

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

September 7, 2017

The County Board of Commissioners met in regular session on Thursday, September 7, 2017 in the Commission Chambers.

Chair Robert Ziliak called the meeting to order at 7:00 p.m. Commissioner Dyes provided the Invocation. Commissioner Grice led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica Kennedy called roll:

COMMISSIONERS PRESENT: Annie File, Michael Grice, Skip Dyes, Roseann Marchetti, Robert Ziliak and E. Clark Cobb.

COMMISSIONERS ABSENT: Terry Ausra.

STAFF PRESENT: Administrator Karen L. Folks, Finance Director Angie Steinman and Clerk/Register Monica Kennedy.

INTRODUCTION OF VISITORS

Visitors introduced themselves.

APPROVAL OF THE AGENDA

Commissioner Cobb moved, seconded by Commissioner Marchetti, to approve the September 7, 2017 Regular Board of Commissioners Meeting Amended Agenda. Motion carried by voice vote.

PRESENTATIONS

Executive Director Bradley Casemore offered information on Southwest Michigan Behavioral Healthcare.

RECOGNITIONS

None.

INTRODUCTIONS

State Representative Aaron Miller greeted commissioners and discussed recent developments in Lansing. He also introduced his second daughter, Leah Rebecca, who was born in January of 2017.

PUBLIC HEARING

Chair Ziliak opened the Public Hearing on the Proposed FY 2018 Budget at 7:18 p.m. There was no public comment. Chair Ziliak closed the Public Hearing.

CONSENT AGENDA

Commissioner Dyes moved, seconded by Commissioner Grice, that the following items be voted on at one time by roll call vote and be considered as a consent agenda by the Board of Commissioners:

(M-126-17) A motion to approve Claims dated August 25, 2017

(M-129-17) A motion to approve payment of invoice #4595 made payable to Pontem Software in the amount of \$11,163.00. The invoice covers services provided for yearly maintenance for the Delinquent Tax Software.

(M-130-17) A motion to approve payment of invoice #2155894 made payable to XMission in the amount of \$6,814.44 for yearly maintenance of the County e-mail provider.

(M-131-17) A motion to approve the purchase of four laptop computers for the Prosecutor's Office from Southern Computer Warehouse at a cost of \$5,890.76 to be paid out of line item # 245-244-976.072.

(R-132-17) OPPOSITION TO SENATE BILL 386

WHEREAS, the collection of delinquent real property taxes and the administration of the delinquent tax revolving fund by the county treasurer under The General Property Tax, 1893 PA 206, as amended, MCL 211.1 to 211.157, is important in assuring that Cass County (the "County") and local tax collecting units within the County actually receive taxes levied in a timely manner, that tax delinquent properties in the County are returned to productive use, and that a favorable credit rating for the County is maintained;

WHEREAS, Senate Bill 386 of 2017, as passed by the Michigan Senate ("SB 386") would undermine the process for collecting delinquent real property taxes by: (1) increasing, litigation against the county treasurer, allowing anyone to challenge a court-ordered property tax foreclosure for eight new reasons, even a person with no legal interest in the property; (2) clouding title to court-foreclosed properties,

reducing sale proceeds used to reimburse local tax collecting units for unpaid property taxes and reducing delinquent tax revolving fund revenue; and (3) creating uncertainty through retroactivity and interference with a pending case before the Michigan Supreme Court;

WHEREAS, by allowing new collateral attacks on judicial foreclosure orders after the orders are final and appeal rights exhausted, SB 386 would undermine the quality of the fee simple title vested in the foreclosing governmental unit, cloud otherwise clear titles, create uncertainty, and reduce prices paid for tax-foreclosed properties at tax sales, all of which undermine the current effective tax sale and delinquent tax collection process;

WHEREAS, for these reasons, the Michigan Association of Counties, the Michigan Association of County Treasurers, and the county treasurer of this County have indicated their opposition to the passage and enactment of SB 386; and

WHEREAS, the county treasurer has asked this Board of Commissioners to join in opposing Senate Bill 386.

NOW, THEREFORE, BE IT RESOLVED, by this Board of Commissioners of Cass County that the Board of Commissioners of Cass County hereby opposes the passage and enactment of Senate Bill 386 of 2017; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to the county treasurer, each member of the Michigan State Senate and the Michigan House of Representatives representing Cass County, and the Governor of Michigan.

(M-133-17) A motion to approve the August 17, 2017 Regular Meeting Minutes

(M-134-17) A motion to reappoint Kevin Anderson and James Finan to the Economic Development Corporation for six year terms ending September 30, 2023. The reappointments are at the recommendation of the EDC Board.

The Vice Chair instructed the Clerk to call roll:

Yes (6): Commissioners File, Grice, Dyes, Marchetti, Ziliak and Cobb.

No (0): None.

Absent (1): Commissioner Ausra.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners File, Grice, Dyes, Marchetti and Ziliak furnished committee reports.

ADMINISTRATOR'S REPORT

Administrator Karen L. Folks provided a written Administrator's Report.

FINANCIAL REPORT

Finance Director Angie Steinman presented the Financial Report.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

R-127-17 Amended

Commissioner Cobb moved, seconded by Commissioner Marchetti, to adopt the following resolution:

FISCAL YEAR 2018 GENERAL APPROPRIATIONS ACT

WHEREAS, the Uniform Budgeting and Accounting Act (Public Act 2 of 1968) provides a system of unified procedures for the preparation and execution of budgets for units of local government; and

WHEREAS, the County Administrator has prepared a recommended budget as required by Public Act 2; and

WHEREAS, it is the intent of the Board of Commissioners to provide for the solvency of county fiscal operations by adopting an Appropriations Act as required by law; and

WHEREAS, the Board of Commissioners, in accordance with the Uniform Budgeting and Accounting Act, held a public hearing on the FY2018 budget on September 7, 2017, after proper notice was published in a newspaper of general circulation; and

NOW THEREFORE, BE IT RESOLVED that this General Appropriations Act is adopted for October 1, 2017 – September 30, 2018 and provides by departmental activity, the budgets as approved and amended by the Board this date; and

NOW THEREFORE, BE IT FURTHER RESOLVED that this General Appropriations Act reflects the application of [\$70,000] from the budget stabilization fund, [\$738,395] from fund balance, totaling [\$808,395] and providing for a 2017-2018 balanced budget; and

BE IT FURTHER RESOLVED that the Board of Commissioners hereby adopts the budgets of the Other Funds as attached; and

BE IT FURTHER RESOLVED that this budget reflects a reasonable allocation of available resources to the various County departments, boards and agencies, and allows for all mandated services, programs and activities to be performed at or above reasonable, necessary and serviceable levels; and

BE IT FURTHER RESOLVED that every appropriation is subject to all County policies as well as the conditions set forth in this resolution and that any modification, addition, or deletion, of such amounts hereby adopted shall be done in accordance with the policies and procedures established by the Board of Commissioners; and

BE IT FURTHER RESOLVED that the Board of Commissioners grants authority to appointed Boards and Commissions to manage their assigned budgets as adopted herein; and

BE IT FURTHER RESOLVED that the Approved Position Allocation list contained in the Budget establishes the number of permanent full time equivalent (FTE) positions that can be filled, and no funds are appropriated for any permanent position not on the Approved Position List. In addition, the job position titles, pay classifications and full time equated designations for each position are deemed to be the correct designations and are hereby incorporated into the Approved Position Allocation list, and any modification of employment classifications shall be done in accordance with established County policy; and

BE IT FURTHER RESOLVED that it is understood that revenues and expenses may vary from those which are currently contemplated and may be changed from time to time by the Board of Commissioners during the 2018 fiscal year, as deemed necessary. Consequently, there may be a need to increase or decrease various portions of the approved budget and/or impose a hiring freeze and/or impose reductions in force due to unforeseen financial changes; therefore, the Board of Commissioners reserves the right to change the Approved Position Allocation list and/or impose a hiring freeze at any time; and

BE IT FURTHER RESOLVED that those positions on the Position Allocation list and programs which are supported partially or in whole by grant, cost sharing, reimbursement, or other source of outside funding are only approved contingent upon the County receiving the budgeted revenues. Upon notification that budgeted funding of a position or program shall not be received, the Elected Official or Department Head shall immediately notify the County Administrator and that position shall be immediately removed from the Position Allocation list if funding is exhausted; and

BE IT FURTHER RESOLVED that the County Administrator shall oversee the preparation and maintenance of accounts in every office to enforce this Act as adopted and that the Board of Commissioners permits the County Administrator to execute

transfers between line items of departments so as to eliminate the necessity for budget amendments except between distinct departmental activities.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Grice, Dyes, Ziliak, Marchetti, Cobb and File.

No (0): None.

Absent (1): Commissioner Ausra.

Resolution R-127-17 carried by roll call vote.

R-128-17

Commissioner Marchetti moved, seconded by Commissioner Grice, to adopt the following resolution:

CONVENTION FACILITY/LIQUOR TAX DISTRIBUTION

WHEREAS, counties share in the tri-county convention facilities tax levied under Act 106 of 1985 and the 4% liquor tax levied under Act 58 of 1998 when those revenues exceed the debt service requirements for convention facilities; and

WHEREAS, Cass County's estimated convention tax distribution for 2018 is [*\$147,019*]; and

WHEREAS, the County may use this money to reduce property taxes, or for general County operations;

NOW THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners determines that it would be in the best interest of the County to utilize the Convention Facility/Liquor Tax Distribution for 2018 for general County operations; and

BE IT FURTHER RESOLVED that the [*\$147,019.00*] be recognized as revenue in 2017 with one-half of this amount, [*\$73,509.50*] appropriated to the Substance Abuse Coordinating Agency for use in substance abuse programs in Cass County.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Dyes, Ziliak, Marchetti, Cobb, File and Grice.

No (0): None.

Absent (1): Commissioner Ausra.

Resolution R-128-17 carried by roll call vote.

M-135-17

Commissioner File moved, seconded by Commissioner Dyes, to approve the PA 2 Intergovernmental Contract with Southwest Michigan Behavioral Health. Motion carried by voice vote.

M-136-17

Commissioner File moved, seconded by Commissioner Marchetti, to establish a budget amendment in the Medical Examiner Department of the General Fund Budget as follows:

Fund 101 General Fund

Revenues		Budget Increase
101-000-699.999	Fund Balance Allocation	\$7,500
Expenses		Budget Increase
101-648-818.020	Hospital Autopsy Fees	\$7,500

Motion carried by voice vote.

M-137-17

Commissioner Grice moved, seconded by Commissioner File, to establish a budget amendment in the Jail Commissary Fund as follows:

Fund101 General Fund

Revenues		Budget Increase
595-351-699.999	Fund Balance Allocation	\$18,200
Expenses		Budget Increase
595-351-726.000	Supplies	5,200
595-351-726.020	Commissary Supplies Phone	<u>13,000</u>
		\$18,200

Motion carried by voice vote.

M-138-17

Commissioner Cobb moved, seconded by Commissioner Marchetti, to approve the payment to CDW for a three year software maintenance agreement.

Fund 101 General Fund

Expenses

101-301-983.000	Software Maintenance	2,500
101-304-983.000	Software Maintenance	208
101-306-983.000	Software Maintenance	<u>416</u>
		\$3,124

Fund 233 Marcellus Township Police Contract

Expenses

233-310-983.000	Software Maintenance	416
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Fund 271 Cass County Drug Enforcement Team

Expenses

271-301-983.000	Software Maintenance	1,452
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Fund 272 K-9 Drug Fund

Expenses

272-301-983.000	Software Maintenance	<u>208</u>
		\$5,200

Motion carried by voice vote.

M-139-17

Commissioner Marchetti moved, seconded by Commissioner Grice, to approve the purchase order from Election Source in the amount of \$22,220 to be paid from the Public Improvement Fund 245-244-975.094 Election Programming Hardware/Software. Motion carried by voice vote.

PUBLIC COMMENT

None.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioner Marchetti, Chair Ziliak and Administrator Folks shared announcements.

CLOSED SESSION

M-140-17

Commissioner File moved, seconded by Commissioner Grice, to enter closed session in order to discuss CBA negotiations. In addition to commissioners, Administrator Folks, Finance Director Steinman, Sheriff Richard J. Behnke, Undersheriff Clint Roach and Clerk/Register Monica Kennedy joined the closed session. The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Marchetti, Cobb, File, Grice, Dyes and Ziliak.

No (0): None.

Absent (1): Commissioner Ausra.

The meeting entered closed session at 8:02 p.m.

The meeting returned to open session at 8:30 p.m.

M-141-17

Commissioner Cobb moved, seconded by Commissioner Marchetti, to ratify the Collective Bargaining Agreement for COAM Captains and Coordinator. The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Cobb, File, Grice, Dyes, Ziliak and Marchetti.

No (0): None

Absent (1): Commissioner Ausra.

Motion M-141-17 carried by roll call vote.

ADJOURNMENT

Commissioner Marchetti moved, seconded by Commissioner Cobb, to adjourn. Motion carried by voice vote.

The meeting adjourned at 8:32 p.m.

Approved: _____
Date

Robert Ziliak, Chairperson

Monica Kennedy, Clerk/Register