

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 18, 2009, at 5:00 p.m.

Chairman John L. Dobberteen called the meeting to order.

The Invocation was given by Commissioner Shaffer.

The Pledge to the American Flag was given.

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

Michael D. Dunlap  
Jerry Ware  
John L. Dobberteen

Robin Baker  
David J. Pueschel

Absent: Rick Shaffer and Gerald E. Loudenslager

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

#### AGENDA

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

#### MINUTES APPROVED

It was moved by Commissioner Dunlap and supported by Commissioner Baker that the minutes for August 4, 2009 be approved. Motion carried.

#### COMMUNICATIONS

1. Resolution from Lake County, Re: Urging legislators to delete the boilerplate language introduced in the Senate Appropriations Subcommittee for Community Health and adopted as Senate Substitute for HB 4436.
2. Resolution from Oceana County, Re: Support of House Bills 4785 and 4786 (expanding unemployment benefits for workers in training programs and those seeking part-time employment.)
3. Minutes of the Department of Human Services Board meeting of June 23, 2009.
4. Minutes of the Commission on Aging Board meeting of July 15, 2009.

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

Commissioner Shaffer was present at this time.

#### INVESTIGATOR OF THE YEAR AWARD

John McDonough, Prosecuting Attorney, stated that he is establishing an Investigator of the Year Award. He stated that the first recipient, from the State Police, is Detective Sergeant Mike Scott. Mr. McDonough stated that Det. Sgt. Scott is not receiving this award for his investigative work this year but for all of the years of his service. He further stated that Mr. Scott exemplifies the utmost grace and class as he carries out his duties. He is involved in almost all cases in which the State Police are involved.

Mr. McDonough went on to say that this award is to give credit to the Law Enforcement Community that we have in St. Joseph County. There is a plaque that will be in the Prosecutor's Office with a name added every year and a plaque will also be presented to the recipient every year. The award will be called the Mike Scott Investigator of the Year Award.

All present in the room including many law enforcement officers, many from the Prosecutor's Office, Judge Middleton and Mr. Scott's family gave Mr. Scott a standing ovation when presented the award.

#### COOPERATIVE REIMBURSEMENT AGREEMENT - FRIEND OF THE COURT

Ms. West-Wing stated that this is an annual agreement with the federal government that covers 66% of the net expenses of the Friend of the Court Office which is approximately \$594,000.00.

It was moved by Commissioner Dunlap and supported by Commissioner Baker that the Cooperative Reimbursement Agreement for the Friend of the Court be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Loudenslager.

Motion carried.

#### REQUEST TO CONTINUE WITH SENIOR PROBATION OFFICER

Judge Middleton stated that he received approval from the Board at the last meeting to replace two vacant Probation Officer positions. Now he is requesting that the remaining Probation Officer, Robert Sabatini, be elevated to Senior Probation Officer.

There will be 2 new probation officers and Mr. Sabatini will be supervising and training both of them. He will also be taking night calls. In addition, he will also be supervising other staff as well. Mr. Sabatini has been here 25 years and they will be relying on him to train the new probation officers.

It was moved by Commissioner Pueschel and supported by Commissioner Baker that the request to re-classify Robert Sabatini as the Senior Probation Officer in District Court be approved. Motion carried.

#### COUNTY FAIR LIABILITY

Ms. West-Wing explained that it has come to her attention that when our Sheriff's Department Officers are working at the fair in their brown uniforms and being paid by the fair board that because they are in our uniforms that they fall under our liability insurance and not the fair's. The County's deductible for each claim is \$75,000.00. The fair board has been asked to pay for insurance that would pay the County's deductible for each claim. That would cost the fair approximately \$7,500 (\$149/officer x 50) and stated that that was too expensive.

William Johnson, Fair Manager, was present and thanked the Board for allowing him to be there. He stated that this year's fair is a 158 year family tradition. They take pride in the fact that it is a safe fair and they attribute that to them being proactive rather than reactive. It is a deterrent to crime just to have officers in uniform on the fairgrounds. We have no gangs here and no metal detectors that other fairs have had to institute.

The State has cut \$43,000 this year to the fair and they are in challenging times. They have always had a great relationship with the County and there has never been a claim with an officer. He is asking that the County continue doing business as we have in the past. They really believe that they need uniforms on the grounds. They have streamlined their operations and have eliminated some officers on the grounds, now using a skeleton crew.

Most of the officers on the grounds are reserves, posse, ATV crew and do not have arrest powers. If there were an incident and a certified officer was not working on the grounds, a Centreville officer would be called to take the complaint.

Sheriff Balk added that he agrees with Mr. Johnson that the officers make it safe there and security is great.

After much discussion back and forth with various suggestions being made by the County, from using 'Fair Security' shirts to them hiring a private security firm, it was moved by Commissioner Dunlap and supported by Commissioner Baker that in order to have the officers in County uniforms at the fair, the fair board will have to pay insurance covering the County's deductible for each claim that would be made.

The aye and nay vote was called as follows:

Aye votes cast: 5 - Commissioners Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 1 - Commissioner Shaffer.

Absent: 1 - Commissioner Loudenslager.

Motion carried.

RESOLUTION NO. 13-2009  
LONG LAKE  
LAKE LEVEL RESOLUTION  
PURSUANT TO MCL 324.30701 et seq

Ms. West-Wing stated that the County Drain Commissioner, Jeffery Wenzel, is asking the Board to adopt the Long Lake Resolution and the special assessment attached.

**WHEREAS**, on May 22, 1952, a normal lake level for Long Lake was established under the Inland Lake Level Act, formerly Act 146 of the Public Acts of 1961; and

**WHEREAS**, the St. Joseph County Circuit Court established and confirmed the boundaries of a special assessment district for the lake level of Long Lake on June 23, 1983; and

**WHEREAS**, the St. Joseph County Drain Commissioner serves as delegated authority and has prepared a computation of costs pursuant to MCL 324.30712 and has prepared a special assessment roll pursuant to MCL 324.30714; and

**WHEREAS**, the St. Joseph County Drain Commissioner, upon proper notice, held a hearing to review the project costs and the special assessment roll pursuant to MCL 324.30714(2), and after such hearing approved the cost of the project and the special assessment roll; and

**WHEREAS**, the Board has reviewed the project cost and the special assessment roll prepared by the Drain Commissioner.

**NOW, THEREFORE BE IT RESOLVED:**

1. The Board hereby approves the project cost and special assessment roll prepared by the Drain Commissioner.
2. The Board hereby directs the Drain Commissioner to levy special assessments for the cost of the project consistent with MCL 327.30701, *et seq.*, after the expiration of the appeal period.

Chairman Dobberteen asked if the County and Township were assessed and Ms. West-Wing's response was no.

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

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Dunlap, Baker, Ware, Pueschel and Dobberteen.

Nay votes cast: 0

Absent: 1 - Commissioner Loudenslager.

Resolution adopted.

## COMMITTEE REPORTS

### Law Enforcement

Commissioner Baker stated that the Law Enforcement Committee had not met.

### Judiciary

Commissioner Dunlap stated that the Judiciary Committee had not met.

### Physical Resources

Commissioner Dunlap stated that the Physical Resources Committee had not met.

### Executive Committee

The Executive Committee met on August 14, 2009 and everyone has received a copy of the minutes. Commissioner Ware asked about the potential contracting with Dr. Greene to provide mental health coverage in addition to her current medical services at the jail. Dr. Greene would charge a monthly fee and in the first six months would establish policy and procedures and provide trainings. Then the fee would decrease. She is currently working with her malpractice insurance provider to get a cost for that additional coverage.

Commissioner Ware asked how many inmates would be affected per week or per month.

Ms. West-Wing stated that you never know how many will be affected. Dr. Green would maintain the inmate while in our jail and her purpose is not to provide long term treatment. CMH may need to get involved in treating the inmate when released from jail.

CMH Executive Director, Liz O'Dell, was going to provide jail services for a price but has since had to retract some things that they were going to provide.

Commissioner Ware believes that it is more prudent to provide services at a cost per patient and the former Community Mental Health Director used a psychiatrist to evaluate patients on an on-call basis. He will contact the psychiatrist to get in touch with Ms. West-Wing if he is interested.

## WEBSITE

Chairman Dobberteen stated that the Website Committee met today and minutes will be presented by the next meeting.

## PERSONNEL REPORT

Ms. West-Wing presented the following report:

### MISCELLANEOUS:

Andrew Stienbarger, Corrections Officer, is on medical leave commencing August 10, 2009 under the Family and Medical Leave Act of 1993.

Cheri Bouterse, Deputy Drain Commissioner, is on intermittent medical leave commencing July 31, 2009 under the Family and Medical Leave Act of 1993.

James Jacobs, Juvenile Division Caseworker, is on medical leave commencing August 12, 2009 under the Family and Medical Leave Act of 1993.

### RESIGNATION:

Cheri Bouterse, Deputy Drain Commissioner, has resigned effective August 28, 2009.

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

BUDGET AMENDMENTS:

DECREASE REVENUES COUNTY SURVEY & REMONUMENTATION FUND #247:

Line item 247-225-578.000 \$41,230.00

DECREASE EXPENDITURES:

Line item 247-225-848.000 \$ 2,520.00

Line item 247-225-848.010 4,680.00

Line item 247-225-848.011 31,775.00

Line item 247-225-848.021 1,580.00

Line item 247-225-999.000 1,300.00

\$41,855.00

INCREASE EXPENDITURES:

Line item 247-225-848.020 \$ 25.00

Line item 247-225-848.041 600.00

\$ 625.00

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

CHAIRMAN'S REPORT

Chairman Dobberteen stated that he and Commissioners Baker and Loudenslager attended the MAC Conference, just returning today and the State-wide financial picture is bleak.

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker - 4 half days 7/22, 7/23, 7/31 & 8/14/09 & 4 full days 7/22, 8/16, 8/17 and 8/18/09 \$ 580.00

John Dobberteen - 6 half days 7/23, 7/28, 7/31, 8/4, 8/14 & 8/18/09 & 3 full days 8/16, 8/17 and 8/18/09 585.00

Michael Dunlap - 5 half days 7/23, 7/30, 8/5, 8/11 & 8/14/09 & 1 full day 7/31/09 345.00

David Pueschel - 4 half days 7/23, 7/28, 7/31 & 8/14/09 200.00

Jerry Ware - 1 half day 8/5/09 50.00

\$1,760.00

Expenses

Robin Baker \$ 141.40

John Dobberteen 430.12

Michael Dunlap 74.80

David Pueschel 26.40

Jerry Ware 16.50

\$ 689.22

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

Financial Statement

	Revenues	Expenditures
July	\$ 1,348,857	\$ 1,227,774
Year to Date	8,115,304	7,924,376

Period Fund Balance	\$121,083.00
Year to Date	190,928.00

Percent of budget year elapsed year to date.	58.33%
Percent of total budgeted funds earned year to date	54.93%
Percent of total budgeted funds expended year to date	53.63%

It was moved by Commissioner Baker and supported by Commissioner Dunlap that the financial statements be approved. Motion carried.

ADJOURNMENT

It was moved by Commissioner Shaffer and supported by Commissioner Dunlap that the St. Joseph County Board of Commissioners adjourn until September 1, 2009 at 5:00 p.m. Motion carried.

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Pattie S. Bender, County Clerk

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John L. Dobberteen, Chairman