

**CASS COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING**

**March 3, 2022**

The Cass County Board of Commissioners met for their Regular Meeting on Thursday, March 3, 2022, in Commissioner Chambers. Due to COVID-19 concerns, public participation was offered via Zoom.

Chair Dyes called the meeting to order at 4:00 p.m. Commissioner Jones provided the Invocation. Commissioner Laylin led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: Ryan Laylin, Annie File, Skip Dyes, Roseann Marchetti, Robert Benjamin, Mike Grice and Jeremiah Jones.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: County Administrator Jeff Carmen, Deputy County Administrator Matthew Newton, Finance Director Jennifer Rentfrow and Clerk/Register Monica McMichael.

**INTRODUCTION OF VISITORS**

Visitors present introduced themselves.

**PUBLIC COMMENT**

Cass County Conservation District Director Korie Blyveis informed board members that the tree sale began and would continue through April.

Wayne Township resident Mary Middleton commented in support of Cass County employees. She reminded the board of President Biden's State of the Union address where he instructed everyone to fund the police. She urged Cass County to fund the local police.

## **APPROVAL OF THE AGENDA**

Commissioner Benjamin moved, seconded by Commissioner Laylin, to approve the March 3, 2022, Cass County Board of Commissioner's Agenda with the addition of motions to appear after the closed session. Motion to approve the amended agenda carried by voice vote.

## **RECOGNITIONS**

None.

## **PRESENTATIONS**

None.

## **CONSENT AGENDA**

Vice Chair Grice 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-46-22)** A motion to approve Claims dated February 18, 2022.

**(M-47-22)** A motion to approve the February 17, 2022 Board of Commissioners Regular Meeting Minutes.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Laylin, File, Dyes, Marchetti, Benjamin, Grice and Jones.

No (0): None.

The Consent Agenda carried by roll call vote.

## **COMMITTEE REPORTS**

Commissioners Laylin, Marchetti, Benjamin and Jones offered Committee Reports.

## **APPOINTMENTS COMMITTEE REPORT**

Commissioner Marchetti stated that the Appointments Committee received several applications for the Woodlands Board as well as the Solid Waste Planning Commission.

## **ADMINISTRATOR'S REPORT**

Deputy Administrator Matthew Newton presented the Administrator's Report.

## **PUBLIC SAFETY UPDATE**

Animal Control Director Ron Butts shared an update on Animal Control programs.

Sheriff Behnke explained the resolution to approve a millage renewal for 911 to appear on the August Primary Ballot.

## **COUNTY PARTNERS**

Road Commission Manager Robert Thompson stated that the weight limits were in effect for local roads. He went on to discuss hot and cold patch mixes they supply to Elkhart County and MDOT. Finally, he thanked the Board of Commissioners for their support.

## **ELECTED OFFICIALS UPDATE**

Prosecutor Fitz shared information on a drug bust conducted by the Michigan State Police Swet Team and the Cass County Drug Enforcement Team.

Judge Bealor thanked everyone for their support and shared an update from the courts.

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

### **M-48-22**

Chair Dyes stated the motion would appear at a later meeting.

### **M-49-22**

Commissioner Grice moved, seconded by Commissioner Jones, to approve the Cass County Conservation District Soil, Erosion and Sedimentation Control Application Packet. Discussion followed. Motion carried by voice vote.

**R-50-22**

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

**AMEND R-216-21 BOND AUTHORIZING RESOLUTION – EDWARDSBURG SEWER SYSTEM REFUNDING BONDS SERIES 2022**

**WHEREAS**, the County previously adopted its Resolution Authorizing Act 185 Bonds Sewer System Refunding Bonds (Village of Edwardsburg), Series 2022 (Limited Tax General Obligation) on December 16, 2021 (the “Bond Authorizing Resolution”) setting forth parameters for the sale and delivery of the County’s Sewer System Refunding Bonds (Village of Edwardsburg), Series 2022 (Limited Tax General Obligation) (the “Bonds”); and

**WHEREAS**, due to changing market conditions and based on the advice of the County’s municipal advisor, it is in the best interests of the County to amend the Bond Authorizing Resolution to allow for a private placement of the Bonds in order to provide the Prior Bonds (as defined in the Bond Authorizing Resolution) to be refunded at a significant savings.

**NOW, THEREFORE, BE IT RESOLVED BY THE CASS COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF CASS, STATE OF MICHIGN AS FOLLOWS:**

1. Amendment to Bond Authorizing Resolution. Section 15 of the Bond Authorizing Resolution is hereby amended and restated in its entirety as follows:

“15. Retention of Underwriter, Execution of Bond Purchase Agreement, Selection of Placement Agent, Award of Sale.

- (a) The County hereby appoints Oppenheimer & Co., Inc. as senior managing underwriter for the bonds (the “Underwriter”). Each Authorized Officer is hereby authorized to appoint one or more co-managing underwriters, if recommended by the Municipal Advisor. Each Authorized Officer is further authorized to negotiate and award the sale of the bonds to the Underwriter pursuant to a bond purchase agreement, subject to the parameters set forth in this resolution. Each Authorized Officer is authorized to execute and deliver the bond purchase agreement on behalf of the County without further approval of the Board, *provided that* the interest rate on the bonds shall not exceed 5.00% per annum, there shall be net present value savings to be realized by the County, and the underwriter’s discount shall not exceed 1.25% of the principal amount of the bonds.
- (b) Alternatively, if deemed appropriate by the County’s municipal advisor, the Bonds may be privately placed with First Foundation Public Finance (the “Purchaser”) and in such an event, Oppenheimer & Co., Inc. is hereby appointed as placement agent

(the “Placement Agent”) for the purpose of placing the Bonds with the Purchaser pursuant to the term sheet attached hereto as Exhibit B and made a part hereof. The Purchaser will be required to furnish, prior to the delivery of the Bonds, a certificate in substantially the form attached hereto as Exhibit C and made a part hereof. The Authorized Officer is authorized to negotiate and execute a purchase agreement with the Purchaser, if required, and to award the sale of the Bonds to the Purchaser, subject to the parameters set forth in this Resolution, *provided that* in the event of a negotiated sale to the Purchaser, the County will not be required to enter into a continuing disclosure undertaking, the Bonds will be exempt from the requirement under Section 323 of Act 34 to be rated by a nationally recognized rating agency, the County will not request a rating on the Bonds, the principal and interest payment dates, registration and bond form may be adjusted as determined by an Authorized Officer and such other adjustments made be made to conform with a private placement of the Bonds with the Purchaser. The Authorized Officer may have prepared and execute a private placement memorandum in lieu of the Official Statement provided pursuant to Paragraph 18 below, upon the advice of the Municipal Advisor and Bond Counsel.

An Authorized Officer may, without further approval or direction from the Board, execute a sale order evidencing the final terms of the bonds, and make any of the determinations, covenants and elections authorized by this resolution, provided that the final terms of the bonds shall be within the parameters set forth in this resolution.”

2. Addition of Exhibit B and Exhibit C. The forms of Exhibit B and Exhibit C attached hereto is hereby incorporated into and made a part of the Bond Authorizing Resolution.
3. Conflicts. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded. Except as set forth in this Resolution, the Bond Authorizing Resolution remains in full force and effect.

This resolution shall become effective immediately upon its passage.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Dyes, Marchetti, Benjamin, Grice, Jones, Laylin and File.

No (0): None.

Resolution R-50-22 carried by roll call vote.

**R-51-22**

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

**RESOLUTION TO SUBMIT 911 MILLAGE REAUTHORIZATION TO REGISTERED ELECTORS**

WHEREAS, Act 379 of 2008 made changes to the 911 law in Michigan; and

WHEREAS, the local telephone surcharge approved by the Michigan Public Service Commission is less than necessary to cover the operational costs of the 911 emergency service program; and

WHEREAS, it is desirable to submit a proposal to the electorate to provide for continued operation of the Cass County Central Dispatch System.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners that the following proposition shall be submitted to the registered electors at the election to be held in Cass County on Tuesday,

August 2, 2022:

**CASS COUNTY PROPOSAL**

**FOR 911 CENTRAL DISPATCH**

Shall the constitutional tax rate limitation in the County of Cass be renewed at 1/5 mill (\$0.20) per thousand dollars against all taxable property in the County of Cass for a period of 4 years beginning with the December 1, 2022 levy and ending with the December 1, 2025 levy to provided funding for the operation of the 911 Central Dispatch? If approved and levied in its entirety on December 1, 2022, this millage would raise an estimated \$487,160.00 in the first year.

Yes \_\_\_\_\_

No \_\_\_\_\_

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Marchetti, Benjamin, Grice, Jones, Laylin, File and Dyes.

No (0): None.

Resolution R-51-22 carried by roll call vote.

**R-52-22**

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

**RESOLUTION URGING THE RETURN OF STATE WORKERS TO IN-PERSON OPERATIONS**

WHEREAS, in October 2021 the State of Michigan removed the set date for State workers to return to in-person operations and left each department or agency to set their own schedule to return; and

WHEREAS, each department and agency have the knowledge and resources to develop agency work plans to return to in-person operations; and

WHEREAS, the majority of businesses, industry, governmental operations, school districts, and non-profit agencies have returned to on-site operations; and

WHEREAS, Cass County has received complaints from citizens concerning the lack of accessibility and the delay of responsiveness due to State workers not operating within their on-site offices, as well as have experienced difficulties and delays in coordinating services between County Offices and State departments and agencies such as DHHS.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners to urge Governor Whitmer to immediately direct department and state agencies to complete work plans to return to on-site operations as quickly as possible to provide the services and convenience that the citizens of Michigan expect from their government; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to all Michigan Counties, Senator Kim LaSata, Representative Steve Carra, Representative Brad Paquette, Governor Gretchen Whitmer, and the Michigan Association of Counties.

Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Benjamin, Grice, Jones, Laylin, File, Dyes and Marchetti.

No (0): None.

Resolution R-52-22 carried by roll call vote.

## **CLOSED SESSION**

### **M-53-22**

Commissioner Marchetti moved, seconded by Commissioner Jones, to enter a closed session to review Tentative Agreement and Labor Negotiations and to include Clerk/Register Monica McMichael, Treasurer Hope Anderson, Judge Carol Bealor, Sheriff Rick Behnke, Prosecutor Victor Fitz, Jeff Carmen, Matt Newton, Jennifer Rentfrow, Jodi Nestich, Attorney Karl Butterer and any other party as may be designated by the Board Chair.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Grice, Jones, Laylin, File, Dyes, Marchetti and Benjamin.

No (0): None.

The Chair announced that business would be conducted after the closed session.

The meeting entered closed session at 5:45 p.m.

The meeting returned to open session at 6:13 p.m.

### **M-54-22**

Commissioner Benjamin moved, seconded by Commissioner Marchetti, to approve the CCIEA Tentative Agreement for the General Unit. Motion carried by voice vote.

### **M-55-22**

Commissioner Benjamin moved, seconded by Commissioner Marchetti, to approve the CCIEA Tentative Agreement for the Courts Units. Motion carried by voice vote.

### **M-56-22**

Commissioner Benjamin moved, seconded by Commissioner Marchetti, to approve the collective bargaining agreement between Fraternal Order of the Police Labor Council, Dispatchers, Sheriff, and the Cass County Board of Commissioners contingent upon the final review of legal counsel.0

## **BOARD MEMBER COMMENTS/ANNOUNCEMENTS**

Commissioner Benjamin discussed County equipment needs appearing for board discussion and reminded everyone that he worked for a company that may be considered a supplier. He added that he thoroughly enjoyed the FFA groups that presented earlier in the afternoon.

Commissioner Jones asked the County Administrator's Office to look into Funding the Police as President Biden indicated in the State of the Union address.

Commissioner Laylin reminded commissioners of the Market Van Buren Workshop set for Friday, March 11, 2022 at the Van Buren ISD.

**ADJOURNMENT**

Commissioner Benjamin moved, seconded by Commissioner Laylin, to adjourn. Motion carried by voice vote.

The meeting adjourned at 6:28 p.m.

Approved: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Skip Dyes

\_\_\_\_\_  
Monica McMichael, Clerk/Register