continue to remain diligent in being efficient with the program funding and targeting those who need the services and support the most. Their collaboration with community partners is increasingly valued and relied upon as they move forward with the planned activities.

Mrs. Sutter continued by saying that the allocations are made based on population, need, service provider input and community input. Their Advisory Committee and Board of Health also offer input and review the Plan as well. In Home Services receive the most funding as a result of being the most needed.

The Community Living Program is available to frail older adults at risk of having to be cared for in more formal settings. The plan is to serve over 65 individuals and their families this year. Over 55% of the services were arranged through their contracted providers and another 40%+ were purchased through local businesses or agencies as well as through client/family cost sharing arrangements. They are truly putting forth the effort to support people in their own homes.

2012 program development objectives that they will focus on include:

- \*continuing to work with community partners on disease prevention activities
- \*continuing to build capacity and relationships with the Disability Network of SW Michigan
- \*focusing on prevention and awareness of vulnerable adult abuse, neglect and exploitation
- \*Creating Confident Caregivers classes will continue into 2012. These classes help family caregivers enhance their skills and identify needs they might not normally recognize and offer ways to support them.
- \*they will continue their work with area Veterans providing a program to surround them with home and community based services and the option to pay family, friends or an agency to provide care in the home.

Mrs. Sutter thanked the Board for the continued commitment to older adults and requested that they pass the following resolution:

RESOLUTION NO. 10-2011

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 an Annual Implementation Plan for fiscal year 2012; and

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

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

WHEREAS, the Region IIIC Policy Board substantiates that this document meets the Michigan Office of Services to the Aging 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.

Chairman Shaffer stated that he is a member of the AAA Advisory Board and asked Mrs. Sutter if there were volunteer opportunities available.

Mrs. Sutter said that there were as they welcome input from adults, caregivers and those receiving services and they can contact her.

Chairman Shaffer thanked Mrs. Sutter and the awesome job that she does.

It was moved by Commissioner Loudenslager and supported by Commissioner Balog 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, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Resolution adopted.

### CREATE ANIMAL CONTROL ADVISORY BOARD AND APPROVE BYLAWS

Chairman Shaffer introduced this topic by stating that a number of months ago a wide-based group concerned with animal welfare began to network with some of the County Commissioners relative to consideration of an Animal Control Advisory Board within the County. Five counties in Michigan have a volunteer board. This group began their research and have come up with some language and guidance for this Board to consider. The Law Enforcement Committee reviewed their proposal and they recommended that the Executive Committee look at the proposal. The current proposal is very similar to Kalamazoo County. The Executive Committee considered it and recommended that it be placed on tonight's agenda. All Commissioners have had the opportunity to review the draft.

It was moved by Commissioner Dobberteen and supported by Commissioner Eaton that an Animal Control Advisory Board be created and that the bylaws presented be approved as follows:

#### ST. JOSEPH COUNTY ANIMAL CONTROL SHELTER ADVISORY BOARD BYLAWS (Board of Commissioners Adopted June 21, 2011)

##### ARTICLE I NAME

The name of this public body is the St. Joseph County Animal Control Shelter Advisory Board, hereafter also referred to as the 'Board'.

##### ARTICLE II AUTHORITY

The St. Joseph County Animal Control Department, established by the Board of Commissioners, operates pursuant to the rules promulgated under P.A. 339 of 1919 as amended. In addition to P.A. 339 of 1919, the Department is also responsible for enforcement of the St. Joseph County Animal Control Ordinance and its provisions as amended on June 19, 2001. The Animal Control Department is managed by a director, which reports to the County Administrator/Controller.

While the voluntary Animal Control Shelter Advisory Board functions under no specific statutory authority and has been given no authority, it is created at the discretion of the Board of Commissioners for specific and limited purposes and can be dissolved by majority vote of the Board of Commissioners at any time.

##### ARTICLE III MISSION AND OBJECTIVES

The mission of the voluntary St. Joseph County Animal Control Shelter Advisory Board is to advise the Board of Commissioners and the Animal Control Director in matters regarding the improvement of the animal control shelter services to the citizens of St. Joseph County and improving the quality of life for animals under the jurisdiction of the St. Joseph County Animal Control Department.

- Provide advice and recommendations regarding shelter care policies and volunteerism with the intent of enhancing a healthful and humane environment in the shelter while maximizing community involvement and fiscal responsibility;
- Proactively instill humane principles and behavior into the community through education and example;
- Prevent/report animal cruelty and/or suffering;
- Increase revenue and/or decrease operational costs and euthanasia through effective adoption, fostering, and effective marketing programs for adoptable animals;
- Seek and manage grants for and encourage contributions to the St. Joseph County Animal Control Department for quality of life, spay/neutering services and general education programming as well as for direct expenses of animal care in the shelter;

- Provide advice and notification regarding community animal health issues including questionable animal breeding, hoarding and other detrimental practices.

**ARTICLE IV**  
**BOARD ORGANIZATION**

Section 1. Animal Control Shelter Advisory Board Membership and Term Length. The Animal Control Shelter Advisory Board shall be under the general control of the Board of Commissioners and shall consist of seven (7) members, with confirmation of such appointment or removal by a majority vote of the Board of Commissioners. The membership shall consist of the following:

- 1 - A veterinarian or a current professional from a veterinarian practice;
- 1 - A Sheriff Department representative;
- 1 - A person experienced in animal rescue or animal welfare;
- 1 - A person experienced in grant writing;
- 2 - Citizen at large;
- 1 - County Commissioner.

Section 2. Term of Members. The term of offices of a Board member shall be three (3) years from January 1 of the year of appointment and each member shall hold office thereafter until his/her successor is appointed. Appointments shall initially be made for staggered one (1), two (2), or three (3) year terms so that terms of members are overlapping. A member may be reappointed.

Section 3. Vacancies in Office. When a vacancy occurs on this Board, either by death, resignation, or removal, the vacancy shall be filled by majority vote of the Board of Commissioners for the unexpired term.

Section 4. Neglect of Duties. Board members shall attend meetings of the Board. Board members shall be required to attend a minimum of 75 percent of the regular meetings per year. In cases where such does not occur, the Board may seek a Board member's resignation and/or request the County Board of Commissioners to remove the Board member.

Section 5. Officers. The Board shall elect each year during the month of January or the first meeting of the year whenever that may be, a chairperson, vice chairperson and secretary.

Section 6. General Conduct. The Animal Control Shelter Advisory Board shall function as a unit; therefore, individual members shall not speak for the Board unless authorized by the Board to do so.

Section 7. Authority and Duties. The Animal Control Shelter Advisory Board shall have no authority. The Board shall have such duties as shall from time to time be provided or assigned by majority vote of the Board of Commissioners.

Section 8. All members shall serve without recompense.

**ARTICLE V**  
**OFFICERS**

Section 1. Chairperson. The Chairperson's duties shall include the following:

- A. He/she shall preside at all meetings of the Board;
- B. He/she shall serve as an ex-officio member of all committees and sub-committees of the Board;

Section 2. Vice Chairperson. The Vice Chairperson shall preside in the absence of the Chairperson and shall perform such other duties as may from time to time be assigned.

Section 3. Secretary. The Secretary shall be the Secretary of the Board and shall perform the following duties:

- A. Record all proceedings of the Board;
- B. Make regular entries of all resolutions and decisions upon all questions;
- C. Record each vote of each member on any questions submitted to the Board, if requested by any member present;
- D. Prepare copies of the minutes of the proceedings of the Board for distribution to the members of the Board pursuant to Article VI, section 6;
- E. Perform such other and further duties as the Board may require.

## ARTICLE VI MEETINGS

Section 1. Regular Meetings. Except as otherwise required by law, or provided by the Board, regular meetings of the Board shall be as follows:

- A. The Board may meet as determined or as needed based on a schedule determined by the majority members appointed to the Board;
- B. A public notice stating the date, time, and place of all regular meetings shall be posted in the County Clerk's office bulletin board;
- C. All meetings shall be held in accessible public facilities and shall be conducted according to the Open Meetings Act (P.A. 1976, No. 267 as amended);

Section 2. Special Meeting. The Chairperson or any two (2) members of the Board upon written notice being served to each member or left at his/her place of residence at least eighteen (18) hours prior to such meeting, may call a special meeting. Members may waive notice of any special meeting either before or after the holding thereof. A public notice stating the date, time, and place of special meeting shall be posted in the County Clerk's office bulletin board at least eighteen (18) hours before the meeting.

Section 3. Adjourned Meetings. Any legal meeting of the Board may be adjourned from time to time as the Board may deem necessary.

Section 4. Quorum. A majority of the members shall constitute a quorum for the transaction of the business of the Board.

Section 5. Voting. Except as otherwise provided by statute, all questions shall be determined by the votes of the majority of the members present.

Section 6. Distribution of Minutes. Proposed minutes shall be available for public inspection at the County Clerk's office, 125 W. Main St., PO Box 189, Centreville, MI 49032 not more than eight (8) business days after each meeting. A copy of the proposed minutes shall be mailed or emailed to each member not less than six (6) days prior to the next regular scheduled meeting.

Approved minutes shall be available for public inspection not later than five (5) business days after the meeting in which the Board approves the minutes. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available not later than the next subsequent meeting after corrections. The corrected minutes shall show both the original entry and the correction.

Section 7. Citizen Participation. Each agenda shall contain a place for citizens to comment. Citizens after being recognized by the Chairperson, shall identify themselves by name and address and shall ordinarily limit their presentation to three (3) minutes unless the time is otherwise extended by the Chairperson or by the vote of the Board.

Section 8. Open Meetings Act and Freedom of Information Act. The Board is a public body and as such shall be governed by the Michigan Open Meetings Act (P.A. 1976, No. 267, as amended) and the Michigan Freedom of Information Act (P.A. 1976, No. 442, as amended).

Section 9. Rules of Order. Robert's Rules of Order, newly revised, shall govern the Board and its committees in all of the deliberations except as modified by these by-laws. The Rules of Order of business may be suspended at any meeting by a two-thirds' (2/3) vote of those present.

## ARTICLE VII COMMITTEES

Section 1. The Board may establish a committee structure by which to accomplish its tasks. The Board, from time to time, may establish special committees as necessary. Committee membership may include non-members of the Board.

Section 2. Criteria. Committee members from outside the Board shall be selected on the basis of their qualifications in the subject matter to be considered by the Committee.

## ARTICLE VIII RULES OF GENERAL CONDUCT AND PROCEDURE

General Conduct. A member shall not use profane, intemperate or discourteous language or conduct.

ARTICLE IX  
AMENDMENT

These bylaws may be amended, altered, changed, added to, or repealed by the affirmative vote of a majority of the members of the entire Board at any regular or special meeting, provided notice of the intention to amend and a copy of the proposed amendment has been included in the meeting notice; however, the adoption of the amendments is subject to approval by majority vote of the Board of Commissioners.

Further, a two-thirds' (2/3) vote of the entire Board shall be required when a motion to amend, alter, change, add to, or repeal these by-laws is not included on the regular notice of the meeting.

The Board of Commissioners, by majority vote, shall have the right to amend said bylaws at anytime, with or without action by the Animal Control Shelter Advisory Board.

Commissioner Balog thanked the Molders for spearheading this project and for their concern for the welfare of animals in St. Joseph County.

The aye and nay vote was called as follows:

Aye votes cast: 7–Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

SET PUBLIC HEARING FOR TRINE UNIVERSITY PROPOSAL

Commissioner Dobberteen gave some background by saying that they have been working for the last 2 months with Trine University on a proposal.

RECESS

Chairman Shaffer declared a short recess.

After a short period of time the Board resumed business.

Commissioner Dobberteen stated that this proposal has been presented to various groups in the community over the past 2 months. The Finance Committee met last week and recommended that an actual proposal be requested from Trine University and that the matter be set for 2 public hearings.

Commissioner Dobberteen suggested that the first public hearing be held on June 28th or the 29th at 3 possible venues: Nora Hagen Theater at Glen Oaks Community College; the Intermediate School District; or the County Commission Room. It was moved by Commissioner Dobberteen and supported by Commissioner Eaton that a public hearing be held on June 29th at 6:00 p.m. at the Nora Hagen Theater at Glen Oaks Community College on a proposed draft contract that matches the Memorandum of Understanding as posted on the County's website.

After much discussion Commissioner Dobberteen explained that Trine will develop a contract from the Memorandum of Understanding and that a legal opinion will be received for review before the public hearing.

The aye and nay vote was called as follows:

Aye votes cast: 7–Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

It was moved by Commissioner Eaton and supported by Commissioner Dobberteen that we retain legal counsel from within the County.

Commissioner Dobberteen stated that it is important that the lawyer firm be familiar with municipal law as it relates to the State of Michigan.

Commissioner Baker stated that if you can obtain legal counsel in this County that would be wonderful but if you cannot it is more important that we get good legal representation.

It was moved by Commissioner Eaton and supported by Commissioner Dobberteen to amend the motion to state that the Dresser Law firm from Sturgis be hired.

Commissioner Loudenslager cannot support the amendment because he wants someone familiar with County government state-wide.

Commissioner Balog questioned the cost and asked if it were just open to any cost.

Commissioner Eaton stated that he does not know how a cap could be put on this and asked if a cap is ever put on any other legal advice that we obtain.

Commissioner Balog stated that he hates to see it be open to any cost.

Commissioner Dobberteen stated that this is the first time that this has ever been done therefore the cost would be unknown.

Chairman Shaffer ceremoniously removed himself from the Chair and handed the gavel to Vice-Chairman Dobberteen. He stated that he personally cannot support the amendment to the motion because he would like to get questions from the public, and then get a legal opinion on the questions as well as on the contract all before the public hearing is held. Questions need to be developed in the public hearing.

Vice-Chairman Dobberteen stated that if the proposal is not legal we cannot waste our time by going forward which is why he feels that getting the legal opinion first is right. He is sure that the Dresser Law Firm can tell us quickly if it is legal and believes that it would not cost thousands of dollars.

He further stated that we need to take the time to get the proposal to legal counsel, get the opinion and then move it further.

Commissioner Eaton agreed that our major ducks need to get in a row first before something is presented so that the questions received from the public can be fair.

Commissioner Baker stated that we need to get a legal opinion first before the public hearing.

Commissioner Ware believes that we should get an out-of-county attorney. He does not question the legality of the contract, it is the concept of sending taxpayer money out of County. We need someone that has expertise in this.

Commissioner Loudenslager stated that he could give an out-of-county name now and we would probably have the opinion tomorrow and he is sure that it would not cost \$20,000.

Commissioners Eaton and Dobberteen withdrew the amendment to the motion.

The original motion to obtain legal counsel within St. Joseph County was voted on as follows:

The aye and nay vote was called as follows:

Aye votes cast: 4 - Commissioners Balog, Baker, Eaton and Dobberteen.

Nay votes cast: 3 - Commissioners Shaffer, Loudenslager and Ware.

Motion carried.

Chairman Shaffer stated that we do not have a proposal tonight and we hope that by the public hearing on Wednesday that we have some document for legal review.

Commissioner Eaton stated that the document that we do have is almost like the contract will be and Trine is prepared to deliver the contract immediately.

Chairman Shaffer believes that we need to have some sort of framework in place before an attorney can review the document. What do we tell the public?

Commissioner Eaton stated that the document can be delivered within the day and asked where it should be delivered.

Chairman Shaffer does not know what attorney firms in the County have specialties in municipalities.

Commissioner Eaton stated that there is a legal professional in the room.

Commissioner Loudenslager suggested that we could get a legal opinion on the legality of the issue itself regardless of who the contract is between.

Chairman Shaffer asked on what basis does the Board have to select a firm tonight.

Commissioner Dobberteen said again that this is the first time we have done anything like this.

Commissioner Eaton stated again that there is a professional in the room now.

Chairman Shaffer recognized attorney P. Joseph Haas.

Mr. Haas stated that he would be happy to answer any questions that the Commissioners may have. His firm name has come up as a possible firm to be retained to review any proposal that is submitted representing the County. They would welcome the opportunity and believe that they are qualified to do that. Their firm has been in business over 100 years and have represented many municipalities in this County and have worked deals that are of a much larger magnitude. He also stated that other firms in the County have municipal experience too. He added that in order to get a prompt return he believes that a sole practitioner could not do that. He further stated that he believes that in the best interest of the County that we should use a firm with experience.

Commissioner Balog stated that before the County does anything, he asked Mr. Haas if he could tell us that we can do this by state or federal law and that their attorney firm is on the line as giving us professional advice in writing that there will be no repercussions from the Attorney General or the Governor or anyone else. He further asked if the County can take taxpayers money and send it out of state; can we give it to a private institution; and if the answer is yes to both questions then this is something with which we can move forward and if not we cannot.

Mr. Haas responded by saying that the response that they would make would be based on legal expertise and they will stake the reputation of the firm name on the opinion and it will be based on statute and state law. Any respectful attorney would reach out to the Attorney General to have them respond to any concerns that they may have. Their firm has a good working relationship with the Attorney General's Office and believes that they would get a quick response from them. What is legal and not legal will be based on the memorandum of understanding and what exactly is in the contract. That needs to be reviewed in regards to the money, what it is going for and where the money will go.

They could provide a legal opinion regarding the memorandum and then the matter will be further reviewed when the contract is received. They would need to make sure that everything in the memorandum is in the contract and that the contract is for the benefit of St. Joseph County and truly is achieving the goals as stated in the Memorandum of Understanding and if the final terms are consistent with the law. He believes that they could issue a legal opinion before Wednesday, June 29th.

He further stated that the Commissioners may make changes to the contract after the public hearing. Mr. Haas stated that the Commissioners need to determine the reasons for the public hearing. If part of the intention is to get feedback from the public then he said maybe the public hearing should be held first. He said that maybe the first public hearing could be to get comments from the public and then the 2nd public hearing would be held after the contract is put together from comments from the first public hearing.

Commissioner Dobberteen said that he sees no need for a public hearing if the whole thing is not legal.

Mr. Haas stated that general legal opinion on what is being proposed by Trine most likely can be done in a couple of days saying what is legal and what is not legal. If it is not legal you can cancel the public hearing and the Commissioners can move on with their next Economic Development Project. If it is legal we move forward with the public hearing to hear comments.

Mr. Haas said that it is a lengthy process to get a written legal opinion from the Attorney General and we would not likely get it until next year, but the retained legal counsel can certainly have conversations with a representative at the Attorney General's Office and get feedback and they will immediately say what needs to be looked at and if there are similar situations in the State and they would send correspondence as to what was suggested.

Judy Nelson, Equalization Director, stated that there is a legal opinion that has been written regarding giving taxpayers' money to a private entity and she referred to a Sr. Citizens' millage that was passed by the voters.

Commissioner Dobberteen suggested a new public hearing date of July 6th unless we want to get a legal opinion on the Memorandum of Understanding and then if it is not legal we do not go forward with a contract.

Chairman Shaffer stated that there is a long-standing history by this Board of engaging a contract for specific services and he believes that the Board is compromising the whole issue by asking for a legal opinion when we do not have any documentation and does not see rushing the process when clearly we have told the community that they will have an opportunity to weigh in on the matter. Whether or not the proposed document is coming is irrelevant at this time and he believes that they owe it to the constituents to ask questions, then we send out an agreement to get a legal opinion.

Commissioner Eaton stated that the Memorandum of Understanding shows clear intent and we can find out whether it is legal and then move forward to a contract.

Chairman Shaffer asked in what format are we going to submit it to the attorneys in St. Joseph County.

Commissioner Eaton said that we inform them with the Memorandum of Understanding.

Chairman Shaffer asked how we get the message out to attorneys in St. Joseph County.

Commissioner Eaton stated that we hire an attorney that can review the Memorandum of Understanding, consult with the Attorney General's Office and submit the opinion back to us in the time frame established.

Commissioner Loudenslager asked if we needed to let bids to retain legal counsel.

Commissioner Eaton thinks that we can get this opinion on one question.

Commissioner Balog agrees.

Commissioner Baker thinks that having the contract to get a legal opinion would be best.

Commissioner Dobberteen thinks that we need to get a legal opinion on the MOU and if it is legal, then hold a public hearing, get community input, move on from there and then contract language could or could not be developed.

Commissioner Loudenslager stated that he has been off a lot this year due to 2 back surgeries and when he came back he was dumbstruck that all this salesmanship has been going on and we have not gotten a legal opinion yet.

Commissioner Eaton stated that Trine's legal advice says that it is legal but we need to get our own.

It was moved by Commissioner Baker and supported by Commissioner Balog that the public hearing be withdrawn until we get a legal opinion on the Memorandum of Understanding.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

It was moved by Commissioner Eaton and supported by Commissioner Balog that we retain the Dresser Law Office to find out the legality of the Memorandum of Understanding.

Chairman Shaffer stated that on behalf of his constituents he has been telling them that they will have a part in developing the agreement and he personally does not think that we need to have a legal opinion this early and we should have the public hearing with questions while the agreement is being formulated. He cannot support the motion and wants to make clear that this has no deference to the Dresser Law firm; he just does not believe that we have gone through the process when making important decisions.

The aye and nay vote was called as follows:

Aye votes cast: 4 - Commissioners Balog, Baker, Eaton and Dobberteen.

Nay votes cast: 3 - Commissioners Shaffer, Loudenslager and Ware.

Motion carried.

#### REQUEST FOR OUT-OF-STATE TRAVEL FROM CIRCUIT COURT

Ms. West-Wing stated that the Circuit Judge is requesting that Kathy Griffin be allowed to travel to Las Vegas, Nevada for the National Association for Court Management's Annual Conference from July 8, 2011 to July 15, 2011. The State and National associations will pay the bulk of the expenses and she also acquired a scholarship which will pay her airfare and hotel expenses. The only expenses to the County will be any meals not covered and wages and benefits.

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the out-of-state travel request from Circuit Court for Kathy Griffin be approved. Motion carried.

#### MERS SERVICE CREDIT

Ms. West-Wing stated that a request has been received from Kitty S. Buchner to purchase 5 years of service credit with MERS for \$25,172.00.

It was moved by Commissioner Dobberteen and supported by Commissioner Baker that Kitty S. Buchner be allowed to purchase 5 years of service credit with MERS for \$25,172.00.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

#### HOMELAND SECURITY GRANT CITIZENS' CORPS PROGRAM

Ms. West-Wing stated that Jim Barnes is recommending that the Board accept a \$5,348.42 Homeland Security Grant to establish a Citizens' Corps Program. The funds are for the purpose, use and tracking of equipment purchased or reimbursement of services or wages toward the training of citizens to prevent, deter, respond to and recovery from incidents of national significance including, but not limited to, threats and incidents of terrorism.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the Homeland Security Grant in the amount of \$5,348.42 for a Citizens' Corp Program be accepted.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

SHERIFFS DEPARTMENT  
REQUEST TO CREATE CITIZENS' CORPS

Ms. West-Wing stated that the Sheriff is requesting that the Citizens' Corp be created using the aforementioned Homeland Security Grant funds. The Sheriff will conduct citizen emergency response training using these funds so that trained citizens can assist in the aftermath of a major disaster.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that a Citizens' Corps be created.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

COMMISSION ON AGING  
CONTRACT WITH CANTEEN FOR HOME DELIVERED MEALS

Ms. West-Wing stated that the COA has re-bid the preparation of meals at the jail kitchen and is recommending awarding a new agreement with Canteen. Since first starting this endeavor they have added services. The County receives an 8 cent reduction per inmate in meals prepared by Canteen plus they pay ½ of the equipment repair expenses and have provided some equipment at no charge. Ms. West-Wing was asked to review this to assure that the present arrangement does cover the added expenses.

It was moved by Commissioner Ware and supported by Commissioner Loudenslager that the Commission on Aging be allowed to contract with Canteen for Home Delivered Meals that will be prepared at the Jail.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

REQUEST TO FILL VACANT FRIEND OF THE COURT RECEPTIONIST/CLERK POSITION

Ms. West-Wing stated that the Friend of the Court is requesting that the vacant Court Receptionist/Clerk position be filled.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the vacant Friend of the Court Receptionist/Clerk position be filled. Motion carried.

NOMINATIONS/APPOINTMENTS

Transportation Authority Board

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that Kelli Tackett be nominated and appointed to the Transportation Authority Board for a term to expire April 1, 2013. Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Loudenslager stated that the Law Enforcement Committee met on June 10th, everyone has a copy of the minutes and he would answer any questions that any one may have.

Judiciary

Commissioner Loudenslager stated that the Judiciary Committee will meet on August 10th.

Physical Resources

Commissioner Ware stated that the bid process for the jail south brick/roof project is in motion and there is a meeting with the architect on July 27th.

Executive Committee

Commissioner Dobberteen stated that everyone has received a copy of the minutes of the Executive Committee that was held on June 17th and he would answer any questions that anyone may have.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

NEW HIRE:

Kyle D. Murk has been hired as Part-time Corrections Officer at \$15.30/hr. effective June 21, 2011.

Joni S. Smith has been hired as Finance Director at \$56,022.00 (Rye system, grade 10, step 4) effective July 5, 2011.

TEMPORARY/SEASONAL EMPLOYMENT:

Levi Jeffrey Terpenning has been hired as seasonal Marine Patrol Sergeant at \$17.00/hr. effective May 27, 2011.

Robert Littke has been hired as seasonal Marine Patrol at \$15.00/hr. effective May 27, 2011.

David McGee has been hired as seasonal Marine Patrol at \$15.00/hr. effective May 27, 2011.

Roger Schrock has been hired as seasonal Marine Patrol at \$15.00/hr. effective May 27, 2011.

William Smith has been hired as seasonal Marine Patrol at \$15.00/hr. effective May 27, 2011.

Philip Webb has been hired as seasonal Marine Patrol at \$15.00/hr. effective May 27, 2011.

MISCELLANEOUS:

Lisa Youga will change from Friend of the Court Receptionist/Clerk to Friend of the Court Enforcement Clerk at \$13.20/hr. (Soltysiak system, grade 5, minimum) effective July 19, 2011.

Change hire date for Mary Woodhouse, District Court Probation Officer, from June 7 to June 8, 2011. (On May 2 the Board approved this hire.)

Daniel Carey, Finance Director, will retire effective August 12, 2011. (On April 19 the Board approved this retirement with date to-be-determined.)

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

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

DECREASE INMATE STORE FUND #546:

Line item 546-301-976.000 (Building Additions and Improvements) \$ 1,200.00

INCREASE INMATE STORE FUND #546:

Line item 546-301-931.000 (Equipment Repair and Maintenance) \$ 1,200.00

DECREASE JUVENILE COURTS BUDGET:

Line item 101-149-802.020 (Court Appointed Attorney) \$ 140.00

INCREASE JUVENILE COURTS BUDGET:

Line item 101-149-980.000 (Office Equipment) \$ 140.00

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

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker - 9 half days 5/18 x 2, 5/21, 5/26, 6/1, 6/10, 6/15, 6/16 & 6/17/11 & 1 full day 5/23/11	\$ 545.00
Allen Balog - 7 half days 5/18 x 3, 5/21, 5/26, 6/13 & 6/17/11 & 1 full day 6/15/11	445.00
John Dobberteen - 9 half days 5/18, 5/24, 6/3, 6/8 x 2, 6/10, 6/13, 6/14 & 6/17/11 & 2 full days 5/23 & 6/20/11	640.00
Donald Eaton - 12 half days 4/21, 4/28, 5/10 x 2, 5/11, 5/31, 6/8 x 2, 6/9 x 2, 6/13 & 6/17/11	600.00
Gerald Loudenslager - 6 half days 5/18, 5/24, 5/26, 6/8, 6/10 & 6/17/11 & 2 full days 5/19 & 5/20/11	490.00
Rick Shaffer - 5 half days 5/18, 5/19, 5/29, 6/3 & 6/17/11	250.00
Jerry Ware - 5 half days 5/18, 6/1, 6/3, 6/10 & 6/17/11	<u>250.00</u>
	\$3,220.00

Expenses

Robin Baker	\$ 259.59
Allen Balog	104.04
John Dobberteen	216.24
Donald Eaton	102.00
Gerald Loudenslager	375.30
Rick Shaffer	40.80
Jerry Ware	<u>76.50</u>
	\$1,174.47

It was moved by Commissioner Loudenslager and supported by Commissioner Balog that the per diem and expenses be approved. Motion carried.

Financial Statement

	Revenues	Expenditures
May	\$ 1,127,375	\$ 1,103,434
Year to Date	5,424,036	5,774,074
Period Fund Balance	\$23,941	
Year to Date	(\$350,039)	
Percent of budget year elapsed year to date.		41.67%

Percent of total budgeted funds earned year to date	36.98%
Percent of total budgeted funds expended year to date	39.37%

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the financial statement be accepted. Motion carried.

#### CHAIRMAN'S REPORT

Chairman Shaffer stated that when the assignments were done in January for the various Boards and Committees Commissioner Ware was put on the Executive Committee from January through June and Commissioner Loudenslager was put on from July through December.

Also, after discussion with Commissioner Baker, Chairman Shaffer removed himself from the 9-1-1 Policy Board and will be replaced by Commissioner Baker and he would like a motion approving that appointment.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the Board approve the change on the 9-1-1 Policy Board, removing Chairman Shaffer and appointing Commissioner Baker. Motion carried.

#### CITIZENS' COMMENTS

Mike Stiles, from WBET and a United Way Board Member reported that the radio-a-thon held on May 26th generated \$11,518 surpassing last year's total of \$5,200. He thanked everyone that participated and they are working to make it bigger and better next year.

Mr. Mifsud asked if any attorney in the Dresser Law firm has an association with Trine University and if so it would be a conflict of interest.

Mrs. Shank urged the Commissioners to disregard the Attorney General's opinion that was referred to before by someone. A public vote was on a millage for a specific purpose and does not relate to the matter discussed tonight.

Tim Carls stated that he appreciates knowing the fact that Mr. Csokasy said that he was a graduate of Tri-State University and he also appreciates all the discussion that the Board had tonight regarding Trine because it helps him to write letters.

Dan Lucas recognized the fact that it should be easier for the Board than for him to get legal advice.

#### CLOSED SESSION

It was moved by Commissioner Dobberteen and supported by Commissioner Balog that the Board of Commissioners go into closed session to discuss contract negotiations.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

#### OPEN SESSION

The Board resumed business in open session.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the Board has reviewed the fact finding report on the POAM Correction Officers' Contract and are accepting the recommendation on the health insurance plan change.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Balog, Baker, Ware, Eaton and Dobberteen.

Nay votes cast: 0

Motion carried.

MISCELLANEOUS

Chairman Shaffer stated that he applauds the Finance Committee for all of their work on the Trine subject. He really appreciates all of the time that was involved.

Commissioner Eaton stated that he is glad that they went through this Trine discussion tonight because, in his opinion, we have rudimentary questions answered and there will not be a room full of attorneys and that the people can now see the value or non-value of the content of the proposal. It is set up now for people to make their opinions on the content.

Commissioner Baker congratulated Bob Brewer for becoming Constantine Village's Citizen of the Year.

Ms. West-Wing stated that P.A. 54 of 2011 became effective June 8, 2011 which affects public employees. If a labor contract is not settled then the employer cannot give retroactive pay and step increases cease until the contract is signed. Also, the increases in the health insurance premiums must be paid fully by the employees therefore she believes that this will help in settling contracts before they expire.

ADJOURNMENT

It was moved by Commissioner Balog and supported by Commissioner Ware that the St. Joseph County Board of Commissioners be adjourned until July 5, 2011 at 5:00 p.m. Motion carried.

-----  
Pattie S. Bender, County Clerk

-----  
Rick Shaffer, Chairman