

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 September 7, 2004, at 5:00 p.m.

Chairman John L. Dobberteen called the meeting to order.

The Invocation was given by Commissioner Loudenslager.

The Pledge to the American Flag was given.

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

Eric Shafer	Gerald E. Loudenslager
John W. Bippus	Robin Baker
Monte Bordner	David J. Pueschel
John L. Dobberteen	

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

#### AGENDA

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that the agenda be approved. Motion carried.

#### MINUTES APPROVED

It was moved by Commissioner Baker and supported by Commissioner Loudenslager that the minutes for August 24, 2004 be approved. Motion carried.

#### COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, August 27 and September 3, 2004.
2. Resolution from Hillsdale County, Re: Opposing the July property tax collection proposal.
3. Resolution from Hillsdale County, Re: Guarantee of State revenue sharing.
4. Resolution from Ottawa County, Re: State revenue sharing.
5. Resolution from Ottawa County, Re: Supporting House Joint Resolution Y, guarantee of State revenue sharing.
6. Resolution from Midland County, Re: Supporting changes to the Manufactured Housing Specific Tax Act.
7. Resolution from Montcalm County, Re: State revenue sharing.
8. Resolution from Muskegon County, Re: Supporting proposal to collect county operating millage in July and to continue county revenue sharing.
9. Minutes of Sherman Township Board of Zoning Appeals meeting of July 20 and Sherman Township Supervisor's Board meeting of August 16, 2004.
10. Minutes of Family Independence Agency Board meeting of July 27, 2004.
11. Minutes of Community Mental Health Services Board meeting of July 27, 2004.

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

#### INCREASE KENNEL LICENSE FEES

Ms. West-Wing stated that the suggested increase for kennel license fees from the Animal Control Officer was discussed at the last meeting. He recommended that they be increased as follows:

From \$30 to \$40 for up to ten dogs  
 From \$60 to \$70 for less than 25 dogs  
 From \$100 to \$110 for less than 50 dogs

It was moved by Commissioner Bordner and supported by Commissioner Baker that the increase in fees as proposed be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

TECHNOLOGY PLAN UPDATE

Dan Wing, IT Director proposed that the following be purchased according to the recommendation from the Technology Plan Study for Phase I:

Item Description	<b>Cost</b>
Replace AS/400	
IBM iSeries Model 520-0900 (formerly AS/400)	\$15,350.00
3 yr. Hardware/software maintenance contract	5,993.00
Plan Recommendation - Hardware Firewall	
Watchguard Firebox X700	1,850.00
Plan Recommendation - Email Server System	
Email Server	
Dell Poweredge 400SC Server	2,267.00
Visnetic Mailserver Pro with AV 7.0 (100 user)	1,140.00
Plan Recommendation – Self-updating virus protection	
Kaspersky Antivirus - 140 user licenses (11.91 ea.)	1,667.00
Kaspersky Antivirus - 1 server license	370.00
Plan Recommendation - Home Network Drive	
Dell Poweredge 1600SC Server	6,500.00
Additional Windows 2003 Server Client Licenses (85)	2,465.00
Plan Recommendation - Centralized Backup	
Dell PowerVault 110T - LTO2, 200/400GB External	5,638.00
Plan Recommendation - Workstation Monitoring	
Remote Scope Network Management Software	
140 users @ \$20 ea.	2,800.00
Consolidate Servers	
Wire LAN Management System - Capacity, 4 Servers	450.00
Totals	\$46,490.00

Funding Sources from 2004 Budget	
IBM AS/400 Replacement (984.000)	\$32,000.00
Network Backup System (984.000)	6,000.00
Annual Antivirus Subscriptions (931.020)	1,500.00
Contractual Services	16,469.00
Unused Wages for I.T. Technician	29,000.00 (approx)
Totals	\$84,969.00

It was moved by Commissioner Bordner and supported by Commissioner Shafer that the County move ahead with these purchases.

Commissioner Bordner stated that there are funding sources available and there are substantial savings in purchasing the AS 400 from what was budgeted. He thanked Mr. Wing for putting together the report. Mr. Wing stated that all items should be able to be received in 2004.

Mr. Wing stated that there are still a number of issues in the next 2 phases for years 2 and 3.

Commissioner Loudenslager thanked Mr. Wing for doing a nice job.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

PROBATE COURT ANNUAL REPORT FOR 2003

Probate Judge, Thomas Shumaker, gave an overview of the annual report for 2003 remarking that this was the first year that they have done a report other than from the Juvenile Division.

Judge Shumaker stated that they have a small operation and their case mix is as follows:

Civil Actions	3
Conservators	34
Estates	167
Guardians	91
Mental Petitions	83
Trusts & Wills for Safekeeping	99
Trusts	4
Other	45
Adoptions	58

They only intervene in cases when absolutely necessary. They are required by state law to review guardianships which are done by Independent Contractors.

Eva Sylvester, Probate Register, stated that they have requested, in the 2005 Budget, to be connected with the JIS System so that they may more easily complete their caseload reporting and to have the program print their notices of hearing, etc.

Mrs. Sylvester also stated that they are out of money in their 2004 budget for guardianship reviewers of which they have no control.

Commissioner Loudenslager stated that Judge Shumaker and Mrs. Sylvester do a fantastic job.

It was moved by Commissioner Bordner and supported by Commissioner Baker that the Probate Court Annual Report for 2003 be accepted. Motion carried.

ESTABLISH A COUNTYWIDE BROWNFIELD REDEVELOPMENT AUTHORITY

Dave Allen, EDC Director, presented a resolution regarding the establishment of a Countywide Brownfield Redevelopment Authority. He stated that he has taken this idea to all the townships, cities and villages in the County. Both cities, all 6 villages and 6 of the 16 townships passed resolutions in support of the creating of a Countywide Brownfield Redevelopment Authority. Just because some entities did not pass the resolutions or opted out, it does not preclude them from participating in the activities of the authority.

The resolution being presented tonight will set a public hearing before the Board of Commissioners on October 19th at 5:20 p.m. and call for the advertisement of this public hearing in both newspapers on September 13 and 20, 2004.

The following resolution was presented:

RESOLUTION NO. 21-2004  
ST. JOSEPH COUNTY BOARD OF COMMISSIONERS  
RESOLUTION OF INTENT TO CREATE AND PROVIDE FOR THE  
OPERATION OF A BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE COUNTY OF ST. JOSEPH PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS  
OF ACT 381 OF THE PUBLIC ACTS OF THE  
STATE OF MICHIGAN OF 1996, AS AMENDED

WHEREAS, the Board of Commissioners of the County of St. Joseph has received and reviewed testimony that there are or may be certain environmentally distressed areas in the County of St. Joseph and that the continued existence of such areas can limit, hinder or delay the redevelopment or revitalization of identifiable zones within the County, and, accordingly, that it is in the best interests of the public to facilitate the implementation of plans relating to the identification and treatment of environmentally distressed areas so as to promote revitalization within an area of the County of St. Joseph; and

WHEREAS, in order to further such interests, it is appropriate for the Board of Commissioners to create and provide for the operation of a Brownfield Redevelopment Authority within the County of St. Joseph pursuant to and in accordance with the provisions of the Brownfield Redevelopment Authority Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"); and

WHEREAS, pursuant to the Act, this Board is required (a) to hold a public hearing on the adoption of a proposed resolution creating a Brownfield Redevelopment Authority under the Act (the "authority") and (b) to publish notice of the public hearing in a newspaper of general circulation in the County of St. Joseph, all in accordance with Section 4 (2) of the Act.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Commissioners hereby determines that it is in the best interests of the public to promote the redevelopment of environmentally distressed areas of the County of St. Joseph and in order to do so, to facilitate the implementation of brownfield plans relating to the designation and treatment of environmentally distressed areas within brownfield redevelopment zones.
2. The Board of Commissioners hereby declares its intention to create and provide for the operation of the Authority within the County of St. Joseph pursuant to and in accordance with the provisions of the Act.
3. A public hearing shall be held before the Board of Commissioners on October 19, 2004 at 5:20 p.m. in the Courthouse at 125 W. Main Street, Centreville, Michigan, on the adoption of a resolution creating the Authority within the County of St. Joseph.
4. The County Clerk of the County of St. Joseph (the "Clerk") shall give notice to the public of the public hearing by causing notice to be published, in the form attached hereto as Exhibit C, in the Sturgis Journal and the Three Rivers Commercial, a daily newspaper of general circulation in the County of St. Joseph on the 13th day of September, 2004, and the 20th day of September, 2004, pursuant to the practice of the Clerk. {Note – both publication dates must be within a period that is not more than 40 or less than 20 days before the hearing date.}

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

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

## MENTAL HEALTH

### Hire Attorney

It was moved by Commissioner Baker and supported by Commissioner Pueschel that Attorney John Gretzinger be hired to represent the County in the issues involving Commissioner Loudenslager and Joyce Clay both members of the Community Mental Health Board.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

### Rules of Procedure

Attorney Gretzinger provided the following procedures 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:

1. A copy of written charges specifying the nature of the official misconduct, neglect of duty or other action that would constitute cause for removal of an officer or agent appointed by the Board shall be filed with the Board of Commissioners. In the event that the Board of Commissioners desires to proceed with charges, it shall establish a date and place for the hearing and cause a copy of the charges to be served on the officer or agent together with a notice of hearing and a copy of these rules of procedure.
2. The Chairperson of the Board of Commissioners shall act as presiding officer with authority to regulate the conduct of the hearing. In the event that the Chairperson is not available, the Board of Commissioners shall designate one of their members to act as the presiding officer. The Board of Commissioners may request the County Prosecuting Attorney or other legal counsel designated by the Board to assist the presiding officer in the performance of these duties.
3. The Board shall appoint legal counsel to represent the County's interests at the hearing. The individual subject to the charges may be represented at the hearing by legal counsel.
4. The parties may offer such evidence as is relevant and material to the charges. Technical conformity to legal rules of evidence shall not be necessary and evidence of a type commonly relied upon by reasonable prudent people in the conduct of their affairs may be admitted. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. The presiding officer shall determine the admissibility, relevance and materiality of the evidence offered and shall be responsible for maintaining a record of the proceedings. The presiding officer may issue subpoenas to compel the attendance at the hearing of necessary witnesses.
5. If desired, the parties may present memorandums to the Board regarding their positions on the matters in dispute prior to the beginning of the hearing. The legal counsel appointed by the Board to represent the County's interests shall present evidence to support the charges followed by any evidence that the charged

individual elects to present in their defense. The witnesses called by either party shall be sworn and subject to cross-examination. The presiding officer and members of the Board of Commissioners may also ask questions of the witnesses.

6. At the completion of the testimony, the legal counsel appointed by the Board to represent the County's interests and the individual subject to the potential removal or their legal counsel may make closing statements regarding the merits of the charges. After completion of the testimony and the closing statements, the Board of Commissioners shall determine whether the charges have been sustained, and if sustained whether the individual subject to the charges should be removed from their position.
7. The hearing and any necessary deliberations shall occur in open session unless the individual subject to the charges requests that the proceedings be held in closed session pursuant to Section 8(a) of the Open Meetings Act. All decisions of the Board of Commissioners regarding the charges shall be made in an open session.

It was moved by Commissioner Baker and supported by Commissioner Pueschel that the foregoing rules of procedure for removal hearings be adopted.

The aye and nay vote was called as follows:

Aye votes cast:        7 -        Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast:        0

Motion carried.

#### Rescind Motion

The following motion was passed on a 6-0 roll call vote with Commissioner Loudenslager being absent on July 6, 2004:

“In relationship to the Community Mental Health Board, it was moved by Commissioner Baker and supported by Commissioner Pueschel that Gerald Loudenslager and Joyce Clay be removed from the CMH Board, that their combined actions against the CMH Board Administrator violated the bylaws of CMH by mismanaging CMH and not supplying the entire Board of all the facts in the investigation against the Director; also violation of the HIPAA Law by seizing the Director's CMH computer with client information on it; this has resulted in friction in the CMH Board members towards Clay and Loudenslager's actions and have deteriorated to the point where the Board cannot function 100% with their participation; the CMH Board voted on this and it was an 8-3 vote to censure Jerry Loudenslager and Joyce Clay and that a certified letter be sent to them so that they may have an opportunity to respond with a deadline of the next Commission Meeting.”

It was moved by Commissioner Baker and supported by Commissioner Pueschel that the July 6th motion as stated above be rescinded.

The aye and nay vote was called as follows:

Aye votes cast:        7 -        Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast:        0

Motion carried.

#### Revised Charges against Gerald Loudenslager

The following was moved by Commissioner Baker and supported by Commissioner Pueschel:

Mr. Gerald Loudenslager was appointed by the St. Joseph County Board of Commissioners to the St. Joseph County Community Mental Health Board for a term that expires on March 31, 2007. Under the Mental Health Code, the CMH Board has certain obligations to perform but the Code has no provisions that authorize individual members of the CMH Board to take individual action outside of an official meeting.

The CMH Board appointed Mr. Loudenslager to be its Chairman. Under the CMH bylaws, the duties of the Chairman are as follows:

(A) The Chairman shall preside at the meetings of the Board and, with Board approval, shall appoint all standing and special committees. He/she will be an ex-official member of all committees. He/she will have overall responsibility to direct and coordinate the activities of the Board, in order to most effectively carry out the duties and objectives of the board as prescribed by said Act 290 of the Public Acts of Michigan of 1995 and any amendments thereto.

The Code of Ethics of the Board further provides that:

As individual members of this board, we will conduct ourselves in a manner that respects appropriate decorum. Specifically, We will not attempt to exercise individual authority over the organization.

We function as a part of a team. Board members should bring issues to the attention of the full Board, not to other individual board members.

The Bylaws also create an Executive Committee with the following authority:

Section 1. There shall be an Executive Committee of the Board which shall consist of the Chairman, Vice Chairman, Secretary and one Member at large. Said committee will meet on call, and will meet on a monthly basis to consider the agenda of the full Board and deal with such other matters as are necessary and authorized by the Board.

The Bylaws also create the following process for the calling of special meetings:

Section 2. Special meetings of the Board may be held at the call of the Chairman or, in his/her absence, the Vice Chairman, or any two members of the Board.

The bylaws and the Code of Ethics make it clear that the Chairman does not have any independent authority to act on behalf of the Board.

1. On or about May 25, 2004, an unnamed person brought allegations of unspecified misconduct on the part of CMH Executive Director Kirsch to the attention of Ms. Joyce Clay, a member of the CMH Board. Ms. Clay reported these allegations to Mr. Loudenslager.

2. Mr. Loudenslager did not advise any other members of the CMH Board of these allegations nor did he contact the CMH Board's attorney for guidance regarding how to proceed. Instead, he set up a May 26, 2004 meeting with this unnamed person.

3. At the May 26, 2004 meeting, Mr. Loudenslager received information from several current and previous employees involving their concerns regarding Ms. Kirsch's management of the CMH, some of which were issues that the Board had been aware of previously. After receiving this information, Mr. Loudenslager again failed to consult with members of the CMH Board other than Ms. Clay or with the CMH Board's attorney. There was no emergency situation that required Mr. Loudenslager to meet with the employees and former employees on May 26, 2004.

4. On May 27, 2004, Mr. Loudenslager, with the assistance of Ms. Clay directed the removal of the hard disk of Ms. Kirsch's computer even though there was a CMH Board meeting scheduled several hours later that day. There was no emergency situation that required the immediate seizure of Ms. Kirsch's computer, since it was unlikely that Ms. Kirsch would attempt to remove documents from her computer because she had no knowledge of the allegations. In addition, the backup drive system prevents the permanent deletion of any documents from CMH computers.

5. At the Board meeting later on May 27, 2004, Mr. Loudenslager advised the Board of the actions that he had taken and requested Board approval to secure advice from the CMH Board attorney regarding how to complete the investigation of the allegations regarding Ms. Kirsch that he and Ms. Clay had already initiated.

6. Mr. Loudenslager and Ms. Clay had no authorization to begin an investigation by meeting with employees and former employees and to seize Ms. Kirsch's computer a unilateral fashion without full disclosure of the allegations to the CMH Board at its regular May 27, 2004 meeting. If quicker actions were considered to

be necessary, Mr. Loudenslager should have convened an emergency meeting of the Executive Committee or called a special meeting rather than taking unilateral action.

7. The actions of Mr. Loudenslager were without lawful authority and were in excess of his authority as either Chairman of the CMH Board or as a member of that Board. These actions were taken in his capacity as Chairman of the CMH Board, and constitute official misconduct.

8. The actions of Mr. Loudenslager have created an inability for him to function as a member of the CMH Board, requiring that he be removed from that Board.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 1 - Commissioner Loudenslager.

Motion carried.

#### Revised Charges against Joyce Clay

The following was moved by Commissioner Baker and supported by Commissioner Pueschel:

Ms. Joyce Clay was appointed by the St. Joseph County Board of Commissioners to the St. Joseph County Community Mental Health Board for a term that expires on March 31, 2007. Under the Mental Health Code, the CMH Board has certain obligations to perform but the Code has no provisions that authorize individual members of the CMH Board to take individual action outside of an official meeting.

The Code of Ethics of the Board provides that:

As individual members of this board, we will conduct ourselves in a manner that respects appropriate decorum. Specifically, We will not attempt to exercise individual authority over the organization.

We function as a part of a team. Board members should bring issues to the attention of the full Board, not to other individual board members.

The Bylaws also create the following process for the calling of special meetings:

Section 2. Special meetings of the Board may be held at the call of the Chairman or, in his/her absence, the Vice Chairman, or any two members of the Board.

The bylaws and the Code of Ethics make it clear that no member of the Board has any independent authority to act on behalf of the Board.

1. On or about May 25, 2004, an unnamed person brought allegations of unspecified misconduct on the part of CMH Executive Director Kirsch to the attention Ms. Joyce Clay, a member of the CMH Board. Ms. Clay reported these allegations to Mr. Loudenslager but did not advise the rest of the members of the Board.

2. On May 27, 2004, Mr. Loudenslager, with the assistance of Ms. Clay directed the removal of the hard disk of Ms. Kirsch's computer even though there was a CMH Board meeting scheduled for several hours later that day. There was no emergency situation that required the immediate seizure of Ms. Kirsch's computer, since it was unlikely that Ms. Kirsch would attempt to remove documents from her computer because she had no knowledge of the allegations. In addition, the backup drive system prevents the permanent deletion of any documents from CMH computers.

3. Mr. Loudenslager and Ms. Clay had no authorization to begin an investigation by meeting with employees and former employees and to unilaterally determine to seize Ms. Kirsch's computer without full disclosure of the allegations to the CMH Board at its regular May 27, 2004 meeting. If quicker actions were considered to be necessary, Mr. Loudenslager and Ms. Clay should have called a special meeting of the CMH Board rather than taking unilateral action.



4. The actions of Ms. Clay were in excess of her authority as a member of that Board and violated the Code of Ethics of the Board. These actions were taken in her capacity as a member of the CMH Board and constitute official misconduct.

5. The actions of Ms. Clay have created an inability for her to function as a member of the CMH Board, requiring that she be removed from that Board.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

#### Change Hearing Date

It was moved by Commissioner Baker and supported by Commissioner Pueschel that the date set to hear answers to allegations be cancelled for September 21, 2004 and rescheduled for a special meeting to be held on Wednesday, October 6, 2004 at 5:00 p.m.

The aye and nay vote was called as follows:

Aye votes cast: 6 – Commissioners Shafer, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 1 - Commissioner Loudenslager.

Motion carried.

#### COOPERATIVE REIMBURSEMENT CONTRACT CHILD SUPPORT DIVISION

Ms. West-Wing recommended approval of the annual Cooperative Reimbursement Contract for the Child Support Division with the Family Independence Agency in the amount of \$82,502 which represents 66% of the costs of the department. The contract is effective from October 1, 2004 through September 30, 2005.

It was moved by Commissioner Loudenslager and supported by Commissioner Bordner that the Cooperative Reimbursement Contract for the Child Support Division in the amount of \$82,502 be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

#### COOPERATIVE REIMBURSEMENT CONTRACT FRIEND OF THE COURT

Ms. West-Wing recommended approval of the annual Cooperative Reimbursement Contract for the Friend of the Court with the Family Independence Agency in the amount of \$558,350 which represents 66% of the costs of the department. The contract is effective from October 1, 2004 through September 30, 2005.

It was moved by Commissioner Loudenslager and supported by Commissioner Bordner that the Cooperative Reimbursement Contract for the Friend of the Court in the amount of \$558,350.00 be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

AGREEMENT FOR FRIEND OF THE COURT MEDICAL SUPPORT ENFORCEMENT

Ms. West-Wing recommended approval of an annual Agreement for Friend of the Court Medical Support Enforcement in the amount of \$25,827 which is a 100% reimbursement.

It was moved by Commissioner Loudenslager and supported by Commissioner Bordner that the Agreement for the Friend of the Court Medical Support Enforcement be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

AMENDMENT TO 2004 ACCESS AND VISITATION GRANT CONTRACT

Ms. West-Wing explained that the County is the pass-through of the funds for the Domestic Assault Shelter Coalition Monitor Exchange program. The program monitors the exchange of children between parties in contentious custody/divorce cases and the actual exchange takes place at the Sheriff's Department. The grant was originally for \$15,000 and there is an additional \$4,800 available between now and September 30th.

It was moved by Commissioner Loudenslager and supported by Commissioner Bordner that the Amendment to the 2004 Access and Visitation Grant Contract in the amount of \$4,800 be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

LABOR AGREEMENT WITH P.O.A.M.  
Corrections Unit

Ms. West-Wing reviewed the following highlights in the Labor Agreement with the Corrections Unit with P.O.A.M.:

**HIGHLIGHTS OF AGREEMENT**  
**WITH THE POAM – CORRECTIONS UNIT (18 Employees)**  
(Presented to the Board of Commissioners September 7, 2004 for ratification)

1. CONTRACT DURATION: 3 years - January 1, 2004 through December 31, 2006.
2. WAGES: January 1, 2004 3% increase – includes retroactive pay  
January 1, 2005 3% increase  
January 1, 2006 3% increase
3. TRADE DAYS: Increase trade days from 2 per 4 month schedule to 3 per 4 month schedule.
4. SICKNESS & ACCIDENT INSURANCE PLAN AND SICK/PERSONAL ACCRUAL PLAN:  
Eliminate current sick leave/personal leave accrual language.

Replace with new sick/personal leave language and provide short term and long term insurance coverage as identified on the attached (page 2).

Cash out sick leave banks of all current corrections officers based on the formula on the attached spreadsheet (page 3) and allow funds to be placed in a VEMA account (Variable Employee Medical Account tax free medical expenses account).

5. HEALTH & DENTAL INSURANCE:

Effective as soon after ratification of the contract as possible:

- a. Prescription co-pay shall increase from \$10.00 to \$10.00 generic/\$40.00 brand;
- b. Community Blue office call co-pays shall increase from \$10.00 to \$20.00;
- c. Community Blue chiropractic office call from \$10.00 to \$20.00;
- d. Community Blue wellness coverage from \$250 to \$500/year.

Effective January 1, 2005 – Employees pay 7% of annual premium via pretax payroll deduction.

Effective January 1, 2006 – Employees pay 10% of annual premium via pretax payroll deduction.

Effective upon ratification – Annual opt out payment shall increase from \$2,000 to \$3,000, prorated.

6. Miscellaneous language changes:

Remove all reference to corporals as that classification is no longer a part of this bargaining unit.

Clarify when shift premiums start and end.

Remove bumping and promotion language as there are no classifications within this bargaining unit to bump to or be promoted to.

Remove all references to 12 hour shifts as the corrections officers do not have 12 hour shifts.

During this contract, the Employer will consider allowing the employees to purchase the 20 and out pension enhancement if the cost to the employees does not exceed 5% of payroll.

POAM – CORRECTIONS UNIT

SHORT TERM AND LONG TERM DISABILITY INSURANCE PROPOSAL

(Presented to the Board of Commissioners September 7, 2004 for ratification)

1. Employer will provide a short-term disability policy starting on the 7<sup>th</sup> day of disability as a result of illness or accident and payable for up to a maximum of 52 weeks. Benefit amount of 66.7% of weekly wage to a maximum of \$500.
2. Employer will provide a long-term disability policy starting after the end of the short-term disability policy and payable during the duration of the disability or until other disability benefits (i.e. social security) and/or retirement benefits are received by the employee. Benefit amount of 60% of weekly wage up to a monthly maximum of \$5,000.
3. Employees will be credited with 6 sick days and 3 personal days each year. Unused sick days will be paid at the end of each year at the employee's current straight time rate of pay. Personal days shall not accumulate from year to year and will have no monetary value.
4. Current employees will be cashed out for their current sick leave accrual banks based on the following schedule, leaving a maximum of 48 hours (6 days) for each employee for the first year.

YEARS OF SERVICE AS OF ANNIVERSARY DATE IN 2004:

20 yrs or more (Current rate of pay x (accrued bank or maximum of 720 hrs – 48 hrs)

14 yrs up to 19 yrs (Current rate of pay x 80%) x (accrued bank or maximum of 720 hrs – 48 hrs)

7 yrs up to 13 yrs (Current rate of pay x 60%) x (accrued bank or maximum of 720 hrs – 48 hrs)

0 yrs up to 6 yrs (Current rate of pay x 40%) x (accrued bank or maximum of 720 hrs – 48 hrs)

The contract is effective from January 1, 2004 through December 31, 2006.

It was moved by Commissioner Pueschel and supported by Commissioner Baker that the P.O.A.M. Contract with the Corrections Unit be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

ESTABLISH ADDITIONAL FEE FOR UPS SPECIAL SERVICES

Ms. West-Wing stated she had received a request from Rose Even, Purchasing Coordinator, to increase the fees for personal UPS special services by \$1.50 because of the increase of fees from UPS.

It was moved by Commissioner Bippus and supported by Commissioner Loudenslager that the UPS fees be increased \$1.50 for sending personal special services packages by UPS.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

HOMELAND SECURITY GRANT

Ms. West-Wing stated that on July 20th the Board approved an application for a Homeland Security Grant in the amount of \$374,673. We have been awarded the grant and the Board needs to approve a motion to accept the grant.

It was moved by Commissioner Loudenslager and supported by Commissioner Shafer that the Homeland Security Grant be accepted in the amount of \$374,673.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Motion carried.

RESOLUTION NO. 22-2004  
RESOLUTION OF THE ST. JOSEPH COUNTY BOARD OF COMMISSIONERS  
SUPPORTING US-131 AS A LIMITED-ACCESS FREEWAY  
IN KALAMAZOO AND ST. JOSEPH COUNTIES

Commissioner Bippus presented the following resolution:

WHEREAS, the Schoolcraft Area US-131 Planning Committee (SAUPC) and its member municipalities have been working since 2002 to build consensus and to plan for a future US-131 bypass of the Village of Schoolcraft as a limited-access freeway; and

WHEREAS, the St. Joseph County US-131 Master Plan Committee (US-131 MPC) and its member municipalities have been working since 1994 to build consensus and to plan for the future of US-131 as a limited-access freeway throughout St. Joseph County; and

WHEREAS, both committees believe that the creation of a limited-access freeway will have significant benefits to the economy, quality of life, and safety of residents and travelers throughout the region; and

WHEREAS, the goals of the SAUPC include the furthering of community input regarding the future of US-131 in southern Kalamazoo County and the promotion of the needed bypass of the Village of Schoolcraft; and

WHEREAS, the goals of the US-131 MPC include the promotion of the usage of the current US-131 footprint as much as possible and the construction of frequent interchanges and overpasses to avoid the unnecessary division of the impacted communities.

NOW, THEREFORE, BE IT RESOLVED, by the St. Joseph County Board of Commissioners that we support the goal of the SAUPC and the US-131 MPC, that goal being the pursuit of the reconstruction of US-131 as a limited-access freeway from the terminus of the current freeway at the southern limits of the City of Portage to the Indiana state boundary; and

BE IT FURTHER RESOLVED, that we support the joint efforts of the SAUPC and the US-131 MPC in forming an alliance to increase the desirability and viability of the US-131 project to the Michigan Department of Transportation (MDOT); and

BE IT FURTHER RESOLVED, that we recognize that the SAUPC and the US-131 MPC will meet both jointly and separately, to promote both the goals of the entire region, and the individual needs of the municipalities and citizens represented by each group; and

BE IT FURTHER RESOLVED, that we request that MDOT respect the individual needs and preferences of each group and the communities it represents, while recognizing the collaborative efforts of both groups in promoting the improvement of US-131 throughout Kalamazoo and St. Joseph Counties; and

BE IT FURTHER RESOLVED, that we request that MDOT restore to a level of priority the US-131 bypass project in Kalamazoo County, and that MDOT maintain and enhance the priority of US-131 as a limited-access freeway in St. Joseph County.

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

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Resolution adopted.

RESOLUTION NO. 23-2004  
CONSTITUTION WEEK

Commissioner Bippus 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, 2004 is the two hundred seventeenth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, this anniversary of the constitution provides a historic opportunity for all Americans to reflect on the rights and privileges of citizenship incorporated within its framework, and to learn about and celebrate the achievements of our founding forefathers and foremothers throughout the year; 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; 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.

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 Bippus and supported by Commissioner Shafer that the resolution be adopted and 2nd reading be waived.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes cast: 0

Resolution adopted.

#### NOMINATIONS AND APPOINTMENTS

##### Solid Waste Management Planning Committee

It was moved by Commissioner Loudenslager and supported by Commissioner Bordner that the following persons be appointed to the Solid Waste Management Planning Committee for terms to expire September 1, 2006:

Eric Shafer – Industry  
Aaron Cullifer – Industry  
Robert L. Robinson – General Public  
John Dobberteen (County) – Municipalities  
Carol Holsinger (Regional) – Municipalities

Motion carried.

##### Planning Commission

Commissioner Shafer nominated Edward Bell to the Planning Commission.

##### Family Independence Agency Board

Commissioner Loudenslager nominated Michael Dunlap to the FIA Board.

#### COMMITTEE REPORTS

##### Law Enforcement

Commissioner Bippus stated that there was no report.

##### Judiciary

Commissioner Bordner stated that the next meeting is scheduled for October 13th at noon.

##### Physical Resources

Commissioner Shafer stated that at the last meeting the Committee discussed the progress on the jail, many things have been resolved and the project is almost on schedule.

##### Executive

Commissioner Bordner stated that most items discussed at the Executive Committee Meeting on September 3rd have been dealt with tonight. Other items discussed:

- the Drain Commissioner will be at the next Executive Committee Meeting to discuss the Drain Revolving Fund.

- the Administrator will contact all the players involved to discuss the shortage in the Child Care Fund.

Website

Commissioner Shafer stated that the Website Committee met today and Dale and Jaime Hutson, assessors for 11 entities had several requests for additions to the Land Resource Centre's webpage. Dan Wing will investigate this with Pathfynder and he believes that this will be able to be accomplished for a reasonable cost.

Parks and Recreation

Commissioner Bordner stated that Cade Lake County Park was fully booked for camping over the Labor Day weekend.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

MISCELLANEOUS:

Nikkole Huff, part-time Telecommunicator, increase rate of pay to \$8.75/hr. effective September 1, 2004. Ms. Huff has completed her in-house training.

The position of Equalization Director is returned to 1435 points with the pay grade remaining unchanged at pay grade 10 (Rye system). Points are returned to where they were before the creation of the LRC Director position.

The position of GIS Director is returned to 1165 points with the pay grade remaining unchanged at pay grade 8 (Rye system). Points are returned to where they were before the creation of the LRC Director position.

The position of Land Resource Centre Clerk is returned to 1385 points with the pay grade remaining unchanged at pay grade 4 (Soltysiak system). Points are returned to where they were before the creation of the LRC Director position.

Donna Schrock, Land Resource Centre Clerk, will continue to be compensated at grade 4 on the step and increment progression as she was prior to any changes made this year (effective 8/6/04 step 2, \$11.28/hr.)

Establish the position of IT Technician at pay grade 6 on the Rye system (\$28,995 - \$36,192) with 920 total points.

Establish the wage for County Treasurer elect Phyllis Bainbridge at step 2 of pay grade 10 (Rye system) effective January 1, 2005.

Candace Scott, Telecommunicator, is on medical leave commencing September 6, 2004 under the Family and Medical Leave Act of 1993.

NEW HIRE:

Cory J. Patrick has been hired as Parks and Recreation Ranger at \$10.49/hr. (Soltysiak system, grade 4, minimum) effective September 8, 2004.

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

BILLS

Dan Carey presented the following report:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Repaid Insurance	\$ 146,222.00	\$
Employee Receivable	669.15	
Appropriations	30,690.83	

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Commission	\$ 473.16	\$ 3,349.08
Circuit Court	1,580.34	16,366.71
District Court	7,909.75	63,478.08
Friend of the Court	4,040.70	34,624.99
Jury Commission		28.26
Probate Court	1,136.63	17,523.28
Juvenile Branch	9,834.85	40,776.80
Appeals Court	3,877.70	1,527.72
Administration		9,051.42
Elections	1,943.84	
Finance Department	943.38	10,978.83
County Clerk		21,068.44
Equalization Department	141.34	10,282.38
Human Resources	241.00	6,120.05
Geographic Information Systems		8,816.57
Prosecutor's Office	368.95	38,229.68
Central Services	6,425.99	5,058.66
Register of Deeds	1,209.50	12,386.62
County Treasurer	784.50	13,430.22
Cooperative Extension	32,053.59	7,624.92
Information Technology	498.35	7,485.82
Buildings & Grounds	5,119.27	14,010.60
Courts Building Security	207.67	5,014.13
Drain Commission	255.00	4,385.01
Sheriff Department	6,929.28	82,015.02
Sheriff Reserves	35.00	
Marine Patrol	481.13	5,188.30
Jail & Turnkey	11,550.01	86,975.17
Emergency Services	25,208.17	4,460.94
Animal Control	413.80	7,732.43
Board of Public Works		511.33
Child Care - Probate	8,911.66	1,008.14
Utilities & General Services	23,159.51	
Total	\$ 333,316.05	\$ 539,509.60

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Road Commission	\$ 1,127,764.25	\$
Parks & Recreation	2,664.46	8,929.18
Emergency 911 Service	11,926.88	50,694.02
Central Dispatch - Wireless	964.29	5,116.01
Meyer Broadway/Coon Hollow Park	815.66	482.28
Friend of the Court		1,325.42
Family Counseling	447.01	
Cade Lake Park	9,470.46	4,719.78
Waste Management Fund		
County Commission	6,273.97	
Resource Recovery Program	17,368.84	608.11
Traffic Safety Program Fund	1,076.42	
Economic Development Fund	575.58	5,049.82



<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Survey & Remonumentation	\$ 250.00	\$
Register of Deeds Automation Fund	19,765.00	106.25
Victims' Rights Advocate Fund		3,008.96
Community Corrections Advisory Board	6,931.67	2,596.90
Community Corrections Program	3,820.81	430.60
Drug Law Enforcement Fund	23,462.18	
Law Enforcement Fund	324.63	18,153.98
Secondary Road Patrol		7,654.30
Law Library Fund	71.80	
Principal Residence Denial Fund		511.33
Commission on Aging	46,846.81	43,427.91
Community Development Block Grant	15,565.00	
Family Independence Agency	35,408.75	
Child Care - Probate Court	31,292.81	2,910.66
Child Care - Family Independence Agency	16,526.61	
Facilities Maintenance Fund	471,946.75	
Tax Payment Fund	13,075.26	
Inmate Store	526.57	
Three Rivers Community Center	1,337.89	176.37
Long Lake Level Revolving Fund	7.12	
Flexible Benefits Insurance Fund	123,611.58	
Total	\$ 1,990,119.06	\$ 155,901.88
Grand Total	\$ 2,323,435.11	\$ 695,411.48
General Fund Operating Expenditures		
Pre-Authorized	\$308,963.07	
Accounts Payable	\$24,352.98	
	\$ 333,316.05	
General Fund Payroll Expenditures	\$ 539,509.60	
Other Funds Operating Expenditures		
Pre-authorized	\$1,940,743.31	
Accounts Payable	\$49,375.75	
	\$ 1,990,119.06	
Other Funds Payroll Expenditures	<u>155,901.88</u>	
Total Recorded for the Month	\$ 3,018,846.59	

It was moved by Commissioner Bippus and supported by Commissioner Shafer that the bills be approved for payment. Motion carried.

CHAIRMAN'S REPORT

Chairman Dobberteen hoped that everyone enjoys the fair which begins on September 19th.

ADJOURNMENT

It was moved by Commissioner Bordner and supported by Commissioner Shafer that the St. Joseph County Board of Commissioners adjourn until September 21, 2004. Motion carried.

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Pattie S. Bender, County Clerk

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John L. Dobberteen, Chairman