

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

October 21, 2021

The Cass County Board of Commissioners met for their Regular Meeting on Thursday, October 21, 2021, in Commissioner Chambers.

Chair Dyes called the meeting to order at 6:30 p.m. Commissioner Marchetti provided the Invocation. Commissioner Jones 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, Deputy County Administrator Matthew Newton, Finance Director Jennifer Rentfrow and Clerk/Register Monica McMichael.

PUBLIC COMMENT (Agenda Items Only)

None.

APPROVAL OF THE AGENDA

Commissioner File moved, seconded by Commissioner Marchetti, to approve the October 21, 2021 Cass County Board of Commissioner's Agenda with the addition of M-188-21, a motion to enter Closed Session; a motion regarding a FOIA appeal; and, to move Board of Commissioners Comments or Announcements to occur before the Closed Session. Motion to approve the agenda as amended carried by voice vote.

RECOGNITIONS

None.

PRESENTATIONS

Equalization Director Tami Stewart presented the 2021 Apportionment Report.

Drain Commissioner Jeff VanBelle offered the Annual Drain Report.

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-181-21) A motion to approve Claims dated October 15, 2021.

(M-182-21) A motion to approve the October 7, 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 File, Marchetti, Benjamin and Jones offered Committee Reports.

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.

PARKS UPDATE

Parks Director Scott Wyman informed commissioners of the successful 2021 Harvest Fest held at Lawless Park.

HISTORICAL COMMISSION UPDATE

Ron McAdam, Historical Commission Chair, shared details of the well-attended Fall Fest held at the Newton House on Sunday, October 3, 2021. Historical Commission Board Member Amy East advised commissioners that archaeology and geophysical surveys were conducted at the Newton House. She went on to discuss the process and added that she hoped to begin an archaeology program in Cass County.

COUNTY PARTNERS

None.

ELECTED OFFICIALS UPDATE

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

R-183-21

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

CASS COUNTY BOARD OF COMMISSIONERS RESOLUTION APPROVING THE 2021 APPORTIONMENT REPORT PURSUANT TO MICHIGAN COMPILED LAW 211.37

WHEREAS, Michigan Compiled Law 211.36 requires each Township Clerk to submit to the County Clerk on, or before, September 30 each year a statement which sets forth the amount of money to be raised in the Township by taxation; and

WHEREAS, Michigan Compiled Law 211.37 requires the County Board of Commissioners to hold an apportionment session and approve an Apportionment Report in October of each year; and

WHEREAS, at the annual apportionment session, the County Board of Commissioners must examine documents and records submitted to the Board that show the amount of money to be raised by ad valorem levies in each Township for school, highway, Township, and all other purposes as authorized by law and authorize and require the correction of any defects or omissions with regard to those levies; and

WHEREAS, the action of the County Board of Commissioners concerning the spread of these levies is final, except in situations where a change is made to the equalization of the County through an equalization appeal to the Michigan Tax Tribunal; and

WHEREAS, the Apportionment Report approved by the County Board of Commissioners for 2021 will be the official authorization for its 59 taxing authorities within the County to levy property taxes in 2021; and

WHEREAS, the Cass County Equalization Department has prepared an Apportionment Report for consideration by the County Board of Commissioners; and

WHEREAS, the proposed Apportionment Report, if approved, will provide final authorization for the levy of property taxes upon which taxing authorities depend to provide educational, health, economic development, public safety, and other services which are important to the well-being of the county's economy and Cass County residents; and

NOW, THEREFORE, BE IT RESOLVED that the attached 2021 Apportionment Report showing the millage levies apportioned to various taxing authorities in Cass County for the year 2021 is hereby approved in accordance with Michigan Compiled Law 211.37; and

BE IT FURTHER RESOLVED that the Cass County Board of Commissioners, under the authority of Michigan Compiled Law 211.37, directs that the millage rates specified in the attached 2021 Apportionment Report for Township, school, highway, and all other purposes as authorized by law shall be spread against the taxable value of properties on the proper assessment rolls of the Townships, Wards, and Cities in the County.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Resolution R-183-21 carried by roll call vote.

M-184-21

Commissioner Benjamin requested Motion M-184-21 be delayed until the second meeting in November.

M-185-21

Commissioner Marchetti moved, seconded by Commissioner Laylin, to approve Special Assessment rolls. Motion carried by voice vote.

M-186-21

Commissioner Jones moved, seconded by Commissioner Laylin, to approve quarterly budget adjustments. Motion carried by voice vote.

R-187-21

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

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CASS COUNTY CENTRAL DISPATCH DEPARTMENT AND THE ST. JOSEPH CENTRAL DISPATCH DEPARTMENT AND A MEMORANDUM OF UNDERSTANDING BETWEEN THE CASS COUNTY CENTRAL DISPATCH DEPARTMENT AND SUMMIT LIFE, INC.

WHEREAS, the Cass County Central Dispatch Department plans to build an Astro Site Repeater in collaboration with Motorola; and

WHEREAS, the ASR will provide an adaptable and affordable platform for mission critical communication in both Cass County and St. Joseph County; and

WHEREAS, an Interlocal Agreement has been proposed between the Cass County Central Dispatch Department and the St. Joseph County Central Dispatch Department to facilitate a 50% cost sharing of the construction of the proposed ASR over a 5-year period and 50% of the yearly costs of any maintenance, repairs, and utilities; and

WHEREAS, the ASR will be located on the east side of Baldwin Prairie Road in Union, MI (just north of the Porter Township Administration Building) on property owned by Summit Life, Inc.; and

WHEREAS, a Memorandum of Understanding has been proposed between Summit Life, Inc. and the Cass County Central Dispatch Department to provide for the site development for the ASR on said property; and

WHEREAS, both the Interlocal Agreement and Memorandum of Understanding have been reviewed and approved by the Cass County Central Dispatch Department, Cass County Civil Council, and Cass County Sheriff.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners to authorize the Chair of the Cass County Board of Commissioners to execute the Interlocal Agreement between the Cass County Central Dispatch Department and the St. Joseph County Central Dispatch Department and to approve the Memorandum of Understanding between the Cass County Central Dispatch Department and Summit Life Inc. contingent upon the satisfaction of all terms specified in both agreements.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Resolution R-187-21 carried by roll call vote.

PUBLIC COMMENT

City of Dowagiac resident Mary Parmley announced a clothing giveaway to take place Saturday, October 23, 2021, from 9:00 a.m. until noon at the Holy Maternity of Mary Catholic Church in Dowagiac.

CCIEA Union President Fern Smith stated that the meeting with MERS that occurred earlier in the day was extremely helpful. She also clarified that, instead of paying nothing, the County had always paid the minimum amount due to MERS. She went on to state that, instead of a Corrective Active Plan, the County had an 18-year payment schedule to remedy the unfunded liability.

Cass County Sheriff's Office (CCSO) Tim Gondeck reported that he would face a reduction of \$600 per month if the retirement plan moved from a defined benefit to a defined contribution. He went on to ask commissioners to continue with the current retirement program. It would honor the promise made and would retain employees.

Animal Control Director Ron Butts thanked the Parks Department for a successful Trunk or Treat event that gathered donations for Animal Control.

Cass County Sheriff's Office Sergeant Jason Pompey informed commissioners that the FOP union that represented the CCSO Sergeants no longer represented the group after a betrayal of trust and a vote of the union members.

County resident Beth Pompey discussed the definition of and issues with bullying. She went on to state that employees felt bullied regarding the threat to employee retirement benefits.

Cass County Sheriff's Office Deputy Zachary Nixon stated that he looked forward to watching the recording of the MERS meeting before negotiations began with his union.

Melissa Brawley, Sheriff's Office Deputy, stated that the department was already understaffed. She was scared and concerned for staffing levels if the retirement plan changed.

Dave Nevins, a deputy of 17 years with CCSO, informed board members that he moved his family to Cass County for employment with a defined benefit retirement program. He went on to state that a law enforcement career killed you from the inside out. That is why the department offered a 25 years of service and out retirement benefit. He also asked the County to provide more options than the current defined contribution plan.

County employee and resident Cheryl Hess commented on cell phone usage during commissioner meetings. She also asked the county not to eliminate the defined benefit retirement plan as it was a key factor to employee longevity.

CCSO Deputy Ryan Shields explained that employees would have trouble making up the difference of switching retirement plans in the midst of their career. He thanked the County for their generosity but asked that current employees be allowed to maintain a defined benefit retirement program.

County employee and resident Ashley Pompey informed commissioners she came to the County as an employee for the great benefits. She stated that if the County treated employees well, employees would be good to them.

County resident Lynn Schantz commented on the MERS employee retirement issue and wanted to be sure the county would not defund the local police. She went on to ask commissioners if, after the public comments at the Road Commission Special Meeting, they considered resolutions against masks, vaccine mandates, etc. She also suggested they make Cass a Constitutional County. Finally, she posed a question to Sheriff Behnke regarding vaccinating students in local schools.

Parks Director Scott Wyman thanked Parks Department employees Jay Wade, Patty Dohm and Jodi Pletcher.

BOARD MEMBER COMMENTS OR ANNOUNCEMENTS

Commissioner File reiterated earlier comments by Commissioner Benjamin that the board directed Administrator Carmen and Finance Director Moore to remedy the unfunded liability issue with MERS.

CLOSED SESSION

M-188-21

Commissioner Benjamin moved, seconded by Commissioner Jones, to enter a closed session to discuss a confidential written legal opinion that is subject to attorney-client privilege and to discuss collective bargaining to provide an update the Board on union negotiations. Closed session to include Administrator Carmen, Deputy Administrator Newton, and Sheriff Behnke.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Motion M-188-21 carried by roll call vote. The meeting moved to closed session at 8:07 p.m.

The meeting returned to open session at 8:28 p.m.

MOTION

Commissioner Benjamin moved, seconded by Commissioner Laylin, to deny Mr. Pompey's Appeal received on October 7, 2021, for the reasons stated in the letter considered by the County at its October 21, 2021 Board meeting. Discussion followed. Motion carried by voice vote.

ADJOURNMENT

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

The meeting adjourned at 8:31 p.m.

Approved: _____
Date

Dwight Dyes, Chair

Monica McMichael, Clerk/Register