

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

May 2, 2024

The Cass County Board of Commissioners met in regular session on Thursday, May 2, 2024, in Commission Chambers.

Chair Jeremiah Jones called the meeting to order at 5:00 p.m. Commissioner Lawrence provided the Invocation. Kenley Laylin, daughter of Commissioner Laylin, led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: James Lawrence, Ryan Laylin, Joyce Locke (entered meeting at 5:06 p.m.), Jeremiah Jones, Mary Howie, Samuel Barrera, Roseann Marchetti and RJ Lee.

COMMISSIONERS ABSENT: None.

PUBLIC COMMENT (Agenda Items Only)

None.

ADDITIONS/DELETIONS TO THE AGENDA

Commissioner Laylin added the introduction of Sheriff's Office recruits to presentations. The presentation would take place directly after approval of the agenda.

Commissioner Marchetti removed motion M-072-24 from the Consent Agenda and placed it under New Business.

APPROVAL OF THE AGENDA

Commissioner Howie moved, seconded by Commissioner Lee, to approve the May 2, 2024, Cass County Board of Commissioner's Agenda as amended. Motion carried by voice vote.

PRESENTATIONS

Sheriff Behnke introduced David Suarez, Brandon Lebeda and Tait Oppman as Cass County Sheriff's Office recruits who would attend the Lake Michigan College Police Academy. Recruit Nithaniel Ramirez was unable to appear at the meeting.

RECOGNITIONS

VICTIM RIGHTS BOOK COVER WINNERS

Prosecutor Fitz and Victim Rights Advocate Marie Anderson introduced the winners of the Victim Rights Week Book Cover Contest.

R-062-24

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

RESOLUTION RECOGNIZING NATIONAL CORRECTIONAL OFFICERS WEEK

WHEREAS, correctional officers are trained law enforcement professionals dedicated to maintaining safe correctional facilities and ensuring public safety;

WHEREAS, correctional facilities across the U.S., both civilian and military, public and private, are run by highly qualified and experienced individuals with a deep understanding of the challenges within the profession;

WHEREAS, correctional officers and employees are responsible for the custody, care, and rehabilitation of thousands of offenders every year, as well as the maintenance of safe and secure facilities;

WHEREAS, correctional officers and employees teach, train, mentor, counsel, and treat thousands of offenders;

WHEREAS, correctional officers and employees provide offenders with direction, hope, and a new focus while assisting with reentry and life outside corrections; and

WHEREAS, correctional officers and employees rise to meet any challenge and serve this honorable profession nobly and admirably.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners that correctional officers and employees, especially our exemplary staff at the Cass County Jail, deserve the recognition for their service and should be commended by leaders in the profession, and the public and our elected officials for the tremendous job they do and exceptional performance of duties under the most difficult of circumstances.

BE IT FURTHER RESOLVED that the Cass County Board of Commissioners hereby proclaims the week of May 5-11, 2024 as National Correctional Officers Week in Cass County and call upon the people of Cass County to express their gratitude and appreciation for the professionalism, courage, dedication, and valuable contributions made to public safety by Cass County Correctional Officers.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Resolution R-062-24 carried by roll call vote.

R-063-24

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

RESOLUTION RECOGNIZING NATIONAL POLICE WEEK

WHEREAS, the Congress and the President of the United States have designated May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week; and

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Cass County Sheriff's Office; and

WHEREAS, National Police Week will be observed May 12 - May 18, 2024, to commemorate law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established themselves an enviable and enduring reputation for preserving the rights and security of all citizens; and

WHEREAS, since the first recorded death in 1786, more than 24,067 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including one member of the Cass County Sheriff's Office; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, 282 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 118 officers who were killed during 2023 and 164 officers who died in previous years; and

WHEREAS, May 15th is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags shall be flown at half-staff; and

WHEREAS, the Cass County Sheriff's Office will hold a memorial on May 15th at 12:00 PM in memory of Deputy Shane Britton.

NOW, THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners hereby designates and proclaims the week of May 12 - 18, 2024 as “National Police Week” and publicly salutes the service of all law enforcement officers in our community and in communities across the nation.

BE IT FURTHER RESOLVED to designate and proclaim May 15th as “Peace Officers Memorial Day” in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty and recognize and pay respect to the survivors of our fallen heroes.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Resolution R-063-24 carried by roll call vote.

R-064-24

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

RESOLUTION RECOGNIZING PROFESSIONAL MUNICIPAL CLERKS WEEK

WHEREAS, There are professional municipal clerks serving towns, townships, villages, cities, boroughs, and counties throughout Michigan, the United States, Canada, and thirteen other countries;

WHEREAS, Professional Municipal Clerks Week was first declared in 1984 when President Ronald Regan signed a proclamation dedicating the first full week of May as a time to recognize the essential role municipal clerks play in local government;

WHEREAS, the office of the municipal clerk is the oldest among public servants;

WHEREAS, it provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels;

WHEREAS, municipal clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all;

WHEREAS, municipal clerks serve as the information center on functions of local government and community;

WHEREAS, municipal clerks continually strive to improve the administration of the affairs of the office of the municipal clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, provincial, county, and international professional organizations; and

WHEREAS, the municipal clerk maintains and oversees the integrity of local, state, and national elections within the community ensuring that all residents have the opportunity to vote and that their vote will count.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners designates and proclaims the week of May 5 - 11, 2024, as Professional Municipal Clerks Week, and further extend appreciation to our County Clerk/Register, Monica McMichael, and to all Professional Municipal Clerks throughout Cass County for the vital services they perform and their exemplary dedication to the communities they represent.

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-064-24 carried by roll call vote.

R-078-24

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

A RESOLUTION TO RECOGNIZE COMPLETION OF THE NORTHWESTERN UNIVERSITY SCHOOL OF POLICE AND STAFF COMMAND PROGRAM

WHEREAS, Undersheriff Clint Roach has dedicatedly served the Cass County community with distinction and honor;

WHEREAS, his commitment to law enforcement excellence is evident in his continuous pursuit of professional development;

WHEREAS, Undersheriff Roach has successfully completed the rigorous program at the Northwestern University School of Police Staff and Command, which is renowned for its comprehensive curriculum and practical approach to police management and leadership; and

WHEREAS, this esteemed educational achievement is a testament to Undersheriff Roach's unwavering dedication to his profession and his desire to enhance the capabilities of the Cass County Sheriff's Office.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners hereby recognizes and congratulates Undersheriff Clint Roach for his significant educational accomplishment and his exemplary service to our community.

The Chair instructed the Clerk to call roll:

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

No (0): None.

PRESENTATIONS

None.

CONSENT AGENDA

Vice-Chair Barrera 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-065-24) A motion to approve Claims dated April 6th through April 26th.

(M-066-24) A motion to approve the April 11, 2024, Board of Commissioner Regular Meeting Minutes.

(R-067-24) A resolution Authorizing the Submission of Notice of Intent to EGLE to Prepare a Materials Management Plan, Name Southwest Michigan Planning Commission as the Designated Planning Agency and Enter into a Multicounty Planning Agreement

WHEREAS, the State of Michigan's Solid Waste Program was updated with the passage of amendments to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, that became effective on March 29, 2023;

WHEREAS, the amendments require existing county Solid Waste Management Plans to be replaced with new Materials Management Plans (MMP) that focus on sustainable materials management approaches, such as recycling and composting instead of just landfilling waste;

WHEREAS, on December 20, 2023, the Department of Environment, Great Lakes, and Energy (EGLE) notified counties that the materials management planning process will be initiated as of January 8, 2024. County boards of commissioners, or elected executives are given the first opportunity to assume authority over MMP development and implementation;

WHEREAS, if Cass County accepts this authority, a Notice of Intent is required and must be submitted to prepare an MMP within 180 days of the date that the EGLE Director initiates the process;

WHEREAS, Cass County will, by resolution, enter into an interlocal agreement to participate in a multicounty materials management plan with Berrien and Van Buren Counties;

WHEREAS, the Board of Commissioners will appoint the members of the Materials Management Planning Committee (MMPC), and the Southwest Michigan Planning Commission will serve as the Designated Planning Agency and make MMPC appointment recommendations and provide oversight of the MMPC and the plan development process. The MMPC will, by resolution, submit the plan to the BOC with a recommendation to approve; and

WHEREAS, the MMP must be approved by the Board of Commissioners by resolution and approved by 2/3rd of the municipalities in Van Buren, Cass, and Berrien Counties before it is considered adopted and submitted to EGLE to be accepted.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners hereby approves the submission of a Notice of Intent to the Michigan Department of Environment, Great Lakes, and Energy to prepare a Materials Management Plan as the designated County Approval Agency for Cass County and name Southwest Michigan Planning Commission as the designated planning agency and enter into a multicounty planning agreement.

(M-068-24) A motion to approve Silver Creek Township Police Services Contract.

(R-069-24) A Resolution Authorizing Drug Enforcement Millage Renewal be placed on the August 6th Primary Ballot

WHEREAS, there continues to be a serious drug problem in Cass County despite the efforts of law enforcement agencies and community groups to eradicate this problem;

WHEREAS, the Sheriff and Dowagiac Police Chief asked the Cass County Board of Commissioners to place a request before the voters on 2004;

WHEREAS, a 0.5000 mill levy was approved by the electors in 2004 to fund the operation of a County-wide drug enforcement and prosecution team for four years;

WHEREAS, the millage was assessed in December 2004, 2005, 2006 and 2007;

WHEREAS, a 0.4805 mill levy was approved by the electors in 2008 and assessed in December 2008, 2009, 2010, and 2011;

WHEREAS, the millage was approved for renewal and assessed in December 2012, 2013, 2014, and 2015;

WHEREAS, the millage was approved for renewal and assessed in December 2016, 2017, 2018, and 2019;

WHEREAS, the millage was approved for renewal and assessed in December 2020, 2021, 2022, and 2023; and

WHEREAS, the Board of Commissioners is of the opinion that it is desirable to renew said millage to provide for continued funding of law enforcement, criminal justice, and public safety.

NOW, THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners authorizes the following be placed on the ballot for consideration by the voters of Cass County at the primary election to be held on August 6, 2024, and that the form of the proposal shall be as follows:

RENEWAL - DRUG ENFORCEMENT MILLAGE

Shall there be approved a renewal of a 0.4751 mill levy in taxable valuation in Cass County on real and tangible personal property for a period of four (4) years commencing December 1, 2024 to be used in support of law enforcement, criminal justice, and public safety for the citizens of Cass County, including the areas of drug enforcement, prosecution, education, and treatment? It is estimated that the revenue collected as a result of this renewal in the first year will be \$1,319,427.

(R-070-24) A Resolution Authorizing Senior Services Millage Renewal be placed on the August 6th Primary Ballot

A RESOLUTION AUTHORIZING THE RENEWAL OF THE COUNCIL ON AGING MILLAGE BE PLACED ON THE BALLOT OF THE AUGUST 6TH PRIMARY ELECTION

WHEREAS, Act 39, Public Acts of Michigan 1976 authorized the Board of Commissioners of any county to appropriate funds to public or private non-profit corporations or organizations for the purposes of planning, coordinating, evaluating, and providing services to older persons;

WHEREAS, appropriation of funds for services to older persons shall be approved by the majority of the Board of Commissioners and the terms of the appropriation shall be a matter of public record and shall be entered into the journal of the official proceedings of the Board of Commissioners;

WHEREAS, notification of an appropriation to a private organization shall be published in a newspaper of general circulation within 10 days following approval by the Board of Commissioners;

WHEREAS, the terms of the appropriation shall specify:

- (a) Name, address, and general purpose of the organization
- (b) A description of the functions and responsibilities to be performed by the recipient of the appropriation
- (c) The effective date and length of the grant
- (d) Program and financial reporting requirements as established by the Board of Commissioners;

WHEREAS, the Board of Commissioners of Cass County may submit a millage proposition to the electorate at a general election to levy up to 1 mill for services to older citizens; and

WHEREAS, the private non-profit corporation known as the Cass County Council on Aging, Inc. is such a corporation authorized to receive appropriated funds from the County of Cass for services rendered under the statute and said corporation has been active in promoting such services under this statute for and on behalf of the senior citizens of the County of Cass and has demonstrated a need for appropriated funds for such services; and

WHEREAS, the .9969 mill levy approved by the electors of Cass County in 2020 expires with the tax levies in the calendar year 2023 and the Board of Commissioners has been requested to submit a renewal of such millage to the electors of the County for a period of four years, 2024 to 2027 inclusive; and

WHEREAS, the Board of Commissioners is of the opinion that it is desirable to submit said millage proposition to the electorate to provide the continuation of funds for services to older citizens as currently provided by and through the Cass County Council on Aging, Inc.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Cass County Board of Commissioners hereby determines that the following proposition shall be submitted to the registered electors at the state primary election to be held in Cass County on Tuesday, August 6, 2024:

MILLAGE PROPOSITION FOR SERVICES TO OLDER CITIZENS

This proposal will renew the current millage for senior services of 0.9827 mills.

Shall there be approved a renewal of a 0.9827 mill levy in taxable valuation in Cass County over and above the fifteen (15) mill constitutional limitation on real and tangible personal property, for a period of four (4) years, commencing December 1, 2024, to be used for services to older citizens directed toward the improvement of the social, legal, health, housing, educational, emotional, nutritional, recreational, or mobility status of older persons through the Cass County Council on Aging, Inc. as provided by Public Act 39 of 1976? It is anticipated that the revenue collected by the County as a result will be Two

Million, Nine-Hundred Thirty-Five Thousand, Eight-Hundred Sixty-Four (\$2,935,864) Dollars in the first calendar year of the levy.

2. The proposition shall be stated on the ballots to be prepared and distributed in the manner required by law.
3. All public officials of the County of Cass, State of Michigan, and all municipal units thereof, within such time as shall be required by law are thereby directed to do and perform all things and acts which shall be necessary to be done or performed in order to submit the foregoing proposition to the electors of the County of Cass at the state primary election to be held therein on Tuesday, August 6, 2024.
4. It is hereby ordered that the certified copy of this resolution together with the propositions recited herein, be filed with the County Clerk as required by the laws of the State of Michigan.

(M-071-24) A motion to approve the Tax Sharing Policy.

(M-073-24) A motion to approve the proposal from Elite Companies to complete the Public Defender Office Renovation Project in the amount of \$44,197.00, to be paid via the MIDC Grant.

(M-074-24) A motion to approve the proposal from Trane for repairs to the Chiller at the Law & Courts Building in the amount of \$62,678, to be paid via the Public Improvement Fund.

(M-075-24) A motion to approve the proposal from Trane for the installation of a new Building Control Unit at the Law & Courts Building in the amount of \$35,340.00, to be paid via the Public Improvement Fund.

(M-076-24) A motion to approve the FY 24 Budget Amendments.

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

No (0): None.

The Consent Agenda carried by roll call vote.

COMMISSIONER REPORTS

Commissioners Laylin, Lawrence, Locke, Barrera and Marchetti offered committee reports.

ADMINISTRATOR'S REPORT

Administrator Newton shared the Administrator's Report.

COUNTY PARTNERS

None.

ELECTED OFFICIALS

Sheriff Behnke, Clerk/Register McMichael and Drain Commissioner VanBelle shared updates.

UNFINISHED BUSINESS

None.

NEW BUSINESS

R-077-24

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

RESOLUTION TO ADOPT CASS COUNTY COMMUNITY CORRECTIONS FUND AND DHS CHILDCARE FUND DEFICIT ELIMINATION PLAN

WHEREAS, Cass County's Community Corrections Fund has a \$9,501 deficit fund balance on September 30, 2023;

WHEREAS, Cass County's DHS Childcare Fund has a \$7,171 deficit fund balance on September 30, 2023; and

WHEREAS, 1971 PA 140 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury.

NOW THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners adopts the following as the Cass County Community Corrections Fund & DHS Childcare Fund Deficit Elimination Plan:

COMMUNITY CORRECTIONS FUND DHS CHILDCARE FUND

Explanation: Last fiscal year, we experienced fund deficits due to lower-than-expected grant revenues and an oversight in timely financial adjustments. We are now correcting this by transferring funds and strengthening our financial monitoring to prevent future discrepancies.

BE IT FURTHER RESOLVED that the Cass County Finance Director submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Resolution R-077-24 carried by roll call vote.

M-072-24

Commissioner Marchetti moved, seconded by Commissioner Laylin, to send the Conflict of Interest and Ethical Standards Policy back to the Policy Committee. Discussion followed. The voice vote was not clear. The Chair instructed the Clerk to call:

Yes (5): Commissioners Marchetti, Laylin, Barrera, Jones and Locke.

No (3): Commissioners Lee, Howie and Lawrence.

Motion to send the Conflict of Interest and Ethical Standards Policy back to the Policy Committee carried by roll call vote.

PUBLIC COMMENT

Public comment occurred.

CLOSED SESSION

None.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioner Marchetti shared an announcement.

ADJOURNMENT

Commissioner Laylin moved, seconded by Commissioner Lee, to adjourn. The meeting adjourned the meeting at 5:51 p.m.

Approved: _____
Date

Chair Jeremiah Jones

Monica McMichael, Clerk/Register