

Annual Session of the Board of County Commissioners for the County of St. Joseph, State of Michigan, was held in the Commission Chambers on September 17, 2024, at 5:00 pm.

Chairman Malone called the meeting to order.

The invocation was given by Commissioner Shaffer.

Chief Deputy County Clerk Dena Clark called the roll, and the following commissioners were present:

Dennis Allen Luis Rosado

Rusty Baker Rick Shaffer

Terry Conklin Ken Malone

Jared Hoffmaster

Also present: Angie Steinman, Finance Director, and Jessica Miller, Assistant to County Administrator

Adoption of Agenda

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

Consent Agenda

It was moved by Commissioner Baker and seconded by Commissioner Hoffmaster to take the Amended 2024 L-4029 Tax Rate Request Form out of the Consent Agenda and place in new business. Motion carried.

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

Public Comment

Kelly Weaver raised concern about the hasty vote on the Brownfield Plan. Ms. Weaver handed out a flyer for Hand Count Training.

Lindsay Turner and Greg Wallace spoke on behalf of Brittany Shank. They asked the Commissioners to get involved in having her death investigated by MSP.

Sheila Kroupa handed out a document pertaining to the Register of Deeds duties and a response from County Clerk Lindsay Oswald.

Andrew Brandt asked to have packets of the documents that are on the agenda be available for the public to review.

Presentation

2023 Treasurer Annual Report

Kathy Humphreys presented the Treasurer's Annual Report. Ms. Humphreys' highlighted the Investments, Delinquent Taxes and Parcel Foreclosure Sales.

County Administrator's Report

None to report

Committee Appointments

No appointments

Unfinished Business

None to report

New Business

Southwest Workforce Development Board

RESOLUTION 14-2024

INTERGOVERNMENTAL TRANSFER OF FUNCTIONS AND RESPONSIBILITIES AGREEMENT

This Inter-Governmental Transfer of Functions and Responsibilities Agreement is entered into by Branch County, Calhoun County, Kalamazoo County, and St. Joseph County with an effective date of October 1, 2024;

WHEREAS, the State of Michigan (hereinafter known as the State) set forth guidelines establishing Michigan Works! Areas (MWAs), and

WHEREAS, the State of Michigan has established a system of Workforce Development Boards to carry out workforce development programs and other workforce development initiatives at the local level for the purpose of providing policy direction, and

WHEREAS, effective October 1, 2014, Branch, Calhoun, Kalamazoo, and St. Joseph Counties created a four-county regional alignment, known as Michigan Works! Southwest.

WHEREAS, Michigan Works! Southwest is one of two Michigan Works! Areas that are located within Prosperity Region 8, that is also supportive of the Governor's Regional Prosperity Initiative; and

WHEREAS, State of Michigan policy requires each Michigan Works! Area to identify a Grant Recipient, a Fiscal Agent and an Administrative Agency, (also referred to as the "Michigan

Works Agency" or "Administrative Entity"), and

WHEREAS, the State of Michigan, or its designated department, policy requires that at a minimum, Inter-local Agreements address the liability for disallowed costs relating to all state and federal workforce development funds received from the State, and

WHEREAS, Public Act No. 8 of 1967, Ex. Sess., MCL 124.531, et. seq., permits two or more "political subdivisions" to enter into a contract providing for the transfer of certain functions and responsibilities to one another as a means of implementing state and federal workforce development programs, and

WHEREAS, the specific functions and responsibilities of these entities are established in accordance with this agreement between the Branch County Board of Commissioners, the Calhoun County Board of Commissioners, the Kalamazoo County Board of Commissioners and the St. Joseph County Board of Commissioners and the Michigan Works! Southwest Workforce Development Board,

NOW THEREFORE LET IT BE RESOLVED, that the Branch County Board of Commissioners, the Calhoun County Board of Commissioners, the Kalamazoo County Board of Commissioners and the St. Joseph County Board of Commissioners by concurrent resolution enter into this agreement for the purpose of identifying the Grant Recipient and Administrative Agent for the Michigan Works! Southwest Area that includes Branch, Calhoun, Kalamazoo and St. Joseph Counties, and transfer of functions and responsibilities delineated as follows:

1. FUNCTIONS/RESPONSIBILITIES TRANSFERRED

The Branch County Board of Commissioners (for the County of Branch), the Calhoun County Board of Commissioners (for the County of Calhoun), and the St. Joseph County Board of Commissioners (for the County of St. Joseph) transfers to the Kalamazoo County Board of Commissioners (for the County of Kalamazoo) the functions and responsibilities

assigned to the entity termed "Grant Recipient" as defined in Section 107(d)(12)(B)(i) of the Workforce Innovation and Opportunity Act of 2014 and as further clarified in State of Michigan policy issuances.

For purposes set forth, herein, the Kalamazoo County Board of Commissioners shall be designated as the Grant Recipient for the Michigan Works! Southwest Area that includes Branch, Calhoun, Kalamazoo, and St. Joseph Counties. As Grant Recipient, the County of Kalamazoo:

- a. will be responsible for the administration of workforce development plans and grants assigned to the Michigan Works! Southwest Area for Branch, Calhoun, Kalamazoo, and St. Joseph Counties, in such a manner as determined to be most advantageous to the Michigan Works! Southwest Area;
- b. will be the legal entity that will receive funds directly from the State of Michigan for purposes of carrying out functions described in the approved workforce development grants, plans and/or subaward agreements; and
- c. will be held ultimately liable for federal and state funds expended and, as a general-purpose political subdivision of the State, has sufficient assets to offset any future liabilities/debts which may arise from operations within the Michigan Works! Southwest Area that includes Branch, Calhoun, Kalamazoo and St. Joseph Counties.

2. DURATION OF OPERATION

This agreement is entered into for the period October 1, 2024 through September 30, 2026, by and between the County of Branch, County of Calhoun, County of Kalamazoo and the County of St. Joseph. This agreement shall be reviewed at least every two (2) years.

3. AMENDMENTS TO THIS AGREEMENT

Revisions, amendments or alterations to this agreement may be executed at any time by written notice of one party to the other parties specifying: the basis of the revision, amendment or alteration; substitute language to be added, changed, or deleted; and the effective date for such revision, amendment or alteration. Under normal procedures it is agreed however, that revisions, amendments or alterations be initiated and acted upon during the biennial planning process and that such changes would be effective on the beginning date of the next biennial agreement.

4. EMPLOYEE TRANSFER, REASSIGNMENT OR BENEFIT ADJUSTMENTS

This agreement is executed solely for the purpose of establishing the entities that will be responsible as the "Grant Recipient" and "Administrative and Fiscal Agent" and will not result in the transfer, reassignment or other treatment of individuals employed by the County of Branch, County of Calhoun, County of Kalamazoo or the County of St. Joseph for the purpose of fulfilling obligations set forth in this agreement.

5. PROPERTY

Properties, as defined by the U.S. Department of Labor, real or personal, acquired through the operation of the Michigan Works! Southwest System that includes Branch, Calhoun, Kalamazoo, and St. Joseph Counties, shall be vested with the Grant Recipient except where a title is vested with the State of Michigan or U.S. Department of Labor. All procurement and/or disposition of property used in the administration of programs and activities for the Michigan Works! Southwest Area shall proceed in accordance with the Michigan Works! Southwest Area's procurement procedures as required by the State.

6. FINANCING

Unless otherwise noted, responsibilities and functions transferred or reassigned as a

result of this agreement are done so without any financial contribution or other remuneration of one party to the other.

7. OTHER LEGAL, FINANCIAL AND ADMINISTRATIVE ARRANGEMENTS -

Except as defined below, there are no other legal, financial or administrative arrangements required to effectuate the terms and conditions of this agreement.

- a. Administrative and Fiscal Agent** (also known as Michigan Works! Southwest) - The organization designated by this agreement to be responsible for the staffing of the Michigan Works! Southwest Workforce Development Board for Branch, Calhoun, Kalamazoo, and St. Joseph Counties; staffing the committees of the Board; and the conduct of the day-to-day administrative and fiscal operations of local programs, as required by the State of Michigan, shall be the W.E. Upjohn Institute for Employment Research, Center for Workforce Innovation and Solutions/Michigan Works! Southwest. The Director, or designee, for Michigan Works! Southwest shall, by this agreement, be authorized to sign legal documents not otherwise required to be signed by the Grant Recipient's Chief Elected Official.
- b. Chief Elected Official** - The Chief Elected Official (a.k.a. Local Elected Official - LEO) is the individual authorized to sign legal documents on behalf of Michigan Works! Southwest. The Chairperson of the Kalamazoo County Board of Commissioners shall be the Chief Elected Official for Michigan Works! Southwest.
- c. Reporting** - Copies of official documents relating to workforce development programs and activities conducted for Michigan Works! Southwest, will be provided to the Grant Recipient with copies to the Administrators/Controllers of each County which is a party to this agreement. In addition, the Administrative and Fiscal Agent will provide periodic status reports to the Board of Commissioners of each participating county.

- d. Resource Distribution** - Unless specifically designated by a program or funding source, resources made available to the Michigan Works! Southwest Workforce Development Board shall be allocated to each county consistent with each county's share of the economically disadvantaged population within the Michigan Works! Southwest Area.
- e. Monitoring of Resource Distribution** - Resource distribution will be monitored based on the percentage of participants served from each county unless the source of program funds dictates another basis for distribution.
- f. Conflicting Statutory Provision** - If any provision of this agreement conflicts with any statute of the State of Michigan providing for the authorization or performance of joint undertakings between public agencies of this State, the provision of such statutes shall control.
- g. Severability** - If any sections, subsections, sentence, clause, phrase or portion of this agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
- h. WDB Nominations** - Nominations to fill vacancies on the Michigan Works! Southwest Development Board will be solicited from representative organizations by the WDB. Federal and State of Michigan legislation and policy will be followed regarding the appointment process. The WDB will review and recommend appointments to the respective County Board of Commissioners. Final certification of WDB membership rests with the State of Michigan.
- i.** The general composition of the Workforce Development Board shall be allocated as

follows:

j.

County:	Branch	Calhoun	Kalamazoo	St. Joseph	Region	At-Large	Total
Approximate Percentage	11%	27%	33%	11%	11%	7%	100%

Notes

- A majority of the members shall be representatives of businesses in the local area.
- Community Based Organizations (CBOs) meet the Organized Labor definition in WIOA. CBOs are still required per Michigan Law; Public Act 491 of 2006.
- The representation from labor and community based organizations combined shall be a minimum of 20% of the total Board membership.
- In Michigan, services under Wagner-Peyser are delivered at the local level by the WDB staff or contracted staff. Local Boards will not be required to appoint a member in this category due to the agreement resulting from the State of Michigan v. Alexis M. Herman.
- WIOA does not require federal TANF partners but Michigan Law; Public Act 491 of 2006 does require TANF partner representation.
- Region – Some appointments represent the entire region rather than a specific county.
- Other (optional) - Organizations that have demonstrated experience and expertise in addressing employment, training, or education needs of targeted populations, including representatives of organizations that serve offenders (e.g., Dept of Corrections) and out-of-school youth (e.g., Job Corps).

8. JOINT BOARD OF COMMISSION

- a. This agreement does not establish any such board or commission or establish duties or memberships for the purpose of executing the terms and conditions of this agreement beyond those specified in this agreement. The member body established for oversight responsibilities for workforce development programs and activities for Branch, Calhoun, Kalamazoo, and St. Joseph Counties shall be with the Michigan Works! Southwest Workforce Development Board (WDB).

- b. Establishment of the Workforce Development Board, and WDB Bylaws for the execution of responsibilities for the Grant Recipient, Workforce Development Board and Administrative and Fiscal Agent, shall be in written form and confirmed at least biennially by the Branch County Board of Commissioners, Calhoun County Board of Commissioners, Kalamazoo County Board of Commissioners, the St. Joseph County Board of Commissioners, and the Michigan Works! Southwest Workforce Development Board.

It was moved by Commissioner Hoffmaster and seconded by Commissioner Shaffer to adopt a Southwest Workforce Development Board. The Motion carried 7-0 upon a roll call vote.

St. Joseph County Purchasing Policy

It was moved by Commissioner Rosado and seconded by Commissioner Hoffmaster to approve the St. Joseph County Purchasing Policy. Motion carried.

St. Joseph County Board Rules

It was moved by Commissioner Baker and seconded by Commissioner Hoffmaster to approve the St. Joseph County Board Rules. Motion carried.

Budget Amendments

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

Amend 2024-L-4029 Tax Rate Request Form

It was moved by Commissioner Baker and seconded by Commissioner Hoffmaster to approve the Amended 2024-L-4029 Tax Rate Request Form. Motion carried.

Commissioner Comments

Commissioner Shaffer addressed the no handouts at the meetings and talked about the Executive Meeting where information is discussed.

Commissioner Baker commented that he had not received emails from Lindsay Turner.

Commissioner Hoffmaster commented on the no handouts and spoke on how Sturgis distributes their documentation.

Commissioner Rosado addressed the emails from Lindsay Turner and stated he had been in communication with Commissioner Allen.

Commissioner Conklin commented on being transparent with the public and agreed with having handouts for the public. He also commented on Lindsay Turner's emails.

Commissioner Allen apologized to Lindsay Turner for the lack of effort being done to help the family of Brittany Shank.

Commissioner Malone addressed the protocol that the County has in place.

Closed Session Legal Opinion and Property Purchase Discussion

It was moved by Commissioner Rosado and seconded by Commissioner Hoffmaster to go into closed session pursuant to MCL 15.268(e) at 6:15 pm. Motion carried.

Reopen Commission Meeting

It was moved by Commissioner Hoffmaster and seconded by Commissioner Rosado to reopen the meeting at 6:28 pm. Motion carried.

Legal Opinion

It was moved by Commissioner Hoffmaster and seconded by Commissioner Rosado to

follow the recommendation of council. The Motion carried 7-0 upon a roll call vote.

Adjournment

It was moved by Commissioner Baker and seconded by Commissioner Allen to adjourn the meeting at 6:38pm. Motion carried.

Ladena M. Clark, Chief Deputy County Clerk