

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

April 10, 2025

The Cass County Board of Commissioners met in regular session on Thursday, April 10, 2025, in Commission Chambers.

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

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: Tom Langley, James Lawrence, Alan Northrop, Jeremiah Jones, Michael Grice, Samuel Barrera, Roseann Marchetti and RJ Lee.

COMMISSIONERS ABSENT: None.

PUBLIC COMMENT (Agenda Items Only)

None.

ADDITIONS/DELETIONS TO THE AGENDA

None.

APPROVAL OF THE AGENDA

Commissioner Lee moved, seconded by Commissioner Northrop, to approve the April 10, 2025, Cass County Board of Commissioner's Agenda. Motion carried by voice vote.

RECOGNITIONS

R-3-2025

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

**RESOLUTION ENDORSING INTERNATIONAL
DARK SKY AWARENESS WEEK IN CASS COUNTY**

WHEREAS, the beauty of a dark sky night is part of our cultural and scientific heritage which should be protected and preserved; and

WHEREAS, the overuse of improperly designed outdoor lighting constitutes “light pollution” of the nighttime environment thereby masking the beauty of the night sky; and

WHEREAS, empirical evidence reveals the negative health effects of light pollution on human and environmental health; and

WHEREAS, attention to the problem of light pollution and its mitigation efforts will help ensure that the sky is preserved; and

WHEREAS, the economic benefits of dark sky astro-tourism are hereby recognized.

NOW, THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners endorses International Dark Sky Awareness Week from April 21-28, 2025 in Cass County.

The Chair instructed the Clerk to call roll:

Yes (8): Commissioners Langley, Lawrence, Northrop, Jones, Grice, Barrera, Marchetti and Lee.

No (0): None.

Resolution R-3-2025 carried by roll call vote.

PRESENTATIONS

FY 24 Audit – Alan Panter, CPA with Yeo & Yeo, presented the Annual Audit for fiscal year 2024.

Crime Victims Rights Week “Going to Court” Booklet presentation – Prosecutor Fitz introduced student winners of the “Going to Court” contest. Drawings from the students were shared and commissioners presented each student with a certificate.

CONSENT AGENDA

Vice-Chair Lawrence 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-40-2025) A motion to approve claims dated 03/01/25 to 03/31/25

(M-41-2025) A motion to approve minutes dated March 6, 2025

(M-42-2025) A motion to approve special meeting minutes dated March 20, 2025

(M-43-2025) A motion to renew the CCDET agreement for 01/01/2025 – 12/31/2028

(M-44-2025) A motion to approve the purchase of a generator for Animal Control from Wolverine Electrical for a cost not to exceed \$45,768.65

(M-45-2025) A motion to appoint Susan Accoe to the Board of Canvassers for an unexpired term ending October 31, 2027

(M-46-2025) A motion to appoint Scott Teter to the Woodlands Behavioral Healthcare Network Board for a term ending March 31, 2028

(R-4-2025) RESOLUTION TO ESTABLISH AND PROVIDE FOR THE CASS COUNTY SEWAGE DISPOSAL SYSTEM (LAKES AREA SEWER AUTHORITY SECTION - EXTENSION NO. 2) (BANKSON LAKE)

WHEREAS, Act 185 of the Public Acts of Michigan of 1957, as amended (“Act 185”) authorizes a county, acting through its Department of Public Works, upon the request of a local unit of government to acquire, improve, enlarge and extend sewage disposal systems and water supply systems in said local unit of government; and

WHEREAS, the County of Cass (“Cass County”) has (a) established a Department of Public Works under the terms of Act 185 with authority to acquire, improve, enlarge, and extend sewage disposal systems and water supply system improvements for local units of government and (b) appointed a Board of Public Works in accordance with Act 185; and

WHEREAS, Cass County acting by and through its Board of Public Works, the County of Van Buren, Michigan (“Van Buren County”), acting by and through its Board of Public Works, the Township of Marcellus, a general law township located in Cass County (“Marcellus Township”), the Township of Porter, a general law township located in Van Buren County (“Porter Township”), the Township of Volinia, a general law township located in Cass County (“Volinia Township”), the Village of Marcellus, a general law village located in Cass County (the “Village”), and the Lakes Area Sewer Authority (the “Authority”), are parties to that certain Cass County Sewage Disposal System (Lakes Area Sewer Authority Section) Bond Contract dated as of August 1, 2008 (the “Contract”) in accordance with the terms of which Cass County issued bonds pursuant to Act 185 to pay a portion of the costs of acquiring and constructing the Cass County Sewage Disposal System (Lakes Area Sewer Authority Section) (the “LASA System”), duly established by Cass County as a county sewage disposal system to serve areas adjacent to Gravel Lake in Porter Township, Fish Lake and Saddlebag Lake located in Marcellus Township, and Finch Lake located partially in Volinia Township and partially in Marcellus Township, and in addition, to serve the Village, which areas were together duly established by Cass County as a county sewage disposal district designated as the Cass County Sewage Disposal District (Lakes Area Sewer Authority Section) (the “LASA District”); and

WHEREAS, Volinia Township, Marcellus Township and Porter Township incorporated the Authority pursuant to Act 233 of the Public Acts of Michigan of 1955, as amended, to operate, maintain and administer the LASA System; and

WHEREAS, Cass County, Van Buren County, the Authority, and Porter Township previously entered into that certain Cass County Sewage Disposal System (Lakes Area Sewer Authority Section – Extension No. 1) Bond Contract dated as of October 1, 2012, and that certain First Amendment to Cass County Sewage Disposal System (Lakes Area Sewer Authority Section – Extension No. 1) Bond Contract dated as of August 1, 2013, to provide for an extension of the

LASA System and the LASA District to serve areas adjacent to Cedar Lake in Porter Township; and

WHEREAS, Porter Township, in conjunction with the Authority, is proposing to extend the LASA System and the LASA District to serve areas adjacent to Bankson Lake in Porter Township (the “Project”); and

WHEREAS, the current pre-design estimate of cost of the Project is \$7,100,000.00; and **WHEREAS**, Cass County has previously applied to United States Department of Agriculture/Rural Development (“USDA – Rural Development”) for a low-interest loan and grant to fund the cost of the Project and the Marcellus Township Extension; and

WHEREAS, Porter Township, by resolution of its Township Board adopted on February 4th, 2025, requested “the assistance of Cass County and Van Buren County with the acquisition, construction and financing of the Project by Cass County, acting through the Cass County Board of Public Works, in accordance with Act 185 on behalf of the Township”; and

WHEREAS, the Authority, by resolution of its Commission adopted on February 3rd, 2025, made a similar request for assistance with the Project by Cass County; and

WHEREAS, Alan C. Smaka PE, PLLC, as proposed Project engineer, has recommended that, as a matter of prudent utility planning, Cass County issue the necessary bonds in accordance with Act 185 for the Project, because (1) the proposed Project is an extension of the current Cass County owned LASA System, (2) maintaining ownership of the LASA System and the extensions thereto (including the proposed Project) in a single-entity, e.g. Cass County, will simplify the related contracts and agreements, and (3) consistent with the USDA – Rural Development requirement that the USDA – Rural Development borrower own the sewer infrastructure to be financed, Porter Township and the Authority have requested and anticipate that Cass County will apply for USDA – Rural Development loan and grant funding for the Project, thereby positioning Cass County to be the USDA – Rural Development borrower for the Project; and

WHEREAS, Section 8 of Act 185 authorizes a county operating under Act 185 to “acquire any part of a...sewage disposal system...in an adjoining county...upon the consent expressed by...resolution of the governing body of the municipality or municipalities in such adjoining county...in which such part of the system...is to be located...” and, accordingly, the acquisition and ownership of the Project by Cass County, to the extent the Project is located in Porter Township (Van Buren County), together with the issuance of bonds by Cass County for the Project, is subject to the consent and approval by Van Buren County in accordance with Act 185; and

WHEREAS, the Board of Public Works, having considered the proposed Project has recommended that the Cass County Board of Commissioners provide the requested assistance pursuant to Act 185 and adopt this resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The Board of Commissioners of Cass County, by a majority vote of its members- elect, hereby authorizes and directs that there be established under the provisions of Act 185 and other applicable state law, a county sanitary sewage disposal system to provide for the Project.
2. The county sewage disposal system shall be known as the “Cass County Sewage Disposal System (Lakes Area Sewer Authority Section - Extension No. 2)” and the area to be served thereby shall be known as the “Cass County Sewage Disposal District (Lakes Area Sewer Authority Section - Extension No. 2).”

3. The Board of Public Works is hereby directed to obtain and submit to this Board of Commissioners for approval, maps, plans, design specifications and estimates of cost for the Project as requested by Porter Township and the Authority in their resolutions addressed to Cass County and to negotiate and to submit to this Board of Commissioners for approval, one or more appropriate contracts with Porter Township, the Authority, the County of Van Buren, with respect to the acquisition, construction and financing of the Project, which contracts shall be binding upon Cass County only upon subsequent approval by majority vote of the members-elect of the Board of Commissioners.
4. As requested by Porter Township and the Authority, Cass County and the Board of Public Works shall employ the following professional firms in connection with the Project:

As Engineers: Alan C. Smaka PE, PLLC
Covert, Michigan

As Bond Counsel: Mika Meyers PLC
Grand Rapids, Michigan

As Registered Municipal Advisor: Bendzinski & Co.
Grosse Pointe, Michigan

5. Cass County and the Board of Public Works shall cooperate with Porter Township and the Authority, so that there may be issued as promptly as possible, Cass County Bonds in one or more series in an amount sufficient to pay the cost of the Project, currently estimated in the amount of \$7,100,000.00. Said Bonds shall be retired solely out of payments to be made by Porter Township to Cass County in amounts fully sufficient to meet all principal and interest requirements thereon. The full faith and credit of Cass County may be pledged, by subsequent resolution of the Board of Commissioners adopted by a 3/5 majority vote of its members-elect, as additional secondary security for the Bonds.
6. Porter Township in accordance with its resolution, shall reimburse Cass County and the Board of Public Works for all expenses incurred in connection with the Project, including all costs of Cass County associated with the authorization and issuance of the proposed bonds and any bond anticipation notes and all related county administrative fees and expenses in the event that the acquisition, construction and financing of the Project, for any reason, is not completed by Cass County.
7. Cass County shall serve on behalf of Porter Township and the Authority, as the applicant for the USDA - Rural Development loan and grant to fund the cost of the Project. The Chair of the Board of Public Works is hereby designated as the authorized representative of the County for the Project in connection with the USDA - Rural Development loan and grant program and in such capacity is authorized and directed on behalf of the County to complete and file with Rural Development all necessary applications and other documents required by the Rural Development loan and grant program for the Project, and all such filings made prior to the date of adoption of this resolution are hereby confirmed and ratified.
8. Notwithstanding the foregoing, the acquisition and financing of the Project, to the extent located in Porter Township (Van Buren County), is subject to the consent of Van Buren County in the manner required by Act 185.
9. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

(R-5-2025) RESOLUTION TO SUPPORT LOCAL CONTROL AND CLAIM OF APPEAL AGAINST MICHIGAN PUBLIC SERVICE COMMISSION ORDER

WHEREAS, the Cass County Board of Commissioners supports state politics that maintain and advance local control; and

WHEREAS, the State of Michigan has adopted policies and introduced legislation that attempts to further reduce local control in key areas affecting unique interest in local communities; and

WHEREAS, in 2023, the State of Michigan adopted Public Act 233 of 2023 (“PA 233”); and

WHEREAS, only under limited circumstances, PA 233 confers powers and duties to the Public Service Commission (“PSC”) regarding the siting of utility-scale solar energy facilities, wind energy facilities, and energy storage facilities allowing developers to bypass local zoning authorities when proposing qualifying developments; and

WHEREAS, the PSC issued an order on October 10, 2024 (the “Order”) implementing the provisions of Public Act 233 of 2023 (“PA 233”); and

WHEREAS, the Order is unlawful and unreasonable because, among other reasons (1) the PSC’s issuance of the Order violates the Administrative Procedures Act, MCL 24.201 et. Seq., and (2) the Order unlawfully and unreasonably redefines key terms and concepts and creates processes and procedures that violate the Legislature’s express and unambiguous intent for local input in the regulation of energy facilities; and

WHEREAS, a coalition of Michigan municipalities timely filed a claim of appeal from the Order on November 8, 2024; and

WHEREAS, the Cass County Board of Commissioners supports the coalition of Michigan Municipalities in their efforts to protect local control in the regulation of energy facilities.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners resolves its unequivocal support of local control and the coalition of Michigan Municipalities that have filed an appeal from the Order

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Governor Gretchen Whitmer, Michigan State Senator Jonathan Lindsey and Michigan State Representatives Brad Paquette and Steve Carra.

(M-47-2025) A motion to approve the law enforcement contract between the Cass County Sheriff's Office and Silver Creek Township for police services

(M-48-2025) A motion to approve the law enforcement contract between the Cass County Sheriff's Office and Howard Township for police services

(M-49-2025) A motion to approve the purchase of 5G modems for squad cars and to make the budget adjustments necessary to facilitate the purchase

(M-50-2025) A motion to approve a countywide purchase of Tasers and to make the budget adjustments necessary to facilitate the purchase

(M-51-2025) A motion to approve Tyler Courthouse Technologies Jury Software Agreement and to make the budget adjustments necessary to facilitate the purchase

(M-52-2025) A motion to approve a budget adjustment for the EDC/Brownfield Authority to participate in a training opportunity

(M-53-2025) A motion to adopt the Multi-factor Authentication Policy

(M-54-2025) A motion to adopt the Texting Privacy Policy

(M-55-2025) A motion to adopt the Acceptable Use of Artificial Intelligence Policy

(M-56-2025) A motion to approve the new SESC application with fee schedule changes and violation guidelines

The Chair instructed the Clerk to call roll:

Yes (8): Commissioners Lawrence, Northrop, Jones, Grice, Barrera, Marchetti, Lee and Langley.

No (0): None.

The Consent Agenda carried by roll call vote.

COMMISSIONER REPORTS

Commissioners Northrop, Jones and Marchetti offered committee reports.

ADMINISTRATOR'S REPORT

Interim Administrator Jennifer Rentfrow provided the Administrator's Report.

COUNTY PARTNERS

Conservation District Director Korie Blyveis relayed information to the board.

ELECTED OFFICIALS

Judge Bealor, Sheriff Roach and Prosecutor Fitz offered updates.

NEW BUSINESS

Woodlands Director John Rudlaff explained to the commissioners that the Department of Human Services (DHS) refuses to forward the funding allocated by legislators. The issue has been ongoing statewide for several months. Without funding, entities such as Woodlands will be unable to provide mandated services.

R-6-2025

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

RESOLUTION OF THE CASS COUNTY BOARD OF COMMISSIONERS **URGING MDHHS TO PROVIDE ADEQUATE FUNDING FOR THE** **PUBLIC BEHAVIORAL HEALTHCARE SYSTEM**

A Resolution of the Cass County Commission Urging the Michigan Department of Health and Human Services ("MDHHS"), Legislature and Governor to Positively Adjust Medicaid Capitation Rates to Protect Beneficiary Access to Essential Services and Support Community Mental Health and Services Provided via the Public Behavioral Health System.

WHEREAS, the Cass County Commission recognizes the critical role of Medicaid in providing access to essential healthcare services for vulnerable populations within our community, including children, seniors, individuals with disabilities, and low-income adults; and

WHEREAS, the public behavioral health system is statutorily a formal transfer of governmental responsibility from the State of Michigan to the counties for the delivery of public mental health services, and MDHHS is required to provide actuarially-sound funding to support this system. MDHHS's actuary firm has indicated that capitation rates are "actuarially sound" at the full State level, but not necessarily actuarially sound at the regional or county level; and

WHEREAS, Community Mental Health ("CMH") agencies in Michigan play a vital role in delivering mental health and substance use disorder services to Medicaid beneficiaries, ensuring access to essential care within our community; and

WHEREAS, the MDHHS underspent the Medicaid Mental Health and Healthy Michigan Behavioral Health appropriations line items over the last three (3) fiscal years resulting in Medicaid capitation rates that fail to adequately address the growing demand for mental health and substance use disorder services

and are otherwise insufficient to support the public behavioral health system, including the needs in Cass County; and

WHEREAS, inadequate Medicaid capitation rates have created significant challenges for Community Mental Health agencies including impacting the ability to hire staff and undermining the adequacy of the provider network, among other things, which hinder CMHs' ability to provide timely and effective care and directly impacts the health and well-being of our residents; and

WHEREAS, the legislature required a reimbursement rate of \$66 per hour for a particular autism services code in order to sufficiently support the practitioners and providers performing this valuable work. MDHHS provided increased funding to the public behavioral health system in order to accomplish the legislatively-mandated rate increase. Notably, the rate increase was not provided by MDHHS to the public behavioral health system until March 2025, even though it was effective November 2024. The funding increase provided by MDHHS to Region 4, of which Cass County is a part, was \$375,488.10 less than the actual cost of the increase for actual services delivered from November 1, 2024 through January 31, 2025, further perpetuating the problems and impacts of systemic underfunding; and

WHEREAS, MDHHS has taken no formal action related to Medicaid capitation rates to account for the statutorily required minimum wage changes or paid sick leave. MDHHS's actuary has taken a "monitor and see" approach, which results in inadequate funding for the system to implement these changes. This after-the-fact funding undermines the integrity of the public behavioral health provider system in Cass County; and

WHEREAS, while MDHHS provided an 11% increase to capitation rates for FY25, a comparison of Region 4's October through January actual revenue received from FY24 to FY25 reflects only a 3.4% increase.

WHEREAS, ensuring access to comprehensive and affordable healthcare, including mental health and substance use disorder services, is essential for the overall health, safety and economic well-being of our community; and

WHEREAS, investment in Medicaid is an investment in the health and stability of Michigan's communities, and this County Commission recognizes the importance of advocating for adequate funding to protect these vital services.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Commission hereby urges MDHHS, the Michigan Legislature and Governor to:

1. Increase Medicaid capitation rates to adequately reflect the cost of providing quality care, thereby supporting access to comprehensive and essential mental health and substance use disorder services.
2. Prioritize funding for the public behavioral health system, in order to support the delivery of comprehensive mental health and substance use disorder services to Medicaid beneficiaries in our community.
3. Oppose any reductions in Medicaid funding or services. Any reduction in Medicaid funding, rates, or services disproportionately affects vulnerable populations, exacerbates existing health disparities, and increases the burden on local resources.
4. Engage in collaborative efforts with stakeholders, including CMHs, healthcare providers, and community organizations, to develop sustainable solutions for addressing the healthcare needs of Medicaid beneficiaries.

BE IT FURTHER RESOLVED copies of this Resolution be forwarded to the Governor of Michigan, the leadership for the Michigan Legislature, the Michigan Department of Health and Human Services, and the local representatives for Cass County.

BE IT FURTHER RESOLVED that the Cass County Commission encourages its residents to contact their state legislators and advocate for increased Medicaid funding to protect access to essential healthcare services.

The Chair instructed the Clerk to call roll:

Yes (8): Commissioners Grice, Barrera, Marchetti, Lee, Langley, Lawrence, Northrop and Jones.

No (0): None.

Resolution R-6-2025 carried by roll call vote.

PUBLIC COMMENT

None.

CLOSED SESSION

None.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioners Grice and Marchetti shared comments.

ADJOURNMENT

Chair Jones adjourned the meeting at 6:04 p.m.

Approved: _____
Date

Chair Jeremiah Jones

Monica McMichael, Clerk/Register