

Regular session of the Board of County Commissioners for the County of St. Joseph, State of Michigan, was held in the Commission Chambers on May 21, 2024, at 5 p.m.

Chair Malone called the meeting to order.

The invocation was given by Commissioner Shaffer.

Chair Malone led the Pledge of Allegiance.

County Clerk Lindsay Oswald called the roll, and the following commissioners were present:

Dennis Allen	Rusty Baker	Terry Conklin	Jared Hoffmaster
Ken Malone	Luis Rosado	Rick Shaffer	

Also present: Teresa Cupp, County Administrator and Angie Steinman, Finance Director

Agenda

It was moved by Commissioner Hoffmaster and seconded by Commissioner Baker to approve the agenda as presented. Motion carried.

Minutes

It was moved by Commissioner Shaffer and seconded by Commissioner Conklin to approve the minutes of April 16, 2024. Motion carried.

Public Comment

Craig Crabill of Sherman Township commented on elections.

Doug Frank commented on elections.

Paige Willis commented on term limits.

Rebecca Shank commented on the removal of Commissioner Allen from the Law Enforcement Committee.

Presentations

County Clerk Oswald presented the 2023 County Clerk and Register of Deeds Annual Report.

Prosecuting Attorney David Marvin presented the 2023 Prosecuting Attorney's Office Annual Report.

Undersheriff Jason Bingaman presented the 2023 Sheriff's Office Annual Report, and Emergency Manager Goff presented the emergency management portion of the report. Emergency Manager Goff also reviewed the May 7 tornado response.

County Administrator's Report

Administrator Cupp had no further report.

Committee Reports and Appointments

Commissioner Rosado reported on the Road Commission projects.

Centreville Public Schools Contract for Sheriff's Services

It was moved by Commissioner Hoffmaster and seconded by Commissioner Shaffer to approve the contract. Motion carried.

KARPEL Case Management Software

It was moved by Commissioner Rosado and seconded by Commissioner Hoffmaster to approve the contract with amendments from Miller Johnson. Motion carried.

Tower Proposal

It was moved by Commissioner Allen and seconded by Commissioner Hoffmaster to approve the proposal. Motion carried.

**FY 2025 Community Corrections Grant
Resolution 7-2024**

WHEREAS, the St. Joseph County Board of Commission serves as the Fiscal Agent and Program Manager for the St. Joseph County Community Corrections Advisory Board (CCAB), and

WHEREAS, this County strongly desires to continue to participate with Community Correction's Programs and Services, and

WHEREAS, the St. Joseph County CCAB has worked with the OCC to develop a Community Corrections FY 2025 Grant Application, and

WHEREAS, the FY 2025 Community Corrections Grant Application has been prepared by the St. Joseph County CCAB in the amount \$133,676 for Community Corrections Programs and Services in St. Joseph County, and

WHEREAS, the St. Joseph County CCAB, has approved this Grant Application, and recommends its approval by the Board of Commission.

THEREFORE, BE IT RESOLVED, that St. Joseph County Board of Commission hereby approves the St. Joseph County Community Corrections Advisory Board's, FY 2025 Grant Application in the annual amount of \$133,676 for Programs and Services.

It was moved by Commissioner Shaffer and seconded by Commissioner Baker to adopt the resolution. Motion carried 7-0 upon roll call vote.

2024 Animal Control Grant

It was moved by Commissioner Allen and seconded by Commissioner Baker to approve the grant agreement. Motion carried.

**PACE Program Resolution
Resolution 8-2024**

WHEREAS, the Board of Commissioners of St. Joseph County, Michigan previously adopted Resolution 4-2020, a Resolution approving the establishment of a property assessed clean energy program ("PACE Program") and creating a PACE district pursuant to Act No. 270, Public Acts of Michigan, 2010, as amended ("PACE Statute"), for the purpose of promoting the use of renewable energy systems and energy efficiency improvements by owners of certain real property; and

WHEREAS, the Board of Commissioners established a PACE Program as described in the PACE Report, so as to provide a property owner based method of financing and funds for projects, including owner-arranged financing from a commercial lender, which funds and financing shall be

secured and repaid by assessments on the property benefited, with the agreement of the record owners, such that no County moneys, general County taxes or County credit of any kind whatsoever shall be pledged, committed, impaired or used in connection with any project as required by, and subject to the Pace Statute; and

WHEREAS, the Board of Commissioners hereby finds that financing PACE projects is a valid public purpose because it stimulates economic development, improves property values, reduces energy costs, reduces greenhouse gas emissions, and increases employment in the County; and

WHEREAS, the types of projects that may now be financed under the PACE Program include, but are not limited to: insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems; storm windows and doors; multi-glazed windows and doors; heat-absorbing or heat-reflective glazed and coated window and door systems; and additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; automated energy control systems; heating, ventilating, or air-conditioning and distribution system modifications or replacements; caulking, weather-stripping, and air sealing; replacement or modification of lighting fixtures to reduce the energy use of the lighting system; energy recovery systems; day lighting systems; installation or upgrade of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity; measures to reduce the usage of water or increase the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the Board of Commissioners; a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that use one or more renewable energy resources to generate electricity. Renewable energy resources include, but are not limited to: biomass; solar and solar thermal energy; wind energy; geothermal energy and methane gas captured from a landfill.

WHEREAS, Public Act 270 of 2010 has been recently amended with the passage of Senate Bills 302 & 303 of 2023; and

WHEREAS, the projects that may now be financed under the PACE Program have been amended to provide the option for property owners of retrofits or rehab projects to waive the energy savings guarantee; for new construction, the energy savings guarantee is no longer required; require that new construction be built above Michigan's energy code; allow for the financing of environmental hazard projects including mitigation of lead, heavy metal, or PFAS contamination in potable water systems, mitigation of lead paint contamination; mitigation of the effects of floods or drought; and increase the resistance of property against severe weather.

WHEREAS, it has been determined that the PACE Program and PACE Report approved on February 4, 2020 requires amendment to be consistent with the amended statute; and

NOW THEREFORE BE IT RESOLVED that the St. Joseph County Board of Commissioners amends Resolution 4-2020 approving amendments to the St. Joseph PACE Program and adopts the amended PACE Program Report attached to this resolution.

BE IT FURTHER RESOLVED that all other provisions of the PACE Program and PACE Report not amended herein shall remain in full force and effect.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions are, to the extent of any conflict with this resolution, hereby rescinded.

It was moved by Commissioner Hoffmaster and seconded by Commissioner Conklin to adopt the resolution. Motion carried 7-0 upon roll call vote.

**Multi-County Materials Management Plan
Resolution 9-2024**

WHEREAS, the State of Michigan's Solid Waste Program was updated with the passage of amendments to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, that became effective on March 29, 2023; and

WHEREAS, the amendments require existing Solid Waste Management Plans be replaced with new Materials Management Plan (MMP) that focus on sustainable material management approaches such as recycling and composting instead of just landfilling waste; and

WHEREAS, the Department of Environment, Great Lakes, and Energy (EGLE) notified counties that the materials management planning process was initiated as of January 8, 2024 and County Boards are given the first opportunity to assume authority over Materials Management Plan development and implementation; and

WHEREAS, if St. Joseph County accepts this authority, a Notice of Intent is required and must be submitted to EGLE by July 8, 2024; and

WHEREAS, EGLE is encouraging counties to engage in multi-county plans; and

WHEREAS, the County's current active 11-member Solid Waste Committee has met and recommends the Materials Management Plan be generated locally where the specific needs of our community can be met.

NOW, THEREFORE BE IT RESOLVED, by this St. Joseph County Board of Commissioners as follows:

1. The St. Joseph County Board of Commissioners appoints itself as the County Approving Agency (CAA).
2. The St. Joseph County Board of Commissioners approves the submission of a Notice of Intent to the Michigan Department of Environment, Great Lakes, and Energy to prepare a Materials Management Plan as the designated County Approval Agency for St. Joseph County.

BE IT FURTHER RESOLVED, the Board of Commissioners authorizes the County Administrator to send a letter to neighboring counties (Cass, Calhoun, Kalamazoo, VanBuren) of St. Joseph County's intent to enter into an agreement with Branch County Board of Commissioners for a multi-county plan. Documentation of this consultation will be submitted with the Notice of Intent.

BE IT FURTHER RESOLVED, the Board of Commissioners authorizes the County Administrator to work with the County of Branch to complete the steps necessary for a multi-county plan with Branch and St. Joseph County.

It was moved by Commissioner Conklin and seconded by Commissioner Hoffmaster to adopt the resolution to appoint the county approval agency and approve to approve the submission of a notice of intent to EGLE to prepare a multi-county materials management plan with Branch and St. Joseph Counties. Motion carried 7-0 upon roll call vote.

**ARPA Funds Allocation
Resolution 10-2024**

WHEREAS, on March 11, 2021, the United States Congress passed the American Rescue Plan Act of 2021 (“ARPA”), which provides fiscal relief funds to state and local governments, and other program areas aimed at mitigating the continuing effects of the COVID-19 Pandemic; and

WHEREAS, ARPA is intended to provide support to local governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and

WHEREAS, ARPA includes State and Local Fiscal Recovery Funds (“Fiscal Recovery Funds”) to replace lost public sector revenue and provide government services up to the amount of revenue loss due to the pandemic; support the COVID-19 public health and economic response by addressing impacts on public health as well as addressing economic harms to households, small businesses, nonprofits, impacted industries, and the public sector; provide premium pay for eligible workers performing essential work; and invest in water, sewer, and broadband infrastructure; and

WHEREAS, the United States Department of Treasury has adopted the Final Rule as guidance regarding the use of the Fiscal Recovery Funds; and

WHEREAS, St. Joseph County is being awarded \$11,841,542 of Fiscal Recovery Funds and may allocate those funds as allowed by the terms and conditions of ARPA; and

WHEREAS, Fiscal Recovery Funds must be allocated by December 31, 2024 and fully expended by December 31, 2026; and

WHEREAS, the Board of Commissioners formed an ARPA advisory committee and received recommendations from the committee on how to allocate ARPA funds; and

WHEREAS, this resolution is intended as a statement of intent of the Board to expend the County’s ARPA Funds in accordance with Federal law and guidance, for the current critical needs and priorities for which there is consensus as set forth below; and

WHEREAS, specific expenditures will be approved in accordance with State and Federal laws and the County’s board rules.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the St. Joseph County Board of Commissioners authorizes allocation of ARPA funds in the following amounts and for the stated purposes:

1. \$3,000,000 for budget stabilization, to be used to address shortfalls in the County’s budgets for any of the fiscal years 2022, 2023, and 2024.
2. \$7,656,542 for County capital expenditures which include renovations and improvements to the County’s Courts Building along with various other capital purchases.
3. \$1,185,000 to be allocated through a competitive grant process to other local units of government and nonprofit agencies within the county to address ARPA funding eligible needs. Any funds not obligated or not expended as outlined in the Funding Agreements between the County and the grant recipients will be forfeited and allocated for County capital expenditures.

It was moved by Commissioner Shaffer and seconded by Commissioner Baker to adopt the resolution to allocate local fiscal recovery fund received through ARPA. Motion carried 7-0 upon roll call vote.

Budget Amendments

It was moved by Commissioner Shaffer and seconded by Commissioner Conklin to approve the budget amendments as presented. Motion carried 7-0.

Commissioner Comments

Commissioners commented on the emergency response for the tornado.

Adjournment

It was moved by Commissioner Shaffer and seconded by Commissioner Rosado to adjourn the meeting. Motion carried.

Chairman Malone adjourned the meeting at 6:22 p.m.

Lindsay Oswald, County Clerk