

MINUTES
JACKSON COUNTY BOARD OF COMMISSIONERS BOARD MEETING
April 17, 2012
7:00 p.m.
County Commission Chambers

1. **CALL TO ORDER** – Chairman Steve Shotwell called the April 17, 2012, Jackson County Board of Commissioners Meeting to order at 7:00 p.m.
2. **INVOCATION** – *by Commissioner Julie Alexander*
3. **PLEDGE OF ALLEGIANCE** – *by Zari Mahoney Robinson – Senior at Jackson High School*
4. **ROLL CALL** – *County Clerk Amanda Riska*

(11) Present. Commissioners Herl, Lutchka, Rice, Duckham, Alexander, Videto, Mahoney, Way, Elwell, Williams, and Shotwell.

(1) Absent. Commissioner Smith.
5. **APPROVAL OF AGENDA**

Cmr. Williams asked that the Chairman's Appointment to the Retirement Board be added to the Agenda. Item will be added to Item 15. C. under New Business.

Moved by Videto, supported by Duckham for Approval of the Agenda as amended.
Motion carried.
6. **AWARDS & RECOGNITIONS** – None.
7. **COMMUNICATIONS/PETITIONS** – None.
8. **SPECIAL ORDERS/PUBLIC HEARINGS** – None.
9. **PUBLIC COMMENTS**

Allison Bates announced that she will run as a Republican candidate for Prosecutor.
10. **SPECIAL MEETINGS OF STANDING COMMITTEES**
11. **MINUTES** - Minutes of the 3/20/12 Regular Meeting of the Jackson County Board of Commissioners

Moved by Mahoney, supported by Rice to Approve the Minutes of the 3/20/12 Regular Meeting of the Jackson County Board of Commissioners. Motion carried.
12. **CONSENT AGENDA**

Moved by Herl, supported by Lutchka for Approval of the Consent Agenda. Roll Call: (11) Yeas. Motion carried unanimously.

A. County Policy

1. **Revised – Policy 6070 – Network Password**

B. County Affairs & Agencies

2. **Clearing and Grubbing Airport I-94 Property**
3. **Resolution (04-12.14) Authorizing Purchase of an Easement for the Runway 7-25 Safety Area Project (Parcel #87 – Stoner)**
4. **Register of Deeds Annual Report**
5. **Resolution (04-12.9) Rives Township Partial Redemption of Jackson County Wastewater Disposal Facility Bonds**
6. **Resolution (04-12.10) Lake Columbia Refunding Bonds**
7. **Resolution (04-12.11) Vineyard Lake Refunding Bonds**
8. **Resolution (04-12.13) Golf Cart Lease**
9. **Equalization L4024 Report**

C. Human Services – None.

D. Personnel & Finance

10. **Resolution (04-12.12) Adopting third Amended and Restated Section 125 Cafeteria Plan**
11. **Resolution (04-12.16) Legislative Agenda**
12. **Budget Adjustments**
 - a. **Fleet and Facilities Operations**

E. Other Business

13. **Claims – March 1-31, 2012**

13. **STANDING COMMITTEES**

A. County Policy – Commissioner Dave Elwell – None.

B. County Affairs & Agencies – Commissioner Dave Lutchka

1. Appointments

- a. **Airport Joint Zoning Board** - two public members, terms to 3/2015

Commissioner Lutchka stated that the committee recommended Jack Koch and John Worden. No other nominations from the floor. Jack Koch and John Worden appointed.

- b. **LifeWays** – one public member, term to 3/2015

Commissioner Lutchka stated that clarity was needed regarding applicants not residing in the County. He stated that they are sending this back to committee and postponing the appointment until the next meeting.

- c. **Parks Board** – one Region 2 Planning Commission representative, term to 3/2015

Commissioner Lutchka stated that the committee recommended Gail W. Mahoney. No other nominations from the floor. Gail W. Mahoney appointed.

- d. **Region 2 Area Agency on Aging** – three public members, terms to 4/2014

Commissioner Lutchka stated that the committee recommended Howard Griffis, Patricia Spink, and Arlene Shepherd. No other nominations from the floor. Howard Griffis, Patricia Spink, and Arlene Shepherd appointed.

C. **Human Services** – *Commissioner Jon Williams* - None.

D. **Personnel and Finance** – *Commissioner Jim Videto* – None.

14. **UNFINISHED BUSINESS** – None.

15. **NEW BUSINESS**

- A. **Resolution (04-12.17) Approving a Brownfields Revolving Loan Fund Amended Subgrant Agreement Between the Jackson County Brownfield Redevelopment Authority and the County of Jackson**

Moved by Shotwell, supported by Mahoney to Approve Resolution (04-12.17) Approving a Brownfield Revolving Loan Fund Amended Subgrant Agreement Between the Jackson County Brownfield Redevelopment Authority and the County of Jackson.. Roll Call: (11) Yeas. Motion carried unanimously.

- B. **Resolution (04-12.15) Requesting that the Michigan Department of Community Health Designate LifeWays as the Coordinating Agency for Jackson County Effective October 1, 2012**

Moved by Mahoney, supported by Alexander to Approve Resolution (04-12.15) Requesting that the Michigan Department of Community Health Designate LifeWays as the Coordinating Agency for Jackson County Effective October 1, 2012. Roll Call: (11) Yeas. Motion carried unanimously.

- C. **Chairman's Appointment to the Jackson County Retirement Board**

Moved by Chairman Shotwell, supported by Lutchka to nominate Cmr. Elwell, to finish out the term of Cmr. Mahoney on the Jackson County Retirement Board. Motion carried, with Cmr. Mahoney abstaining.

16. **PUBLIC COMMENTS**

None

17. **COMMISSIONER COMMENTS**

Cmr. Alexander encouraged kids to participate in the Math Makes a Difference Challenge.

Cmr. Williams asked the Board to recognize Prosecutor Zavislak for 39 years of public service.

18. **CLOSED SESSION** – None.

29. **ADJOURNMENT**

Chairman Shotwell adjourned the April 17, 2012 Meeting of the Jackson County Board of Commissioners at 7:15 p.m.

James E. Shotwell – Chairman, Jackson County Board of Commissioners

Amanda L. Riska – County Clerk

Respectfully submitted by Carrienne VanDusseldorp – Chief Deputy County Clerk

(04-12.12)

COUNTY OF JACKSON

RESOLUTIONS TO BE ADOPTED BY THE BOARD OF COMMISSIONERS

A Meeting of the Board of Commissioners of the County of Jackson (the "Company") was held on April 17th, 2012. Sufficient members were present to constitute a quorum of the Commissioners. Following a reading of the Plan and an extensive discussion concerning the provisions, the following resolutions were, upon motion duly made, unanimously adopted:

RESOLVED, that the County of Jackson's adoption of the County of Jackson Third Amended and Restated Section 125 Cafeteria Plan ("Plan") effective as of the dates contained therein, is affirmed and ratified.

RESOLVED FURTHER, that the actions of the County Administrator/Controller, Michael Overton, necessary to adopt the Plan on behalf of the County of Jackson are hereby affirmed and ratified.

I certify that the above is a true and complete record of action taken by the Board of Commissioners of the County of Jackson on the 23rd day of April, 2012.

By: Amanda L. Fiska

Its: County Clerk

(04-12.13)

RESOLUTION AND CERTIFICATE OF INCUMBENCY
Lease Number 158956000

Lessee: County of Jackson

Amount \$275,686.96 (payment x term)

WHEREAS, Lessee, a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State or Commonwealth ("the State") is authorized by the laws of the State to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Lease Agreements or lease schedules ("Leases") in the amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases is appropriate and necessary to the functions and operations of the Lessee.

WHEREAS, PNC Equipment Finance, LLC ("Lessor") shall act as Lessor under said Leases.

NOW, THEREFORE, Be It Ordained by the Governing Body of the Lessee:

Section 1. Either one of the County Board Chairor (each an "Authorized Representative") acting on behalf of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

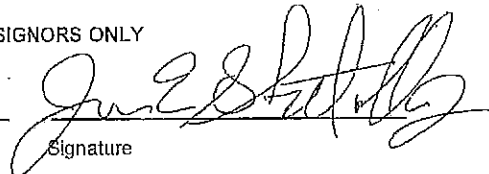
Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Leases on behalf of the Lessee.

Section 3. The Lessee's obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Lessee's obligations under the Leases shall not constitute general obligations of the Lessee or indebtedness under the Constitution or laws of the State.

Section 4. This resolution shall take effect immediately upon its adoption and approval.

SIGNATURES AND TITLES OF AUTHORIZED REPRESENTATIVES : AUTHORIZED LEASE SIGNORS ONLY

JAMES E. SHOTWELL, JR. BOARD CHAIR



Name

Title

Signature

Name

Title

Signature

ADOPTED AND APPROVED on this 17th day of April, 2012.

Section 5. I, the undersigned Secretary/Clerk identified below, does hereby certify that I am the duly elected or appointed and acting Secretary/Clerk of the above Lessee, a political subdivision duly organized and existing under the laws of the State where Lessee is located, that I have the title stated below, and that, as of the date hereof, the individuals named below are the duly elected or appointed officers of the Lessee holding the offices set forth opposite their respective names.

The undersigned Secretary/Clerk of the above-named Lessee hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Lessee, that the foregoing resolutions were duly adopted by said Governing Body of the Lessee at a meeting of said Governing Body and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

LESSEE: County of Jackson

Amanda L. Riska
Signature of Secretary/Clerk of Lessee

[SEAL]

Print Name: AMANDA L. RISKA
Official Title: JACKSON COUNTY CLERK
Date: 4-17-2012

RESOLUTION (04-12.14)

AUTHORIZING PURCHASE OF AN EASEMENT FOR THE RUNWAY 7-25 SAFETY AREA PROJECT

For Easement Acquisition on Parcel #87 located at 4637 Woodville Road, Jackson, Michigan. (William and Deborah Stoner) as Further Described in Attachments AT THE JACKSON COUNTY AIRPORT

WHEREAS, The FAA has indicated that Runway 6-24 at the Jackson County Airport does not have the required "safety areas" and necessitating construction of a new runway, Runway 7-25; and

WHEREAS, continued progress in building this new runway with safety areas requires easement acquisition on parcel # 94; and,

WHEREAS, grant funds in the amount of \$1,500,000 (Federal \$1,425,000; State \$37,500 and County \$37,500) have been granted by the Michigan Aeronautics Commission to the Jackson County Airport - Reynolds Field and are in the public interest and will fund these purchases; and,

WHEREAS, acquisition of an easement for Parcel #97 is required in order to construct new runway # 7-25 as detailed on the Jackson County Airport - Reynolds Field Airport Layout Plan; and,

WHEREAS, contingent upon agreement by the all parties to a proposed Consent Judgment by Hon. Richard N. LaFlamme calling for compensation of \$92,500.00 plus reimbursement of expert witness and appraisal fees in the amount of \$5,185 plus accrued interest according statute, less any credits or prior payments

WHEREAS, the Jackson County Board of Commissioners, have previously decided that this overall Runway Safety Area project will enhance the safety of the airport and is in the public interest; and,

WHEREAS, The Jackson County Board of Commissioners has legal authority to approve such easement and property acquisitions; and

WHEREAS, James E. Shotwell, Jr. is the Chairman of the Jackson County Board of Commissioners and has authority to sign legal documents on behalf of the Commission; and;

NOW, THEREFORE, BE IT RESOLVED THAT, the Jackson County Board of Commissioners approves of the referenced acquisitions AND authorizes James E. Shotwell, Jr. to sign on behalf of the Jackson County Board of Commissioners.

Handwritten signature of James E. Shotwell, Jr.

James E. Shotwell, Jr., Chairman Jackson County Board of Commissioners April 17, 2012

STATE OF MICHIGAN)) ss. COUNTY OF JACKSON)

I, Amanda L. Riska, the duly qualified and acting Clerk of the County of Jackson, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the County Board of Commissioners of the County of Jackson, State of Michigan, at a regular meeting held on April 17, 2012 at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Handwritten signature of Amanda L. Riska, County Clerk

RESOLUTION (04-12.15)
REQUESTING THAT THE MICHIGAN DEPARTMENT OF
COMMUNITY HEALTH DESIGNATE LIFEWAYS AS THE COORDINATING
AGENCY FOR JACKSON COUNTY EFFECTIVE OCTOBER 1, 2012

WHEREAS, Section 6226(1) of Public Act 368 of 1978, as amended, provides for designation of a Coordinating Agency to administer substance use disorder services subject to the approval of the affected county board or boards of commissioners, and

WHEREAS, the Mid-South Substance Abuse Commission entered into an Agreement on the 21st day of January, 2010, between the Counties of Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Jackson, Lenawee, and Newaygo Counties, to be the Coordinating Agency for the aforementioned nine county region, and

WHEREAS, the State of Michigan approved the Inter-Local Agreement on the 2nd day of July, 2010, for Mid-South to perform functions as the Coordinating Agency for the nine counties under Public Act 368 of 1978, as amended, and

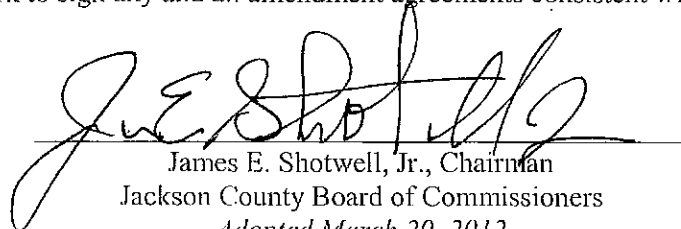
WHEREAS, the Mid-South Substance Abuse Commission strives to continually improve services for residents in the nine county region, and has approved a Transformational Plan addressing Substance Use Disorder services with the focus of partnering with other systems, and

WHEREAS, many significant future uncontrollable events, including but not limited to health care reform and state legislative action, may be detrimental to the public SUD system absent undertaking realignment of SUD with behavioral health services, and

WHEREAS, LifeWays contains two of Mid-South's counties and provides and contracts for behavioral health services for Jackson County;

NOW, THEREFORE BE IT RESOLVED, that the Jackson County Board of Commissioners requests the Michigan Department of Community Health to designate LifeWays as the Coordinating Agency for administering Substance Use Disorder services under Public Act 368 of 1978, as amended, effective October 1, 2012.

BE IT FURTHER RESOLVED, that the Jackson County Commissioners authorize the Board Chair and County Clerk to sign any and all amendment agreements consistent with this resolution.


James E. Shotwell, Jr., Chairman
Jackson County Board of Commissioners
Adopted March 20, 2012



Jackson County

Resolution

RESOLUTION (04-12.16) Approving Jackson County's Legislative Agenda

Whereas, Jackson County is interested in having its opinion known and shared with Michigan legislators; and

Whereas, Jackson County has the upmost respect for the challenges faced by the State of Michigan in difficult times; and

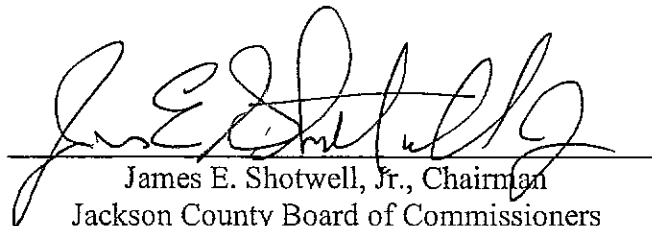
Whereas, Jackson County also faces reduced revenues and increased costs to provide essential services; and

Whereas, Jackson County has been responsible with regard to employee compensation, fiscal planning, and strategic planning; and

Whereas, Jackson County benefits from stability and long-term financial planning from other levels of government and community partners; and

Therefore, Be It Resolved, that the Jackson Board of County Commissioners does hereby approve the attached Legislative Agenda; and

Be It Further Resolved, that the Jackson Board of County Commissioners does hereby direct that this agenda be shared with State legislators and the Governor of the State of Michigan.



James E. Shotwell, Jr., Chairman
Jackson County Board of Commissioners

April 17, 2012

JACKSON COUNTY, MICHIGAN

**RESOLUTION (04-12.17)
APPROVING A BROWNFIELDS REVOLVING LOAN FUND
AMENDED SUBGRANT AGREEMENT
BETWEEN THE JACKSON COUNTY BROWNFIELD
REDEVELOPMENT AUTHORITY AND THE
COUNTY OF JACKSON**

At a meeting of the Board of Commissioners of Jackson County, Michigan, held in the County Tower Building located at 120 W. Michigan Ave., Jackson, Michigan, on the 17th day of April, 2012, at 7:00 p.m.

PRESENT: Commissioners Herl, Lutchka, Rice, Duckham, Alexander, Videto, Mahoney, Williams, Way, Elwell, and Shotwell.

ABSENT: Commissioner Smith.

MOTION BY: Commissioner Shotwell.

SUPPORTED BY: Commissioner Mahoney.

WHEREAS, the Jackson County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has formally resolved to participate in the Jackson County Brownfield Redevelopment Authority (JCBRA) and has designated that all related activities shall proceed through the JCBRA; and

WHEREAS, the JCBRA, has reviewed, adopted and recommended for approval by the Jackson County Board of Commissioners (the "Grantee"), the Amended Brownfields Revolving Loan Fund Subgrant Agreement (the "Agreement") attached hereto, relating to the remediation project proposed for the former Riverwalk Hotel, located at One Jackson Square in the City of Jackson, Michigan (the "Property"), as more particularly described and shown in Exhibit 1 contained within the attached Agreement; and

WHEREAS, the Grantee is the owner of the Property; and

WHEREAS, the JCBRA (the "Grantor") is the recipient of EPA Brownfields Revolving Loan Funds ("BRLF") and is authorized to make certain grants and loans from these funds; and

WHEREAS, the BRLF is to be used to undertake cleanup of Brownfield sites by making low interest loans and subgrants to parties willing to undertake cleanup of these sites; and

WHEREAS, the Grantor has agreed to subgrant to Grantee up to \$231,731 of the Grant Funds which will be used by the Grantee for Asbestos Abatement and Hazardous Materials Removal at the Property (the "Remediation Work"); and

WHEREAS, the Jackson County Board of Commissioners has reviewed the Agreement, and has been provided a reasonable opportunity to express their views and recommendations regarding the Agreement; and

WHEREAS, as a result of its review of the Agreement, the Jackson County Board of Commissioners concurs with approval of the Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Agreement Approved.** Pursuant to the authority vested in the Jackson County Board of Commissioners, the Agreement is hereby approved in the form attached to this Resolution, subject to minor modifications directed by EPA or Grantor/Grantee legal review.
2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.
4. **Execution.** Chairman James S. Shotwell, Jr., Chairman of the Jackson County Commission is hereby authorized to sign the Agreement on behalf of the Grantee.

AYES: Commissioners Herl, Lutchka, Rice, Duckham, Alexander, Videto, Mahoney, Williams, Way, Blwell, and Shotwell.

NAYES: None.

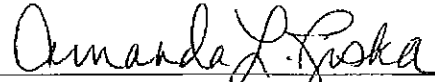
ABSTAINED: None.

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
COUNTY OF JACKSON) ss:

I, the undersigned, the fully qualified Clerk of Jackson County, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the County Board of Commissioners of Jackson County at a meeting held on the 17th day of April, 2012, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 19th day of April, 2012.



Amanda L. Riska, Jackson County Clerk