

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

May 4, 2023

The Cass County Board of Commissioners met in regular session on Thursday, May 4, 2023, in Commission Chambers.

Chair Jeremiah Jones called the meeting to order at 5:00 p.m. Commissioner Lawrence provided the Invocation. Commissioner Locke led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: James Lawrence, Joyce Locke, Jeremiah Jones, Mary Howie, Samuel Barrera, Roseann Marchetti and RJ Lee.

COMMISSIONERS ABSENT: Ryan Laylin.

PUBLIC COMMENT

Public comment occurred.

APPROVAL OF THE AGENDA

Commissioner Barrera moved, seconded by Commissioner Lee, to approve the May 4, 2023, Cass County Board of Commissioner's Agenda. Commissioner Marchetti moved, seconded by Commissioner Lee, to amend the agenda to add resolution R-85-23 to New Business and to remove the following items from the consent agenda and place them under New Business: M-74-23, M-80-23 and M-81-23. Motion to amend the agenda carried by voice vote. Motion to approve the agenda as amended carried by voice vote.

RECOGNITIONS

None.

PRESENTATIONS

Prosecutor Fitz and Victim Rights Coordinator Marie Anderson introduced the Victim Rights Week Book Cover Winners.

CONSENT AGENDA

Commissioner Marchetti moved, seconded by Commissioner Lee, 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-64-23) A motion to approve the Claims dated April 14, 2023 and April 28, 2023
- (M-65-23) A motion to approve April 13, 2023 Board of Commissioners Regular Meeting Minutes and April 20, 2023 Special Meeting Minutes
- (M-66-23) Motion to approve Alexis O’Flynn to an unexpired term on the Economic Development Corporation Board ending 9/30/2024
- (M-67-23) Motion to appoint Douglas Dallich Jr. to the Economic Development Corporation Board to a term ending 9/30/2028
- (M-68-23) A motion to appoint Jesse Valdez to the Veteran’s Trust Fund Board to a term expiring 12/31/2024 contingent upon approval of the State of Michigan Veteran’s Trust Fund Board of Trustees
- (M-69-23) A motion to reappoint Clint Roach to the Woodlands Behavioral Healthcare Network Board to a term ending 3/31/2026
- (M-70-23) Motion to reappoint Richard Palmisano to the Woodlands Behavioral Healthcare Network Board to a term expiring 3/31/2026
- (R-71-23) Resolution Expressing Opposition to Michigan Entering into National Popular Vote Interstate Compact

WHEREAS, voting for the President of the United States of America (POTUS) is one of the most sacred freedoms that Americans have enjoyed since the founding of the USA; and

WHEREAS, Article II, Section 1 of the Constitution of the United States established what has become known as the Electoral College, on March 4, 1789; and

WHEREAS, the Electoral College is the prescribed method by which the POTUS is elected; and

WHEREAS, each state of the United States has a set number of electoral votes, based on the number of US Congressional seats, plus the two Senate seats, both being equal; and

WHEREAS, the “winner take all” method, based on the popular vote cast for POTUS, has continuously been the method by which Michigan’s Electoral Votes have been designated since the first election Michigan citizens were eligible to vote for POTUS, in 1836; and

WHEREAS, allowing Michigan to become a member of the National Popular Vote Interstate Compact (NPVIC) will essentially disenfranchise many duly registered voters in Michigan; and

WHEREAS, any change or agreement to change this long standing prescribed method of casting Michigan’s Electoral Votes for POTUS, by entering into the NPVIC or any other agreement or compact, is unconstitutional.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners hereby:

Demand that the Michigan Legislature NOT pass any legislation that will allow Michigan to enter into or participate in the unconstitutional NATIONAL POPULAR VOTE INTERSTATE COMPACT.

(M-72-23) Motion to approve LOU with CCIEA Court Unit

(M-73-23) Motion to approve LOU with CCIEA General Unit

(R-75-23) Resolution Pledging Full Faith and Credit to Van Cass Intercounty Drain District Note or Notes

WHEREAS, pursuant to a petition filed with the Drain Commissioner of the County of Van Buren, State of Michigan, proceedings have been taken under the provisions of Act 40, Public Acts of Michigan, 1956, as amended (the “Act”), for the making of certain improvements to the Van Cass Intercounty Drain (the “Project”), which is being undertaken by the Van Cass Intercounty Drain Drainage District (the “Drainage District”); and

WHEREAS, the Project is necessary for the protection of the public health, and in order to provide funds to pay preliminary costs of the Project, the Drainage Board for the Drainage District intends to issue the Drainage District’s note or notes (the “Note”) in an amount not to exceed \$595,000 pursuant to Section 434 of the Act; and

WHEREAS, the principal of and interest on the Note will be payable from bonds to be issued by the Drainage District to provide the permanent financing for the Project (the “Bonds”); and

WHEREAS, for purposes of the issuance of the Note, thirty-five percent (35%) of the cost of the Project was apportioned by the Drainage Board for the Drainage District to the County of Cass (the “County”) and sixty-five percent

(65%) of the cost of the Project was apportioned by the Drainage Board to the County of Van Buren; and

WHEREAS, the Drainage Board deems it advisable and necessary to request that this Board adopt a resolution pledging the limited tax full faith and credit of the County on the Note to the extent that the cost of the Project has been apportioned to the County; and

WHEREAS, the Cass County Board of Commissioners (the “Board”) may, by resolution adopted by a majority vote of two-thirds of the members of the Board, pledge the full faith and credit of the County for the prompt payment of the principal of and interest on the Note pursuant to Section 434 of the Act; and

WHEREAS, the pledge of the full faith and credit of the County to the Note will reduce the cost of financing the Project and will be a benefit to the people of the County.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners as follows:

1. The County pledges its full faith and credit for the prompt payment of 35% of the principal of and interest on the Note and any Note issued to refinance the Note, or such other percentage of the Project as may be allocated to the County should such apportionments be revised, and the County agrees that in the event that the Bonds are not issued prior to the date on which the principal of and interest on the Note (or a Note issued to refinance the Note) are due and that moneys are not otherwise available to the Drainage District on such date to pay such principal and interest, the County will immediately make such advancement from general funds of the County to the extent necessary to pay the County’s share of the principal of and interest on the Note (or a note issued to refinance the Note) when due. The ability of the County to levy taxes to pay its share of the principal of and interest on the Note (or a note issued to refinance the Note) shall be subject to constitutional and statutory limitations on the taxing power of the County. The Note may be issued as part of one or more note issues.
2. In the event that, pursuant to said pledge of full faith and credit, the County advances County funds to pay any part of the principal of and interest due on the Note, the County shall take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.
3. The Chairperson of the Board, the County Controller/Administrator, Deputy Administrator, the County Clerk, the County Treasurer, Finance Director, and any other official of the County, or any one or more of them (“Authorized Officers”), are authorized and directed to take all actions necessary or desirable for the issuance of the Note and to execute any documents or certificates necessary to complete the issuance of the Note, including, but not limited to, any applications including the Michigan Department of Treasury Application for State Treasurer’s Approval to Issue Long-Term Securities, any waivers, certificates, receipts, orders, agreements, instruments, and any certificates relating to federal or state

securities laws, rules, or regulations, and to sign such documents and give any approvals necessary therefor.

4. This resolution shall become effective only if the Board of Commissioners of the County of Van Buren adopts a resolution substantially in the form of this resolution that pledges the limited tax full faith and credit of the County of Van Buren to the payment of the principal of and interest on the Note when due to the extent of its apportioned share of the cost of the Project.
5. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded to the extent of the conflict.

(R-76-23) Resolution Accepting and Approving Blight Elimination Grant

WHEREAS, the FY2023-24 Blight Elimination Program legislation allocated \$21,550,000 to be distributed by the State Land Bank Authority to revitalize communities and grow the economy; and

WHEREAS, county land banks were guaranteed up to a \$200,000.00 allocation to address vacant, abandoned, and deteriorated properties in their communities; and

WHEREAS, the Cass County Land Bank completed a submission package in response to the Request for Proposal (RFP) during the submission period October 1, 2022 thru January 31, 2023; and

WHEREAS, the State Land Bank Authority awarded the Cass County Land Bank Authority up to \$159,226.40 to complete blight elimination activities; and

WHEREAS, the Blight Elimination Program Grant is fully reimbursable and does not require any matching funds from the County.

NOW THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners approves and accepts the Grant Award of \$159,226.40 from the Michigan's Blight Elimination Program for use by the Cass County Land Bank Authority.

(R-77-23) Resolution Accepting and Approving MI-HOPE Grant

WHEREAS, the Cass County Land Bank Authority has been awarded \$500,000.00 in round two of MSHDA's Michigan Housing Opportunities Promoting Energy Efficiency (MI-HOPE) grant program; and

WHEREAS, Midwest Energy and Communications pledged an additional \$5,000.00 to the efforts of MEC customers, bringing the total funding to \$505,000.00; and

WHEREAS, the MI-HOPE Program is designed to promote energy efficiency in homes in which homeowners may not be able to independently fund the necessary repairs; and

WHEREAS, Cass County is dedicated to providing support and resources to County homeowners; and

WHEREAS, the grant, if approved, will be able to fund improvements for at least 20 homeowners throughout the County; and

WHEREAS, the Village of Cassopolis received funds during the first round of MI-HOPE grant allocations and the City of Dowagiac received funds during the second round of MI-HOPE grant allocations, it is required that funds received by the Cass County Land Bank Authority shall be allocated to homes outside the Village of Cassopolis and the City of Dowagiac; and

WHEREAS, the MI-HOPE grant is fully reimbursable and does not require any matching funds from the County.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners approves and accepts MSHDA'S MI-HOPE Grant Award and authorizes the Cass County Land Bank to carry out all qualifying activities utilizing the total project funding of \$505,000.00.

(R-78-23) Resolution to Recognize May 7-13 as National Corrections Officers Week

WHEREAS, the professionalism, courage, and dedication of Correctional Officers are deserving of recognition for their valuable role in supporting public safety; and

WHEREAS, in 1984, Congress, by Senate Joint Resolution 132, designated the week beginning May 6, 1984 as "National Correctional Officers Week" and authorized the President to issue an appropriate proclamation; and

WHEREAS, in 1984, President Ronald Reagan signed a proclamation creating "National Correctional Officers Week" which would fall on the first full week of May each year; and

WHEREAS, National Correctional Officers Week in the County of Cass recognizes employees of the Cass County Jail for their role in safeguarding the community by providing safe, secure, and humane incarceration to those within their custody; and

WHEREAS, the Cass County Sheriff's Office currently employs 19 well trained, educated, and highly skilled Correctional Officers who work in a demanding environment with great responsibility in carrying out the mandates

of the court, while assisting those who are experiencing incarceration in developing social and life skills to reduce recidivism.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners hereby proclaims the week of May 7-13, 2023 as National Correctional Officers Week in Cass County and call upon the people of Cass County to express their gratitude and appreciation for the professionalism, courage, dedication, and valuable contributions made to public safety by Cass County Correctional Officers.

(R-79-23) Resolution to Recognize May 14-20 as National Police Week

WHEREAS, the Congress and the President of the United States have designated May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week; and

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Cass County Sheriff's Office; and

WHEREAS, National Police Week will be observed May 14 - May 20, 2023, to commemorate law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established themselves an enviable and enduring reputation for preserving the rights and security of all citizens; and

WHEREAS, since the first recorded death in 1786, more than 23,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including one member of the Cass County Sheriff's Office; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, 556 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 224 officers who were killed during 2022 and 332 officers who died in previous years; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags shall be flown at half-staff; and

WHEREAS, the Cass County Sheriff's Office will hold a memorial on May 17th at 12:00 PM in memory of Deputy Shane Britton.

NOW, THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners hereby designates and proclaims the week of May 14 - 20, 2023 as "National Police Week" and publicly salutes the service of all law enforcement officers in our community and in communities across the nation.

BE IT FURTHER RESOLVED to designate and proclaim May 15th as “Peace Officers Memorial Day” in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty and recognize and pay respect to the survivors of our fallen heroes.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Lawrence, Locke, Jones, Howie, Barrera, Marchetti and Lee.

No (0): None.

Absent (1): Vice-Chair Laylin.

The Consent Agenda carried by roll call vote.

COUNTY PARTNERS

Cass County Transportation Authority Director Gerry Bundle updated commissioners on operations.

ELECTED OFFICIALS UPDATE

Sheriff Richard Behnke, Treasurer Hope Anderson, Clerk/Register Monica McMichael, Drain Commissioner Jeff VanBelle and Chief Judge Carol Bealor shared updates.

UNFINISHED BUSINESS

None.

NEW BUSINESS

M-82-23

Commissioner Marchetti moved, seconded by Commissioner Lee, to approve the renewal of a proposal from Advanced Correctional Healthcare, Inc. for Jail Health Services. Discussion followed. Motion carried by voice vote.

M-83-23

Commissioner Marchetti moved, seconded by Commissioner Lee, to refuse the purchase of 2023 tax-reverted properties. Motion carried by voice vote.

M-84-23

Commissioner Lawrence moved, seconded by Commissioner Lee, to create an Ad-Hoc Executive Committee to oversee annual performance review of County Administrator and additional duties as assigned by the Chair to be comprised of the Chair, Vice-Chair, Commissioner Marchetti, and Commissioner Howie. Discussion followed. Commissioner Barrera moved, seconded by Commissioner Lee, to amend the motion to strike Commissioner Marchetti and Commissioner Howie and to insert senior Commissioner and a new Commissioner. Motion to amend carried by voice vote. Amended motion carried by voice vote.

R-85-23

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

A RESOLUTION APPROVING THE MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT FUND GRANT AWARD

WHEREAS, Cass County has been awarded \$100,000.00 through the Michigan Department of Agriculture and Rural Development Fund Grant Program; and

WHEREAS, the grant will provide said funding to support identifying parcel-level broadband gaps and developing a common-sense plan for broadband expansion in Cass County; and

WHEREAS, the completion of the project will result in a GIS-based, parcel-level map of internet availability in Cass County which can be updated to reflect broadband expansion over time as well as serve to identify any variances that require challenges through the FCC; and

WHEREAS, Market Van Buren will provide in-kind grant administration and reporting during the project; and

WHEREAS, the MI-HOPE grant requires a matching contribution of \$44,000.00 from Cass County.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners approves and accepts the MDARD Fund Grant Award and authorizes the Chair of the Cass County Board of Commissioners to sign the MDARD Grant Award Agreement; and

BE IT FURTHER RESOLVED that the Cass County Board of Commissioners approves the allocation of \$44,000.00 of the County's Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) to provide the matching funds required under the grant agreement.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Locke, Jones, Howie, Barrera, Marchetti, Lee and Lawrence.

No (0): None.

Absent (1): Vice-Chair Laylin.

Discussion followed.

Resolution R-85-23 carried by roll call vote.

BOC WORKSHOP

Commissioners discussed possible dates and times to hold a workshop. Commissioner Locke moved, seconded by Commissioner Barrera, to hold a Board of Commissioner's Workshop at 5:00 p.m. on June 22, 2023. Motion carried by voice vote.

M-74-23

Commissioner Marchetti moved, seconded by Commissioner Lee, to approve a School Resource Officer Agreement with Marcellus Schools pending availability in the Sheriff's Office. Discussion followed. Motion carried by voice vote.

M-80-23

Commissioner Marchetti moved, seconded by Commissioner Lawrence, to approve a contract with Howard Township for Police Services with funds to be taken from and repaid to the CCDET Fund. Discussion followed.

Commissioner Marchetti requested a roll call vote.

The Chair instructed the Clerk to call roll:

Yes (5): Commissioners Marchetti, Barrera, Jones, Locke and Lawrence.

No (2): Commissioners Lee and Howie.

Absent (1): Vice-Chair Laylin.

Motion M-80-23 carried by roll call vote.

M-81-23

Commissioner Marchetti moved, seconded by Commissioner Lee, to approve the revised agreement with Marcellus Township to purchase a new Patrol Unit with funds to be taken from and repaid to the CCDET Fund. Discussion followed.

Commissioner Marchetti requested a roll call vote.

The Chair instructed the Clerk to call roll:

Yes (5): Commissioners Barrera, Jones, Locke, Lawrence and Marchetti.

No (2): Commissioners Lee and Howie.

Absent (1): Vice-Chair Laylin.

Motion M-81-23 carried by roll call vote.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioners Barrera, Marchetti, Locke and Lawrence offered comments or announcements.

ADJOURNMENT

Chair Jones adjourned the meeting at 6:34 p.m.

Approved: _____
Date

Chair Jeremiah Jones

Monica McMichael, Clerk/Register