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A-G-E-N-D-A

LAPEER COUNTY BOARD OF COMMISSIONERS REGULAR BOARD MEETING September 10, 2009 8:30 A.M.

Cheryl A. Clark	District #1
Dyle Henning	District #2
Gary Roy	District #3
Lenny Schneider	District #4
Dave Taylor	District #5
Linda M. Jarvis	District #6
C. Ian Kempf	District #7

CALL TO ORDER BY CHAIRMAN/VICE-CHAIR

- ◆ Roll Call
- ◆ Opening Prayer
- ◆ Pledge of Allegiance

CONSIDERATION FOR APPROVAL:

- ◆ Agenda
- ◆ August 27, 2009 Regular Board Minutes

REVIEW OF COMMISSIONER MILEAGE/EXPENSE SHEETS

PUBLIC TIME - Citizens Comments, etc.

CONTINUED-

NEW/OLD BUSINESS:**A. NOTICE OF EXPIRING TERMS**

1 six-year term for Jury Board

2 four-year terms for Board of Canvassers

B. ADMINISTRATION - Draft Budget Presented**C.**

(Additional items)

D.**E.****F.****DRAFT MOTIONS**

- ◆ **Committee of the Whole** (09/03/09) (attached)
- ◆ **Personnel Committee** (09/03/09) (attached)

FISCAL PLANNING/BUDGETING DISCUSSION - If needed**AUDIT MOTIONS**

- ◆ **County Audit Motion**
For disbursements dated September 11, 2009
- ◆ **Road Commissioner's Audit Motion**
For disbursements dated September 10, 2009

PUBLIC TIME - Citizens Comments, etc.**COMMISSIONERS' REPORTS****CLOSED SESSION - If needed****RECESS/ADJOURN**

**LAPEER COUNTY BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
August 27, 2009
8:30 A.M.**

Chairman Taylor called the meeting to order at 8:30 a.m. in the Commission Chambers on the lower level of the County Complex Building. Commissioner Taylor opened the meeting with prayer. The Pledge of Allegiance was recited.

Present: Cheryl A. Clark* District #1
Dyle Henning* District #2
Gary Roy District #3
Lenny Schneider District #4
David Taylor District #5
Linda M. Jarvis District #6
C. Ian Kempf District #7

AGENDA

It was the consensus of the Board to accept the agenda with the addition of an addendum and the deletion of a closed session.

The draft minutes from the August 13, 2009 Regular Board Meeting and the August 17, 2009 Special Meeting were reviewed.

283-09

Motion by Schneider, supported by Roy, to approve the draft minutes from the August 13, 2009 Regular Board Meeting and the August 17, 2009 Special Meeting. Motion carried.

It was noted that the Commissioner Mileage/Expense Sheets are in the packet for review.

PUBLIC TIME – No comments were received.

Patricia Lucas, Executive Director of the Lapeer Development Corporation, requested that the Board approve the Infrastructure Project Notice of Intent (No1).

284-09

Motion by Kempf, supported by Roy, to approve the Infrastructure Project Notice of Intent (No1), as submitted by the Lapeer Development Corporation (LDC); and further, to authorize the County Controller/Administrator to sign said Notice of Intent. Motion carried.

285-09

Motion by Clark, supported by Jarvis, to approve the 416 Secondary Road Patrol Grant Application for 2009/2010, as submitted by the Sheriff's Department. Motion carried.

286-09

Motion by Kempf, supported by Roy, to refer the Title IV-D Cooperative Reimbursement Program Contract (CFDA# 93.563), as submitted by the Prosecutor's Office, to the September 3, 2009 Committee of the Whole Meeting, with authority to act. Motion carried.

Phil Kaatz, County Extension Director, requested that the Board consider a fall collection of Household Hazardous Waste/Clean Sweep.

287-09

Motion by Henning, supported by Kempf, to approve a fall collection of Household Hazardous Waste/Clean Sweep, with an appropriation from contingencies to fund it. Motion failed.

Discussion followed regarding the amended "Per Diem Rates and Mileage Reimbursement for Elected/Appointed Boards and Committees" Policy. No action was taken.

Commissioner Schneider spoke regarding the draft resolution regarding County Funds to the State. Discussion followed.

288-09

Motion by Schneider, supported by Kempf, to adopt the following resolution:

RESOLUTION

WHEREAS, each county government primarily acts as an "agent" of the state, with the majority of budgeted activity performed to extend various powers of state government throughout the state, providing state mandated services for the benefit of Michigan residents; and,

WHEREAS, state legislators pass into law various provisions as to how these state mandated services performed by the county are to be proportionately funded by the state; and,

WHEREAS, over time, many state elected officials have apparently lost an understanding of this inter-connected relationship between the two levels of Michigan government, and of the laws in place that require certain levels of state funding to counties and prohibit unfunded mandates; and,

WHEREAS, recent examples which are crippling county governments' ability to provide necessary and mandated services, include the following:

- In 1978, the voters of Michigan approved the "Headlee Amendment", which protects counties from unfunded mandates from the state legislature; yet despite this constitutional limit placed upon the state government, the legislature has continued to add more mandates for counties, while cutting funding year after year to county governments;
- PA 140 "Glenn Steil state revenue sharing act of 1971", whereas for the past several years the state has not followed the statutory formula (MCL 141.911) that requires 21.3% of the 4% of sales tax be directed to local governments and 25% of that local government revenue sharing go to counties;
- PA 356 of 2004 "County Revenue Sharing Reserve Fund" (MCL 141.911) *temporarily* suspended the above law, taxed all Michigan residents earlier than previously scheduled for property taxes, and utilized these revenues as a temporary replacement to the statutory revenue sharing for counties, with a stipulation to return counties in full to their previous revenue sharing when this alternate source of revenue is depleted, yet state proposals now call for ignoring that statutory mandate as well;

(Resolution to the State Legislature continued)

- PA 245 of 2008, Part 1, Line Item Appropriations, Section 103, Planning and Community Support, County Jail Reimbursement Program (MCL 769.35) , whereas the county *once again* has been notified by the state that they will not make a fourth quarter reimbursement payment to the county for diverted felons, under a most disingenuously crafted provision of state law that states "*expenditures shall not exceed the amount appropriated*".
- PA 513 of 2004 "Payment in Lieu of Taxes on Certain State Lands" (PILT), whereas payments to counties for certain real property owned by the state and controlled by the DNR in lieu of paying local property taxes (MCL141.911) have not been made; and,

WHEREAS, state officials must follow their own state laws if they expect the citizens to do so, must pass appropriate legislation that properly funds mandates and not disingenuous laws that provide loopholes for the state government to shift their burden when desired, and must not balance their budget by withholding required payments to counties while expecting to receive revenues back from the counties in full; and,

WHEREAS, it is the right and duty of citizens to hold their government accountable to follow the law, and the LAPEER COUNTY BOARD OF COMMISSIONERS, as duly elected citizens, insists that the state government adhere to ALL the laws passed by the state legislature and pay ALL payments in FULL to the counties.

NOW, THEREFORE BE IT RESOLVED, that this Board of Commissioners of Lapeer County intends to explore every legal means of withholding, dollar for dollar, any payment due to the State of Michigan where the state has withheld payments to the County of Lapeer that are mandated, utilizing the same criteria as state legislation, in which the county will direct that "*expenditures shall not exceed the amount appropriated*", wherein to ensure a balanced budget as required by law, the amount appropriated for various payments to the state shall be decreased if state mandated payments to the county are decreased; and,

BE IT FURTHER RESOLVED, that this Board of Commissioners of Lapeer County does so begrudgingly, as we and all citizens expect better from our government that serves us; we hope that we will not have to resort to such a measure, but rather that the state will find a way to balance its revenues and expenditures the same way counties do - through appropriate cuts that do not include withholding payments that have been legally agreed to be made for services directed to be provided.

Roll Call Vote: Schneider, aye; Clark, aye; Henning, aye; Jarvis, aye; Kempf, aye; Roy, aye; Taylor, aye. 7 ayes. Motion carried unanimously.

289-09

Motion by Clark, supported by Kempf, to approve the Pilot Agreement Contract with Sentinel Offenders Services, as submitted by Community Corrections. Motion carried.

290-09

Motion by Clark, supported by Kempf, pursuant to action taken at the August 13, 2009 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the August 20, 2008 meeting of the Committee of the Whole:

"Motion by Schneider, supported by Kempf, to approve the renewal of the 2010 Cooperative Reimbursement Program Contract (CFDA# 93.563), as submitted by the Friend of the Court. Motion carried."

Motion carried.

291-09

Motion by Clark, supported by Kempf, to approve Amendment No. 4 of the 08-09 Comprehensive Planning, Budgeting and Contracting Agreement (CPBC), as submitted by the Health Department, at no additional cost to the County General Fund; and further, to authorize the Chairman to sign said Agreement. Motion carried.

292-09

Motion by Clark, supported by Kempf, to authorize the Health Department to purchase equipment for the Senior Programs Nutrition Services, at no cost to the County General Fund. Motion carried.

293-09

Motion by Clark, supported by Kempf, to approve the following transfer of the Health Department's Liquor Tax appropriation:

\$63,239.50 from 101-990-999.219 to 221-990-695.011

Motion carried.

294-09

Motion by Clark, supported by Kempf, to authorize payment to Howard L. Shifman P.C., in the amount of \$13,579.80, for legal services rendered 07/01/09 – 07/31/09, to be paid from line item 101-210-801.020. Motion carried.

295-09

Motion by Clark, supported by Kempf, to have administration include in the agenda packets a brief summary or detailed invoice (whichever is most cost effective) for the items coming from outside counsel. Motion carried.

296-09

Motion by Clark, supported by Kempf, pursuant to motion 344-08 of the October 9, 2008 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the August 20, 2009 meeting of the Committee of the Whole:

"Motion by Kempf, supported by Jarvis, to adopt the following resolution:

RESOLUTION

WHEREAS, Lester Lee Stanley was born in Mercer, Missouri on July 4, 1940, and Inez Joyce Coffel was born in Pontiac, Michigan on December 12, 1941; and,

(Resolution for Lester and Joyce Stanley continued)

WHEREAS, Lester and Joyce Stanley were married on **September 12, 1959** at the First Christian Church in Pontiac, Michigan; and,

WHEREAS, Lester and Joyce Stanley have been greatly blessed with a loving family, including daughters, Lorrie Mead-Clancy (Jeff) and Susan Marie Eager (Gary); sons Leslie Ross Stanley (Angela); and William E. Stanley (Cheri), as well as sixteen grandchildren, six great-grandchildren and one on the way; and,

WHEREAS, Lester and Joyce Stanley made Lapeer, Michigan their home in 1981, in which they still reside, and are members of the Fostoria Methodist Church; and,

WHEREAS, Lester and Joyce Stanley have always enjoyed farming, and love to attend Antique Farm Equipment & Tractor Shows throughout the State of Michigan and the United States.

NOW, THEREFORE, BE IT RESOLVED, by this Board of Commissioners of Lapeer County, Michigan, that **Lester and Joyce Stanley** be commended for their 50 years of marriage, and be extended our sincere congratulations for achieving their **50th Wedding Anniversary on September 12, 2009.**

Roll Call Vote: Schneider, aye; Henning, aye; Jarvis, aye; Kempf, aye; Roy, aye; Taylor, absent; Clark, aye. 6 ayes, 1 absent. Motion carried."

Motion carried.

297-09

Motion by Clark, supported by Kempf, to approve the transfer of the final 20% (\$41,775) of the 2009 budgeted appropriation for the Parks, from line item 101-990-999.010 to 208-990-695.010. Motion carried.

298-09

Motion by Clark, supported by Kempf, to approve the following budget amendment, as submitted by the Treasurer's Office:

Increase	101-253-692.000 (General Refunds)	by	\$236.87
Increase	101-253-730.000 (Supplies)	by	\$136.87
Increase	101-253-957.000 (Membership)	by	\$100.00

Motion carried.

299-09

Motion by Clark, supported by Kempf, to approve the two-page budget amendment, as submitted by Lapeer County Community Mental Health. Motion carried.

300-09

Motion by Clark, supported by Kempf, pursuant to action taken at the August 13, 2009 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the August 20, 2008 meeting of the Committee of the Whole:

"Motion by Roy, supported by Schneider, to approve the following Ballot Language for the November Election, with the funding for the election to come from the original Millage funds for equipment, pending an opinion from corporate counsel as to whether those funds can be used for this purpose, or in the event the Millage funds are not allowable to fund the election, the election will be paid for from the 911 operating budget; and further, the local municipalities will be asked to consider waiving reimbursement of their election costs:

LAPEER COUNTY
E 9-1-1 CENTRAL DISPATCH EQUIPMENT PROPOSITION

Shall the County of Lapeer, Michigan, be authorized to levy upon the taxable value of all property subject to ad valorem taxation, up to three-quarters (.75) of one mill (75 cents for each \$1,000 of taxable value), for a period of up to ten (10) years, 2009 through 2018 inclusive, for the purpose of replacing outdated analog radio equipment for Fire, Police and Emergency Medical Service with updated digital radio equipment and other equipment necessary for the 9-1-1 Central Dispatch System to effectively provide and ensure twenty-four hour public safety communications service for the citizens, communities, and public safety responders of Lapeer County?

This millage would raise an estimated \$2,345,868.86 first year collection, if the millage is approved and levied in the first year of the levy. To the extent required by law, a small portion of the total revenues from the tax levy (estimated to be approximately .4506% in the first year of the levy) will be captured within the districts of and disbursed to the following authorities: Village of Clifford Downtown Development Authority, Village of Columbiaville Downtown Development Authority, Village of Dryden Downtown Development Authority.

Roll Call Vote: on original motion as amended: Roy, aye; Kempf, nay; Schneider, aye; Taylor, absent; Henning, aye; Jarvis, aye; Clark, nay. 4 ayes, 2 nays, 1 absent. Motion carried."

301-09

Motion by Clark, supported by Schneider, to approve the County's Audit Motion for disbursements dated August 28, 2009, based upon the signature of the County Controller/Administrator; and further, to approve the Road Commission Audit Motion for disbursements dated August 27, 2009, based upon the signatures of the Road Commission Chairman and Finance Director. Roll Call Vote: Clark, aye; Henning, aye; Jarvis, aye; Kempf, aye; Roy, aye; Schneider, aye; Taylor, aye. 7 ayes. Motion carried unanimously.

PUBLIC TIME – No comments were received.

The Commissioners gave brief reports on meetings and conferences that they have recently attended, as well as upcoming meetings and events.

The meeting recessed 10:18 a.m.

The meeting reconvened in Room 302 on the Third Floor of the County Complex Building, at 10:40 a.m.


The Board reviewed and discussed information regarding the Fiscal Planning/Budgeting process with the following departments:

Parks, Ken Elwert
Treasurer, Dana M. Miller

- *Commissioner Clark arrived. 10:53 a.m.
- *Commissioner Henning excused. 11:40 a.m.
- *Commissioner Clark excused. 11:53 a.m.

Chairman Taylor declared the meeting adjourned. 12:20 p.m.

David Taylor, Chairman
Board of Commissioners



Marlene M. Bruns, County Clerk
Clerk of the Board

NAME	Board	Representative Title	Expire Date
2009			
Deborah Marquardt	Jury Board		April 30, 2009
Teresa Connolly	Board of Canvassers		October 31, 2009
Sheila Dahlke	Board of Canvassers		October 31, 2009

Jury Board - Chief Judge to make recommendation
Board of Canvassers - one recommendation from each party

A

To: Marlene Bruns, Lapeer County Clerk
From: Lapeer County Republican Party
Re: Nominees for County Board of Canvassers
Date: August 26, 2009

Dear Marlene,
Following are the Board of Canvasser Nominees from Lapeer County Republican Party.

Greg Harper

Sheila Dahlke

Gene Lawter

Call (810) 667-1790 should you have any questions. Thank you.
Sincerely,

Michelle O'Neal *August 26, 2009*
Michelle O'Neal Date
Chair

FILED
COUNTY CLERKS OFFICE
LAPEER, MICH.

AUG 27 2009

By: _____
DEPUTY CLERK

**DRAFT MOTION FROM THE
September 3, 2009
Committee of the Whole Meeting**

1. Motion by , supported by , pursuant to action taken at the August 27, 2009 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the September 3, 2009 meeting of the Committee of the Whole:

"Motion by Jarvis, supported by Clark, to approve the 2010 Title IV-D Cooperative Reimbursement Program Contract (CFDA#93.563), as submitted by the Prosecutor's Office; and further, to authorize the Chairman to sign said agreement. Motion carried."

Motion carried.

2. Motion by Schneider, supported by Clark, to recommend to the Full Board, to authorize Administration to proceed with a Public Notice for a Public Hearing regarding the Kamax Community Development Block Grant (CDBG) Road Improvement Project. Motion carried.
3. Motion by Clark, supported by Kempf, to recommend to the Full Board, to approve the 2009-2010 Valley Area Agency on Aging (VAAA) Contract, as submitted by the Health Department; and further, to authorize the Chairman to sign said contract, at no cost to the County General Fund. Motion carried.
4. Motion by Clark, supported by Kempf, to recommend to the Full Board, to enter into an agreement with Patriot Ambulance Services, Inc., for transport of deceased individuals; and further, to authorize the Chairman to sign said agreement. Motion carried.
5. Motion by Clark, supported by Kempf, to recommend to the Full Board, to approve the following Budget Amendment, as submitted by the Health Department:

Increase	221-601-728.000 (Postage)	by	\$1,000.00
Increase	221-601-801.001 (Per Diems)	by	\$313.00
Increase	221-601-801.030 (Consultant - other)	by	\$9,000.00
Increase	221-601-557.070 (Crippled Children's)	by	\$10,313.00

Motion carried.

6. Motion by Clark, supported by Kempf, to recommend to the Full Board, to approve the four-page Budget Amendment, as submitted by the Health Department. Motion carried.

Draft Motions from the Committee of the Whole Continued

7. Motion by Clark, supported by Kempf, to recommend to the Full Board, to authorize the Lapeer County Community Mental Health to purchase thirty (30) HP Mini 1151 NR Netbooks,
8. Motion by Clark, supported by Kempf, to recommend to the Full Board, to authorize the Lapeer County Community Mental Health to purchase two pieces of Mobility equipment for Day Activity Program participants. Motion carried.
9. Motion by Clark, supported by Kempf, to recommend to the Full Board, to authorize the Lapeer County Community Mental Health to purchase furniture for their Family Therapy Room. Motion carried.
10. Motion by Kempf, supported by Schneider, to recommend to the Full Board, to close the Torzewski and General Squier Memorial Parks on September 30, 2009, for the purpose of reducing a deficit. Motion carried.
11. Motion by Kempf, supported by Schneider, to recommend to the Full Board, to authorize the Buildings and Grounds Manager to release the RFP for a glycol system upgrade to the HVAC system at the County Complex. Motion carried.
12. Motion by Kempf, supported by Schneider, to recommend to the Full Board, to authorize Buildings and Grounds to proceed with changing the shower stall into an ADA compliant toilet at Lapeer County Community Mental Health, with the costs to be paid from the Lapeer County Community Mental Health budget, at no cost to the County General Fund. Motion carried.
13. Motion by Kempf, supported by Henning, to recommend to the Full Board, to approve the following Budget Amendment, as submitted by the Multi-Purpose Collaborative Body:

Decrease	299-749-705.000 (Salary, Part-time)	by	\$1,000.00
Decrease	299-749-714.000 (Medicare)	by	\$14.00
Decrease	299-749-715.000 (Social Security)	by	\$62.00
Decrease	299-749-719.000 (Unemployment)	by	\$2.00
Decrease	299-749-722.000 (Workers Comp)	by	\$20.00
Increase	299-749-742.040 (Supplemental)	by	\$1,098.00

Motion carried.

Draft Motions from the Committee of the Whole Continued

14. Motion by Kempf, supported by Henning, to recommend to the Full Board, to approve the following budget amendment, as submitted by the Treasurer's Office:

Increase	532-253-646.009 (Auction Proceeds)	by	\$127,750.00
Increase	532-253-704.000 (Salary Employees)	by	\$12,000.00
Increase	532-253-714.000 (Medicare)	by	\$174.00
Increase	532-253-715.000 (Social Security)	by	\$744.00
Increase	532-253-717.000 (Life Insurance)	by	\$780.00
Increase	532-253-719.000 (Unemployment Ins)	by	\$12.00
Increase	532-253-722.000 (Workers Comp. Ins)	by	\$240.00
Increase	532-253-728.000 (Postage)	by	\$14,000.00
Increase	532-253-729.000 (Printing)	by	\$1,800.00
Increase	532-253-730.000 (Supplies)	by	\$2,000.00
Increase	532-253-860.000 (Mileage)	by	\$2,000.00
Increase	532-253-944.000 (Licenses/Software)	by	\$41,900.00
Increase	532-253-956.000 (Training)	by	\$1,000.00
Increase	532-253-957.000 (Membership)	by	\$200.00
Increase	532-253-963.000 (Expense of Sale)	by	\$50,900.00

Motion carried.

15. Motion by Kempf, supported by Henning, to recommend to the Full Board, to approve the following budget amendment, as submitted by the Treasurer's Office:

Decrease	101-253-728.000 (Postage)	by	\$818.40
Decrease	101-253-729.000 (Postage)	by	\$2,039.90
Increase	101-253-730.000 (Supplies)	by	\$132.17
Decrease	101-253-933.000 (Equip Maint)	by	\$116.22
Decrease	101-253-956.000 (Training)	by	\$767.23
Decrease	101-253-957.000 (Membership)	by	\$60.00
Decrease	101-253-704.000 (Salary, Employees)	by	\$12,000.00

Motion carried.

LAPEER COUNTY BOARD OF COMMISSIONERS

PROPOSED MOTIONS **FROM THE** **September 3, 2009** **PERSONNEL COMMITTEE MEETING** **to the** **September 10, 2009** **Full Board Meeting**

- 1) **Motion was made by Kempf, supported by Taylor, to recommend to the Board of Commissioners to authorize the Health Department to fill the current existing contractual Social Worker position (#329) at no additional cost to the general fund. Motion carried unanimously.**

- 2) **Motion by Kempf, supported by Taylor, to recommend to the Board of Commissioners to authorize the Health Department to eliminate one full-time clerk/typist position (#269), to reinstate a full-time clinic assistant position (#509) at no additional cost to the general fund, and approve revision of the Table of Organization accordingly. Motion carried unanimously.**