

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 October 5, 2004, at 5:00 p.m.

Chairman John L. Dobberteen called the meeting to order.

The Invocation was given by Commissioner Pueschel.

The Pledge to the American Flag was given.

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

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

Absent: Gerald E. Loudenslager

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

AGENDA

Chairman Dobberteen stated that a resolution and resignations from the Community Mental Health Board would be added under new business. Ms. West-Wing asked that a P.O.A.M. Letter of Understanding be added under new business.

It was moved by Commissioner Bordner and supported by Commissioner Shafer that the agenda be approved as amended. Motion carried.

MINUTES APPROVED

It was moved by Commissioner Baker and supported by Commissioner Pueschel that the minutes for September 21, 2004 be approved. Motion carried. Commissioner Bordner abstained due to absence.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, September 24, September 28, September 30 and October 1, 2004.
2. Letter from Lois Lucas, Re: Resignation from Commission on Aging Board.
3. Letter from Governor Granholm's Office, Re: Thank you for resolution supporting the reconstruction of US-131.
4. Minutes of Community Mental Health Services Board meeting of August 31, 2004.
5. Minutes of Family Independence Agency Board meeting of August 24, 2004.

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

HIRE ATTORNEY TO ASSIST WITH COMMUNITY MENTAL HEALTH MATTER

It was moved by Commissioner Bordner and supported by Commissioner Baker that Marshall Grate from the law firm of Betz and Bloss, P.C. of Grand Rapids be hired at \$185 per hour to present the Board's position regarding the removal of two Community Mental Health Board Members at the special Commissioners' meeting scheduled for 3:00 p.m. on October 7, 2004.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Loudenslager.

Motion carried.

P.O.A.M. LETTER OF UNDERSTANDING

Ms. West-Wing recommended approval of a P.O.A.M. Letter of Understanding with the Corrections Officers Unit regarding part-time work. The letter of understanding clearly defines the difference between regularly scheduled part-time and casual part-time and the pay for each. If a person is regularly scheduled for part-time employment at least 20 hours per work week which is defined from Tuesday to Monday they will get the contract rate for part-time corrections officers and pay union dues. If they work less than 20 hours they will get the casual part-time rate and not pay union dues.

It was moved by Commissioner Bordner and supported by Commissioner Shafer that the P.O.A.M. Letter of Understanding with the Corrections Officers Unit be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Loudenslager.

Motion carried.

ST. JOSEPH COUNTY
RESOLUTION NO. 24-2004

Commissioner Bippus presented the following resolution:

WHEREAS, the St. Joseph County Board of Commissioners (“County Board”) has scheduled a hearing for October 7, 2004 regarding whether Jerry Loudenslager and/or Joyce Clay should be removed from their terms as members of the St. Joseph County Community Mental Health Board (“Mental Health Board”) due to certain actions that they took on May 26, 2004 and May 27, 2004 involving the current Director of the St. Joseph County Community Mental Health Department and further described in the documents entitled “Charges Against Joyce Clay” and “Charges Against Jerry Loudenslager” (collectively the “Charges”); and

WHEREAS, since the Charges were served upon Ms. Clay and Mr. Loudenslager, the County Board has learned that prior to taking the actions they did, Mr. Loudenslager and Ms. Clay were advised that they had the right, duty and obligation to take such actions by Jeffrey Patton, former Director of the Michigan Department of Community Health and current Director of the Community Mental Health Department of Kalamazoo County, which also serves as the Medicaid Prepaid Inpatient Health Plan (PIHP) provider for St. Joseph County pursuant to an affiliation agreement; and

WHEREAS, in light of the controversy that these actions and the Charges have generated, Ms. Clay and Mr. Loudenslager no longer wish to serve on the Mental Health Board provided that the County Board finds that they did not act willfully in violating any duty that they had as Mental Health Board Members; and

WHEREAS, in light of this new evidence and the desire of Ms. Clay and Mr. Loudenslager to resign provided the Charges against them are dismissed, the Board finds that the best interests of the County would be served by the dismissal of the Charges against Jerry Loudenslager and Ms. Clay and the acceptance of their resignations as tendered;

NOW, THEREFORE, BE IT RESOLVED, that resignations of Jerry Loudenslager and Joyce Clay are accepted effective as tendered; and

BE IT FURTHER RESOLVED, that the Charges against Jerry Loudenslager and Ms. Clay are dismissed as moot and because the new evidence provides support for the claim of Mr. Loudenslager and Ms. Clay that they believed they were authorized to take the actions that occurred on May 26, 2004 and on May 27, 2004; and

BE IT FURTHER RESOLVED, that this Resolution shall augment, supersede, modify or replace any inconsistent prior resolution or motion.

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

Commissioner Bordner stated that this is the 4th proposed resignation and each one is more conciliatory. He believes that it is very clear that the two CMH members acted outside of the guidelines, however, they may have acted in good faith without good information. They decided to use disciplinary action without the advice of an attorney and they should have had legal advice. In his opinion there is a 5th option available and that is to accept the resignations of Commissioner Loudenslager and Joyce Clay with no strings attached. He believes that they need to accept the responsibility for the actions taken, therefore he will be voting no.

Commissioner Baker stated that he says that sometimes people break laws or rules, but with these resignations the Community Mental Health Board can move on. He stated that the Board of Commissioners can save time, effort and money and bring this issue to an end. He added that it has not looked like the end was near and now he believes that it is.

Commissioner Bordner stated that he did not want to drag this issue out either but he believes that these individuals need to accept the responsibility that they messed up and just resign.

Commissioner Shafer stated that he believes that he is the most removed from this issue and stated that the Board needs to get this behind them.

Ms. West-Wing stated that she has the resignations in hand which will be submitted providing the resolution is adopted.

After further discussion the aye and nay vote was called as follows:

Aye votes cast: 4 - Commissioners Shafer, Bippus, Baker and Pueschel.

Nay votes cast: 2 - Commissioner Bordner and Dobberteen.

Absent: 1 - Commissioner Loudenslager.

Resolution adopted.

Commissioner Bordner stated that he fully respects everyone's opinion and knows that CMH needs to move on.

Commissioner Bippus stated that the Board needs to look at future appointments.

NOMINATIONS/APPOINTMENTS

Workforce Development Board

It was moved by Commissioner Bippus and supported by Commissioner Shafer that the following be appointed to the Workforce Development Board in their appropriate sectors, their terms will begin January 1, 2005 and expire December 31, 2006:

Thom Brennan	Private Sector
Erv Heidbrink	Labor
Margie Hojara-Hadsell	Rehabilitation
Chris Kadulski	Public Assistance
Robin Baker	At-Large
Richard Anderson	Labor (Alternate)

Motion carried.

COMMITTEE REPORTS

Law Enforcement

Chairman Dobberteen stated that there was no report.

Judiciary

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

Executive Committee

Commissioner Bordner stated that the Executive Committee met on October 1st and discussed the following in addition to what has been discussed tonight:

- request from District Court to purchase software for lein that is required by the federal government. This item is on the requisition report tonight.
- heard from the Administrator on the status of the 2005 budget.
- we have to re-direct our PA 2 funds from M.A.P.S. to the Kalamazoo Substance Abuse Coordinating Agency according to the General Property Tax Act.

Physical Resources

Commissioner Bippus stated that the next Physical Resources meeting will be held on October 7th at 2:00 p.m.

Website

Commissioner Shafer stated that the Website Committee met today and discussed an item from the last meeting which was a request from some of the Assessors to add some information to the Land Resource Centre's webpage. Mr. Wing checked on the cost and to add all of these fields requested except one would not exceed \$300. The money is budgeted and the fields will be added.

There is a new person being hired in the IT Department (on report for tonight) and he will be charged with reviewing the website suggestions according to the recent study conducted by Capital Consultants.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

TEMPORARY/SEASONAL EMPLOYMENT:

Midge Bender to work temporary, part-time for MSU Extension at \$8.75/hr. effective August 30, 2004.

NEW HIRE:

Dustin M. Bainbridge has been hired as Information Technology Technician at \$28,995.00 (Rye system, grade 6, minimum) effective October 12, 2004.

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

REQUISITION

Ms. West-Wing presented the following report:

CORE Multibridge Secure Tunnel Software for District Court \$3,500.00

It was moved by Commissioner Bordner and supported by Commissioner Pueschel that the requisition be approved. Chairman Dobberteen asked the Administrator if this cost could be passed on to the people being placed on lein. The Administrator will check on this. Motion carried.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following budget adjustments:

BUDGET AMENDMENTS:

INCREASE PROBATE CHILD CARE FUND #292 REVENUES:

Line item 292-662-699.000 (Operating Transfers In) \$ 25,000.00

INCREASE EXPENDITURES:

Line item 292-662-844.000 (Probate Control Account) \$ 25,000.00

INCREASE FIA CHILD CARE FUND # 293 EXPENDITURES:

Line item 293-663-999.000 (Operating Transfers Out) \$ 25,000.00

DECREASE EXPENDITURES:

Line item 293-663-700.000 (Expenditure Control) \$ 25,000.00

INCREASE REGISTER OF DEEDS TECHNOLOGY FUND #256:

Line item 256-236-802.130 (Professional Services) \$ 37,000.00

DECREASE:

Line item 256-941.000 (Contingency) \$ 10,147.00

Line item 256-706.130 (Wages – Deputies) 18,063.00

Line item 256-716.000 (Health Insurance) 7,912.00

Line item 256-718.010 (Retirement) 878.00

\$ 37,000.00

FROM APPROPRIATION:

\$9,500.00 from Probate Child Care Appropriation to Probate Child Care Fund.

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

BILLS

Mr. Carey presented the following bills for payment:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Employee Receivable	\$ 569.00	\$
Appropriations	30,690.83	
County Commission	547.01	7,116.83
Circuit Court	932.71	16,366.71
District Court	1,489.35	63,095.29
Friend of the Court	3,969.50	31,980.84
Jury Commission	100.50	
Probate Court	490.10	16,815.24
Juvenile Branch	6,371.96	40,633.69
Appeals Court		693.21
Administration		9,684.21
Finance Department	1,446.97	10,949.35
County Clerk	201.96	21,124.25
Equalization Department	6,367.00	10,296.12
Human Resources	477.92	6,120.05
Geographic Information Systems		8,831.30
Prosecutor's Office	5,835.80	38,471.94
Central Services	3,490.29	5,058.64
Register of Deeds		11,712.06
County Treasurer	2,666.26	13,264.99
Cooperative Extension	709.57	8,770.62

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Information Technology	\$ 1,865.25	\$ 7,485.82
Buildings & Grounds	6,750.60	13,987.24
Courts Building Security		4,697.44
Drain Commission		4,385.00
Sheriff Department	85,510.21	84,571.53
Sheriff Reserves	82.98	
Marine Patrol	156.79	1,897.70
Jail & Turnkey	5,661.79	113,037.80
Emergency Services	10,621.18	4,460.94
Livestock Claims	30.00	
Animal Control	1,139.39	7,691.83
Board of Public Works		525.54
Medical Examiners	75.00	
Child Care - Probate	26,645.33	
Veterans' Services	50.00	
Utilities & General Services	19,024.06	
Total	\$223,969.31	\$563,726.18
 <u>OTHER FUNDS</u>	 <u>EXPENDITURES</u>	 <u>PAYROLL</u>
County Road Commission	\$ 550,554.44	\$
Parks & Recreation	2,877.17	8,705.13
Emergency 911 Service	1,992.67	53,238.31
Central Dispatch - Wireless	1,186.00	4,780.14
Meyer Broadway/Coon Hollow Park	253.78	1,132.46
Friend of the Court	315.00	1,285.43
Family Counseling	526.25	
Cade Lake Park	41,412.16	3,339.63
Waste Management Fund		
County Commission	6,250.00	
Resource Recovery Program	214.00	486.49
Traffic Safety Program Fund	628.05	
Economic Development Fund		7,078.70
Survey & Remonumentation	10,145.00	
Victims' Rights Advocate Fund		3,008.96
Community Corrections Advisory Board	4,891.67	2,596.91
Community Corrections Program	4,381.49	419.84
Drug Law Enforcement Fund	3,522.34	
Law Enforcement Fund	144.56	17,958.41
Secondary Road Patrol		7,977.20
Homeland Security Grant Fund	1,885.00	
Law Library Fund	1,234.05	
Principal Residence Denial Fund		526.07
Commission on Aging	33,912.86	42,621.20
Community Development Block Grant	12,029.30	
Family Independence Agency	104,105.53	
Child Care - Probate Court	42,004.45	2,776.10
Child Care - Family Independence Agency	14,058.81	
Facilities Maintenance Fund	10,530.01	
BPW #16 Lockport Township Water Supply Construction	141,607.24	
Tax Payment Fund	329,594.97	

<u>OTHER FUNDS</u>		<u>EXPENDITURES</u>	<u>PAYROLL</u>
Inmate Store		\$ 1,607.56	\$
Three Rivers Community Center		1,702.06	381.66
Flexible Benefits Insurance Fund		128,001.34	
Total		<u>\$ 1,451,567.76</u>	<u>\$ 158,312.64</u>
Grand Total		\$ 1,675,537.07	\$ 722,038.82
General Fund Operating Expenditures			
Pre-Authorized	\$160,511.10		
Accounts Payable	<u>\$63,458.21</u>	\$ 223,969.31	
General Fund Payroll Expenditures		\$ 563,726.18	
Other Funds Operating Expenditures			
Pre-authorized	\$1,420,292.99		
Accounts Payable	<u>\$31,274.77</u>	\$ 1,451,567.76	
Other Funds Payroll Expenditures		<u>158,312.63</u>	
Total Recorded for the Month		\$ 2,397,575.88	

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

CHAIRMAN'S REPORT

Chairman Dobberteen encouraged everyone to go to the Scarecrow Fest which will be held on Sunday, October 10th at Meyer-Broadway Park.

Budget work sessions were scheduled for October 25th and 27th both at 3:00 p.m.

It was moved by Commissioner Bordner and supported by Commissioner Bippus that the special board meeting scheduled for October 7th at 3:00 p.m. be cancelled.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 - Commissioner Loudenslager.

Motion carried.

CITIZENS COMMENTS

Tim Carls, Klinger Lake Road, Centreville, asked if the money to hire this 2nd attorney comes from revenue sharing monies. The Administrator explained that only 7% of the county's revenues are from revenue sharing monies. Mr. Carls wanted to know why the 2nd attorney was hired and it was explained that one attorney was to assist Chairman Dobberteen in conducting the hearing and the second attorney would present the Board's position on the removal of the 2 persons from the CMH Board at the special meeting scheduled for October 7th which has been cancelled.

ADJOURNMENT

It was moved by Commissioner Bordner and supported by Commissioner Bippus that the St. Joseph County Board of Commissioners adjourn until October 19, 2004 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

John L. Dobberteen, Chairman