

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 17, 2010

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, February 17, 2010.

Chairperson Brehler called the meeting to order at 7:00 PM.

The Pledge of Allegiance to the Flag was given by all.

Commissioner Baker gave the invocation.

Roll call. Commissioners present; Michael Hosey, Blake Mulder, Theresa Abed, Carol Strachan, Jeanne Pearl-Wright, Leo Farhat, Glenn Freeman, John Forell, Linda Keefe, Art Luna, Daryl Baker, Roger Harris, Joseph Brehler. Commissioners absent; Dale Barr, Denise Clarke.

Commissioner Hosey moved the agenda be approved as presented. Seconded by Commissioner Freeman. Carried.

Commissioner Forell moved the minutes of January 4th and January 20th, 2010 be approved as presented. Seconded by Commissioner Farhat. Carried.

Communications.

1/Thank you from Debbie Simpson for the Board's donation to the Make A Wish Michigan Foundation in memory of Mike Simpson.

2/ Invitation from MSU Extension for input on the selection of an MSU Extension District Coordinator.

3/ Annual Report of the Eaton County Historical Commission.

Blair Ballou, Engineer-Manager of the Road Commission gave the Annual Report of the Road Commission.

Drain Commissioner Mike Atayan gave the Annual Report of the Drain Office.

Public Comment. Larry Cartwright, 1301 E. Clinton Trail, Eaton Township requested the county's trust and agency fund be explained to him. Controller Fuentes explained the funds in the trust and agency account have been received by the county on behalf of other agencies. The funds are then dispersed to the appropriate agencies.

Commissioner Pearl-Wright reported construction on the dental clinic facility will be proceeding.

Chairman Brehler reported that the agency which will operate the proposed clinic has modified its operating model so that a clinic is financially feasible, with a different mix of revenue sources previously anticipated, due to the elimination by the State of adult Medicaid revenue for dental services. The operating model provides for reduced capacity and sufficient revenue from other sources for the cost of operations and lease payments to retire the debt issued for construction. It is anticipated construction will begin in the spring and the clinic will be open and running in October.

Commissioner Freeman moved the approval of Resolution #10-2-17, to Approve Regional Homeland Security Grant Project, Public Safety Interoperable Communications Grant in the amount of \$505,324. Seconded by Commissioner Hosey. Carried.

Commissioner Abed reported 20 officials attended the film forum where they learned how to promote their communities for future movie opportunities.

Citizens University will be in April and is a 3 day format with the possibility of a one day format in the fall.

Commissioner Luna moved the approval of Resolution #10-2-18 to Approve a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension to the following: Article 7, Land Development Districts and Article 10, Off Street Parking and Loading. DCA-2-10-2. Seconded by Commissioner Baker. Carried.

Commissioner Keefe moved the approval of Resolution #10-2-19, To Support the Final Report of the Legislative Commission on Statutory Mandates, December 2009 and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report. Seconded by Commissioner Pearl-Wright. Carried.

Commissioner Keefe moved the approval of Resolution #10-2-20, MERS Service Credit Purchase Request from Michael Eagan. Seconded by Commissioner Forell. Carried.

Commissioner Keefe moved the approval of Document #10-2-21, to Approve 2010/2011 budget schedule. Seconded by Commissioner Farhat. Carried.

Commissioner Keefe moved the approval of Resolution #10-2-22, to Approve 2009/2010 General Fund Budget Amendments. Seconded by Commissioner Strachan. Carried.

Commissioner Keefe moved the approval of Resolution #10-2-23, to Approve 2009/2010 Special Revenue Fund Budget Amendments. Seconded by Commissioner Pearl-Wright. Carried.

Commissioner Keefe moved the approval of claims as audited by the Ways and Means Committee in the amount of \$306,700.47 and to accept the report of previously authorized payments. Seconded by Commissioner Freeman. Carried.

There was no public comment.

Commissioner comment. Commissioner Freeman reported that FEMA funds for emergency housing and food are available. Capital Area Community Services will not be accepting the funds so there will be more available for Housing Services for Eaton County.

Commissioner Pearl-Wright reported Walk for Warmth is scheduled for February 27th at the Congregational Church in Charlotte. The Dental Discount program is an additional alternative for those in need of service.

Commissioner Forell expressed concern regarding confusing language used on the county webpage.

Commissioner Keefe reported help to e-file taxes is available by calling 211 and donations for Haiti relief this year can be used towards 2009 taxes.

Commissioner Strachan reported the Greening Mid-Michigan Project meeting is tomorrow night.

There was no Unfinished, Old Business or New Business.

Chairperson Brehler adjourned the meeting to Wednesday, March 17, 2010 at 7:00 PM.


Chairman of the Board of Commissioners


Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 17, 2010

**RESOLUTION TO APPROVE
REGIONAL HOMELAND SECURITY GRANT PROJECT**

Introduced by the Public Safety Committee

Commissioner Freeman moved the approval of the following resolution.
Seconded by Commissioner Hosey.

WHEREAS, the County through its participation in the Region I Department of Homeland Security had been awarded a Public Safety Interoperable Communications Grant in the amount of \$505,324; and

WHEREAS, the Local Planning Committee identified a project for the acquisition of narrow-band compliant handheld and mobile radios (attached), to utilize these grant funds; and

WHEREAS, the local units, including Central Dispatch and the Sheriff's Office have identified sources for the required 20% match; and

WHEREAS, the Public Safety Committee has reviewed and is recommending approval of this project and acceptance of the award.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby approves the radio acquisition through the Public Safety Interoperable Communication Grant.

BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the State of Michigan; and

BE IT FURTHER RESOLVED, that the Chairperson or his designee is authorized to sign any necessary documents pertaining to the County's participation. Carried.

Summary	#	Price Each	Total	Match Dollars	Grant Dollars
Mobile Radios to Replace (Police)	8	\$1,500.00	\$12,000.00	\$2,400.00	\$9,600.00
Mobile Radios to Replace (Fire)	70	\$1,500.00	\$105,000.00	\$21,000.00	\$84,000.00
Mobile Radios to Reprogram (Police)	11	\$45.00	\$495.00	\$99.00	\$396.00
Mobile Radios to Reprogram (Fire)	38	\$45.00	\$1,710.00	\$342.00	\$1,368.00
Portable Radios to Replace (Police)	24	\$800.00	\$19,200.00	\$3,840.00	\$15,360.00
Portable Radios to Replace (Fire)	130	\$800.00	\$104,000.00	\$20,800.00	\$83,200.00
Portable Radios to Reprogram (Police)	25	\$45.00	\$1,125.00	\$225.00	\$900.00
Portable Radios to Reprogram (Fire)	141	\$45.00	\$6,345.00	\$1,269.00	\$5,076.00
Repeaters to Replace	4	\$1,500.00	\$6,000.00	\$1,200.00	\$4,800.00
Repeaters to Reprogram	35	\$150.00	\$5,250.00	\$1,050.00	\$4,200.00
M/A Com Radios to Replace	20	\$3,000.00	\$60,000.00	\$12,000.00	\$48,000.00
M/A Com Radios to Reprogram	75	\$45.00	\$3,375.00	\$675.00	\$2,700.00
Pagers to Replace	266	\$500.00	\$133,000.00	\$26,600.00	\$106,400.00
Pagers to Reprogram	60	\$15.00	\$900.00	\$180.00	\$720.00
Other			Notes \$0.00	\$0.00	\$0.00

Totals **\$458,400.00**
Total Grant Award **\$404,259.20** **Match Dollars** **\$91,680.00** **Total Amount for Projects** **\$366,720.00**
\$101,064.80 **\$505,324.00**
911 Estimate \$2970 **SD Estimate - \$10,890**

Commissioner Luna moved the approval of the following resolution.
Seconded by Commissioner Baker.

EATON COUNTY BOARD OF COMMISSIONERS

February 17, 2010

RESOLUTION TO APPROVE DCA-2-10-2

Introduced by the Public Works and Planning Committee

PREAMBLE: The Eaton County Land Development Code, an Ordinance adopted by the Commissioners of the County of Eaton pursuant to Public Act 183 of 1943, and administered pursuant to Public Act 110 of 2006, may be amended from time to time by following procedures outlined in Article 13 of the Development Code.

WHEREAS, Eaton County Planning Commission initiated a petition for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 7 Land Development Districts (amend Sections 7.3.2, 7.4A.2, 7.4B.2 and 7.4C.2) & Article 10 Off Street Parking and Loading (amend Section 10.4 Educational Institution & Government Facility).; and

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **February 2, 2010**; and

WHEREAS, the Eaton County Planning Commission found the requested amendment to be consistent with the required findings of fact (Items A-G) contained in Section 13.6 of the Eaton County Land Development Code; and

WHEREAS, the Eaton County Planning Commission has taken action on **February 2, 2010** to recommend the approval of the request for a comprehensive amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 7 Land Development Districts (amend Sections 7.3.2, 7.4A.2, 7.4B.2 and 7.4C.2) & Article 10 Off Street Parking and Loading (amend Section 10.4 Educational Institution & Government Facility).

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Eaton, Michigan having considered the findings of facts and recommendations hereby:

APPROVES the request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 7 Land Development Districts (amend Sections 7.3.2, 7.4A.2, 7.4B.2 and 7.4C.2) & Article 10 Off Street Parking and Loading (amend Section 10.4 Educational Institution & Government Facility).

At the regular meeting of the Eaton County Board of Commissioners on **February 17, 2010** the Resolution regarding the approval of said request was adopted.

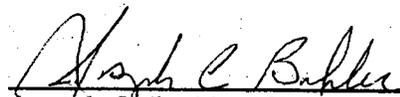
Those voting Aye: Commissioners; Hosey, Mulder, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Forell, Keefe, Luna, Baker, Harris, Brehler.

Those voting Nay: None

Abstention: None

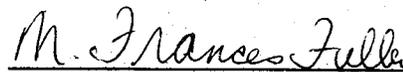
Absent: Commissioners Barr and Clarke.

Motion carried.



Joseph C. Brehler, Chairman
Eaton County Board of Commissioners

I hereby certify that the above Ordinance amending the Eaton County Land Development Code, which was approved, is a true and correct copy of that recorded in the official minutes of February 17, 2010 of the Eaton County Board of Commissioners.



M. Frances Fuller, Clerk
Eaton County Board of Commissioners

EATON COUNTY LAND DEVELOPMENT CODE
ZONING ORDINANCE AMENDMENT DCA-2-10-2

District Change Amendment DCA-2-10-2 to amend the Land Development Code (Zoning Ordinance) of Eaton County, as enacted in 1981 pursuant to the provisions of Public Act 110 of 2006, as amended.

An application for a District Change Amendment for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 7 Land Development Districts (amend Sections 7.3.2, 7.4A.2, 7.4B.2 and 7.4C.2) & Article 10 Off Street Parking and Loading (amend Section 10.4 Educational Institution & Government Facility).

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **February 2, 2010**; and

WHEREAS, the Eaton County Planning Commission has taken action on **February 2, 2010** to recommend approval of the text amendment:

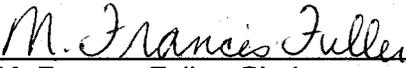
WHEREAS, after careful consideration of the amendment, the Eaton County Board of Commissioners approved the aforementioned text amendment as follows:

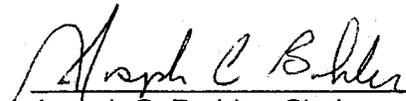
Yeas	13
Nays	0
Abstaining	0
Absent	2

I, M. Frances Fuller, Clerk for the County of Eaton, do hereby certify that the above and foregoing is a true copy of the amendment to the Eaton County Land Development Code (Zoning Ordinance), as amended and passed by the Eaton County Board of Commissioners on **February 17, 2010**, and now on record in the office of the Clerk of said County.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said County at the City of Charlotte, Michigan, the

17th day of February, 2010


M. Frances Fuller, Clerk
Eaton County Board of Commissioners


Joseph C. Brehler, Chairman
Eaton County Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 17, 2010

**RESOLUTION IN SUPPORT OF THE FINAL REPORT OF THE
LEGISLATIVE COMMISSION ON STATUTORY MANDATES, DECEMBER 2009**

Introduced by the Ways and Means Committee

Commissioner Keefe moved the approval of the following resolution.
Seconded by Commissioner Pearl-Wright.

WHEREAS, the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS, the Headlee Amendment (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18." and;

WHEREAS, the Headlee Amendment became effective on December 23, 1978; and

WHEREAS, the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS, the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan.

WHEREAS, the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS, the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
 - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
 - Require the Court of Appeals to rule on the above within six months of the filing.
 - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.

WHEREAS, the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

BE IT FURTHER RESOLVED, that the Eaton County Board of Commissioners approves the release of this resolution to be distributed to the Governor, Legislators, Supreme Court, Michigan Association of Counties and local units of government legislative boards located within Eaton County. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 17, 2010

**RESOLUTION TO APPROVE
MERS SERVICE CREDIT PURCHASE**

Introduced by the Ways and Means Committee

Commissioner Keefe moved the approval of the following resolution.
Seconded by Commissioner Forell.

WHEREAS, Municipal Employees Retirement System allows at the employee expense the purchase of up to five years of service credit; and

WHEREAS, Michael Eagen is requesting approval to be allowed to purchase two years and six months of MERS service credit; and

WHEREAS, Michael Eagen has received the required cost calculation for the purchase; and

WHEREAS, the Ways and Means Committee has reviewed and is recommending to the Board of Commissioners that the approval be granted; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners approves Michael Eagen's request to purchase two years and six months of MERS service credit; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Commissioners is authorized to sign the Application Resolution as provided by MERS. Carried.

Commissioner Keefe moved the approval of the following document.
Seconded by Commissioner Farhat.

February 12, 2010

2010-2011 BUDGET SCHEDULE

Wednesday, February 24, 2010	Budget Documents to Department Heads	
Friday, March 26, 2010	Budget Forms Returned by Department Heads	
Friday, April 16, 2010 (p.m.)	Review Revenue Estimates and Departmental Expenditure Requests	Ways & Means Committee
Friday, May 14, 2010 (p.m.)	Review Revised Revenue Estimates and Controller's Office Expenditure Recommendations & Position Requests	Ways & Means Committee
Friday, May 21, 2010	Return to Departments	
Tuesday, June 8, 2010 (7:00 p.m.)	Truth-in-Taxation Hearing	Board
Friday, June 11, 2010 (p.m.)	Budget Hearing	Ways & Means Committee
Friday, June 18, 2010 *	Budget Hearing	Ways & Means Committee
Friday, July 16, 2010 (p.m.)	Work Session	Ways & Means Committee
Wednesday, July 21, 2010 7:00 (p.m)	Set County Tax Rate Set EATRAN Tax Rate Set Jail Tax Rate Set 911 Tax Rate Set Juvenile Tax Rate Set Medical Care Facility Tax Rate	Board
Friday, August 13, 2010 (p.m.)	Work Session	Ways & Means Committee
Tuesday, September 7, 2010	Truth in Budgeting Hearing	Board
Friday, September 10, 2010 (p.m.)	Work Session	Ways & Means Committee
Wednesday, September 15, 2010 Carried.	Adoption of Budget and Tax Rates	Board

* Tentative, will be cancelled if not necessary.

p.m. Indicates work session may cause meeting to continue into the afternoon.

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 17, 2010

**RESOLUTION TO APPROVE
2009/2010 GENERAL FUND BUDGET AMENDMENTS**

Introduced by the Ways and Means Committee

Commissioner Keefe moved the approval of the following resolution.
Seconded by Commissioner Strachan.

WHEREAS, the Eaton County 2009/2010 Appropriations Act of September 16, 2009 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2009/2010 Eaton County Budget:

CONTROLLER – 223

Increase	Contractual Services	\$ 21,700
Decrease	Contingency	\$ 21,700

To increase Contractual Services related to the required update to the Storm Water General Watershed Permit Certificate of Coverage, recommended by Public Works and Planning Committee. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 17, 2010

**RESOLUTION TO APPROVE
2009/2010 SPECIAL REVENUE FUND BUDGET AMENDMENTS**

Introduced by the Ways and Means Committee

Commissioner Keefe moved the approval of the following resolution.
Seconded by Commissioner Pearl-Wright.

WHEREAS, the Eaton County 2009/2010 Appropriations Act of September 16, 2009 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2009/2010 Eaton County Budget:

COMPUTER FUND - 298

Increase	Computer Equipment	\$ 241,967
Increase	Fund Balance Carryover	\$ 241,967

To increase Computer Equipment for the purchase of a new email system \$95,000 and 2008/2009 carryover projects of \$146,967 as recommended by the Information Technology and Communications Committee. Carried.