

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

November 4, 2021

The Cass County Board of Commissioners met for their Regular Meeting on Thursday, November 4, 2021, in Commissioner Chambers.

Chair Dyes called the meeting to order at 6:30 p.m. Commissioner Jones 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: Ryan Laylin, Annie File, Skip Dyes, Roseann Marchetti, Mike Grice and Jeremiah Jones.

COMMISSIONERS ABSENT: Robert Benjamin.

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

INTRODUCTION OF VISITORS

Visitors present introduced themselves.

PUBLIC COMMENT

Cass County Sheriff's Office Deputy Tim Gondeck questioned decisions made by the Board of Commissioners regarding MERS. He asked the board to look at other options.

CCIEA Union President Fern Smith commented on the FOIA policies. She stated that Public Comment made sense appearing at both the beginning and the close of board meetings. She also asked if all board members shared the same outlook regarding MERS.

Penn Township resident Beth Pompey commented on the MERS retirement options. She also asked Commissioner File, who represented Penn Township, to listen to her constituents.

LaGrange Township resident and Family Court employee Lizzie Mesko asked commissioners to listen to employees who have spoken regarding MERS. She also commented on the October 7, 2021 Board Meeting request of Commissioner Benjamin to discuss board goals and employee morale at the November 5, 2021 Board Workshop.

APPROVAL OF THE AGENDA

Commissioner Grice moved, seconded by Commissioner Marchetti, to approve the November 4, 2021 Cass County Board of Commissioner's Agenda. Motion to approve the agenda carried by voice vote.

RECOGNITIONS

None.

PRESENTATIONS

None.

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-189-21) A motion to approve Claims dated October 29, 2021.

(M-190-21) A motion to approve the October 21, 2021 Board of Commissioners Regular Meeting Minutes.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Absent (1): Commissioner Benjamin.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners Laylin, Marchetti and Jones offered Committee Reports.

ADMINISTRATOR'S REPORT

Administrator Carmen presented the Administrator's Report.

PUBLIC SAFETY UPDATE

Sheriff Behnke provided a Public Safety Update.

COUNTY PARTNERS

None.

ELECTED OFFICIALS UPDATE

Prosecutor Fitz shared an update on jury trials.

UNFINISHED BUSINESS

None.

NEW BUSINESS

R-191-21

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

A RESOLUTION TO APPROVE FOIA PROCEDURES AND GUIDELINES, A WRITTEN PUBLIC SUMMARY, AND DETAILED ITEMIZATION FOR CASS COUNTY

WHEREAS, this resolution and associated FOIA policy documents were drafted by legal counsel and recommended to be placed on the Agenda by the Cass County Policy Committee; and

WHEREAS, the County is a public body as defined by the Michigan Freedom of Information Act, 1976 PA 442, as amended (“FOIA”); and

WHEREAS, in the performance of its function as trustees for the County, it is necessary and appropriate for the County Board to establish and adopt policies for the operation of the County; and

WHEREAS, pursuant to Section 4(4) of the FOIA, the County shall establish procedures and guidelines to implement the FOIA and shall create a written public summary regarding how to submit written requests to the County and explaining how to understand the County’s written responses, deposit requirements, fee calculations, and avenues for challenge and appeal; and

WHEREAS, the County adopted Procedures and Guidelines, a Written Public Summary, and a detailed itemization; and

WHEREAS, pursuant to 2018 PA 523 (“Act 523”), the Legislature amended the FOIA to require certain contact information from the requester and to clarify when a FOIA is considered abandoned if a requester has not paid a deposit; and

WHEREAS, since Act 523 changes the requirement for submitting written requests and the deposit notice and payment requirements, the County will be required to amend its Procedures and Guidelines and Written Public Summary; and

WHEREAS, in the interests of the health, safety and welfare of the County, the County Board desires to repeal and replace the Procedures and Guidelines, Written Public Summary and Detailed Itemization so that it is in compliance with the FOIA and may charge the fees permitted under the FOIA.

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

1. The County hereby adopts and approves the County Procedures and Guidelines (attached as Exhibit A to this Resolution) in compliance with the FOIA. The Procedures and Guidelines attached as Exhibit A shall repeal and replace any previous version of the Procedures and Guidelines that have been approved by the County.
2. The County also adopts and approves the amended Written Public Summary (attached as Exhibit B to this Resolution). The Written Public Summary attached as Exhibit B shall repeal and replace any previous version of the Written Public Summary that has been approved by the County.
3. The County also adopts and approves the amended Detailed Itemization Sheet (attached as Exhibit C to this Resolution). The Detailed Itemization Sheet attached as Exhibit C shall repeal and replace any previous version of the Detailed Itemization Sheet that has been approved by the County. The County also authorizes the FOIA Coordinator to modify the Detailed Itemization if such modifications are in the best interest of the County and do not conflict with the FOIA.
4. The County shall make the Procedures and Guidelines publicly available by providing free copies of the Procedures and Guidelines and its Written Public Summary both in the County’s response to a written request (or may include the website link to the documents in lieu of providing paper copies in its response to a written request) and upon request by visitors at the County.
5. The County shall post and maintain the Procedures and Guidelines and Written Public Summary on its website.
6. All resolutions, motions, policies, including any Freedom of Information Act policies, or any parts thereof that are in conflict with this Resolution are hereby repealed to the extent of such conflict.

Discussion followed.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Absent (1): Commissioner Benjamin.

Resolution R-191-21 carried by roll call vote.

R-192-21

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

A RESOLUTION TO APPROVE FOIA PROCEDURES AND GUIDELINES, A WRITTEN PUBLIC SUMMARY AND DETAILED ITEMIZATION FOR CASS COUNTY SHERIFF

WHEREAS, this resolution and associated FOIA policy documents were drafted by legal counsel and recommended to be placed on the Agenda by the Cass County Policy Committee; and

WHEREAS, the Cass County Sheriff's Office ("Sheriff's Office") is a public body as defined by the Michigan Freedom of Information Act, 1976 PA 442, as amended ("FOIA"); and

WHEREAS, in the performance of its function as trustees for the Sheriff's Office, it is necessary and appropriate for the County Board to establish and adopt policies for the operation of the Sheriff's Office; and

WHEREAS, pursuant to Section 4(4) of the FOIA, the Sheriff's Office shall establish procedures and guidelines to implement the FOIA and shall create a written public summary regarding how to submit written requests to the Sheriff's Office and explaining how to understand the Sheriff's Office's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal; and

WHEREAS, the Sheriff's Office adopted Procedures and Guidelines, a Written Public Summary, and a detailed itemization; and

WHEREAS, pursuant to 2018 PA 523 ("Act 523"), the Legislature amended the FOIA to require certain contact information from the requester and to clarify when a FOIA is considered abandoned if a requester has not paid a deposit; and

WHEREAS, since Act 523 changes the requirement for submitting written requests and the deposit notice and payment requirements, the Sheriff's Office will be required to amend its Procedures and Guidelines and Written Public Summary; and

WHEREAS, in the interests of the health, safety and welfare of the County, the Sheriff's Office desires to repeal and replace the Procedures and Guidelines, Written Public Summary and

Detailed Itemization so that it is in compliance with the FOIA and may charge the fees permitted under the FOIA.

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

1. The Sheriff's Office hereby adopts and approves the County Procedures and Guidelines (attached as Exhibit A to this Resolution) in compliance with the FOIA. The Procedures and Guidelines attached as Exhibit A shall repeal and replace any previous version of the Procedures and Guidelines that have been approved by the County.
2. The Sheriff's Office also adopts and approves the amended Written Public Summary (attached as Exhibit B to this Resolution). The Written Public Summary attached as Exhibit B shall repeal and replace any previous version of the Written Public Summary that has been approved by the County.
3. The Sheriff's Office also adopts and approves the amended Detailed Itemization Sheet (attached as Exhibit C to this Resolution). The Detailed Itemization Sheet attached as Exhibit C shall repeal and replace any previous version of the Detailed Itemization Sheet that has been approved by the County. The County also authorizes the FOIA Coordinator to modify the Detailed Itemization if such modifications are in the best interest of the County and do not conflict with the FOIA.
4. The Sheriff's Office shall make the Procedures and Guidelines publicly available by providing free copies of the Procedures and Guidelines and its Written Public Summary both in the County's response to a written request (or may include the website link to the documents in lieu of providing paper copies in its response to a written request) and upon request by visitors at the Sheriff's Office.
5. The Sheriff's Office shall post and maintain the Procedures and Guidelines and Written Public Summary on its website.
6. All resolutions, motions, policies, including any Freedom of Information Act policies, or any parts thereof that are in conflict with this Resolution are hereby repealed to the extent of such conflict.

Discussion followed.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Absent (1): Commissioner Benjamin.

Resolution R-192-21 carried by roll call vote.

BOARD MEMBER COMMENTS OR ANNOUNCEMENTS

Commissioner Marchetti announced a turkey dinner drive-up to take place on November 12, 2021, at Our Lady of the Lake Church in Edwardsburg, as well as a bazaar with more than 80 vendors. She also thanked Cass County Road Commission Manager Bob Thompson for assisting the Edwardsburg High School Marching Band in competitions.

Commissioner Laylin shared that he was appointed to serve on the Market Van Buren Board.

Administrator Carmen invited all present to the second floor conference room for cake in celebration of Chair Dyes' birthday.

CLOSED SESSION

None.

ADJOURNMENT

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

The meeting adjourned at 7:01 p.m.

Approved: _____
Date

Dwight Dyes, Chair

Monica McMichael, Clerk/Register