

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, September 22, 2008

1:00 PM

The regular meeting was called to order by Chairman Carr at 1:00 p.m.

The meeting opened with the Pledge of Allegiance. Pastor Eugene Kooi from the Entrican Bible Church offered invocation.

Members present at roll call: Commissioners Lindeman, Retzloff, Johansen, Paepke, Baker, Carr, Caris and McCrackin. Members absent at roll call: Commissioner Walker.

Others present: Chris Hyzer, Kristen Millard, Frances Schuleit, Kim Singh, Bob Clingenpeel, Bob & Jeanne Urbanski, Bob Brown, John Kroneck, Franz Mogdis, Karl Harter, Scott Koenigsknecht, Denise Hubbard, Jeff Troyer, Rosemary Horvath, Roberta Murray, Lisa Lund and Ryan Jeltema.

Moved by Commissioner McCrackin, supported by Commissioner Caris to approve the September 9, 2008, regular meeting minutes as written. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Paepke to approve the agenda with the addition of #3 under New Business entitled Timberland Area Plan. Motion carried.

Public comments were offered. Jeanne Urbanski addressed the board regarding a letter that she received from Bio Company regarding their cat disposal program. She asked the board to consider Bio Company's program.

The Fiscal Year 2009 Title IV-D Cooperative Reimbursement Program Agreement for Montcalm County, CS-FOC-09-59001 was received from the Department of Human Service for the Prosecutor's Office. Moved by Commissioner Retzloff, supported by Commissioner Paepke to approve the Fiscal Year 2009 Title IV-D Cooperative Reimbursement Program Agreement for Montcalm County, CS-FOC-09-59001 for the Prosecutor's office and authorize Chairman Carr to sign it. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Lindeman to approve consent agenda items 2 through 10 and move stated action:

|              |   |               |
|--------------|---|---------------|
| Controller   | Secondary Road Patrol & Accident Police Contracts     | Place on file |
| Scott Minard | Dodge Report August, 2008                             | Place on file |
| WMSRDC       | Transfer of Ownership Agreement, Black Box/Gateway    | Place on file |
| WMSRDC       | Transfer of Ownership Agreement, Project Ignite       | Place on file |
| Controller   | Jerry McCoy Employment Agreement                      | Place on file |
| Controller   | Order of Revocation, Powder Coating Services          | Place on file |
| Controller   | Order of Revocation, Master Unit Die Products         | Place on file |
| Controller   | DHS Report, July on Site Review of Child Care Funds   | Place on file |
| Controller   | DHS Report, August on Site Review of Child Care Funds | Place on file |

Motion carried.

At 1:15 p.m. Franz Mogdis was in attendance to give the board an update on the countywide transit initiative. Mr. Mogdis provided the board with committee structure information and a planning calendar. The Board of Commissioners will have three key decisions to make. 1) Would the transportation department be a county department or separate authority; 2) How much would the millage request be and when would that be put on the ballot; and 3) Will the board allow the budget application to be submitted to the Department of Transportation in February?

Mr. Mogdis was thanked for his update. He plans to be back in front of the board in December 2008.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to allow the Controller to seek snowplowing bids for the 2008-09 season for the County facilities. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to approve the "Phone System Review and Request for Proposal" with Abilita for a cost of \$19,500 and allow the Chairman to sign the contract. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman that the Finance and Personnel committee review the Drain Office chimney repair request and fund the project to repair the chimney. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Retzloff to review the request from Judge Hoort and fund the project of hearing devices for the Circuit Courtroom. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to place the September 22, 2008 Economic Development and Physical Resources Committee minutes on file. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to allow the Jail Administrator, Mark Sabin, to participate in the out of state travel for the purpose of attending a Managing Jail Resources Conference in St. Augustine, Florida on October 27 thru 29, 2008. Funding for the travel, meals and lodging is to come from the Local Corrections Training Fund. Motion carried with Commissioner Lindeman voting no.

Moved by Commissioner Caris, supported by Commissioner Paepke to adopt the proposed budget amendments as presented by the Controller/Administrator and allow the Controller/Administrator to adjust lines as needed without changing the total expenditure level in each fund. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to adopt **RESOLUTION 2008-16 BUDGET RESOLUTION – GENERAL APPROPRIATIONS ACT:**

**WHEREAS**, the Montcalm County Board of Commissioners ("Board") has examined the fiscal requests for 2009 of the various departments, agencies, offices and activities ("budgetary centers") which by law it must finance or assist in financing; and

**WHEREAS**, the Board has taken into consideration the fact that there are certain required functions of county government or operations which must be budgeted at a serviceable level in order to provide statutory and constitutionally required services and programs; and

**WHEREAS**, the Board has interviewed officials responsible for providing such mandated services to determine serviceable levels and the funds to sustain such levels;

**WHEREAS**, the Uniform Budgeting & Accounting Act ("UBAA"), MCLA 141.21 et seq., requires that the Board enact a general appropriation act designed to meet all County-funded expenditures;

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the County Treasurer is hereby directed to collect 4.4082 mills for the County's general operations, .4959 mills for the maintenance and operation of an Ambulance and Rescue Service, .4407 mills for the purpose of providing funds for local libraries in Montcalm County, .2433 mills for the Commission on Aging for Senior Citizens Services, and .0200 mills for the purpose of funding the Soldiers and Sailors Relief Fund for a total 5.6081 mills levied for all county operations.

**BE IT FURTHER RESOLVED**, that the Montcalm County Central Dispatch Authority 911 operational surcharge be collected at the rate of 20% and at the current tariff rate allowed by law.

**BE IT FURTHER RESOLVED**, that the amounts indicated in the attached “Budgetary Detail” are hereby appropriated from the General Fund and other funds of Montcalm County according to the activities and accounts contained in that detail which is incorporated herein by reference, and that such appropriations shall be restricted to the purpose described in the title of the accounts specified in detail and by the provisions of this Act.

**BE IT FURTHER RESOLVED**, that Montcalm County will reimburse mileage in accordance with the 2009 Expenditure Procedures at the Internal Revenue Service rate per mile.

**BE IT FURTHER RESOLVED**, that the fee charged by Montcalm County for boarding of inmates from other jurisdictions will be no less than \$33.00 per day.

**BE IT FURTHER RESOLVED**, that the following fees charged by Montcalm County Register of Deeds be increased as follows:

|                       | <u>Current Fee</u> | <u>Fees Effective 1/1/09</u> |
|-----------------------|--------------------|------------------------------|
| Copies                | \$.18              | \$1.00                       |
| Internet Document Fee | -0-                | \$.50                        |

**BE IT FURTHER RESOLVED**, that the following fees charged by Montcalm County Building Department be increased as follows:

|   | <u>Current Fee</u> | <u>Fees Effective 1/1/09</u> |
|---|--------------------|------------------------------|
| Building Base Fee (includes one inspection) | \$45.00            | \$70.00                      |
| Foundation Fee (per 100 square feet)        | \$2.00             | \$3.00                       |
| Other Permit Base Fee                       | \$40.00            | \$45.00                      |
| Re-inspections Fees                         | \$20.00            | \$30.00                      |

**BE IT FURTHER RESOLVED**, that the Montcalm County Maintenance Department be directed to provide maintenance services to the Stanton Dental Clinic, including the cost of utilities, cleaning materials, and other sanitary supplies. Janitorial Services will be provided if an acceptable work schedule can be negotiated between the Maintenance Department and the Dental Clinic.

**BE IT FURTHER RESOLVED**, that the revenues received by the County under Public Acts 106 and 107, 1985, (Convention Facility Tax revenue) shall not be used to reduce the County’s 2007/2008 operating millage as defined by Public Act 2, 1986. In accordance with Public Act 2, 1986, 50% of the actual Convention Facility Tax revenue not used to reduce the County’s operating tax rate shall be appropriated to the Substance Abuse Coordinating Agency for use in substance abuse programs in Montcalm County, with the remaining revenues to be deposited in the County’s General Fund.

**BE IT FURTHER RESOLVED**, that the revenues received by the County under Public Act 264 of 1987, (Health and Safety Fund Act) shall not be used to reduce the County’s 2007/2008 operating millage, and that 12/17ths of the actual Health and Safety Fund Act revenue not used to reduce the County’s operating tax rate shall be appropriated to the Mid-Michigan District Health Department for public health programs and services, with the remaining revenues to be deposited in the County’s General Fund.

**BE IT FURTHER RESOLVED**, that it is understood that revenues and expenditures may vary from those which are currently contemplated and may be changed from time to time by the Board of Commissioners during the 2009 fiscal year, as deemed necessary. Consequently, there may be a need to increase or decrease various portions of the budget and/or reduce the workforce due to unforeseen financial changes; therefore, the Board of Commissioners reserves the right to change the Staffing Control Summary List at any time. The County Elected Officials and County Department Heads shall abide by whatever changes are made by the Board of Commissioners, if any, relative to the approved positions and the number of employees stated in the Staffing Control Summary.

**BE IT FURTHER RESOLVED**, that authorization to hire an employee, re-fill or promote all vacancies during 2009 fiscal year shall be subject to approval by the Finance and Personnel Committee.

**BE IT FURTHER RESOLVED**, that positions on the Staffing Control Summary which are supported by some grant, cost sharing, reimbursement, or some other source of outside funding are only approved contingent upon the County receiving the budgeted revenues. Upon notification that budgeted funding of a position shall not be received the elected official or department head shall immediately notify the County Controller/Administrator and the Finance Committee, and that position shall be immediately removed from the Staffing Control Summary if funding is exhausted.

**BE IT FURTHER RESOLVED**, maintenance agreements are essential to a variety of building and operating equipment. County Elected Officials and County Department Heads are authorized to renew existing maintenance agreements upon the approval of the County Controller/Administrator.

**BE IT FURTHER RESOLVED**, that the following regulations shall apply to these appropriations, and budgetary centers shall be deemed to have agreed to these restrictions and obligations by accepting funds pursuant to this Act or otherwise incurring expenditures in exception of County funding:

1. All terms in this Act shall have the meaning assigned to them in the UBAA. The term “budgetary center” includes all courts receiving funds through this Act.
2. All budgetary centers receiving funds herein shall abide by the UBAA and the Uniform Chart of Accounts referenced therein. Each administrative officer in charge of a budgetary center shall promptly provide the budget officer with all information which the fiscal officer considers necessary and essential to the preparation of a County budget for the ensuing fiscal period.
3. The amounts appropriated herein shall be paid from the County Treasury at the time and in the manner provided by law and other applicable policies or resolutions of the Board, whether enacted to date or subsequently adopted.
4. Expenditures and revenues shall be recorded and reported in the manner provided by law. Fees and other money received by budgetary centers should be forwarded promptly to the County Treasurer and credited to the appropriate County Fund, except as otherwise provided by this Act or by any other act of the Board.
5. Except as otherwise provided by law, each budgetary center shall limit expenditures within the appropriations authorized herein and shall not attempt to expend funds at a rate which will eventually result in a deficit in any account without the approval of the Board. Further, all expenditures of the County funds and other funds under the control of any budgetary center, except as otherwise provided by law, shall be expended only for purposes attached to the accounts and within the various policies of the Board of Commissioners, including, but not limited to, travel policy, purchasing policy, vehicle-use policy, applicable collective bargaining agreements, applicable personnel policies, and the “2009 Expenditure Procedures”, the latter being attached hereto and specifically approved by the Board herein. The County of Montcalm shall only be responsible for the payment of purchases made in accordance with the provisions of MCLA 46.13B and the UBAA.
- 5a. All Court budgetary centers (Circuit Court, Circuit Court Probation, District Court, District Court Probation, Probate Court, and Juvenile Probation) are line-item appropriations. The line item budgets will be administered in accordance with Supreme Court Administrative Order 1998-5.
- 5b. In the event that State of Michigan fails to provide certain revenue transfer payments as required by state law and/or contractual agreements between the State of Michigan and Montcalm County, the specific programs funded by such state revenue transfer payments shall bear the full impact of such revenue reduction. In the event that the State of Michigan defaults or otherwise fails to

provide general, unrestricted revenue transfer payments, the Board, upon the recommendation of the Finance & Personnel Committee, shall allocate said revenue reduction in its legislative judgment.

**THE MONTCALM COUNTY BOARD OF COMMISSIONERS CANNOT, AND WILL NOT, ABSORB THE PROGRAM COSTS CREATED BY REVENUE TRANSFER PAYMENT DEFAULTS BY THE STATE OF MICHIGAN.**

6. If a budgetary center desires an additional appropriation or transfer between accounts it shall forward a detailed request to the Board describing the proposed budgetary amendment or transfer and the reasons for the action. The County Controller is given authority to make line item transfers within budgetary centers except to increase conference travel line items and to increase capital expenditure line items. Line item transfers affecting the budget of a wage line item require the approval of the Board of Commissioners.
7. Except as otherwise provided by law, the number of positions noted for certain budgetary centers in their salary account appropriations shall be the maximum staffing level authorized to be drawn from such accounts. No budgetary center shall maintain more employees on the payroll than the maximum specified for the appropriate account. Further, if a budgetary center employs at any time fewer employees than the maximum specified for the appropriate account in this Act, unexpended appropriations in an amount identified with the unfilled position(s) by payroll recorded shall immediately and automatically revert to the General Fund contingency account.
8. This Act shall become effective October 1, 2008. This Act may be amended by the Board at any time and any appropriation made hereunder may be increased or decreased in the Board's discretion.
9. This Act and attachments as incorporated by reference herein and all amendments hereto shall constitute the 2009 General Appropriations Act for Montcalm County for all purposes and the law.

Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the Maintenance Department to spend up to \$8,000 to fix the chimney that is attached to the Drain Office with approval to come from the Controller on the quotes. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the Controller to purchase hearing devices from Sonus Hearing Professionals to be used with the Circuit Court sound system. The cost is not to exceed \$3,950. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to reclassify Chris Heckman to APA II starting 10/1/08. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve warrant number 092208 in the amount of \$313,815.88. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to place the September 22, 2008 Finance and Personnel Committee minutes on file. Motion carried.

Jeff Troyer, Central Dispatch Director, addressed the board regarding HB 6070 and asked for the board's support of a resolution opposing this bill. Moved by Commissioner Retzloff, supported by Commissioner Paepke to approve and adopt **RESOLUTION 2008-17:**

WHEREAS, the Michigan House of Representatives introduced House Bill 6070 ("HB 6070"), which seeks to amend Public Act 32 of 1986 entitled the "Emergency Telephone Service Enabling Act" by usurping a County Board of Commissioner's ability to levy a local 9-1-1 operational surcharge by resolution; and,

WHEREAS, House Bill 6070 would mandate that any 9-1-1 operational surcharges be approved by the Michigan Public Service Commission, an appointed, unelected bureaucracy with no direct accountability to the citizens of Montcalm County, rather than the legally elected Board of Commissioners that the residents of Montcalm County have entrusted to represent them and do hold accountable; and,

WHEREAS, HB 6070 would only allow a county 9-1-1 surcharge to be assessed after approval from the Michigan Public Service Commission, followed by a vote of the people of the county, to wit: "A county MAY NOT seek voter approval for a 9-1-1 surcharge unless the proposed 9-1-1 surcharge has been approved by the commission"; and,

WHEREAS, the Michigan Public Service Commission is a regulatory commission dealing with tariff rate for utilities and has no knowledge of local public safety communications needs, including the needs of the County of Montcalm; and,

WHEREAS, the residents of Montcalm County have historically funded public safety communications through a dedicated, fiscally conservative 9-1-1 operation millage without asking permission from an appointed State commission; and,

WHEREAS, HB 6070 continues to provide unnecessary and excessive benefits to the telecommunication service providers including a 2% "billing and collection" charge plus an undefined "technical surcharge" for which there is no accountability, while impeding the County Board's ability to fund critical services with inflexible mandatory timelines; and,

WHEREAS, House Bill 5892 ("HB 5892") has also been introduced in the Michigan legislature as an alternative to House Bill 6070. HB 5892 would continue operations under the current Emergency 9-1-1 Service Enabling Act, as amended by Act 165 of the Public Acts of 2007, through December 31, 2013; and,

WHEREAS, the Montcalm County Board of Commissioners favors the passage of HB 5892 and the defeat of HB 6070.

NOW THEREFORE BE IT RESOLVED, that the Montcalm County Board of Commissioners strongly opposes HB 6070 and supports the passage of HB 5892; and,

BE IT FURTHER RESOLVED, that copies of this Resolution be transmitted to Governor Jennifer M. Granholm, Senator Alan Cropsey, and Representative Judy Emmons; and,

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

Motion carried.

Commissioner Paepke presented the board with the Timberland Resource Conservation and Development Area Council 2009-2013 Area Plan. He asked the board members to review it.

Public comments were offered. Kim Singh addressed the board and informed the board that she is the co-chair this year for the United Way Campaign. She is looking forward to working with the board and department heads to help United Way reach their goals.

Fran Schuleit candidate for District 1 County Commissioner, commended the emergency responders and the board for the emergency response to the explosion in Greenville.

Moved by Commissioner McCrackin, supported by Commissioner Lindeman to adjourn at 1:48 p.m. Motion carried.

---

Kristen Millard, County Clerk

---

Patrick Q. Carr, Chairman