

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

August 19, 2021

The Cass County Board of Commissioners met in regular session on Thursday, August 19, 2021, in Commissioner Chambers.

Chair Dyes called the meeting to order at 6:30 p.m. Commissioner Marchetti provided the Invocation. Kenley Laylin led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica McMichael called roll:

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

COMMISSIONERS ABSENT: None.

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

PUBLIC COMMENT (Agenda Items Only)

LaGrange Township resident Emery Lawson spoke regarding the issue of blight in the county.

Clerk/Register's Office employee and City of Dowagiac resident Mary Parmley questioned the reasoning for resolution R-148-21 that involved a Health Savings Program.

APPROVAL OF THE AGENDA

Commissioner File moved, seconded by Commissioner Jones, to approve the August 19, 2021, Cass County Board of Commissioner's Agenda. Motion carried by voice vote.

RECOGNITIONS

None.

PRESENTATIONS

None.

CONSENT AGENDA

Vice Chair Grice moved, seconded by Commissioner Marchetti, to remove motion M-143-21 (a motion to approve Claims dated August 6, 2021) from the consent agenda, and to vote on at one time by roll call vote and be considered as a consent agenda by the Board of Commissioners:

(M-144-21) A motion to approve the August 5, 2021 Board of Commissioners Regular Meeting Minutes

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Laylin, File, Dyes, Marchetti, Benjamin, Grice and Jones.

No (0): None.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners Marchetti, Benjamin, Jones and Dyes offered Committee Reports.

ADMINISTRATOR'S REPORT

Administrator Carmen presented the Administrator's Report that included the presentation of the FY 2021-2022 Proposed Budget. Discussion followed.

FINANCE REPORT

The Finance Report was included in the board packet.

PUBLIC SAFETY UPDATE

Sheriff Behnke provided a Public Safety Update.

COUNTY PARTNERS

Judge Dobrich requested the full budget report that was presented to the board. She also asked that all documents be shared prior to board meetings. She expressed frustration at the lack of communication regarding MERS and the budget.

ELECTED OFFICIALS UPDATE

Treasurer Hope Anderson informed the board that the Tax Sale would take place online Tuesday, August 24th. She also advised board members she would provide the annual foreclosure report soon. Finally, she stated there was a Michigan Homeowner Assistance Grant available to eligible residents. Anyone interested in more information should contact her office or visit www.michigan.gov/hihaf

UNFINISHED BUSINESS

None.

NEW BUSINESS

R-145-21

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

ESRI ENTERPRISE

WHEREAS, The mapping software currently used by Cass County is very basic in the information that it can provide for users and is 20 years old; and

WHEREAS, for future technology growth Cass County's geospatial systems need to be converted and ESRI will integrate efficiently with our existing systems such as those used by 911, Cass County Road Commission and drone and GPS equipment; and

WHEREAS, ESRI is the only system currently supporting the features that Cass County would like to implement in one easy platform; and

WHEREAS, ESRI Is the single standard for GIS and is used by 350,000 Public and Private organizations worldwide, including The State of Michigan, The City of Dowagiac, The Pokagon Band, and every adjacent County in Michigan and Indiana.

NOW THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners approves the purchase of Geographic Information System software from ESRI at a cost of \$55,000.00 for the first year, \$55,000.00 for the second year, \$55,000.00 for the third year and a final payment of \$15,500.00 for a total cost of \$180,500.00 and the process approved by the County Administrator as a single source, and Funding availability from Fund 245 approved by the Finance Director.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (5): Commissioners File, Dyes, Marchetti, Jones and Laylin.

No (2): Commissioners Benjamin and Grice.

Resolution R-145-21 carried by roll call vote.

R-146-21

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

PATROL CANINE REPLACEMENT

WHEREAS, For 19 years the Cass County Sheriff's Office has used Patrol Canines for tracking purposes only and would like to move forward with using a canine in a patrol setting for enforcement of drugs; and

WHEREAS, the current Patrol Canine used for tracking will begin to be phased out due to age and an injury; and

WHEREAS, the most feasible solution is to train a new canine for tracking and add an additional canine to the patrol division, which would give us more coverage and allow the county to be more responsive; and

WHEREAS, approximate initial costs for the canines would not exceed \$28,000.00.

NOW THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners approves an amount not to exceed \$28,000.00 for initial investment for the two canines.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Dyes, Marchetti, Benjamin, Grice, Jones, Laylin and File.

No (0): None.

Resolution R-146-21 carried by roll call vote.

R-147-21

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

JAIL FILTRATION SOLUTION

WHEREAS, There have been problems with the clean air system at the Cass County Sheriff's Office; and

WHEREAS, Trane has done an evaluation and supplied a solution which will include a demo of the existing system and installation of a Dynamic Filtration System; and

WHEREAS, the new system meets all requirements of green buildings and hospitals and will help improve indoor air safety and quality.

NOW THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners approves Trane as the vendor at a cost of \$34,986.00 and the process approved by the County Administrator as a single source vendor and Funding approved by the Finance Director from the County Public Improvement Fund

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Marchetti, Benjamin, Grice, Jones, Laylin, File and Dyes.

No (0): None.

Resolution R-147-21 carried by roll call vote.

R-148-21

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

MERS HEALTH CARE SAVINGS PROGRAM UNIFORM RESOLUTION

WHEREAS, the Municipal Employees Retirement Act authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 72; MCL 38.1536(2)(a)).

WHEREAS, the Board has authorized MERS' establishment of the health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that constitutes a "municipality" under MERS Plan Document Section 2; MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees.

WHEREAS, MERS has been determined by the Internal Revenue Service to be a tax qualified "governmental plan" and trust under section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code section 501(a) (IRS Letter of Favorable Determination dated October 8, 2016).

WHEREAS, the Board has established a governmental trust (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS of MERS' duly-appointed Program Administrator.

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 et seq. ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries.

WHEREAS, a separate MERS health care trust fund created under PA 149 also constitutes a governmental trust established by an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the PA 149 trust shall not accept assets from any defined benefit health account established under Section 401 (h) of the Internal Revenue Code.

WHEREAS, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality as defined by the MERS 401(a) Plan Document, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the Annual Meeting as provided under Plan Section 78: MCL 38.1545.

WHEREAS, the Board also acts as investment fiduciary for those participating employers who are non-MERS participating municipalities and courts that have adopted the MERS Health Care Savings Program, Retiree Health Funding Vehicle, or Investment Service Program, and such entities are not accorded membership, representation or voting rights provide to MERS participating municipalities and courts at the Annual meeting under Plan Document Section Document 78; MCL 38.1545.

WHEREAS, adoption of this Uniform Resolution and the HCSP Participation Agreement (the "Uniform Resolution") by each Eligible Employer is necessary and required in order that the benefits available under the MERS HCSP may be extended to the Eligible Employer's employees.

- It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this HCSP Resolution that Section 43 of the MERS Plan Document shall not apply to this Uniform Resolution Adopting MERS HCSP, the Participation Agreement, the HCSP Plan Document, the Trust Agreement, and their administration or interpretation.
- In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP is made or occurs, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to administer (or to have administered) the Trust Fund, or to continue administration.

WHEREAS, concurrent with this HCSP Uniform Resolution, and as a continuing obligation, this governing body has completed, approved, and submitted to MERS documents necessary for

participation in and implementation of the HCSP. This obligation applies to any documents deemed necessary to the operation of the Trust Fund by MERS.

NEW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) the MERS HCSP as provided below.

Discussion followed.

The Chair instructed the Clerk to call roll:

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

No (1): Jones.

Resolution R-148-21 carried by roll call vote.

M-149-21

Commissioner File moved, seconded by Commissioner Marchetti, to appoint Chair Hiemstra to the Planning Commission for a three-year term ending July 31, 2024. Motion carried by voice vote.

M-150-21

Commissioner Laylin moved, seconded by Commissioner Laylin, to appoint Richard Palmisano to the Planning Commission for a three-year term ending July 31, 2024. Motion carried by voice vote.

R-151-21

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

2020 Homeland Security Grant Program Intergovernmental Funding Agreement

WHEREAS, The 2020 Homeland Security Grant Program Intergovernmental Funding Agreement between County of Van Buren and County of Cass has been submitted to the Cass County Board of Commissioners for approval.

NOW THEREFORE BE IT RESOLVED, that the Cass County Board of Commissioners on behalf of the County of Cass hereby accepts and binds the County of Cass to the terms and conditions of the Agreement and authorizes Dwight W. Dyes and Jeff Carmen to execute the Agreement.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Grice, Jones, Laylin, File, Dyes, Marchetti and Benjamin.

No (0): None.

Resolution R-151-21 carried by roll call vote.

PUBLIC COMMENT

CCIEA President Fern Smith informed commissioners of the following:

- she wanted to be sure commissioners were aware of ongoing grievances
- she asked that more description be offered for agenda items as it would save time and questions during meetings
- she advised board members there had been no movement in months regarding the CCIEA union negotiations.

CLOSED SESSION

None.

BOARD MEMBER COMMENTS OR ANNOUNCEMENTS

Chair Dyes stated that a County Blight Ordinance was discussed at the last Supervisors Meeting.

ADJOURNMENT

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

The meeting adjourned at 7:50 p.m.

Approved: _____
Date

Dwight Dyes, Chair

Monica McMichael, Clerk/Register