

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 August 16, 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, Joni Smith, Finance Director and Elishia Arver, Human Resources Director.

#### AGENDA

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

#### MINUTES APPROVED

It was moved by Commissioner Dobberteen and supported by Commissioner Ware that the minutes for August 2, 2011 be approved. Motion carried.

#### COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Update, August 12, 2011.
2. Letter from President Earl Brooks, Trine University, Re: Trine will begin negotiations with other communities regarding economic development.
3. Letter from Representative Matt Lori, Re: Response from Attorney General's Office regarding Trine University's proposal.
4. Letter from President Gary Wheeler, Glen Oaks Community College, Re: Economic development and resources are available at Glen Oaks.
5. Letter from District Coordinator Brad Neumann, MSU Extension, Re: Economic resources are available at Michigan State University.
6. Minutes of the Commission on Aging Board meeting of July 20, 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

Vincent Mifsud, 24785 Sauger Lake Road, Sturgis suggested that maybe the speakers in the Commission Room could be lowered because it is hard to hear farther back in the room.

Rebecca Shank, 12302 Corey Lake Road, Three Rivers stated that there were several comments against the combination of the County Clerk and Register of Deeds Offices at the first hearing and she is opposed to it too.

#### REQUEST TO FILL VACANT FRIEND OF THE COURT POSITION(S)

A request has been received from the Friend of the Court to fill a vacant Secretary's position. He anticipates that the above position will be filled internally and is requesting that if that happens then that position be filled as well.

It was moved by Commissioner Dobberteen and supported by Commissioner Balog that the request from the Friend of the Court be approved. Motion carried.

COMBINATION OF REGISTER OF DEEDS AND COUNTY CLERK

Commissioner Loudenslager read the following resolution:

RESOLUTION 13 - 2011

Combination of the Register of Deeds and County Clerk

WHEREAS, Article 7, Section 4 of the Michigan Constitution of 1963 provides that the Board of Commissioners may combine the offices of county clerk and register of deeds in one office; and

WHEREAS, it is understood that this combination cannot become effective until the next election; and

WHEREAS, the Board of Commissioners is required to hold at least one public hearing and in the interest of open government, two public hearings were held on July 19, 2011 and August 3, 2011; and

WHEREAS, the County Board of Commissioners must act not less than ten (10) days nor more than (30) days after the public hearing; and

WHEREAS, the decision must be held not later than the sixth (6th) Tuesday before the deadline for filing the nominating petitions for the office of county clerk, register of deeds, or clerk/register; and

WHEREAS, the Board of Commissioners wish to approve this measure far in advance of the deadline of April 3, 2012 for the purposes of collaborating with existing staff to ensure success; and

WHEREAS, the merging of the offices requires a vote of two-thirds (2/3's) of the Commissioners; and

WHEREAS, the Board of Commissioners recognizes the high performance level of both sitting elected officers and wishes to continue to provide a high level of service at an efficient cost;

NOW, THEREFORE, BE IT RESOLVED, that the St. Joseph County Board of Commissioners hereby approves the combination of the Register of Deeds and County Clerk position, which will become effective during the next regularly scheduled election for these officers.

It was moved by Commissioner Loudenslager and supported by Commissioner Dobberteen 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.

CONSTITUTION WEEK

RESOLUTION NO. 14-2011

Commissioner Loudenslager read the following resolution:

WHEREAS, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, September 17, 2011 marks the two hundred twenty-fourth anniversary of the adoption of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, BE IT RESOLVED, that the St. Joseph County Board of Commissioners hereby proclaims the week of September 17 through 23 as "Constitution Week" and asks our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

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.

Chairman Loudenslager presented the resolution to Rebecca Shank who was very grateful.

#### PATRIOT'S DAY - SEPTEMBER 11, 2011

#### RESOLUTION 14-2011

Commissioner Loudenslager read the following resolution:

WHEREAS, on September 11, 2001, America was attacked by cowardly al-Qaeda terrorists when they crashed two hijacked civilian aircrafts into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington, D.C.; and

WHEREAS, only the heroic efforts of the passengers and crew of United Flight 93 flying over Pennsylvania prevented a fourth aircraft from being used as a weapon; and

WHEREAS, nearly three thousand innocent people lost their lives as a result of the terrorist attacks; and

WHEREAS, many more people would have lost their lives if not for the countless first responders and ordinary citizens, who without thought of self, but rather concern for their fellow man, rushed into burning buildings in order to rescue the victims of the terrorists attacks; and

WHEREAS, in September of 2002, President George W. Bush designated September 11<sup>th</sup> as Patriot's Day in order to remember and honor those who perished in the terrorist attacks of September 11, 2001, to not forget how Americans responded in New York City, at the Pentagon, and in the skies over Pennsylvania -- with heroism and selflessness; with compassion and courage; and with prayer and hope, and to always remember our collective obligation to ensure that justice is done, that freedom prevails, and that the principles upon which our Nation was founded endure; and

WHEREAS, in honor of that first Patriot's Day, the citizens of St. Joseph County gathered at the St. Joseph County Fairgrounds on September 11, 2002, to remember and honor not only the events of September 11, 2001, but also to honor and thank our local first responders, law enforcement, military personnel and veterans for their tireless and selfless service to our County and Country; and

WHEREAS, the passage of ten years has not diminished the pain caused by the senseless events of September 11, 2011, nor the importance of remembering and honoring those who have sacrificed to make our County and Country safe;

NOW, THEREFORE BE IT RESOLVED, that the St. Joseph County Board of Commissioners:

(1) proclaims September 11, 2011, to be PATRIOT'S DAY;

(2) remembers and mourns those who lost their lives on September 11, 2001;

- (3) extends its deepest gratitude to military, intelligence, and homeland security personnel serving both at home and abroad in the global war on terrorism and for the sacrifices of their families and loved ones;
- (4) reaffirms that the citizens of St. Joseph County will never forget the tragedy of September 11, 2001, and the loss of innocent lives that day, and will continue to do their part in the war on terrorism;
- (5) extends its endless thanks to all County first responders, law enforcement, military personnel and veterans for their service and sacrifice to our County and its citizens;
- (6) invites and encourages all citizens of St. Joseph County to gather at the St. Joseph County Fairgrounds on Patriot's Day for the Day of Remembrance Ceremony being hosted by the St. Joseph County United Way;

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to the St. Joseph County United Way as a sign of appreciation for their sponsorship of their Day of Remembrance Ceremony.

It was moved by Commissioner Loudenslager and supported by Commissioner Dobberteen 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.

Commissioner Loudenslager presented the resolution to Kelly Hostetler, Executive Director of the St. Joseph County United Way.

Ms. Hostetler thanked the Board for adopting the resolution and stated that there will be a Day of Remembrance at the Fairgrounds on September 11th from 2-5 p.m. It will begin with a family picnic at 2:00 p.m. on the inside of the racetrack. The food for the program is being paid for by W.E. English Insurance and Donald Eaton. The program will begin at 3:00 p.m. and will feature Senator Bruce Caswell as the speaker and Judge Jeffery Middleton as Master of Ceremonies. The focus is on rebuilding America. All of the County's 4th Graders will be invited to attend and will be given a red t-shirt and asked to walk the track. She said that the 4th Graders were selected because they were not born yet on September 11, 2001. All the 4th grade teachers in the County plan to convey to their students the significance of September 11, 2001 and how it will forever be an important part of American history. She added that she has received clearance from the Pentagon and a flyover will take place during the event. She said that everyone is invited to attend.

Commissioner Balog thanked Ms. Hostetler and the United Way for spearheading the event. Ms. Hostetler also remarked that the event will focus on thanking people who serve as police officers, firemen, EMTs and Veterans.

#### NOMINATIONS/APPOINTMENTS

##### Solid Waste Management Planning Committee

It was moved by Commissioner Dobberteen and supported by Commissioner Eaton that John Smits, Glenn Nissley, Frank Kalasky, Mary Conklin-Craaybeek and Carol Higgins be reappointed to the Solid Waste Management Planning Committee for 2 year terms expiring September 1, 2013. Motion carried.

#### COMMITTEE REPORTS

##### Law Enforcement

Commissioner Loudenslager stated that there was no report.

Judiciary

Commissioner Loudenslager stated that everyone has a copy of the minutes of the last meeting held on August 10th and could answer any questions that anyone may have.

Physical Resources

Commissioner Ware stated that the committee had not met.

Executive Committee

Commissioner Dobberteen stated that everyone has a copy of the meeting held on August 12, 2011 and he would answer any questions that anyone may have.

PERSONNEL COMMITTEE

Ms. West-Wing presented the following report:

RESIGNATIONS:

Betty Powell, COA In-home Services Aide, has resigned effective July 29, 2011.

Gloria Whitmore, COA In-home Services Aide, has resigned effective July 18, 2011.

Darlene Alexandersen, Friend of the Court Secretary, has resigned effective August 19, 2011.

MISCELLANEOUS:

Vilma Taylor, Deputy District Court Clerk, is on family leave commencing July 18, 2011 under the Family and Medical Leave Act of 1993.

NEW HIRE:

Jonathan C. Marcus has been hired as District Court Probation Officer at \$36,729.00 (Rye system, grade 7, minimum) effective September 13, 2011.

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

REQUISITION

Ms. West-Wing presented the following report:

One Maytag upright freezer 15.8 cubic feet for Day Treatment Center	\$ 449.00
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It was moved by Commissioner Loudenslager and supported by Commissioner Ware that the requisition be approved. Motion carried.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

DECREASE CHILD CARE'S BUDGET:

Line item 101-662-816.000 (Contractual Services)	\$ 200.00
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INCREASE CHILD CARE'S BUDGET:

Line item 101-662-712.000 (Wages - Overtime)	\$ 185.00
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Line item 101-662-715.000 (FICA)	<u>15.00</u>
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	\$ 200.00
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DECREASE TRUST & AGENCY FUND #701:

Line item 701-430-265.000 (Forfeited Bonds) \$ 9,875.00

INCREASE ANIMAL CONTROL'S BUDGET:

Line item 101-430-707.000 (Wages – Part time) \$ 9,000.00

Line item 101-430-715.000 (FICA) 690.00

Line item 101-430-716.100 (Worker's Compensation) 185.00

\$ 9,875.00

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

FINANCE DIRECTOR'S REPORT

Mrs. Smith gave the following report:

Per Diem

Robin Baker - 7 half days 7/20 x 2, 7/26, 7/28 x 2, 7/29 & 8/11/11 & 1 full day 7/26/11	\$ 445.00
Allen Balog - 10 half days 7/20, 7/26, 7/27, 7/28 x 2, 7/29, 8/9 x 2, 8/10 & 8/12/11	500.00
John Dobberteen - 7 half days 7/26 x 2, 7/29, 8/1, 8/2, 8/6 & 8/12/11 & 1 full day 7/25/11	445.00
Don Eaton - 6 half days 7/6, 7/20, 7/26, 7/27, 8/10 & 8/12/11	300.00
Gerald Loudenslager - 12 half days 7/26 x 2, 7/27, 7/28, 7/29, 8/8, 8/9 x 2, 8/10, 8/12, 8/13 & 8/15/11 & 1 full day 8/16/11	695.00
Jerry Ware - 3 half days 7/26, 7/27 & 8/3/11	<u>150.00</u>

\$2,535.00

Expenses

Robin Baker	\$ 191.48
Allen Balog	66.60
John Dobberteen	154.29
Don Eaton	56.06
Gerald Loudenslager	124.88
Jerry Ware	<u>49.95</u>

\$ 643.26

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

Financial Statements

	Revenues	Expenditures
July	\$ 1,307,917	\$ 1,091,250
Year to Date	7,863,989	7,968,363
Period Fund Balance	\$216,668	
Year to Date	(\$104,374)	

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the financial statements be accepted and placed on file. Motion carried.

CHAIRMAN'S REPORT

Chairman Shaffer stated that he wanted to thank each Commissioner for the recent discussions including the public forum and public hearing on economic development.

He was reminded by what Commissioner Dobberteen said at a work session some 10 months ago that the County needs to do more for economic development. The Board was challenged and he believes significant strides were made.

A few months ago Commissioner Eaton brought to everyone's attention the significant blight areas within St. Joseph County that are related to quality of life.

Over the last 6 months Chairman Shaffer stated that he believes that the best part of all the discussions have been the opportunity that they gave to the community to become energized and to express their thoughts and he thanked the community for their participation.

Chairman Shaffer said that when Trine was no longer in the equation he talked to each Commissioner and all of them believe that the community deserves that the Board continue to discuss economic development. The Finance Committee will continue to look at options.

Chairman Shaffer went on to say that this is the beginning of Chapter 2 and there will be no preconceived ideas as they move forward in continuing to discuss economic development opportunities. Michigan State University Extension, Western Michigan University and Glen Oaks Community College have offered their assistance in the economic development area.

Chairman Shaffer stated that he believes that there will be an even firmer bond with the Economic Development Corporation; continuing to say that there is a wealth of talent on the Board of Commissioners, the EDC and in the community.

Commissioner Balog complimented Chairman Shaffer on his reflections.

#### CLOSED SESSION

It was moved by Commissioner Dobberteen and supported by Commissioner Balog that the Board go into closed session to discuss union 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.

#### WORK SESSION

Chairman Shaffer reminded everyone of the work session scheduled for Tuesday, August 23, 2011 at 3:00 p.m. with Attorney David Stoker.

#### ADJOURNMENT

It was moved by Commissioner Loudenslager and supported by Commissioner Balog that the St. Joseph County Board of Commissioners adjourn until September 6, 2011. Motion carried.

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Pattie S. Bender, County Clerk

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Rick Shaffer, Chairman