

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

March 18, 2021

The Cass County Board of Commissioners met for their Regular Meeting on Thursday, March 18, 2021 in Commissioner Chambers. Due to COVID-19 concerns, all public participation was offered via Zoom.

Chair Dyes called the meeting to order at 6:30 p.m. Commissioner Jones provided the Invocation.

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: Ryan Laylin, Annie File, Skip Dyes, Roseann Marchetti, Mike Grice and Jeremiah Jones.

COMMISSIONERS ABSENT: Robert Benjamin.

STAFF PRESENT: County Administrator Jeff Carmen, Finance Director Becky Moore and Clerk/Register Monica McMichael.

PUBLIC COMMENT (Agenda Items Only)

Jerry Marchetti said hello to the commissioners.

APPROVAL OF THE AGENDA

Commissioner File moved, seconded by Commissioner Jones, to approve the March 18, 2021 Cass County Board of Commissioner's Agenda. Motion carried by voice vote.

RECOGNITIONS

None.

PRESENTATIONS

Finance Director Becky Moore presented the FY2020 Audit that was completed by Yeo & Yeo.

CONSENT AGENDA

Vice Chair Grice moved, seconded by Commissioner Marchetti, 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-41-21) A motion to approve Claims dated March 5, 2021.

(M-42-21) A motion to approve the March 4, 2021 Board of Commissioners Regular Meeting Minutes.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Laylin, File, Dyes, Marchetti, Grice and Jones.

No (0): None.

Absent (1): Commissioner Benjamin.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners File, Marchetti, Grice, Jones and Dyes offered Committee Reports.

APPOINTMENTS COMMITTEE

Commissioner Marchetti stated that the Appointments Committee would meet the first Tuesday in April.

ADMINISTRATOR'S REPORT

Administrator Carmen presented the Administrator's Report.

FINANCE REPORT

The Finance Report was included in the board packet.

PUBLIC SAFETY UPDATE

Sheriff Behnke provided a Public Safety Update.

COUNTY PARTNERS

Road Commission Manager Bob Thompson offered an update on Road Commission operations.

ELECTED OFFICIALS UPDATE

Judge Dobrich shared information from the Cass County Courts.

UNFINISHED BUSINESS

Commissioner Jones opened discussion on adjusting the time for regular board meetings to begin. Discussion followed. Commissioner Jones moved, seconded by Commissioner Laylin, to begin regular board meetings at 5:00 p.m. Discussion followed. The motion failed by voice vote.

NEW BUSINESS

M-43-21

Commissioner Laylin moved, seconded by Commissioner Marchetti, to appoint Skip Dyes to the Woodlands Behavioral Healthcare Network Board for a three-year term ending March 31, 2024. Motion carried by voice vote.

M-44-21

Commissioner Marchetti moved, seconded by Commissioner Laylin, to appoint Mike Grice to the Woodlands Behavioral Healthcare Network Board for a three-year term ending March 31, 2024. Motion carried by voice vote.

M-45-21

Commissioner Grice moved, seconded by Commissioner Marchetti, to appoint Jeanne Jourdan to the Woodlands Behavioral Healthcare Network Board for a three-year term ending March 31, 2024. Motion carried by voice vote.

R-46-21

Commissioner Jones moved, seconded by Commissioner Laylin, to approve the following resolution:

911 FEE DIVERSION

WHEREAS, The Federal Communications Commission (“FCC”) is accepting comments in its plan to eliminate the diversion of 911 fees for items it deems not directly related to the 911 process; and

WHEREAS, Michigan Public Act 32 of 1986 provides for each local 911 district to utilize 911 fees within certain limitations that are determined by the State and regularly audited for compliance with the limitations; and

WHEREAS, under Michigan law, allowable uses include radio systems, paging systems, pagers, automatic vehicle location (AVL) systems, and mobile data computers (MDCs); and

WHEREAS, FCC proposed rules impinge upon Michigan's ability to determine the definition of allowable costs for 911 fees; and

WHEREAS, FCC proposed rules would eliminate the utilization of funds for radio infrastructure, mobile radios, portable radios, pagers, AVL systems and MDCs, critical to dispatching the 911 response; and

WHEREAS, the Cass County Board of Commissioners believe a broader use and interpretation of the phrase "directly related to the 911 process" should be adopted to include the entire 911 dispatching communication process; and

WHEREAS, the Cass County Board of Commissioners believe that local decision making and local control regarding the utilization of 911 fees is paramount.

NOW, THEREFORE BE IT RESOLVED, that the Cass County Board of Commissioners supports a broader use and interpretation of the phrase "directly related to the 911 process" and support local decision making and local control regarding the utilization of 911 fees.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners File, Dyes, Marchetti, Grice, Jones and Laylin.

No (0): None.

Absent (1): Commissioner Benjamin.

Resolution R-46-21 carried by roll call vote.

M-47-21

Commissioner File moved, seconded by Commissioner Jones, to approve the Lake Level Easement for Barron Lake Level District. Discussion followed. Motion carried by voice vote.

M-48-21

Commissioner Laylin moved, seconded by Commissioner Marchetti, to approve the FY2020 Audit. Discussion followed. Motion carried by voice vote.

R-49-21

Commissioner Marchetti moved, seconded by Commissioner Laylin, to approve the following resolution:

EASING OF RESTRICTIONS

WHEREAS, the Cass County Board of Commissioners recognizes the heroic efforts of our front-line workers and first responders and applauds the citizens and businesses who have diligently adhered to mitigation measures; and

WHEREAS, the Cass County Board of Commissioners appreciates the need for appropriate executive and epidemic orders and policies to mitigate the spread of the COVID-19 virus and promote public safety, while also protecting local and state economic interests; and

WHEREAS, Cass County's cases and positivity rates continue to decline, hospital capacity continues to improve, and the number of citizens who have been vaccinated to protect themselves from the virus, increases daily; and

WHEREAS, the Cass County Board of Commissioners addressed the need to regionalize the response to COVID-19 in a letter to Governor Whitmer in April of 2020, recognizing that what is necessary for some areas of our state may not be necessary in Southwest Michigan; and

WHEREAS, those of us in border counties have seen a magnified effect on our economy due to our citizens being able to drive a short distance to Indiana, where the restrictions are less; and

WHEREAS, the proximity to Indiana has particularly impacted our local restaurant industry which is already struggling to recover from another dine-in closure order, followed by a curfew and 25% capacity restriction that lacks financial viability for most area establishes; and

WHEREAS, while some local businesses may have received some governmental financial assistance it was not enough to offset the losses of revenue due to closures and restrictions, thus many local businesses have been forced to close permanently due to the irreparable economic harm they have experienced throughout this past

year and many more will follow if the state does not adopt a new approach to mitigation policies; and

WHEREAS, Cass County has seen a consistent downward trend in the numbers affected by COVID-19, it is now time for all of our businesses, including but not limited to restaurants and banquet facilities, to remain open in accordance with CDC guidelines with industry-specific procedures and protocols aimed at containing the spread of COVID-19 in place.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Cass County Board of Commissioners calls upon the Governor to implement a new, regional approach to mitigation that values local input; takes cases, vaccinations, seasonality, and regional differences into consideration; and sets clear benchmarks for the easing of restrictions on businesses for the public to follow.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioner Dyes, Marchetti, Grice, Jones, Laylin and File.

No (0): None.

Absent (1): Commissioner Benjamin.

Resolution R-49-21 carried by roll call vote.

R-50-21

Commissioner Grice moved, seconded by Commissioner Jones, to approve the following resolution:

EXPANDING WINDOW FOR VIRTUAL MEETINGS

WHEREAS, In March of 2020, the global pandemic, COVID-19, resulted in local bodies of government having to hold their meetings virtually due to in-person meeting number restrictions put in place at the State level; and

WHEREAS, due to ongoing orders requiring mask wearing and social distancing the need for meetings to continue being held virtually still exists; and

WHEREAS, while the timeframe to hold meetings virtually was extended through Senate Bill 1246, that window expires on March 31, 2021; and

WHEREAS, while a recent MDHHS order expands the number of individuals that gather for a meeting to 25, that window expires April 19, 2021; and

WHEREAS, with the mask wearing and social distancing requirements still in place, Cass County does not have a facility that would allow for the Board of Commissioners and the public to be present for a meeting; and

WHEREAS, in addition, after March 31, 2021, the expanded reasons for allowing virtual meetings ends; and

WHEREAS, Senate Bill No. 207 would expand that window allow virtual meetings through June 2021.

NOW, THEREFORE BE IT RESOLVED, that the Cass County Board of Commissioners supports Senate Bill No. 207 which would expand the window for holding virtual meetings of a public body through June 30, 2021.

BE IT FURTHER RESOLVED, that the resolution will be forwarded to the Michigan Association of Counties and to all of the legislators representing Cass County.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Marchetti, Grice, Jones, Laylin, File and Dyes.

No (0): None.

Absent (1): Commissioner Benjamin.

Resolution R-50-21 carried by roll call vote.

M-51-21

Commissioner Jones moved, seconded by Commissioner Laylin, to approve a Cropland Lease Agreement for 89 acres in Newberg Township between the County of Cass and Masten Farms, as specified in the contract. Motion carried by voice vote.

M-52-21

Commissioner File moved, seconded by Commissioner Jones, to approve a Cropland Lease Agreement for 99 acres in Newberg/Porter Townships between the County of Cass and Masten Farms, as specified in the contract. Motion carried by voice vote.

M-53-21

Commissioner Laylin shared a report from the Historic Courthouse Committee. No motion was necessary.

R-54-21

Commissioner Marchetti moved, seconded by Commissioner Laylin, to approve the following resolution:

CASS COUNTY DECLARATION “LOCAL STATE OF EMERGENCY

WHEREAS, on March 10, 2020, the County of Cass, Michigan was informed that in response to the novel coronavirus, COVID-19, a state of emergency was declared by the Governor of the State of Michigan; and

WHEREAS, on March 13, 2020, the County of Cass, Michigan was informed that in response to the novel coronavirus, COVID-19, a national state of emergency was declared by the President of the United States; and

WHEREAS, the Van Buren/Cass District Health Department was partially activated on March 2, 2020, and fully activated on March 17, 2020; and

WHEREAS, the Cass County Emergency Operations Center activated a Virtual EOC on April 8, 2020, in support of Public Health in acquiring resources to deal with the pandemic, the Virtual EOC has since been demobilized; however, remains ready to assist and may be partially or fully activated consistent with the Emergency Operations Plan which has been functioning since March 23, 2020 as necessary; and

WHEREAS, any widespread outbreak within the County of Cass could hinder and/or cease most daily operations within the entire County and overwhelm the Public Health Services, Emergency Medical Services, Hospitals and urgent care facilities; and

WHEREAS, as a result of the requirements placed on the local health department personnel (including, but not limited to, education, enforcement, contact tracing, planning, testing and vaccination deployment) additional staff, volunteers, services and supplies/equipment may be needed to continue to protect public health; and

WHEREAS, Michigan Department of Health and Human Services (MDHHS) and Michigan Occupational Safety and Health Administration (MIOSHA) rules and orders exist requiring, or advising of, preventative measures to be in place to protect public health, including limitations on gatherings and use of remote technologies; and

WHEREAS, public bodies within Cass County have complied with orders or have voluntarily elected to meet virtually and may elect to continue such practice under this Declaration to protect public health consistent with the Open Meetings Act as amended; and

WHEREAS, in the absence of a current State of Michigan declared State of Emergency, it is necessary to declare a local State of Emergency.

NOW THEREFORE BE IT RESOLVED, that the Cass County Board of Commissioners, in accordance with Section 10 of 1976 PA 390, as amended, and the Open Meetings Act, as amended, hereby declares that a “local state of emergency” exists within our jurisdiction as of December 3, 2020, and that local resources and funding are being utilized to the fullest possible extent, and the Emergency Operations Plan will be partially or fully implemented as this pandemic necessitates.

BE IT FURTHER RESOLVED that this Declaration will expire on December 31, 2021, unless otherwise extended or repealed by the Cass County Board of Commissioners.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioner Grice, Jones, Laylin, File, Dyes and Marchetti.

No (0): None.

Absent (1): Commissioner Benjamin.

Resolution R-54-21 carried by roll call vote.

Discussion - Protecting Local Government Retirement and Benefits Act (no action needs to be taken): Finance Director Becky Moore informed board members that the annual report was filed. No board action was needed.

PUBLIC COMMENT

Commissioner Jones stated that county residents voiced resistance to House Bill 127. They also asked commissioners to support a resolution to declare Cass County a 2nd Amendment Sanctuary County.

Wendy Glaser and Tricia Olsen discussed concerns over House Bill 127 and asked commissioners to affirm Cass County as a 2nd Amendment Sanctuary County.

CLOSED SESSION

None.

BOARD MEMBER COMMENTS OR ANNOUNCEMENTS

Commissioner File announced the Easter Egg Hunt at Lawless Park on March 27, 2021.

Commissioner Laylin reminded commissioners to check dates in April to hold a full day board retreat.

ADJOURNMENT

Commissioner Laylin moved, seconded by Commissioner Jones, to adjourn. Motion carried by voice vote.

The meeting adjourned at 7:55 p.m.

Approved: _____
Date

Dwight Dyes, Chair

Monica McMichael, Clerk/Register