

**CASS COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING**

**SEPTEMBER 1, 2022**

The County Board of Commissioners met in regular session Thursday, September 1, 2022, in the Board of Commissioners chambers.

Chair Skip Dyes called the meeting to order at 5:00 p.m. Commissioner Jones provided the Invocation. Commission Laylin led the Pledge of Allegiance to the flag of the United States of America.

Chief Deputy Clerk/Register Heather Harding called roll:

Commissioners Present (7): Annie File, Jeremiah Jones, Mike Grice, Dwight Dyes, Ryan Laylin, Roseann Marchetti and Robert Benjamin.

Commissioners Absent (0): None.

STAFF PRESENT: County Administrator Matthew Newton, Finance Director Jennifer Rentfrow and Chief Deputy Clerk/Register Heather Harding.

Chair Dyes opened the public hearing at 5 pm.

**PUBLIC HEARING**

County Administrator Matthew Newton indicated that he and Finance Director Jennifer Rentfrow have prepared the FY 2023 budget. He spoke briefly regarding the process. Chair Dyes asked if there was any input from the public.

Lori Whitmyer, Cass County Conservation District Director, spoke regarding the funding the County provides for the Conservation District. They are asking for an increase with hopes of hiring another position and an ability to provide more education in schools.

Commissioner Laylin moved, seconded by Commissioner Jones, to close the public hearing.

Public hearing closed at 5:04 pm.

**INTRODUCTION OF VISITORS**

Visitors introduced themselves.

## **PUBLIC COMMENT**

Bruno Editis, Barron Lake Association President, spoke regarding the pump inefficiencies at Barron Lake. They have been able to isolate the problem and are now able to fix and remedy the inefficiencies.

Dale Snow, Eagle Lake landowner, spoke briefly regarding his standing in the community and gave information about a lawsuit he is involved with the Cass County Road Commission.

## **APPROVAL OF THE AGENDA**

Commissioner Marchetti moved, seconded by Commissioner Benjamin, to approve the Cass County Board of Commissioners Regular Meeting Amended Agenda for September 1, 2022, with the addition of M-169-22 a motion to approve a secondary road patrol grant in the amount of \$106,345.00. There was no discussion. Motion carried by voice vote.

## **RECOGNITIONS**

There were none.

## **PRESENTATIONS**

There were 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-162-22**

Motion to approve Claims dated August 19, 2022.

### **M-163-22**

Motion to approve the August 18, 2022, Cass County Board of Commissioners Regular Meeting minutes and the August 22, 2022, Special Meeting minutes.

There was no discussion.

The Chair instructed the Clerk to call roll:

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

No (0): None.

The consent agenda passed by roll call vote.

### **COMMITTEE REPORTS**

Commissioners File, Marchetti and Jones offered committee reports.

### **APPOINTMENTS COMMITTEE REPORT**

Commissioner Marchetti reported that there are two Woodlands board positions open and one position on the EDC board. Interested candidates can apply on the Cass County website.

### **ADMINISTRATOR'S REPORT**

County Administrator Matthew Newton offered the Administrator's Report.

### **PUBLIC SAFETY UPDATE**

Sheriff Behnke briefed commissioners about a situation at the Dowagiac Union Schools. He wanted to let them know that one of his deputies went 'above and beyond' on the first day of school when reports came in about a student with a gun. He further reported the Marine Division will start 'tapering off' after this weekend. He finished with an introduction of Tracy Monroe as the new office manager.

### **COUNTY PARTNERS**

There were none.

### **ELECTED OFFICIALS UPDATE**

Cass County Treasurer gave an update regarding PRE (principal residence exemption). She indicated that her office received the most they have ever received at one time, 144. She offered stats of monies collected and where it would be allocated.

Chief Judge Carol Bealor asked commissioners should they have any constituents with complaints about the zoom proceedings being held, pass them on to her. She indicated that they would be continuing zoom proceedings for different hearings, but the building is always open, and they can attend in person should they want to do that instead.

### **UNFINISHED BUSINESS**

There was none.

**NEW BUSINESS**

**R-164-22**

**2022 REVISED L-4029 RESOLUTION**

**WHEREAS**, it is the statutory duty of Cass County Board of Commissioners to authorize the levy of the county's millage rate for 2022; and

**WHEREAS**, the county millage is affected by M.C.L. Section 211.34d, Headlee Rollback, that has limited the County to 6.7255 mills for 2022 and;

**WHEREAS**, the State Treasury has notified Cass County on monies to be received under the Convention Facility Liquor Tax of \$139,203 and Health and Safety Fund Act Revenue of \$0 for a total of \$139,203 which further reduces the county millage rate to 6.7255 mills due to M.C.L. Section 211.34d and P.A. 5 of 1982 and;

**WHEREAS**, the County Board of Commissioners has the authority to levy a maximum of 6.7255 mills, which includes 4.5702 Allocated mills, 0.9858 mill for Council on Aging, 0.4751 allocated mill for Drug Enforcement, 0.4944 mill for Cass County Medical Care Facility and 0.2000 mill for E-911 Emergency Dispatch and;

**WHEREAS**, the county can levy the full millage rate of 6.7255 only after fulfilling the public requirements of M.C.L. Section 211.34d and P.A. 5 of 1982 and;

**WHEREAS**, the Cass County Board of Commissioners has fulfilled the requirements of M.C.L. 211.34d and P.A. 5 of 1982.

**NOW, THEREFORE BE IT RESOLVED**, that after much deliberation and consideration of the county's budgetary needs for 2022, the Cass County Board of Commissioners has decided, in the best interest of the county, to levy 6.7255 mills, which is 4.5702 Allocated mills, 0.9858 mill for Council on Aging, 0.4751 mill for Drug Enforcement, 0.4944 mill for Cass County Medical Care Facility and 0.2000 mill for E-911 Emergency Dispatch.

Commissioner File moved, seconded by Commissioner Benjamin, to approve resolution R-164-22. There was no discussion.

The Chair instructed the Chief Deputy to call roll:

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

No(0): None.

Resolution R-164-22 passed by roll call vote.

**R-165-22**

**FISCAL YEAR 2023 AND FISCAL YEAR 2024 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 FY 2023 and FY 2024 budget on September 1, 2022, after proper notice was published in a newspaper of general circulation.

**NOW, THEREFORE, BE IT RESOLVED** by the Cass County Board of Commissioners that this General Appropriations Act is adopted for October 1, 2022 – September 30, 2023 and October 1, 2023 – September 30, 2024 and provides by departmental activity, the budgets as approved and amended by the Board this date; and

**BE IT FURTHER RESOLVED** that this General Appropriations Act reflects the application of \$1,849,469 and \$2,023,373, respectively from General Fund fund balance for a FY 2022-2023 and FY 2023-2024 balanced budget; 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 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 2023 and 2024 fiscal years 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 impose a hiring freeze at any time; and

**BE IT FURTHER RESOLVED** that those positions included in the budget 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 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 Jones moved, seconded by Commissioner File, to approve resolution R-165-22.

Commissioner Benjamin expressed his concern with the \$1.8 million dollar deficit. He went on to say that the Cass County Conservation District should submit for the money they are asking for separately.

Commissioner Marchetti and Grice expressed their concern over the deficit as well. Commissioner Grice asked where the funding was in the budget for the Historical Building. County Administrator Matthew Newton informed them that fund 282 is the ARPA monies that will be used for the Historical Building.

Commissioner Jones expressed his confidence in County Administrator Matthew Newton and Finance Director Jennifer Rentfrow. He went on to point out that historically (the last 10 years) the budget has been in a deficit to begin with.

County Administrator Newton addressed the concerns with the deficit. Marijuana monies could go up, would like to look at revenues and need to try to be conservative with expenditures. He went on to point out that FY 21-22 had a projected deficit; however, ended with a surplus.

Commissioner Grice asked how many departments asked for new employees. Finance Director Jennifer Rentfrow indicated that there may be one new position.

Commissioner Dyes expressed that in the last ten years there have been no layoffs. He is bothered by the deficit, but comfortable.

There was no further discussion.

The Chair instructed the Chief Deputy to call roll:

Yes(4): Commissioners Dyes, Laylin, File and Jones.

No(3): Commissioners Grice, Marchetti and Benjamin.

Resolution R-165-22 passed by roll call vote.

**R-166-22**

**A RESOLUTION TO AUTHORIZE AND GRANT THE COUNTY DRAIN COMMISSIONER THE AUTHORITY TO EXCEED THE STATUTORY EXPENDITURE LIMIT TO PROCEED WITH AN ADDITIONAL AUGMENTATION WELL FOR BARRON LAKE**

WHEREAS, Part 307 of the Natural Resources and Environmental Protection Act, MCL 324.30701, et seq (“Part 307”), among other things, outlines a process to maintain legal lake levels and to fund improvements to maintain a legal lake level; and

WHEREAS, Part 307 requires a county board of commissioners and/or their delegated authority to maintain a legal lake level. MCL 324.30708(1). The Cass County Drain Commissioner (“Drain Commissioner”) is the delegated authority who maintains Barron Lake’s legal lake level. Part 307 further allows counties and delegated authorities to drill wells or pump water to maintain a legal lake level. MCL 324.30708(3); and

WHEREAS, Barron Lake is an inland lake located within Howard Township, Cass County, Michigan. An Order of the Cass County Circuit Court established a legal lake level under Part 307 for Barron Lake on January 30, 2004; and

WHEREAS, Barron Lake’s legal lake level is maintained, in-part, by an augmentation well; and

WHEREAS, after monitoring the performance of the current augmentation well, the Cass County Drain Commissioner desires to add a second augmentation well in order to ensure compliance with the 2004 Barron Lake Level Order; and

WHEREAS, statute limits the expenditure amount of the delegated authority to \$10,000.00 dollars in a calendar year beyond which County Board of Commissioner approval would be required by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners as follows:

1. The Cass County Board of Commissioners authorizes granting the Drain Commissioner acting on behalf of the Barron Lake Level Special Assessment District the authority to exceed the expenditure limit to proceed with an additional augmentation well.
2. Pursuant to Part 307, the Drain Commissioner is the delegated authority that maintains Barron Lake’s lake level and he may take any actions as authorized under Part 307 to maintain the Part

307 lake level including constructing a second augmentation well. The Drain Commissioner is expressly authorized to retain legal counsel, engineers, and/or any such experts necessary to design and construct a second augmentation well.

3. All costs associated with obtaining an easement and designing and constructing the second augmentation well (including the costs of retaining the experts discussed above) shall be borne by property owners within the Barron Lake Level Special Assessment District to the extent authorized by Part 307 and other applicable laws. The County Board of Commissioners authorizes the Drain Commissioner to spend over \$10,000 to construct the second augmentation well.

Commissioner Grice moved, seconded by Commissioner Marchetti, to approve resolution R-166-22. There was no discussion.

The Chair instructed the Chief Deputy to call roll:

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

No(0): None.

Resolution R-166-22 passed by roll call vote.

#### **M-167-22**

Commissioner Marchetti moved, seconded by Commissioner Grice, to approve budget amendment in the amount of \$25,000 for Jury Fees and transfer \$13,892.35 from Clerk-Professional Services (101-215-801.000) to Election-Printing and Binding (101-262-900.000). There was no discussion. Motion carried by voice vote.

#### **M-168-22**

Commissioner Laylin moved, seconded by Commissioner Marchetti, to approve jail shower quote from R.W. LaPine, Inc. in the amount of \$210,000.00 and to be completed by December 31, 2022. There was no discussion. Motion carried by voice vote.

#### **M-169-22**

Commissioner Marchetti moved, seconded by Commissioner Jones, to approve a secondary road patrol grant in the amount of \$106,345.05. There was no discussion. Motion carried by voice vote.

#### **CLOSED SESSION**

There was none.

**BOARD MEMBER COMMENTS/ANNOUNCEMENTS**

Commissioners Jones, File and Dyes made board member comments/announcements.

**ADJOURNMENT**

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

The meeting adjourned at 5:52 p.m.

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

\_\_\_\_\_  
Dwight Dyes, Chair

\_\_\_\_\_  
Heather Harding, Chief Deputy Clerk