

WEDNESDAY, NOVEMBER 9, 2022

PRESENT: Comm. Stimpson, Bales, Bolton, Collins, Goetz, Krasny, Tillotson, and Wittenbach

ABSENT: Comm. Jenkins-Arno

ALSO PRESENT: Matt Turgeon, Bob Knoblauch, Dionne Bowens, Jenny Escott, Carolyn Bater, Shelly DeLong, Chris Foerg, Teresa Choate, U/S Ewald, Don Taylor, Jim VanDoren, Kevon Martis, Gordon Gauss, Mike Shadwell, Tammy Sheldon, Tim Ruple, Josh Vancamp, Jen Ambrose, Kelly Castleberry, Claudia Annoni, Howard Bales, Tracy Stace, Bethany Teague, Julie Wetherby, Nichole Baker, Drake Lolley, Kim Murphy, Shannon Elliott, and Rebecca Borton

The meeting was opened with an invocation and the Pledge of Allegiance.

Comm. Goetz to approve the minutes from the October 12, 2022 regular meeting, Comm. Wittenbach seconded. Motion CARRIED.

Comm. Tillotson moved to approve the agenda as presented, Comm. Bolton seconded. Motion CARRIED.

Communications: There were no communications to share, but Comm. Stimpson recognized the County Clerk and her office for the work they are doing with elections.

Limited Public Comment was opened for any agenda item.

Public Comment was received by the following:

Bob Knoblauch – Riga
Deborah Comstock – Adrian
Kelly Castleberry – Adrian

Comm. Stimpson opened the public hearing for the purpose of hearing comments on the Lenawee County 2023 Budget at 1:47 p.m.

No Public Comments were received.

Comm. Tillotson moved to close the public hearing at 1:48 p.m., Comm. Bolton seconded. Motion CARRIED.

Comm. Collins moved to adopt the following proclamation, Comm. Bolton seconded.

VETERANS DAY PROCLAMATION

PRO#2022-13

WHEREAS, on the eleventh hour of the eleventh day of the eleventh month in 1918, an armistice was signed ending the "*war to end all wars*" and the world rejoiced and celebrated.

November 11th is dedicated to remembering those individuals that have taken up arms and sworn an oath to support and defend the principles upon which our country was founded.

There have been over 48 million Americans that have served in the military since 1776 and there are currently about 19 million living Veterans; approximately 8% of Lenawee County residents are veterans.

VETERANS DAY is special day of remembrance for Americans to express appreciation to *all* those men and women who have served honorably in the military during both times of war and peace.

NOW THEREFORE BE IT RESOLVED, that the Lenawee County Board of Commissioners, in recognition of Veterans Day, officially offer our eternal gratitude to those who have served defending our great nation in the armed forces, and

BE IT FURTHER RESOLVED, that the many courageous men and women from Lenawee County that have donned the uniform of our Armed Forces be recognized, celebrated, and honored.
Motion carried by a unanimous Roll Call Vote.

Comm. Bolton moved to adopt the following proclamation, Comm. Collins seconded.

FAMILY COURT AWARENESS PROCLAMATION

PRO#2022-14

WHEREAS, the purpose of the Family Court Awareness Month is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children, and;

WHEREAS, this month, we recognize the importance of empirically-based education and training on domestic violence and child abuse, including emotional, psychological, physical, and sexual abuse, as well as relational and family trauma, coercive control, and post-separation abuse for judges and all professionals working on cases within the family court system, and;

WHEREAS, we must create awareness in the family court system about the impact that the opioid epidemic, scarce community resources, and insufficient oversight of governmental bodies impacts our ability to safeguard the children in our community;

WHEREAS, we strive to increase awareness on the importance of using scientifically valid, evidence-based, treatment programs and services that are proven in terms of safety, effectiveness, and therapeutic value, and; during Family Court Awareness Month, The County of Lenawee seeks to educate judges and other family court professionals on evidence-based, peer-reviewed research. Such research is a critical component to making decisions that are truly in the best interest of children.

THEREFORE, BE IT RESOLVED that the Lenawee County Board of Commissioners hereby declare the month of November, to be **FAMILY COURT AWARENESS MONTH**.

Motion carried by a unanimous Roll Call Vote.

Proclamation #2022-15 was pulled from the consent agenda.

Comm. Collins moved to adopt the following proclamation, Comm. Goetz seconded.

HOMELESSNESS AWARENESS MONTH

PRO#2022-15

WHEREAS, there are many paths that lead to homelessness, and it can happen to anyone - from a teenager escaping an abusive home, to a senior citizen on a fixed income that cannot cover rent or a tax increase, to a family who suddenly becomes unemployed.

The Board of Commissioners realize that homelessness continues to be a serious problem for many individuals and families in Lenawee County; and

We would like to recognize organizations and individuals committed to sheltering and providing supportive services to the homeless including the Lenawee County Continuum of Care and its members: Associated Charities - Cara Snyder - Catherine Cobb Safe House - Community Action Agency - disAbility Connections - Family Medical Center - Family Promise of Lenawee - Goodwill Industries - Housing Help of Lenawee - Laura VanSickle - Legal Services of South Central Michigan - Lenawee Community Mental Health Authority - Lenawee County Department

of Veterans Affairs - Lenawee Department of Health & Human Services - Lenawee Intermediate School District - ProMedica Charles & Virginia Hickman Hospital - South Central Michigan Works! - Red Cross - Region II Area Agency on Aging - The Salvation Army – TTI - United Way of Monroe - Share The Warmth

The Lenawee County Continuum of Care coordinates the implementation of a housing and service system that meets the needs of the homeless individuals, unaccompanied youth, and families in Lenawee County; and

We would like to recognize the efforts of this special task force and their legacy of compassion plan to effectively address the path to permanently house everyone who desires housing. The Lenawee County Continuum of Care, consisting of 22 member partners, works through the Legacy of Compassion to end homelessness in Lenawee County.

NOW THEREFORE BE IT RESOLVED that although these issues are incessant, the Lenawee County Board of Commissioners proclaims November as Homeless Awareness Month; and

BE IT FURTHER RESOLVED that the Board of Commissioners hereby encourages all citizens to become aware of the homeless, be familiar with local nonprofit service entities, and understand the support that is essential.

It was noted that Share The Warmth needed to be added to the list of members.

Motion carried by a unanimous Roll Call Vote.

Comm. Goetz moved to adopt the following resolution, Comm. Wittenbach seconded.

2023 LENAWEЕ COUNTY GENERAL APPROPRIATIONS ACT RES#2022-18

WHEREAS Public Act 62l of 1978, titled "The Uniform Budgeting and Accounting Act" provides for a system of uniform procedures to guide the preparation and execution of budgets in all local units of government in Michigan; and

WHEREAS the Act requires the legislative body of each local unit to pass a general appropriations measure in compliance with provisions of the Uniform Budgeting and Accounting Act, as the method of adopting its budget; and

WHEREAS the County Board has deliberated upon the budget, presented it for public hearing and received and reviewed comments from the public and from County officials;

NOW THEREFORE the Lenawee County Board of Commissioners resolves:

SECTION 1. APPROPRIATION

The 2023 General Fund Budget, comprised of revenues and expenditures in the amount of **\$33,718,871** as specified in the attached 2023 General Fund Budget document, is hereby adopted and made part of this resolution. Authorization for expenditure of the various appropriations is hereby granted; provided that such expenditures are in compliance with this resolution, applicable County policies and State law.

"Appropriation" as used in this resolution shall mean the designation of funds to be used for a specific purpose including the operation of a County department, agency or office; and the allocation to an agency, board, commission, department or other entity whose expenditures and revenues are not accounted for through the General Fund.

Section 16(1) of the Uniform Budgeting and Accounting Act requires that the legislative body of each local unit pass a general appropriations act for certain designated funds.

These funds and their adopted budgets include:

NON-GENERAL FUND BUDGETS

FUND	Total Exp Budget
208 Parks	47,511
211 AG Committee	12,000
214 Sobriety Court	185,000
215 Friend of the Court	461,384
216 Caseload Assistance	11,000
217 Enhanced Treatment Court	84,958
218 Adult Drug Treatment Court	239,082
221 Health Department	4,389,259
223 Lenawee Transportation	284,195
230 Drug Testing Facility	99,115
232 Solid Waste	66,000
234 Lenawee Local Emergency	10,000
236 Criminal Justice Comm Allocation	44,500
245 Public Improvement	10,000
251 Drain Commission	2,402,035
252 MCF Millage	767,775
253 Indigent Defense	1,953,024
254 Survey/Remonumentation	72,367
255 Land Bank	168,325
256 Register of Deeds Automation	100,000
257 Concealed Pistol Licensing	122,081
258 Disaster Contingency	100
260 Mobile Data Terminal	49,500
261 911 Service	3,221,291
262 Hard Labor	23,720
263 Marine Law Enforcement	23,350
264 Local Corrections Officer Training	20,064
265 Drug Law Enforcement	5,050
266 Law Enforcement	8,500
269 Law Library	29,900

273	Comm Oriented Police Serv	20,972
274	Homeland Security	53,792
280	Secondary Road Patrol	103,465
285	ARP Funds	9,561,477
286	Veteran Service	79,400
287	Housing Rehabilitation	35,000
292	Child Care - Maurice Spear Campus	5,244,602
293	Veterans Relief	390,000
296	Department on Aging	5,281,248
297	Child Care - Dept of Human Services	348,500
298	Lilley	15,500
299	Other Special Revenue	25,000

SECTION 2. APPROVED MILLAGE RATE

As provided in MCL 141.436 Section 16(2), the Truth in Budgeting Act; the Board of Commissioners approves the following 2023 millage rates: County Operating 5.4000; Lenawee Medical Care Facility Special .1889; Department on Aging Special .7478; and Veterans Relief .0996; or the maximum allowable millage after applicable millage reduction under MCL 211.34d.

SECTION 3. APPROPRIATION NOT A MANDATE TO SPEND

The various appropriations specified in the budget represent the maximum authorization to incur expenditures for the purposes specified. It is expected that all elected and appointed County officials shall exercise necessary judgment in the use of appropriated funds in order to achieve the objectives of their program with minimum expenditures.

SECTION 4. ALLOTMENT OF APPROPRIATION

When financial circumstances warrant, the Board may adopt a schedule for allotting the annual appropriation contained within the budget on a periodic basis of no less than one calendar quarter. Under this provision, the authorization to spend the annual appropriation provided in the budget shall be limited to the time limits and amounts established in such schedule. No elected or appointed official shall cause obligations to be incurred against, and no payment shall be made from, an appropriation in excess of the limits provided in the schedule.

SECTION 5. LIMIT ON OBLIGATION AND PAYMENTS

No elected or appointed County official shall cause an obligation to be incurred against, and no payment shall be made from, any appropriation unless there is sufficient unencumbered balance in the appropriation or allotment. Any obligation incurred or payment authorized in violation of this resolution shall be void and any payment so made illegal. Expenditures made in violation of this resolution shall be subject to the penalties specified in P.A. 621 of 1978, titled the Uniform Budgeting and Accounting Act.

The power to authorize agreements binding the County rest with the Board of Commissioners, unless some other statutory agreement exists or the Board of Commissioners specifically authorize elected officials to sign certain contracts within established guidelines, that are not otherwise prohibited by statute. Moreover, as part of the County's budgetary and appropriations policies the

Board of Commissioners may require that the County be named as an additional insured on contractor's insurance policies along with a copy of the contractor's insurance policies and copy of the contractor's licenses be kept on file with the County Administrator.

Each claim against the County shall be approved and signed by the elected or appointed County official responsible for expenditure of the appropriation and shall specify the fund, appropriation account and the activity number assigned in the Budget in accordance with the State Accounting Classification System. Such claims shall be submitted on a timely basis as prescribed in the Accounts Payable Policies & Procedure. Claims against the County shall be approved by the Board. In no case shall money be drawn from the County treasury except as properly authorized in the pursuance of an appropriation provided for in the budget and no expenditures shall be charged directly to any contingent or general account.

SECTION 6. TRANSFER & PURCHASES

Transfers of any unencumbered balance, or any portion thereof, of any appropriation to any other appropriation may not be made without amendment of the General Fund Budget by regular action of the County Board of Commissioners. An elected or appointed County official responsible for an appropriation may, within the limits of the total appropriation, transfer funds between line items; except that funds may not be transferred between a salary line item and any non-salary line item, nor may such official create a staff position, alter salaries, or purchase equipment without prior authorization of the Board of Commissioners. Purchase of supplies, vehicles, service and equipment shall be in compliance with County purchasing policies adopted by the County Board of Commissioners. Establishment of salary levels and adjustments thereto shall be made as authorized in the adopted County personnel policies and negotiated labor contracts.

SECTION 7. ADMINISTRATOR CONTINGENCY

The Administrator is authorized to approve expenditures using the Administrator Contingency in single amounts not to exceed \$10,000 and make necessary budgets adjustments to reflect those expenditures. Such expenditures will be tabulated and reported to the Board of Commissioners prior to year-end.

SECTION 8. REVIEW OF FINANCIAL ACCOUNTS

On at least a monthly basis, the County Administrator shall review the status of expenditures and revenues as compared to the adopted budget, and shall report the findings to the Board, noting areas in which there are significant variations with the budget and providing recommendations where appropriate. A monthly status report of revenues and expenses shall be provided as appropriate to elected and appointed County officials by the Administrator.

SECTION 9. BALANCES REDUCED TO ZERO

As soon as practical after the start of the County fiscal year, the County Administrator shall examine each appropriation account for the following funds to determine whether a balance of County funds remains from the preceding fiscal year in excess of the budgeted balance and shall report the findings to the Board: Parks Commission, Agriculture Committee, Health Department, Drain Commission, Marine Law Enforcement, Central Dispatcher, Law Library, County Library, Department of Human Services, Child Care Maurice Spear Campus, Child Care Department of Human Services and County Airport. If an excess cash balance of County funds is found in any such account, the County Board may reduce the appropriation to that account by the amount of the cash balance in excess of the budgeted anticipated balance, or any portion thereof, and transfer that amount to the General Fund Contingency Account.

Elected and appointed officials are responsible for maintaining expenditures within the limits of an appropriation as provided in this resolution. Should it become apparent to the official that the rate of expenditures of the appropriation shall exhaust that appropriation before the end of the budget period or allotment period, the official shall immediately take steps to reduce the rate of expenditures. The official may request a supplemental appropriation from the County Board of Commissioners, who may in its discretion approve or deny the request.

Whenever it is reported to the County Board of Commissioners that actual and probable revenues in any fund may be less than the estimated revenues upon which appropriations from such fund were based, the Board of Commissioners shall take such actions which in its sole discretion are deemed necessary to prevent expenditures from exceeding available revenues for the current fiscal year. Such actions may include reductions or adjustments in periodic allotments and appropriations for any or all appropriations, implementation of hiring freezes, layoff of personnel, renegotiation of labor contracts, and elimination of capital outlays and equipment purchases; provided, however, that all elected and appointed officials shall be given the opportunity for review and comment on any proposed action prior to its adoption.

Motion CARRIED by the following Roll Call Vote: YEAS (7) Comm. Tillotson, Bales, Bolton, Collins, Goetz, Stimpson, Wittenbach. NAYS (1) Comm. Krasny. ABSENT (1) Comm. Jenkins-Arno.

Rescission of County Declaration of Emergency was moved up at the request of Emergency Management. Craig Tanis provided an update on the status of the Riverview Terrace and reported that there is no further cause for the Emergency Order to continue.

Comm. Bolton moved to adopt the following resolution, Comm. Wittenbach seconded.

RESCISSION OF COUNTY DECLARATION OF EMERGENCY RES#2022-019

WHEREAS, on July 25, 2022, the City of Adrian experienced the failure of a multi-story residential structure housing approximately 200 vulnerable individuals. As a result of this situation, the Chair of the Lenawee County Board of Commissioners in accordance with section 10 of Act 390, P.A. 1976 as amended, declared that a state of emergency exists therein and that response and recovery aspects of the emergency operations plan were activated within the City of Adrian and local resources are being utilized to the fullest possible extent.

WHEREAS, on August 24, 2022, the Board of Commissioners passed Resolution #2022-14 extending the emergency order; and

WHEREAS, the crisis that led to the declaration of emergency no longer continues to exist.

THEREFORE, BE IT RESOLVED that the Lenawee County Board of Commissioners hereby rescinds Resolution #2022-14 whereby lifting the declaration of a State of Emergency.

Motion carried by a unanimous Roll Call Vote.

Shelly Delong, Equalization Director, presented the 2022 Apportionment Report.

Comm. Bales moved to accept the 2022 Apportionment Report and place on file, Comm. Bolton seconded. Motion carried by a unanimous Roll Call Vote.

Julie Wetherby, Region 2 Area Agency on Aging, presented the R2AAA Annual Report.

Comm. Bolton moved to approve the following consent agenda items, Comm. Bales seconded.

Corporate Counsel RFP: The County Administrator is AUTHORIZED to solicit proposals for county corporate counsel.

Drain Commission-System Operation Leader positions: The Systems Operation Leader position at Central Lenawee is APPROVED and if filled from within, close the Utility Operator position.

2023 Capital Improvement Plan: The 2023-2027 Capital Improvement Plan and related project budgets is APPROVED.

Criminal Justice Allocation: The transfer of \$28,442.28 from General Fund Contingency into the Criminal Justice Allocation Fund is APPROVED.

Law Enforcement Contract with Madison Schools: The contract with Madison Schools for a School Resource Officer is APPROVED.

Law Enforcement Contract Renewals: The law enforcement renewal contracts with Addison Schools, as well as, the Villages of Addison, Deerfield, and Macon are APPROVED.

Badge Reader Access: The badge reader access project for \$11,495 out of the Health Department is APPROVED.

Motion to approve the consent agenda CARRIED by a Unanimous Roll Call Vote.

Comm. Wittenbach reported from the Information Technology / Equalization Committee.

Comm. Bales reported from the Human Services Committee.

Comm. Bolton reported from the Rules & Appointments Committee.

Comm. Tillotson reported from the Physical Resources Committee.

Comm. Tillotson reported from the Personnel/Ways & Means Committee.

Comm. Bales moved to approve the retainer agreement with Governmental Consultant Services, Inc. in the amount of \$60,000 effective January 1, 2023 with funding to come from 101.172-801 Admin Professional/Contractual, Comm. Wittenbach seconded. Following discussion, motion CARRIED by the following Roll Call Vote: YEAS (5) Comm. Stimpson, Wittenbach, Tillotson, Bales, Bolton. NAYS (3) Comm. Collins, Goetz, Krasny. ABSENT (1) Comm. Jenkins-Arno.

Comm. Bales moved to approve the License Agreement Addendum with Zencity in the amount of \$4,000 for the Organic service for the period of October 26, 2022 – January 1, 2023 and to enter into a License Agreement Addendum with Zencity in the amount of \$48,000 for both the Organic and Community Survey service for the period of January 1, 2023 – January 1, 2024, seconded by Wittenbach. Following discussion, motion CARRIED by the following Roll Call Vote: YEAS (6) Comm. Goetz, Stimpson, Wittenbach, Tillotson, Bales, Bolton. NAYS (2) Comm. Collins, Krasny. ABSENT (1) Comm. Jenkins-Arno.

October 20, 2022-

Comm. Tillotson moved to approve total vouchers for payment in the amount \$7,261,731.81 with the general fund's portion being \$329,010.43, Comm. Wittenbach seconded. Motion CARRIED.

November 3, 2022-

Comm. Tillotson moved to approve total vouchers for payment in the amount \$3,467,798.60 with the general fund's portion being \$124,870.92, Comm. Wittenbach seconded. Motion CARRIED.

Comm. Wittenbach reported from the Parks Commission.

Comm. Bales reported from the Road Commission.

Comm. Bolton reported from the Health and Human Services.

Comm. Bolton reported from the Dept. on Aging Committee.

Comm. Goetz reported from the Solid Waste Committee.

Comm. Bales reported from the Airport Commission.

Comm. Bolton reported from Michigan Works.

Comm. Wittenbach reported from the Michigan Township Association.

Comm. Tillotson reported from the Substance Abuse (CMHPSM).

Comm. Collins reported from the Veterans Affairs Board.

Comm. Wittenbach reported from the Ag Committee.

Comm. Collins reported from the Emergency 9-1-1 District Board.

Comm. Collins reported from the Health Board.

Comm. Wittenbach reported from MAC.

Unfinished Business: None

New Business:

Deputy Administrator/FOIA Coordinator Elliott reviewed a Freedom of Information Act (FOIA) appeal. She explained that a FOIA request for Slack channel messages was denied under MCL 442 Act of 1976 section 15.243(m). She further explained that the Board may:

1. Reverse the denial.
2. Uphold the denial.
3. Reverse the denial in part and uphold the denial in part.
4. Reconvene in Special Meeting to issue a response in no more than 10 business days.

Josh Vancamp stated his reason for reversal of the denial is that the matter in regards to Project Phoenix appears to be final and therefore no longer protected by the exemption.

Deputy Administrator/FOIA Coordinator Elliott explained that the exemption remains in effect, referencing 2007 Supreme Court case *Bukowski v City of Detroit*. Stating, a change in circumstances does not remove the applicability of the exemption. The conversation is considered for its substance at the time of its creation, and the exemption remains applicable regardless of the outcome in which it was intended. Disclosing preliminary conversation could provide inequitable advantages to individuals or entities in the bidding process or other negotiations and possibly jeopardize project evolution for that physical site.

Comm. Krasny moved to extend a response for not more than 10 business days and seek a second opinion from legal counsel. Motion died due to lack of a second.

Comm. Stimpson moved to deny the appeal, Comm. Wittenbach seconded. Motion CARRIED by the following Roll Call Vote: YEAS (7) Comm. Stimpson, Wittenbach, Tillotson, Bales, Bolton, Collins, Goetz. NAYS (1) Comm. Krasny. ABSENT (1) Comm. Jenkins-Arno.

Public Comment:

Comm. Bolton announced several events and shared copies of the Community Action Agency's annual report.

Admin. Murphy announced that the elevator will be out of service for a couple weeks, the renovations at the Annex Building have begun, and the Christmas tree lighting will be November 28th.

Comm. Bales moved to adjourn at 3:30 P.M. Comm. Bolton seconded. Motion CARRIED.

Rebecca Borton, Deputy Clerk

David Stimpson, Chair