

EATON COUNTY BOARD OF COMMISSIONERS
NOVEMBER 15, 2017

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, November 15, 2017.

Chairman Mulder called the meeting to order at 7:00 p.m.

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

Commissioner Eakin gave the invocation.

Roll call. Commissioners present: Christine Barnes, Blake Mulder, Terrance Augustine, Howard T. Spence, Jeanne Pearl-Wright, Jane M. Whitacre, Joseph Brehler, Brian Droscha, Roger Eakin, Wayne Ridge, Brian Lautzenheiser, Kent Austin and Heather Wood. Commissioners absent: Glenn Freeman and Barbara Rogers.

Commissioner Eakin requested the removal from Ways & Means report item#4 - Resolution to Approve 2017/2018 Budget Amendments, and the of addition under New Business - Closed Session to discuss pending litigation with legal counsel.

Chairman Mulder indicated he would provide an update on the Barry-Eaton District Health Department Time of Sale or Transfer (T.O.S.T.) Program discussions under the Health and Human Services report.

Commissioner Augustine moved the agenda be approved as amended. Seconded by Commissioner Barnes. Carried.

Commissioner Lautzenheiser moved the minutes of October 18, 2017 be approved as presented. Seconded by Commissioner Austin. Carried.

Communications:

Letter from U.S. Senator Debbie Stabenow regarding the Great Lakes Restoration Initiative.

Commissioner Augustine moved the appointment of Sallee Anderson to fill a vacancy on the Jury Board. Seconded by Commissioner Whitacre. Carried.

Public Comments: none

Commissioner Austin spoke regarding a presentation at the November Health and Human Services Committee meeting at which two separate groups of law firms were present to discuss the possibility of the County filing a lawsuit

against opioid manufacturers and distributors (pharmaceutical companies). Commissioner Austin indicated he felt the County should proceed and authorize the Controller to initiate a selection process for representation. Discussion held.

Chairman Mulder and Commissioner Whitacre spoke regarding the Barry-Eaton District Health Department Time of Sale or Transfer (T.O.S.T.) Program workshop and discussion regarding modifying the regulation.

Commissioner Austin moved the approval of Resolution Supporting Michigan Senate Bill 400 and Michigan House Bill 4651 Amending the Emergency Telephone Services Enabling Act.

WHEREAS, Michigan House Bill 4651 and Senate Bill 400 have been introduced in the Michigan Legislature, which would amend Public Act 32 of 1986 entitled the "Emergency Telephone Service Enabling Act"; and
WHEREAS, these bills would amend the funding system for 9-1-1 so that all communication devices that have access to 9-1-1, including prepaid wireless devices, contribute equally to the funding of 9-1-1 operations; and
WHEREAS, these bills provide a stable funding source for the counties to support their migration to Next Generation 9-1-1 and ongoing operational levels of service for 9-1-1 to its residents; and
WHEREAS, these bills afford the State and Counties collecting 9-1-1 fees a mechanism for court action should any service providers fail to collect and remit the fees; and
WHEREAS, these bills have a mechanism that provides the necessary checks and balances to ensure revenues generated are used for authorized expenditures for 9-1-1 services; and
WHEREAS, these authorized expenditures are limited to those directly related to receiving and processing 9-1-1 calls and the subsequent dispatching of responders via a public safety radio; and
WHEREAS, such limitation of expenditures has historically met the criteria established through the courts to define 9-1-1 surcharge as a fee for service directly related to telephone services; and
WHEREAS, any attempt to amend House Bill 4651 and Senate Bill 400 for other State of Michigan general fund purposes not directly related to 9-1-1 may not meet the criteria of a fee for service and could be viewed as a tax increase for the residents of Eaton County, and
THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners does hereby offer our support of House Bill 4651 and Senate Bill 400 as introduced; and
BE IT FURTHER RESOLVED, that the Eaton County Board of Commissioners opposes amending House Bill 4651 and Senate Bill 400 to include any additional State of Michigan taxes on telephone service customers under the guise of 9-1-1 surcharge; and
BE IT FURTHER RESOLVED that copies of this resolution be transmitted to

Governor Richard Snyder, and all Senators and Representatives serving Eaton County. 911 Director, Michael Armitage spoke regarding the pending bills. Seconded by Commissioner Barnes. Discussion held. Roll call vote. Ayes: Barnes, Droscha, Lautzenheiser, Austin, Mulder. Nays: Augustine, Spence, Pearl-Wright, Whitacre, Brehler, Eakin, Ridge, Wood. Motion failed.

Commissioner Lautzenheiser moved the slate approval of the following Public Works and Planning Committee Appointments:

Zoning Board of Appeals, 3-year term expiring December 31, 2020

Charamy Cleary

Construction Code Board of Appeals, 3-year term expiring December 31, 2020

Clyde Swanson (Electrical)

Bill Richardson (Electrical Alternate)

Edward Seifert

Planning Commission, 3-year term expiring December 31, 2020

Jeana Rohrs

Tamera Halsey

John Little, to the remainder of a 3-year term expiring December 31, 2019

Parks & Recreation Commission, 3-year term expiring December 31, 2020

Robert McConnell

EATRAN, 3-year term expiring December 31, 2020

Charlene Wagner

Purchase of Development Rights Selection Committee, 2-year term expiring December 31, 2019

Ellen Lambright

James Garvey

Brownfield Redevelopment Authority, 3-year term

Darius Reynnet expiring December 31, 2020

Seconded by Commissioner Augustine. Discussion held. Carried. Nays: Spence.

Commissioner Spence asked that the minutes reflect his Nay vote for the slate was due to the EATRAN appointee.

Commissioner Barnes updated the Board regarding the progress of the proposed solar ordinance. She advised there will be further meetings of the Zoning Ordinance Committee likely in the month of December.

Commissioner Eakin moved the approval of #17-11-91 Resolution to Approve Public Safety Radio System Lease Purchase Agreement.

Whereas, The Eaton County Board of Commissioners has determined that a true and very real need exists for the acquisition of the Equipment or other

personal property described in the Lease between EATON COUNTY, MI (Lessee) and Motorola Solutions, Inc. (Lessor); and

Whereas, The Board of Commissioners has determined that the Lease, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment or other personal property, and the Board of Commissioners hereby approves the entering into of the Lease by the Lessee and hereby designates and authorizes the following person(s) referenced in the Lease to execute and deliver the Lease on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transactions contemplated by the Lease.

Now, Therefore Be It Resolved, The signatures in the Lease from the designated individuals for the Eaton County Board of Commissioners evidence the adoption by the Board of Commissioners of this Resolution.

Seconded by Commissioner Austin. Discussion held. Carried.

Commissioner Eakin moved the approval of #17-11-92 Resolution to Approve Indigent Defense Compliance Plan as Required by PA 93 of 2013.

WHEREAS, PA 93 of 2013, the Michigan Indigent Defense Commission Act established the Michigan Indigent Defense Commission (MIDC); and

WHEREAS, the MIDC is responsible for establishing standards of compliance for the administration and provisions of indigent defense systems, including counties; and

WHEREAS, the MIDC developed and approved a set of standards (#1 through 4) to be complied with under the Act on May 22, 2017; and

WHEREAS, under the Act the County is required to submit a compliance plan for these standards by November 20, 2017; and

WHEREAS, since the order approving standards #1 through #4, a workgroup comprised of representatives from the Courts, County, Prosecuting Attorney, Sheriff and indigent defense counsel practitioners has been meeting to develop the County's compliance plan; and

WHEREAS, the County's proposed compliance plan (attached) has been reviewed and recommended for approval by the Way & Means.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners approves the compliance plan; and

BE IT FURTHER RESOLVED, the directed the Controller/Administrator to submit the plan to the MIDC for its approval; and

BE IT FURTHER RESOLVED, that the implementation of the County's compliance plan is contingent upon the State's appropriation of funds to the County for the costs of implementing the mandate(s) contained in the Act.

Seconded by Commissioner Lautzenheiser. Discussion held. Carried. (on file)

Commissioner Eakin moved the approval 2018 Holiday Schedule.

Seconded by Commissioner Austin. Carried.

Commissioner Eakin moved the approval of claims as audited by the Ways and Means Committee in the amount of \$289,555.69 and to accept the report of previously authorized payments. Seconded by Commissioner Austin. Carried.

Public Comment: None

Commissioner Comments: None

There was no Unfinished Business or Old Business:

New Business: Commissioner Eakin moved to enter closed session at 8:05 p.m. under MCL 15.268 Sec 8(e) of the Open Meetings Act to discuss pending litigation (Estate of D. Guilford v. J. Frost and Estate of J. Van Sickle v Eaton County, et.al) with counsel. Seconded by Commissioner Austin. Roll call vote. Carried unanimously.

Closed Session.

Chairman Mulder moved to end closed session at 8:40 p.m. Seconded by Commissioner Eakin. Carried.

Commissioner Eakin moved to accept the recommendations of legal counsel made in closed session. Seconded by Commissioner Lautzenheiser. Carried.

Chairman Mulder adjourned the meeting to Wednesday, December 20, 2017 at 7:00 p.m.


Chairman of the Board of Commissioners


Clerk of the Board of Commissioners

17-11-91

EATON COUNTY BOARD OF COMMISSIONERS

NOVEMBER 15, 2017

Resolution to Approve Public Safety Radio System Lease Purchase Agreement.

Introduced by the Ways and Means Committee

Commissioner Eakin moved for the approval of the following resolution. Seconded by Commissioner Austin.

Whereas, The Eaton County Board of Commissioners has determined that a true and very real need exists for the acquisition of the Equipment or other personal property described in the Lease between EATON COUNTY, MI (Lessee) and Motorola Solutions, Inc. (Lessor); and

Whereas, The Board of Commissioners has determined that the Lease, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment or other personal property, and the Board of Commissioners hereby approves the entering into of the Lease by the Lessee and hereby designates and authorizes the following person(s) referenced in the Lease to execute and deliver the Lease on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transactions contemplated by the Lease.

Now, Therefore Be It Resolved, The signatures in the Lease from the designated individuals for the Eaton County Board of Commissioners evidence the adoption by the Board of Commissioners of this Resolution. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

NOVEMBER 15, 2017

**RESOLUTION TO APPROVE INDIGENT DEFENSE COMPLIANCE PLAN AS
REQUIRED BY PA 93 OF 2013**

Introduced by the Ways & Means Committee

Commissioner Eakin moved for the approval of the following resolution. Seconded by Commissioner Lautzenheiser.

WHEREAS, PA 93 of 2013, the Michigan Indigent Defense Commission Act established the Michigan Indigent Defense Commission (MIDC); and

WHEREAS, the MIDC is responsible for establishing standards of compliance for the administration and provisions of indigent defense systems, including counties; and

WHEREAS, the MIDC developed and approved a set of standards (#1 through 4) to be complied with under the Act on May 22, 2017; and

WHEREAS, under the Act the County is required to submit a compliance plan for these standards by November 20, 2017; and

WHEREAS, since the order approving standards #1 through #4, a workgroup comprised of representatives from the Courts, County, Prosecuting Attorney, Sheriff and indigent defense counsel practitioners has been meeting to develop the County's compliance plan; and

WHEREAS, the County's proposed compliance plan (attached) has been reviewed and recommended for approval by the Way & Means.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners approves the compliance plan; and

BE IT FURTHER RESOLVED, the directed the Controller/Administrator to submit the plan to the MIDC for its approval; and

BE IT FURTHER RESOLVED, that the implementation of the County's compliance plan is contingent upon the State's appropriation of funds to the County for the costs of implementing the mandate(s) contained in the Act. Carried.