

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

February 2, 2023

The Cass County Board of Commissioners met in regular session on Thursday, February 2, 2023, in Commission Chambers.

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

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: Ryan Laylin, James Lawrence, Joyce Locke, Jeremiah Jones, Mary Howie, Samuel Barrera, Roseann Marchetti and RJ Lee.

COMMISSIONERS ABSENT: None.

INTRODUCTION OF VISITORS

Visitors present introduced themselves.

PUBLIC COMMENT

None.

APPROVAL OF THE AGENDA

Commissioner Lee moved, seconded by Commissioner Marchetti, to approve the February 2, 2023, Cass County Board of Commissioner's Agenda. Motion carried by voice vote.

RECOGNITIONS

None.

PRESENTATIONS

Commissioner Marchetti presented the Graham Woodhouse Award on behalf of the Southwest Michigan Planning Commission to the Cass County Board of Commissioners and the Cass County Economic Development Corporation for their partnership with the Village of Cassopolis on the Imagine Cass project.

CONSENT AGENDA

Vice-Chair Laylin 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-13-23) A motion to approve the Claims dated January 20, 2023

(M-14-23) A motion to approve the January 19, 2023 Board of Commissioner Regular Meeting Minutes.

The Chair instructed the Clerk to call roll:

Yes (8): Commissioners Laylin, Locke, Jones, Howie, Barrera, Marchetti, Lee and Lawrence.

No (0): None.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners Laylin, Lawrence, Jones, Howie, Barrera, Marchetti and Lee shared Committee Reports.

ADMINISTRATOR'S REPORT

Administrator Newton shared the Administrator's Report.

COUNTY PARTNERS

Veterans Services Officer Karee Krause and Conservation District Director Jake Young shared information regarding their services.

ELECTED OFFICIALS UPDATE

Prosecutor Fitz, Judge Bealor, Drain Commissioner Jeff VanBelle, Sheriff Behnke and Clerk/Register McMichael provided updates.

UNFINISHED BUSINESS

Committee of the Whole: Administrator Newton led dialog to establish a day and time for the Committee of the Whole to meet. Discussion will continue at the Board of Commissioners Workshop on Friday, February 17, 2023.

NEW BUSINESS

R-15-23

Commissioner Locke moved, seconded by Vice-Chair Laylin, to Authorize Issuance of 2023 Note for Barron Lake Project.

RESOLUTION TO AUTHORIZE ISSUANCE OF 2023 NOTE FOR BARRON LAKE PROJECT

WHEREAS, pursuant to Part 307 of Act 451, Public Acts of Michigan 1994, as amended (“Part 307”), and Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), Cass County (the “County”) has the authority to issue a note to pay the costs of certain capital improvements; and

WHEREAS, the County desires to design, acquire and construct certain capital improvements for a second augmentation well, and all work necessary and incidental to these improvements, for Barron Lake so as to maintain the court-ordered lake level (the “Improvements”); and

WHEREAS, the Improvements will enable the County to provide more efficient and better-quality public services; and

WHEREAS, to finance the cost of making the Improvements, the County Board of Commissioners deems it necessary to borrow the sum of not to exceed \$200,000 and to issue its 2023 Note pursuant to the provisions of Part 307 and Act 34.

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

1. **NECESSITY.** It is necessary for the public health, safety, and welfare of the County to make the Improvements and issue the 2023 Note of the County, pursuant to Part 307 and Act 34, to finance the Improvements.
2. **ESTIMATED COST – PERIOD OF USEFULNESS.** The total cost of the Improvements, including payment of legal and financial expenses and other expenses incident to the financing of the Improvements, which is estimated to not exceed \$200,000, is hereby approved and confirmed. The estimated useful life of the Improvements is not less than 10 years.
3. **ISSUANCE OF NOTE.** To defray the cost of the Improvements, including legal, engineering, financial and other expenses, and capitalized interest, if any, the County shall issue the 2023 Note (the “2023 Note”) in the aggregate principal amount of not to exceed \$200,000, as finally determined by the Authorized Officer (defined below) in an order signed by the Authorized

Officer. The balance of the cost of the Improvements, if any, shall be paid by special assessments, grants or funds appropriated by the County.

4. NOTE TERMS. The final maturity of the 2023 Note shall be not later than ten years from the date of issuance of the 2023 Note, in a principal amount not exceeding \$200,000 as finally determined by the Authorized Officer in the Sale Order. The 2023 Note shall bear interest at a rate not exceeding seven percent (7%) per annum as determined by the Authorized Officer, payable at such date or dates as determined by the Authorized Officer in the Sale Order. The Authorized Officer may alter the 2023 Note terms within the parameters of this Resolution as hereafter provided.

5. PAYMENT OF PRINCIPAL AND INTEREST. Both principal of and interest on the 2023 Note shall be payable in lawful money of the United States of America to the person holding the 2023 Note according to the County's records, in such amounts and at such times (less from ten years) as determined by the Authorized Officer.

6. BARRON LAKE SPECIAL ASSESSMENT. The County has established the Barron Lake Special Assessment District ("SAD") to fund operations and improvements necessary to maintain the Barron Lake level. The SAD extends perpetually. The 2023 Note shall mature no later than 2 years after the time fixed by law for the payment of the last installment of the assessments from which the 2023 Note is payable. The total amount of municipal securities secured by special assessments and pledging the limited tax full faith and credit of the County shall at no time by reason of future issues, other than refunding securities, exceed 12% of the assessed value of the taxable property of the County, and the municipal securities issued by the County in any calendar year shall not

exceed 3% of the assessed value of the property in the County unless authorized by a majority of the electors or by a larger vote as may be required by applicable law.

7. NOTE FORM. The 2023 Note shall be generally in the form as reasonably determined by the Authorized Officer, with such changes as are recommended by the County's Counsel and approved by the Authorized Officer, whose signature thereon shall be conclusive evidence of such approval.

8. CONSTRUCTION FUND. Prior to delivery and sale of the 2023 Note, there shall be established a construction fund (the "Construction Fund"). The proceeds of the 2023 Note shall be deposited into the Construction Fund. The money on deposit in the Construction Fund from time to time shall be used solely for the purpose for which the 2023 Note was issued. Any unexpended balance shall be used for such purposes as allowed by law. After completion of the Improvements and disposition of any remaining 2023 Note proceeds, pursuant to the provisions of this Section, the Construction Fund shall be closed.

9. INVESTMENT OF FUNDS. Moneys in the funds account(s) established herein may be invested by the County as allowed by law subject to the limitations imposed by arbitrage regulations and Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

10. DEPOSITORY AND FUNDS ON HAND. Moneys in the account(s) maintained pursuant to this Resolution may be kept in one or more accounts at financial institutions designated by

resolution of the County, and if kept in one account, the moneys shall be allocated on the books and records of the County in the manner and at the times provided in this Resolution.

11. **ADDITIONAL NOTES.** In accordance with the provisions of Act 34, the County reserves the right to issue additional notes and bonds, which shall be of equal standing and priority with the 2023 Note.

12. **CONTRACT WITH NOTEHOLDERS.** The provisions of this Resolution shall constitute a contract between the County and the holder or holders of the 2023 Note from time to time and, after the issuance of the 2023 Note, no change, variation, or alteration of the provisions of this Resolution may be made that would lessen the security for the 2023 Note. The provisions of this Resolution shall be enforceable by appropriate proceedings taken by such holder or holders, either at law or in equity.

13. **SALE OF NOTE.** The 2023 Note shall be sold to G.W. Jones Exchange Bank or other purchaser (the "Bank") determined by the Authorized Officer. The County determines that the negotiated sale to the Bank is in the best interests of the County because the terms offered by the Bank provide a favorable rate while also saving on the costs of issuance of the 2023 Note.

14. **AUTHORIZED OFFICER.** Notwithstanding any other provision of this Resolution, the County Drain Commissioner (the "Authorized Officer") is authorized within the limitations of this Resolution to determine the title of the 2023 Note, the interest rate or rates (not to exceed 7%), amount of maturities, principal amount (not to exceed the principal amount stated in this Resolution), dates of issuance, and principal and interest payment dates, with the final maturity no later than ten years after the date of issuance of the 2023 Note.

The Authorized Officer is hereby authorized for and on behalf of the County, without further County Board of Commissioners approval, to: (a) negotiate and complete the Closing on the 2023 Note with a financial institution selected by the Authorized Officer; (b) hire such professionals as the Authorized Officer determines may be required related to the 2023 Note; and (c) do all other acts and take all other necessary procedures required to effectuate the issuance and delivery of the 2023 Note.

Approval by the County of the matters delegated in this section or any other sections may be evidenced by execution or approval of such documents as deemed necessary by the Authorized Officer. The Authorized Officer is authorized to execute any documents or certificates necessary to complete the transaction, including, but not limited to, any applications including applications to the Michigan Department of Treasury and any applications for waivers the Authorized Officer determines to be necessary, including the submission of any supporting or related documents, any certificates, receipts, orders, agreements, instruments, and any certificates relating to federal or state securities laws, rules or regulations.

15. **QUALIFIED TAX-EXEMPT OBLIGATION.** The County reasonably anticipates that the amount of qualified tax-exempt obligations that will be issued by the County and all subordinate entities during the calendar year 2023 shall not exceed \$10,000,000. The County hereby designates the 2023 Note, in its total principal amount, as qualified tax-exempt obligations for purposes of Section 265(b)(3)(B) of the Code.

16. TAX COVENANT. The County covenants to comply with all requirements of the Code necessary to assure that the interest on the 2023 Note will be and will remain excludable from gross income for federal income tax purposes.

17. NOTE COUNSEL. The firm of Foster Swift Collins & Smith, PC is hereby employed as counsel to the County for the issuance of the 2023 Note.

18. RESOLUTION SUBJECT TO MICHIGAN LAW. The provisions of this Resolution are subject to the laws of the State of Michigan.

19. SECTION HEADINGS. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Resolution.

20. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

21. CONFLICT. The Resolutions of the County pertaining to the financing of the Improvements, dated September 1, 2022 and November 17, 2022, are ratified and confirmed. Except as provided in this Resolution, all resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed; provided that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the 2023 Note.

22. EFFECTIVE DATE OF RESOLUTION. This Resolution is determined by the County Board of Commissioners to be immediately necessary for the preservation of the peace, health and safety of the County and shall be in full force and effect from and after its passage.

The Chair instructed the Clerk to call roll:

Yes (8): Commissioners Locke, Jones, Howie, Barrera, Marchetti, Lee, Lawrence and Laylin.

No (0): None.

Resolution R-15-23 carried by roll call vote.

M-16-23

Commissioner Marchetti moved, seconded by Commissioner Lawrence, to approve Amendment No. 1 to Consulting Services Agreement between County of Cass and MGT of America Consulting, LLC for renewal of Agreement for FY22 and FY23 in the amount of \$11,500 per year. Discussion followed. Motion carried by voice vote.

M-17-23

Commissioner Howie moved, seconded by Vice-Chair Laylin, to rescind M-11-23. Motion carried by voice vote.

M-18-23

Commissioner Lawrence moved, seconded by Commissioner Lee, to approve the below Problem-Solving Court Budget for the 2022-2023 Fiscal Year for a new grant awarded to 4th District Court's Adult Drug Treatment Court/Sobriety Court.

Appropriations for the 2022-2023 fiscal year shall be adjusted to agree with the grant award as follows:

a) SCAO Michigan State Opioid Response 2 Project (SOR 2) Grant to approve new grant line items for audit purposes and fund grant.

		<u>Expense</u>	<u>Revenue</u>
101-000-502.215			\$20,000.00
101-276-801.215	Contractual	\$18,720.00	
101-276-728.215	Supplies	\$ 780.00	
101-276-860.215	Travel	\$ 500.00	
TOTAL:		\$20,000	\$20,000

Motion carried by voice vote.

R-19-23

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

**A RESOLUTION IN SUPPORT OF THE CASS COUNTY LAND BANK AUTHORITY'S
MI-HOPE GRANT APPLICATION**

WHEREAS, Cass County is dedicated to providing support and resources to County homeowners; and

WHEREAS, the Cass County Land Bank Authority is applying for round two of MSHDA's MI-HOPE grant initiative, designed to promote energy efficiency in homes in which homeowners may not be able to independently fund the necessary repairs; and

WHEREAS, many homeowners needing these repairs have been identified; and

WHEREAS, the Village of Cassopolis received funds during the first round of MI-HOPE grant allocations, allowing the Cass County Land Bank to focus on homes needing repair outside of Village limits; and

WHEREAS, the project, if approved, will fund improvements for at least 20 homeowners throughout the County; and

WHEREAS, significant improvements to County homes made possible by this grant will increase the taxable value of those homes, thus increasing revenue for the County; and

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners pledge their support of the Cass County Landbank Authority's submission of MSHDA'S MI-HOPE Program.

The Chair instructed the Clerk to call roll:

Yes (8): Commissioners Jones, Howie, Barrera, Marchetti, Lee, Lawrence, Laylin and Locke.

No (0): None.

Resolution R-19-23 carried by roll call vote.

M-20-23

Vice-Chair Laylin moved, seconded by Commissioner Marchetti, to request balanced budget option be presented for the FY 24 Budget. Discussion followed. Motion carried by voice vote.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioners Laylin, Marchetti, Lawrence, Howie and Jones offered comments or announcements.

ADJOURNMENT

Commissioner Marchetti moved, seconded by Vice-Chair Laylin, to adjourn. Motion carried by voice vote.

The meeting adjourned at 6:00 p.m.

Approved: _____
Date

Chair Jeremiah Jones

Monica McMichael, Clerk/Register