CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING

December 19, 2024

The Cass County Board of Commissioners met in regular session on Thursday, December 19, 2024, in Commission Chambers.

Chair Jeremiah Jones called the meeting to order at 5:00 p.m. Commissioner Howie provided the Invocation. Commissioner Lee 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, Jeremiah Jones, Mary Howie, Samuel Barrera, Roseann Marchetti and RJ Lee.

COMMISSIONERS ABSENT: None.

PUBLIC COMMENT

None.

ADDITIONS/DELETIONS TO THE AGENDA

Commissioner Lawrence moved, seconded by Commissioner Howie, to remove R-119-24 from the agenda. Commissioner Marchetti moved, seconded by Commissioner Lee, to amend the motion to remove R-119-24 from the Consent Agenda and place it under New Business. Motion to amend carried by voice vote.

The Chair instructed the Clerk to call roll on the motion as amended:

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

No (0): None.

Motion to remove R-119-24 from the Consent Agenda and place it under New Business carried by roll call vote.

Commissioner Laylin moved, seconded by Commissioner Lawrence, to add a discussion on Market One under New Business. Motion carried by voice vote.

APPROVAL OF THE AGENDA

Commissioner Marchetti moved, seconded by Commissioner Lawrence, to approve the December 19, 2024, Cass County Board of Commissioner's Agenda as amended. Motion carried by voice vote.

RECOGNITIONS

R-114-24

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

RECOGNITION FOR YEARS OF SERVICE

WHEREAS, Ryan Laylin was elected to the Cass County Board of Commissioners in 2020; and

WHEREAS, Mr. Laylin previously served the Sheriff's Office as a part-time marine officer from 2007 to 2009, and as a security office for Southwestern Michigan College from 2009 to 2018;

WHEREAS, Mr. Laylin has served on the Board for four years, and presently represents District 1; and

WHEREAS, Mr. Laylin has represented the County and his constituents on many boards and commissions including the Capital Projects Committee, the Surplus Property Committee, the Parks and Recreation Commission, and the Kinexus board, as well as various others; and

WHEREAS, Mr. Laylin was instrumental in overseeing the renovation of the Cass County Historic Courthouse; and

WHEREAS, Mr. Laylin served as Vice Chair on the Board of Commissioners in 2023.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners recognizes Mr. Laylin for his years of service on the Board of Commissioners; and

BE IT FURTHER RESOLVED that the Board wishes Commissioner Laylin all the best in the years ahead.

The Chair instructed the Clerk to call roll:

Yes (7):	Commissioners Lawrence, Locke, Jones, Howie, Barrera, Marchetti and Lee.
No (0):	None.
Abstain (1):	Commissioner Laylin

Resolution R-114-24 carried by roll call vote.

R-115-24

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

RECOGNITION FOR YEARS OF SERVICE

WHEREAS, Joyce Locke was elected to the Cass County Board of Commissioners in 2022; and

WHEREAS, Mrs. Locke has served on the Board for two years, and presently represents District 3; and

WHEREAS, Mrs. Locke has represented the County and his constituents on many boards and commissions including the Policy Committee, Appointments Committee, the Parks and Recreation Board, and the Woodlands Board, as well as various others; and

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners recognizes Mrs. Locke for her years of service on the Board of Commissioners; and

BE IT FURTHER RESOLVED that the Board wishes Commissioner Howie all the best in the years ahead.

Resolution R-115-2 carried by unanimous consent.

R-116-24

Vice-Chair Barrera moved, seconded by Commissioner Laylin, to approve the following resolution:

RECOGNITION FOR YEARS OF SERVICE

WHEREAS, Mary Howie was elected to the Cass County Board of Commissioners in 2022; and

WHEREAS, Mrs. Howie has served on the Board for two years, and presently represents District 5; and

WHEREAS, Mrs. Howie has represented the County and his constituents on many boards and commissions including the Policy Committee, Salary Committee, the Area Agency on Aging, the Solid Waste Planning Committee and the Van Buren/Cass Board of Health, as well as various others; and

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners recognizes Mrs. Howie for her years of service on the Board of Commissioners; and

BE IT FURTHER RESOLVED that the Board wishes Commissioner Howie all the best in the years ahead.

Yes (7):	Commissioners Locke, Jones, Barrera, Marchetti, Lee, Laylin and Lawrence.
No (0):	None.
Abstain (1):	Commissioner Howie.

Resolution R-115-24 carried by roll call vote.

R-117-24

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

RECOGNITION FOR YEARS OF SERVICE

WHEREAS, Sheriff Richard J. Behnke has faithfully served our community for 38 years and should be honored for his many contributions to Cass County;

WHEREAS, he started his law enforcement career with the Marcellus Police Department in 1986 after graduating from Ferris State College (now University) with a BS in Criminal Justice—Go Bulldogs;

WHEREAS, in April 1987, Richard J. Behnke joined the Cass County Sheriff's Office as a road patrol deputy and he became a field training officer (before they formally had field training officers);

WHEREAS, in 1993, he was promoted to Sergeant and overseeing Community Policing;

WHEREAS, in 1999, Sgt. Behnke began overseeing Dispatch/911 (before they formally had Dispatch Coordinators), and in 2002 he was promoted to Lieutenant and directed the design for the current 911 Dispatch/EMS building;

WHEREAS, in 2003, in recognition of his leadership and contributions to the Sheriff's Department, Lt. Behnke was appointed by former Sheriff Joseph Underwood to serve as Cass County Undersheriff, a position he remained in until former Sheriff Underwood's retirement in 2016;

WHEREAS, in 2016, our Cass County community elected Richard J. Behnke to serve as Cass County Sheriff for a term starting on January 1, 2017;

WHEREAS, Richard J. Behnke has participated in ongoing professional development, training, and leadership roles to benefit our community including his completion of the FBI Police Executive Development Program and Executive Management Program at Northwestern University, the Michigan Sheriff Association Board from 2017-2020 and 2023-2024 and as a board member on the State 911 Board from 2016-2024;

WHEREAS, Richard J. Behnke has actively participated in many valuable programs for the benefit of Cass County, including: the Bloodhound tracking program, police K-9, Jail Ministry, Victim Advocates, Shop with a Cop, No Shave November, and Adopt-A-Family, to name a few;

WHEREAS, Richard J. Behnke has been a good partner to all the other elected officials offering his support, encouragement, humor, and collaboration modeling effective leadership for other leaders and our community;

WHEREAS, Richard J. Behnke has collaborated with community agencies and groups working for the good of all our citizens, supporting local initiatives through organizations such as the Cass County Shrine Club, Carl & Sarah Ross's jail ministry, Feed the Hungry, Council on Aging, CASA, MI Life in Numbers, Dowagiac Area Museum, Lee Memorial Hospital, VFW, Moose Lodge, Lions Club, and Rotary, to name a few;

WHEREAS, Richard J. Behnke started a golf outing as a fundraiser for Cass County Sheriff's Office Scholarships to benefit area youth, enabling them to pursue vocational and education goals and this fundraiser has continued for over 25 years;

WHEREAS, Sheriff Behnke has brought innovative programming and partnerships to Cass County as demonstrate by his collaboration with the Cass County Problem Solving Courts, Wayne State, Woodlands, and other community partners to facilitate the provision of MAT (medication assisted treatment) in our jail and other therapeutic interventions to address the underlying causes of involvement with the criminal justice system to provide opportunities for persons to turn their lives around while ensuring accountability and safety for the citizens we serve;

WHEREAS, SHERIFF RICHARD J. BEHNKE's extensive public service and contributions to Cass County as a hard-working and dedicated elected official will be greatly missed;

THEREFORE IT IS NOW RESOLVED that the Cass County Board of Commissioners hereby recognizes, thanks, and congratulates SHERIFF RICHARD J. BEHNKE for his years of dedicated and meritorious service on behalf of the citizens of Cass County and wishes him all the best in his retirement.

The Chair instructed the Clerk to call roll:

Yes (8):	Commissioners Howie, Barrera, Marchetti, Lee, Laylin, Lawrence, Locke and Jones.
No (0):	None.

Resolution R-117-24 carried by roll call vote.

Sheriff Behnke thanked the board for the resolution. He went on to discuss his 37 years of service to Cass County. He also thanked the staff at the Cass County Sheriff's Office.

PRESENTATIONS

Elite Companies

Jack Whitman and Jeff Copenhafer of Elite Companies presented the board with a U.S Flag assembled from wood and other materials salvaged from construction of the Historic Courthouse.

CONSENT AGENDA

Vice-Chair Barrera 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-155-24) A motion to Claims dated 11/02/24 to 11/29/24.

(M-156-24) A motion to approve the November 7, 2024 Regular Meeting Minutes.

(M-157-24) A motion to appoint Cade Stephenson to the Remonumentation Peer Group.

(M-158-24) A motion to approve the FY 25 Budget Amendments.

(R-118-24) MDOT Performance Resolution

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of

State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the County of Cass, hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW, THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. If any of the work performed for the MUNICIPALITY is performed by a contractor, defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contract achieves final acceptable of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.

3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.

4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right-of-Way resulting from the installation construction, operation and/or

maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before the issuance of a PERMIT.
8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY:

The Chair instructed the Clerk to call roll:

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

No (0): None.

The Consent Agenda carried by roll call vote.

COMMISSIONER REPORTS

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

ADMINISTRATOR'S REPORT

Chair Jones relayed the Administrator's Report.

COUNTY PARTNERS

Director Bob Thompson shared news from the Cass County Road Commission.

ELECTED OFFICIALS

Drain Commissioner VanBelle offered an update.

UNFINISHED BUSINESS

None.

NEW BUSINESS

M-159-2024

Chair Jones moved, seconded by Vice-Chair Barrera, to schedule the Organizational Meeting for January 9, 2024 at 5:00 pm. Motion carried by voice vote.

M-160-24

Chair Jones moved, seconded by Commissioner Lawrence, to approve the CCLBA Blight Elimination Grant Funding Advance Request from the General Fund up to an amount not to exceed $2 million and to be reimbursed in full from Grant proceeds upon Project(s) completion. Motion carried by voice vote.

M-161-24

Commissioner Laylin moved, seconded by Commissioner Marchetti, to appoint Dwight Dyes to the Cass County Road Commission for a term expiring 12/31/2030. Discussion followed. Motion carried by voice vote.

R-120-2024

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

A RESOLUTION TO AMEND THE ENVIRONMENTAL HEALTH CODE

WHEREAS, The Van Buren/Cass District Board of Health is responsible for responding to groundwater contamination;

WHEREAS, Groundwater contamination has been found from the former KL Landfill site in Almena Township, Michigan;

WHEREAS, The Van Buren/Cass District Board of Health and in accordance with Public Act 368, Part 127, Rule 325.1621 and 325.1622 hereby adopts the ordinance to amend section 9.1 and add new section 9.16 (Groundwater Use Restricted Zones) to the Environmental Health Code of the Van Buren/Cass District Health Department as presented (see attached) at the public hearing held October 8, 2024; and

WHEREAS, The Van Buren/Cass District Board of Health may adopt rules or regulations deemed necessary for the protection and promotion of health and safety of the inhabitants of Van Buren and Cass County, subject to final approval/disapproval by the Cass County Board of Commissioners and Van Buren County Board of Commissioners.

NOW, THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners has adopted this resolution.

Discussion followed.

The Chair instructed the Clerk to call roll:

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

No (0): None.

Resolution R-120-2024 carried by roll call vote.

M-162-24

Commissioner Laylin moved, seconded by Commissioner Marchetti, to approve the FY 25 Budget Adjustment for Secondary Road Patrol. Motion carried by voice vote.

M-163-24

Commissioner Laylin moved, seconded by Commissioner Marchetti, to approve a request from the Cass Family Clinic for Nalaxone Vending Machines in the amount of $13,071, to be paid via Opioid Settlement Funds. Motion carried by voice vote.

M-164-24

Commissioner Marchetti moved, seconded by Commissioner Locke, to appoint Gerry Bundle to the Cass District Library Board to an unexpired term ending December 31, 2026. Motion carried by voice vote.

M-165-24

Commissioner Laylin moved, seconded by Commissioner Lawrence, to allocate the remaining $15,018 to CSLFRF Program funds toward the Robin Grant Match. Motion carried by voice vote.

R-119-2024

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

A RESOLUTION ESTABLISHING BOARD OF COMMISSIONER SALARY SCHEDULE FOR COMMISSIONER TERM BEGINNING 2025 AND ENDING 2028

WHEREAS, the Cass County Board of Commissioners is authorized to establish the Compensation for the Board of Commissioners; and

WHEREAS, the Board of Commissioners cannot make changes in compensation which affects the Board during the current term, but can make changes to be effective for the next term; and

WHEREAS, the Board of Commissioners wishes to establish the Commissioners' Compensation for the period of January 1, 2025 through December 31, 2028.
NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners that effective on the date indicated, the salaries for the Cass County Board of Commissioners shall be as follows:

	Current Compensation	January 1, 2025 to December 31, 2028
Board Chair	$18,500.00	$21,000.00
Vice-Chair	$18,500.00	$20,500.00
Other Commissioners	$18,500.00	$20,000.00

BE IT FURTHER RESOLVED that each Commissioner shall not be eligible to receive any other per diem paid by the County.

BE IT FURTHER RESOLVED that mileage shall only be paid to each Commissioner for travel outside of Cass County only for actual miles traveled on county business, at the rate established by the Internal Revenue Service.

Commissioner Lee moved, seconded by Commissioner Lawrence, to amend the following:

> Background provided by Administrator Newton – strike "Two options were reviewed, including a one-time increase as well as a percentage increase per year. The one-time

increase would constitute a $1,500 annual increase for all Commissioners…". Financial Analysis – replace $13,500 with $1,500. In the resolution, replace January 1, 2025 to December 31, 2028 salaries for Board Chair (was $21,000) with $19,500, Vice-Chair (was $20,000) with $19,000 and Other Commissioners (was $20,000) with $18,500. Motion to amend the resolution carried by voice vote.

Discussion followed.

The Chair instructed the Clerk to call roll on the resolution as amended:

Yes (4): Commissioner Barrera, Lee, Lawrence and Howie.

No (0): Commissioners Marchetti, Laylin, Locke and Jones.

R-119-2024 failed by roll call vote.

MARKET ONE DISCUSSION

Commissioner Laylin opened a discussion on Market One, a contracted company who provided economic development to the county. He suggested that Executive Director Zach Morris provide monthly reports to the board. He also shared that his seat on the Market One Board of Directors would be vacant on January 1, 2025. He informed the board that Market One chose Commissioner Laylin's replacement. He expressed concern and instead urged the Board of Commissioners to choose a replacement.

Commissioner Howie shared that two local businesses reached out to Market One for assistance. She attended a meeting with all parties and the meeting was not productive. Commissioner Howie stated that Market One was a waste of time and money.

Commissioner Lee revealed that he was torn on the issue. With an aging population, he expressed the need for economic development in order to keep young adults in Cass County. He also shared that a township he represented was satisfied with the support they received from Market One. He stated that he wanted to continue the contract; but, wanted additional reporting from the company.

Commissioner Lawrence stated that he preferred to end the contract with Market One.

Vice-Chair Barrera agreed that reporting from Market One should be enhanced. He went on to discuss the Economic Development Board. With board positions filled, there should be no drastic changes.

Commissioner Marchetti urged the county to continue the contract for another year. She was confident things would turn around.

PUBLIC COMMENT

None.

CLOSED SESSION

M-166-2024

Chair Jones announced the Closed Session would not occur.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioners Locke, Howie and Rentfrow shared comments.

ADJOURNMENT

Chair Jones adjourned the meeting at 6:08 p.m.

Approved: _____________
Date

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Chair Jeremiah Jones

____
Monica McMichael, Clerk/Register