

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, 2015, at 4:00 p.m.

Chairman Dobberteen called the meeting to order.

The Invocation was given by Commissioner Shaffer.

The Pledge to the American Flag was given.

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

Allen J. Balog	Donald Eaton
Rick Shaffer	Robin Baker
John L. Dobberteen	

Also present: Pat Yoder, Administrator/Controller, Teresa Doehring, Human Resources Director, and Joni Smith, Finance Director.

AGENDA

Commissioner Dobberteen requested that three items be added to the agenda: a motion to ratify the action taken on August 4, 2015; a resolution to rescind rules of procedure; and a resolution to adopt a policy for telephonic meeting participation.

It was moved by Commissioner Balog and seconded by Commissioner Eaton that the agenda be approved as amended. Motion carried.

MINUTES APPROVED

It was moved by Commissioner Balog and seconded by Commissioner Eaton that the minutes for August 4, 2015 be approved as presented. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Public Service Commission, Re: Notice of public hearing on September 9 and 10, 2015 to reconcile Indiana Michigan Power Company's renewable energy plan surcharge revenues and implement its Energy Optimization Plan.
2. Minutes of the Animal Control Advisory Board meeting of April 15 and June 17, 2015.
3. Minutes of the Commission on Aging Board meeting of July 15, 2015.
4. Newsletter from the St. Joseph River Basin Commission – Summer 2015.

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

CITIZENS' COMMENT

There were no citizen comments.

MOTION TO RATIFY ACTION

It was moved by Commissioner Eaton and seconded by Commissioner Shaffer to approve and ratify the action taken at the August 4, 2015 meeting of the St. Joseph County Board of Commissioners, whereby the Board of Commissioners voted to proceed with the removal proceedings against certain members of the St. Joseph County Community Mental Health Board and the County Administrator was authorized and directed to proceed with the mailing of a written statement of reasons for removal and notice of the time and place where such board

members shall be given an opportunity to be heard on the removal, in accordance with MCL 330.1224. Motion carried 5-0 upon roll call vote.

RESOLUTION TO RESCIND RULES OF PROCEDURE ADOPTED SEPTEMBER 7, 2004

RESOLUTION 15-2015

WHEREAS, the St. Joseph County Board of Commissioners adopted “Rules of Procedure” on September 7, 2004 “for the conduct of all removal proceedings by the St. Joseph County Board of Commissioners under MCL 46.11(n) or any other statutory provision authorizing the removal of an officer” and;

WHEREAS, the Board of Commissioners has determined that certain of the procedures are contrary to law and that it would be in the best interest of St. Joseph County to rescind such “Rules of Procedure.”

NOW, THEREFORE, BE IT RESOLVED that: The “Rules of Procedure” adopted by the Board of Commissioners on September 7, 2004 shall be, and hereby are, rescinded.

It was moved by Commissioner Eaton and seconded by Commissioner Balog to adopt the resolution rescinding the rules of procedure that were adopted on September 7, 2004. Motion carried 5-0 upon roll call vote.

RESOLUTION TO ADOPT A POLICY PERMITTING TELEPHONIC MEETING PARTICIPATION

RESOLUTION 16-2015

WHEREAS, municipalities are permitted to adopt rules and procedures that permit appointed and elected members of board, commissions and committees to attend, participate and vote at open and closed public meetings through the use of telephone conference calls or other electronic means;

WHEREAS, the St. Joseph County Board of Commissioners finds that it is in the public interest to adopt a set of rules and procedures that allow appointed and elected members of County boards, commissions and committees to attend, participate in, and vote at open and closed public meetings through the use of telephone conference calls or other electronic means (i.e., video or audio conference); and

WHEREAS, the following Rules and Procedures for Telephonic Meeting Participation are proposed for adoption by the Board of Commissioners:

RULES AND PROCEDURES FOR TELEPHONIC MEETING PARTICIPATION

1. The definitions of the terms “meeting,” “public body,” “quorum,” or any other defined term used in these Rules and Procedures, shall have the same definitions as contained in the Open Meetings Act, MCL 15.261 et. Seq.
2. County boards, commissions, and committees must comply with all applicable requirements of the Open Meetings Act.
3. County boards, commissions, and committees are prohibited from establishing a quorum to conduct business at an open or closed meeting through the attendance of board members by the use of telephone conference calls or other electronic means. A quorum of members of a County board, commission, or committee must be physically present at the location of an open or closed meeting.
4. County officials who wish to attend a meeting electronically must give notice before the commencement of the meeting to the County Clerk or County Administrator, unless advance notice is impractical.
5. Meeting minutes must reflect whether a member is present physically or electronically, regardless of whether any members are attending through the use of a telephone conference call or other electronic means.
6. Provided that the audio, telephone, or video conference connection allows the voice of an absent member to be clearly heard by the attendees of the meeting (including the public) and the absent member can clearly hear the voices of the attendees who participate in the meeting, a member of a County board, committee, or commission may attend, participate, and vote at an open or closed meeting through the use of a telephone conference call or other electronic means if the member is prevented from physically attending because of: (a) a personal illness or disability, (b) employment purposes or the business of the public body, or (c) a family or other emergency.
7. Where one or more members of a County board, committee, or commission is attending the meeting by use of a telephone conference call or other electronic means, the presiding officer shall, immediately after convening the meeting, announce to the public which member is attending the meeting by use of a

telephone conference call or other electronic means, identify the method of attendance and the reason why the absent member is participating by such means.

8. If the presiding officer attends the meeting through the use of a telephone conference call or other electronic means, he or she shall not be required to vacate the chair and may act in his or capacity as the presiding officer for the purposes of the meeting despite not being physically present.
9. The voice of the absent member participating by telephone conference call or other electronic means, after being identified by the other County board, committee, and commission members as belonging to the absent member, shall be simultaneously broadcast to the public present as the meeting so that his or her voice can be heard, and the member shall also be able to hear any discussions of the other members and public comment regarding any issue discussed at the meeting before a vote is taken.
10. These Rules and Procedures shall be in full force and effect from and after their adoption and approval by the St. Joseph County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that: The foregoing Rules and Procedures for the Telephonic Meeting Participation shall be, and hereby are, adopted and approved by the St. Joseph County Board of Commissioners.

It was moved by Commissioner Shaffer and seconded by Commissioner Eaton to adopt the resolution permitting telephonic meeting participation and waive second reading. Discussion included that a quorum would still be present in person and that people needed to be able to hear the telephone participants. Discussion also included that the recommendation was still to be present in person if able. Motion carried 4-1 upon roll call vote with Commissioner Baker dissenting.

CMH – REMOVAL OF BOARD MEMBERS DISCUSSION

John Gretzinger with Mika Meyers Beckett & Jones spoke on behalf of Gaylene Adams, Barbara Parker, and Larry Walton. He read a prepared statement commenting on his disagreement with the potential removal action. He requested that the Commissioners delay the process until after a judge had a chance to consider the declaratory motion filed against the County.

It was moved by Commissioner Baker to postpone a decision until the declaratory motion was decided. The motion failed for lack of second.

It was moved by Commissioner Eaton and seconded by Commissioner Shaffer to remove Gaylene Adams from the Community Mental Health Board. Motion carried 4-1 upon roll call vote with Commissioner Baker dissenting.

It was moved by Commissioner Eaton and seconded by Commissioner Shaffer to remove Barbara Parker from the Community Mental Health Board. Motion carried 4-1 upon roll call vote with Commissioner Baker dissenting.

It was moved by Commissioner Eaton and seconded by Commissioner Shaffer to remove Larry Walton from the Community Mental Health Board. Motion carried 4-1 upon roll call vote with Commissioner Baker dissenting.

2015 EMERGENCY MANAGEMENT GRANT AGREEMENT

It was moved by Commissioner Balog and seconded by Commissioner Baker to approve the grant agreement. Motion carried 5-0 upon roll call vote.

STURGIS TOWNSHIP – ESTABLISH A COMMERCIAL REHABILITATION DISTRICT

Cathy Knapp with Southwest Michigan First noted that PKG LLC was planning a \$350,000 project to expand their business, and the commercial rehabilitation district was part of the plan to make the project possible. She noted that Sturgis Township had adopted a resolution approving the district.

It was moved by Commissioner Eaton and seconded by Commissioner Shaffer to accept the resolution approving the commercial rehabilitation district. Motion carried 5-0 upon roll call vote.

REQUEST FOR OUT-OF-STATE TRAVEL FROM SHERIFF'S DEPARTMENT

Ms. Doehring noted that there were three Sheriff's employees that were requesting to attend training for behavioral health.

It was moved by Commissioner Baker and seconded by Commissioner Eaton to approve the request for out-of-state travel. Motion carried.

REQUEST TO FILL VACANT POSITIONS FOR PROSECUTING ATTORNEY'S OFFICE

Ms. Doehring explained that because of an opening, the Prosecuting Attorney's Office was requesting to fill a vacancy of chief assistant prosecuting attorney internally, the vacancy for assistant prosecuting attorney (APA) II position that would result, and the vacancy for APA I that would result.

It was moved by Commissioner Shaffer and seconded by Commissioner Eaton to approve the requests to fill the vacancies. Motion carried.

NOMINATIONS AND APPOINTMENTS

It was moved by Commissioner Eaton and seconded by Commissioner Baker to appoint Allen Balog, Kelly Presta, Mark Robinson, and Richard Anderson with terms expiring September 30, 2017, and Jim Finan with a term expiring September 30, 2016 to the Workforce Development Board. Motion carried.

It was moved by Commissioner Eaton and seconded by Commissioner Shaffer to appoint Diana DeGraaf and Ruth Perry with terms expiring August 31, 2021 to the Building Authority Board. Motion carried.

It was moved by Commissioner Shaffer and seconded by Commissioner Eaton to appoint John Smits, Glenn Nissley, Frank Kalasky, Mary Conklin-Craaybeek, Carol Higgins, and Mark Ripplinger with terms expiring September 1, 2017 to the Solid Waste Management Planning Committee. Motion carried.

ADMINISTRATOR'S REPORT

Mr. Yoder had nothing further to report.

PERSONNEL REPORT

Mrs. Doehring presented the following report:

Erin Harrington, Assistant Prosecuting Attorney II, to Chief Assistant Prosecuting Attorney at \$68,516.63/yr. (Nottley system, grade 13, step 4) effective August 18, 2015.

Joshua Robare, Assistant Prosecuting Attorney I, to Assistant Prosecuting Attorney II at \$57,144.40/yr. (Nottley system, grade 12, step 1) effective August 18, 2015.

Jeremy Von Eitzen, Assistant Prosecuting Attorney I, change rate of pay to \$51,518.54/yr. (Nottley system, grade 9, step 5) effective August 18, 2015.

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

FINANCE DIRECTOR'S REPORTS

Ms. Smith presented the following reports:

Budget Amendments

ECONOMIC DEVELOPMENT CORPORATION REQUESTS APPROVED 8/04/15

GENERAL FUND:

Increase EDC Appropriation (101-728-965.150)	\$ 130,000.00
Increase Budgeted Use of Fund Balance (101-390-676.000)	130,000.00

EDC FUND:

Increase Miscellaneous Revenue (244-728-696.000)	\$ 100,000.00
Increase Miscellaneous Appropriations (244-728-965.020)	100,000.00
Note: Three Rivers DDA Funding	
Increase Miscellaneous Revenue (244-728-696.000)	\$ 30,000.00
Increase Professional Services (244-728-802.130)	30,000.00
Note: St. Joseph County Medical Clinic Grant Writer	

COUNTY FACILITIES MAINTENANCE FUND:

Increase Building Additions and Improvements (406-253-976.000)	\$ 532,000.00
Decrease Contingency (406-253-941.000)	532,000.00
Note: Tuckpointing (\$102,000 was already budgeted)	

GENERAL FUND:

Increase Clerk’s Furniture and Fixtures (101-215-978.000)	\$ 3,700.00
Increase Budgeted Use of Fund Balance (101-390-676.000)	3,700.00
Note: Oswald’s new furniture	

COUNTY FACILITIES MAINTENANCE FUND:

Increase Building Additions & Improvements (406-253-976.000)	\$ 4,000.00
Decrease Contingency (406-253-941.000)	4,000.00
Note: Juvenile Day Treatment new flooring	

COUNTY FACILITIES MAINTENANCE FUND:

Increase Land Improvements (406-253-974.000)	\$ 8,500.00
Decrease Contingency (406-253-941.000)	8,500.00
Note: Cement work at Sheriff’s Department	

It was moved by Commissioner Eaton and seconded by Commissioner Shaffer that the budget amendments be approved as presented. Discussion included that Commissioner Baker would not approve because of the \$30,000 for the medical clinic grant writer. Motion carried 4-1 with Commissioner Baker dissenting.

Per Diem and Expenses

Robin Baker – 6 half days 7/22, 7/23, 7/27, 7/30, 8/5, 8/6	\$ 300.00
Allen Balog – 7 half days 7/23, 7/27, 7/30 x3, 8/3, 8/11	\$ 350.00
Rick Shaffer – 18 half days 6/17, 6/18, 6/24, 6/30, 7/1, 7/9, 7/14, 7/15, 7/16, 7/21, 7/27, 7/29, 8/5, 8/6 x2, 8/10, 8/13, 8/15, 1 full day 6/22	\$ 995.00
	\$1,645.00
Robin Baker Expenses	\$ 66.70
Allen Balog Expenses	\$ 37.38
Rick Shaffer Expenses	\$ 276.58
	\$ 380.66

It was moved by Commissioner Baker and seconded by Commissioner Eaton that the per diem and expenses be approved for payment. Motion carried.

Financial Statement

	Revenues	Expenditures
Year to Date – July 31, 2015	\$ 9,222,401.86	\$ 10,020,433.82
Available Balance	\$ 9,987,792.14	\$ 9,189,760.18
Percent of total budgeted funds earned year to date:	48.01%	
Percent of total budgeted funds expended year to date:	52.16%	

It was moved by Commissioner Shaffer and seconded by Commissioner Eaton that the financial statements be accepted. Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Baker stated that the Committee had not met.

Judiciary

Commissioner Eaton stated that the Committee had met and offered to answer questions.

Physical Resources

Commissioner Balog stated that the Committee had not met.

Executive/Committee of the Whole

Chairman Dobberteen stated that the Committee had met and offered to answer questions.

CHAIRMAN'S REPORT

Chairman Dobberteen did not have a report.

CITIZEN'S COMMENTS

Barbara Parker of 320 East Market Street, Centreville, commented that the Commission had made vague accusations and would not get away with it. She noted that she would not be removed from the Community Mental Health Board and that she would continue serving.

Tim Carls of 63044 Klinger Lake Road, Centreville, commented on the use of telephone for a meeting.

Cindy Kujacznski of 14237 Mohny Lake Road, Three Rivers, commented on the fact that three people had been removed from the Community Mental Health Board at one time which may leave it difficult to function with three new people.

Larry Walton of 25466 M-86, Sturgis, commented that he was disappointed in the Commissioners actions.

Rebecca Shank of 385 S. Washington, Constantine, commented on her disappointment in the Commission.

COMMISSIONERS' COMMENTS

Commissioner Balog noted there was no conflict of interest with the decisions that had been made, and that decisions were made with the information available. He noted his disappointment in the use of public funds to defend three board members.

ADJOURNMENT

At 4:45 p.m., it was moved by Commissioner Shaffer and seconded by Commissioner Eaton that the St. Joseph County Board of Commissioners adjourn until September 1, 2015 at 5:00 p.m. Motion carried.

Lindsay Oswald, County Clerk

John L. Dobberteen, Chairman