

**CASS COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING**

**August 20, 2015**

The County Board of Commissioners met in regular session on Thursday, August 20, 2015 in the Commission Chambers.

Chairperson Bernie Williamson called the meeting to order at 7:35 p.m. Commissioner File provided the Invocation. Commissioner Wagel led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica Kennedy called roll:

COMMISSIONERS PRESENT: Robert Wagel, Annie File, Dwight Dyes, Roseann Marchetti, Bernie Williamson, Robert Ziliak and E. Clark Cobb.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Finance Director Angie Steinman and Clerk/Register Monica Kennedy.

**INTRODUCTION OF VISITORS**

Visitors introduced themselves.

**APPROVAL OF THE AGENDA**

Commissioner Marchetti moved, seconded by Commissioner Wagel, to approve the August 20, 2015 Cass County Board of Commissioner's Amended Agenda. Commissioner Ziliak moved, seconded by Commissioner Wagel, to remove M-109-15 from the consent agenda to instead appear on the September 3, 2015 Regular Board Agenda. He also requested that COW item 6A appear on the September 3, 2015 Committee of the Whole Agenda for an interview. Motion carried by voice vote.

**RECOGNITION**

Citizenship Washington Focus (CWF) Delegates introduced themselves and offered their favorite parts of the trip. CWF delegates included: Erin Kramer, Madison Pauley, Zach Davis and Lauren Smith.

**PUBLIC COMMENT**

Aaron Miller, 59th District State Representative, provided the board with a legislative update.

**CONSENT AGENDA**

Commissioner Ziliak moved, seconded by Commissioner Cobb, 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-100-15)** A motion approving Claims dated 8/14/15

**(M-101-15)** Motion to approve the following reappointments:

Reappoint business representative Minnie Warren, general public representative Tom Miles, attorney representative Greg Feldman and press representative John Eby to the Community Corrections Advisory Board for terms ending September 30, 2019.

**(M-102-15)** The Sheriff requested use of fund balance in Fund 263 – Traffic Enforcement Fund and Fund 267 – Sheriff Non-Drug Forfeiture Fund with the anticipation of equipment needs for the ALERT Project. There is sufficient fund balance available in each fund for these transfers.

<u>Description</u>	<u>General Ledger #</u>	<u>Current</u>	<u>Increase</u>	<u>Amended Budget</u>
Traffic Enforcement Fund:				
New Equipment	263-316-980.000	\$5,000	\$9,000	\$14,000
Fund Balance	263-316-390.000	\$9,910		
Estimated Balance @ 9/30/15		\$ 910		
Sheriff Non-Drug Forfeiture Fund				
New Equipment	267-301-980.000	\$4,000	\$12,000	\$16,000
Fund Balance	263-316-390.000	\$64,021		
Estimated Balance @ 9/30/15		\$52,021		

**(M-103-15)** A budget amendment is requested to adjust four departments that are currently over budget for the 2014/2015 Fiscal Year, revenue adjustments are also included which eliminates the need to allocate from fund balance.

<u>Description</u>	<u>General Ledger #</u>	<u>Current</u>	<u>Increase</u>	<u>Amd Budget</u>
<b><u>REVENUES</u></b>				
Payment in Lieu of Taxes	101-000-428.000	\$7,123	\$61,785	\$54,662
Bullet Proof Vest Grant	101-000-506.302	\$ --	\$1,030	\$1,030
Reim Ins Dividends/Prem	101-000-681.020	\$65,000	\$149,115	\$84,115
<b><u>EXPENSES</u></b>				
<b><u>CIVIL COUNCIL</u></b>				
Arbitration Fees	101-210-801.000	\$2,300	\$6,600	\$4,300
Legal Fees	101-210-807.000	\$22,700	\$125,000	\$102,300
<b><u>HOUSEHOLD HAZ WASTE COLLECTION</u></b>				
Professional Contractual	101-288-801.000	\$8,700	\$9,326	\$626

SNOWMOBILE ENF GRANT

Overtime	101-332-706.000	\$760	\$1,400	\$640
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BULLET PROOF VEST GRANT

Supplies	101-335-727.000	\$ --	\$2,060	\$2,060
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Total Expense Adjustment: \$109,926

**(M-107-15)** A motion to approve the purchase of InterAct Online Services to extract RMS data for 3<sup>rd</sup> party vendor data conversion for a total cost of \$7,600.00. This purchase to be covered in FY2014-2015 budget.

Approval of the July 30, 2015 Special Meeting Minutes and the August 6, 2015 Regular Meeting Minutes.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Wagel, File, Dyes, Marchetti, Williamson, Ziliak and Cobb.

No (0): None.

The Consent Agenda carried by roll call vote.

**R-105-15**

Commissioner Ziliak moved, seconded by Commissioner File, to adopt the 2016 General Appropriations Act as follows:

**FISCAL YEAR 2016  
GENERAL APPROPRIATIONS ACT**

**WHEREAS,** the Uniform Budgeting and Accounting Act (Public Act 2 of 1968) provides a system of unified procedures for the preparation and execution of budgets for units of local government; and

**WHEREAS,** the County Administrator has prepared a recommended budget as required by Public Act 2; and

**WHEREAS,** it is the intent of the Board of Commissioners to provide for the solvency of county fiscal operations by adopting an Appropriations Act as required by law; and

**WHEREAS,** the Board of Commissioners, in accordance with the Uniform Budgeting and Accounting Act, held a public hearing on the FY2016 budget on August 20, 2015, after proper notice was published in a newspaper of general circulation; and

**NOW THEREFORE, BE IT RESOLVED** that the General Appropriations Act is adopted for October 1, 2015 – September 30, 2016 and provides by departmental activity, the budgets as approved and amended by the Board this date; and

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby adopts the budgets of the Other Funds as attached; and

**BE IT FURTHER RESOLVED** that this budget reflects a reasonable allocation of available resources to the various County departments, boards and agencies, and allows for all mandated services, programs and activities to be performed at or above reasonable, necessary and serviceable levels; and

**BE IT FURTHER RESOLVED** that every appropriation is subject to all County policies as well as the conditions set forth in this resolution and that any modification, addition, or deletion, of such amounts hereby adopted shall be done in accordance with the policies and procedures established by the Board of Commissioners; and

**BE IT FURTHER RESOLVED** that the Board of Commissioners grants authority to appointed Boards and Commissions to manage their assigned budgets as adopted herein; and

**BE IT FURTHER RESOLVED** that the Approved Position Allocation list contained in the Budget establishes the number of permanent full time equivalent (FTE) positions that can be filled, and no funds are appropriated for any permanent position not on the Approved Position List. In addition, the job position titles, pay classifications and full time equated designations for each position are deemed to be the correct designations and are hereby incorporated into the Approved Position Allocation list, and any modification of employment classifications shall be done in accordance with established County policy; and

**BE IT FURTHER RESOLVED** that it is understood that revenues and expenses may vary from those which are currently contemplated and may be changed from time to time by the Board of Commissioners during the 2016 fiscal year, as deemed necessary. Consequently, there may be a need to increase or decrease various portions of the approved budget and/or impose a hiring freeze and/or impose reductions in force due to unforeseen financial changes; therefore, the Board of Commissioners reserves the right to change the Approved Position Allocation list and/or impose a hiring freeze at any time; and

**BE IT FURTHER RESOLVED** that those positions on the Position Allocation list and programs which are supported partially or in whole by grant, cost sharing, reimbursement, or other source of outside funding are only approved contingent upon the County receiving the budgeted revenues. Upon notification that budgeted funding of a position or program shall not be received, the Elected Official or Department Head shall immediately notify the County Administrator and that position shall be immediately removed from the Position Allocation list if funding is exhausted; and

**BE IT FURTHER RESOLVED** that the County Administrator shall oversee the preparation and maintenance of accounts in every office to enforce this Act as adopted and that the Board of Commissioners permits the County Administrator to execute transfers between line items of departments so as to eliminate the necessity for budget amendments except between distinct departmental activities.

Commissioner Wagel moved, seconded by Commissioner Dyes, adjust the Equalization Appraiser position to full time and the MSU Secretary to full time. Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (3): Commissioners Dyes, Marchetti and Wagel.

No (4): Commissioners File, Williamson, Ziliak and Cobb.

Motion to amend failed by roll call vote.

Commissioner Marchetti moved, seconded by Commissioner Wagel, to amend the second paragraph to read WHEREAS the **Deputy** County Administrator.

The Chair instructed the Clerk to call roll on the amendment:

Yes (7): Commissioners Dyes, Marchetti, Williamson, Ziliak, Cobb, Wagel and File.

No (0): None.

Motion to amend carried by roll call vote.

Discussion continued.

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

Yes (5): Commissioners Marchetti, Williamson, Ziliak, Cobb and File.

No (2): Commissioners Wagel and Dyes.

Resolution R-105-15 carried by roll call vote.

#### **R-104-15**

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

#### **Resolution in Support of Appeal of Tax Tribunal Ruling**

**WHEREAS**, on January 4, 2013, and January 15, 2013, the Charter

Townships of Marquette and Breitung, respectively, filed very similar appeals of a Final Opinion and Judgment entered in the Michigan Tax Tribunal; and

**WHEREAS,** the townships are appealing the ruling of the state of Michigan's tax tribunal ruling, which significantly reduces the ad valorem property tax assessments of modern home improvement store properties located in Michigan's Upper Peninsula; and

**WHEREAS,** each property was valued after the store's construction in accordance with its existing use as a home improvement store; and

**WHEREAS,** each property owner appealed the ad valorem tax assessment levied by the townships to the Tax Tribunal asserting that the properties must be valued as if they were vacant and unoccupied retail buildings; and

**WHEREAS,** the Tax Tribunal ruled in favor of the property owners and substantially reduced the property tax assessments. Such ruling will impact the ability of the local governments to provide support services at the current level and to cover the expenses to install and maintain the municipal infrastructure needed for the development of the big box stores; and

**WHEREAS,** this ruling will also eliminate the ability to generate the funds for continued growth, jobs, and economic development; and

**WHEREAS,** taxing units will experience heavy long-term financial losses for future years under Proposal A, which effectively prevents the taxing units from raising the taxable values significantly in future years.

**NOW, THEREFORE, BE IT RESOLVED,** that the Cass County Board of Commissioners supports the appeals of the townships asserting that the properties should be valued by considering the existing use and the present economic income of the land and structures at the time of assessment.

The Chair instructed the Clerk to call roll:

Yes (5): Commissioners Williamson, Ziliak, Cobb, Wagel and File.

No (2): Commissioner Dyes and Marchetti.

Resolution R-104-15 carried by roll call vote.

**COMMITTEE REPORTS**

Commissioner Marchetti furnished committee reports.

**ADMINISTRATOR'S REPORT**

Finance Director Steinman presented the Administrator's Report.

**OLD BUSINESS**

**R-106-15**

Commissioner Dyes moved, seconded by Commissioner Wagel, to approve the following resolution:

**CONVENTION FACILITY/LIQUOR TAX DISTRIBUTION**

**WHEREAS,** counties share in the tri-county convention facilities tax levied under Act 106 of 1985 and the 4% liquor tax levied under Act 58 of 1998 when those revenues exceed the debt service requirements for convention facilities; and

**WHEREAS,** Cass County's estimated convention tax distribution for 2016 is \$134,430.00; and

**WHEREAS,** the County may use this money to reduce property taxes, or for general County operations;

**NOW THEREFORE BE IT RESOLVED** that the Cass County Board of Commissioners determines that it would be in the best interest of the County to utilize the Convention Facility/Liquor Tax Distribution for 2016 for general County operations; and

**BE IT FURTHER RESOLVED** that the \$134,430.00 be recognized as revenue in 2016 with one-half of this amount, \$67,215.00 appropriated to the Substance Abuse Coordinating Agency for use in substance abuse programs in Cass County.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Ziliak, Cobb, Wagel, File, Dyes, Marchetti and Williamson.

No (0): None.

Resolution R-106-15 carried by roll call vote.

**NEW BUSINESS**

There was no new business.

**BOARD MEMBER COMMENTS OR ANNOUNCEMENTS**

Commissioners Wagel and Ziliak offered announcements.

**PUBLIC COMMENT**

Julie Pioch announced she accepted the permanent position of MSU District Coordinator.

**CLOSED SESSION**

Commissioner Cobb moved, seconded by Commissioner Dyes, to enter into Closed Session with Clerk/Register Monica Kennedy and County Administrator Roger Fraser in order to consider material exempt from state or federal statute.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Cobb, Wagel, File, Dyes, Marchetti, Williamson and Ziliak.

No (0): None.

The meeting moved to closed session at 8:35 p.m.

The meeting returned to open session at 8:54 p.m.

**ADJOURNMENT**

Commissioner Ziliak moved, seconded by Commissioner Wagel, to adjourn. Motion carried by voice vote.

The meeting adjourned at 8:54 p.m.

Approved: \_\_\_\_\_  
Date Bernie Williamson, Chairperson Monica Kennedy, Clerk/Register