



MINUTES
Board of Commissioners Chambers
219 East Paw Paw Street

November 8, 2022

Commissioners

Gail Patterson-Gladney, District 1
Kurt Doroh, District 2
Richard Godfrey, District 3
Mike Chappell, District 4
Randall Peat, District 5
Donald Hanson, District 6
Paul Schincariol, District 7

Board of Commissioners Meeting

1. Call to Order
On the above date the regular meeting of the Board of Commissioners was called to order at 3:10 PM by Randall Peat, Chairman of the Board.
2. Recital of the Pledge of Allegiance / Prayer
3. Roll Call
The roll was called by Chief Deputy Clerk Beth Saidla with the following commissioners answering to their name and district: Gail Patterson-Gladney, Kurt Doroh, Richard Godfrey, Mike Chappell, Randall Peat, Donald Hanson, Paul Schincariol
4. Additions/Deletions to the Agenda
5. Approval of Agenda
All items on the agenda marked with '***' are part of the consent agenda. Commissioners or the public can request that items be removed from the consent agenda.

Motion to approve the agenda as presented.
Motion by Donald Hanson, Second by Mike Chappell, Carried
6. Approval of Minutes

A. **10/25/2022 Board of Commissioners Meeting Minutes
Motion by Hanson, Second by Chappell, Carried
7. Public Comment
8. Administrative Affairs

A. **Commercial Property Assessed Clean Energy (C-PACE) Program
ADMINISTRATIVE AFFAIRS RESOLUTION AA58/11-08-2022
WHEREAS, The Van Buren County Board of Commissioners previously adopted a Resolution of Intent to authorize the establishment of a property assessed clean energy program ("PACE Program") and create a PACE district pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purpose of promoting the use of

renewable energy systems and energy efficiency improvements by owners of certain real property; and

WHEREAS, The Van Buren County Board of Commissioners finds that financing energy 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 energy projects, either energy efficiency improvements or renewable energy systems, that may 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 (includes a biomass stove but does not include an incinerator or digester); solar and solar thermal energy; wind energy; geothermal end methane gas captured from a landfill; and

WHEREAS, The Van Buren County Board of Commissioners conducted a public hearing on October 11, 2022, in the Board of Commissioners Chambers at 219 East Paw Paw Street, Paw Paw, MI 49079 to receive comments on the proposed PACE Program, including the Report referenced in Section 9(1) of Act 270 (the "PACE Report"); and

WHEREAS, The Van Buren County Board of Commissioners intends to establish a PACE Program as described in the PACE Report. The Pace Program's goal is to provide a property owner a method of financing and funds for energy projects from owner-arranged financing from a commercial lender. The funds and financing shall be secured and repaid by assessments on the benefitted property, with the contractual understanding that no County monies, general County taxes, or County credit of any kind shall be pledged, committed, or used in connection with any project as required by, and subject to Act 270.

NOW, THEREFORE BE IT RESOLVED,

1. The PACE Program for the County is established and approved.
2. The PACE district, having the same boundaries as the County's jurisdictional boundaries, is established.
3. The PACE Program constitutes 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.
4. The PACE Report is incorporated herein in full, by reference, and is approved and adopted.
5. Market Van Buren is designated as PACE administrator to administer the PACE Program, which includes the following responsibilities:
 - a. Ensuring that PACE projects meet eligibility requirements set forth in Michigan's Property Assessed Clean Energy Act;
 - b. Coordination of the PACE Program application process;
 - c. Organization of necessary public hearings; and
 - d. Presentation of proposed projects to designated County boards for review.

6. In accordance with the PACE Report, amendments to the PACE Program shall not require a public hearing.
7. In accordance with Act 270, an assessment imposed under the PACE Program, including any interest on the assessment and any penalty, shall constitute a lien against the property on which the assessment is imposed until the assessment, including any interest or penalty, is paid in full. The lien runs with the property and has the same priority and status as other property tax and assessment liens. The County has all rights in the case of delinquency in the payment of an assessment as it does with respect to delinquent property taxes. When the assessment, including any interest and penalty, is paid, the lien shall be removed from the property. The County Treasurer is authorized and directed to execute and deliver any special assessment agreement, document or certificate necessary or appropriate to create, establish and record an assessment under the PACE Program.
8. In accordance with Act 270, installments of assessments due under the PACE Program may be included in each summer and winter tax bill issued under the General Property Tax Act, 1893 PA 206, MCL 211.1 to 211.155 ("Act 206"), and may be collected at the same time and in the same manner as taxes collected under Act 206. The record owner shall pay the commercial lender directly for installments of assessments due under the PACE Program.
9. The County may join with any other local unit of government, or with any person, or with any number or combination thereof, by contract or otherwise as may be permitted by law, for the implementation of the County's PACE Program, in whole or in part, and the County Treasurer is authorized to execute and deliver such documents, agreements, or certificates as may be necessary or advisable to permit the cooperative implementation of the PACE Program as provided by Act 270 or other applicable law.
10. The County Treasurer is authorized to sign necessary documents, agreements, or certificates, and to take all other actions necessary or convenient to implement a PACE Program consistent with the PACE Report.
11. That all resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.

Motion by Donald Hanson, Second by Mike Chappell, Carried

B. Opioid Settlement Authorized Official / Point of Contact

ADMINISTRATIVE AFFAIRS RESOLUTION AA59/11-08-2022

WHEREAS, the request is for approval to name Ryan Post the authorized official / point of contact for the National Opioid Settlement, and;

WHEREAS, Commissioner Godfrey received an email from the National Opioid Settlement asking Van Buren County to create a portal account and complete the Payment Election Forms and Form W-9, and;

WHEREAS, the recommendation is to name the County Administrator the authorized official to complete and monitor the process and report back to the board as needed.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approve naming Ryan Post the authorized official / point of contact for the National Opioid Settlement.

Motion by Gail Patterson-Gladney, Second by Kurt Doroh, Carried

9. Finance

A. ****Drain and Lake Level Special Assessment Rolls for 2022 Tax Rolls & Annual Report**

FINANCE RESOLUTION F50/11-08-2022

WHEREAS, the Drain and Lake Level Special Assessment Rolls for the year 2022 are dated, signed, and filed in the office of the County Clerk by the Van Buren County Drain Commissioner, and;

WHEREAS, the total for the Drain and Lake Level Special Assessment Rolls is \$650,263.26 representing drain and lake level projects and maintenance work performed, and;

WHEREAS, these Drains and Lake Level Special Assessment Rolls are to be spread on the various tax rolls of the appropriate townships, cities, villages in Van Buren County (see attached breakdown and detail).

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners hereby moves to accept the 2022 Drain and Lake Level Special Assessment Rolls totaling \$650,263.26 and authorizes the spread of the project special assessments to the various municipalities involved.

Motion by Donald Hanson, Second by Mike Chappell, Carried

B. ****AED (Automated External Defibrillators) Purchase**

FINANCE RESOLUTION F51/11-08-2022

WHEREAS, the request is for approval to purchase 30 AED's from Stryker in the amount of \$60,945.00, and;

WHEREAS, the current AED that are within the Sheriff's Office are over 10 years old and outdated. They can no longer be serviced. We are seeking approval to purchase 30 AED's for the patrol cars and the Sheriff's Office, and;

WHEREAS, the Sheriff's Office was able to budget this initial purchase from Public Safety Funds.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approve the purchase of AED's for the sheriff's office in the amount of \$60,945.00, to be paid out of public safety funds.

Motion by Donald Hanson, Second by Mike Chappell, Carried

C. ****Investment Software**

FINANCE RESOLUTION F52/11-08-2022

WHEREAS, the request is for of the investment software through Emphasys Computer Solutions, Inc, and;

WHEREAS, SymPro is an investment software created for local governments and utilized a number of Michigan units including Kalamazoo County, City of Portage, Washtenaw County, and Bay County. The software tracks the purchase of investments, coupon rates, call dates, etc. It generates reports to assist in cashflow projection, monthly reporting to the board, and auditor requested reports, and;

WHEREAS, the funding for this software can be offset by the interest earned on the county's investment portfolio. This is similar to when a financial advisor charges a fee for managing a portfolio, it is simply deducted from the interest earned.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners authorize the Treasurer to enter into the agreement with Emphasys Software.

Motion by Donald Hanson, Second by Mike Chappell, Carried

D. **Purchase of the Kelly Page Law Office Building**

FINANCE RESOLUTION F53/11-08-2022

WHEREAS, the request is for authorization for the County Administrator to negotiate the purchase of the Kelly Page Law Offices, located at 203 S. Niles Street, Paw Paw, MI, and;

WHEREAS, the Law Office building is located at 203 S. Niles Street, Paw Paw, directly across Niles Street from the Courthouse parking lot. It is approximately 3000 square feet and has been appraised for \$250,000 to \$350,000, with a recommended list price of \$299,000 by Appraisal One, the appraisal company hired by Kelly Page. Kelly and Linda Page have offered to sell the building to the county for \$195,000. The sale includes furniture and cabinets, and;

WHEREAS, the building has approximately 8 parking spaces behind the building with a back door and a front door. The FOC plan is to make the back door, off the parking lot, the main entrance for the public, with a large waiting area inside that door. The front door would become the entrance for staff, creating a more secure environment. The directors from B&G and IT have viewed the building and estimate a combined cost of \$40,000 or less for technical and building upgrades.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners authorize the County Administrator to negotiate the purchase of the Kelly Page Law Office building.

Motion by Paul Schincariol, Second by Gail Patterson-Gladney, Carried

10. Labor, Negotiations, and Contracts

A. Salary Exception for Finance Director Position

LABOR RESOLUTION L25/11-08-2022

WHEREAS, the Finance Department has had a vacancy due to the recent appointment of Ryan Post to County Administrator. A qualified candidate was interviewed and offered the position, and;

WHEREAS, a salary exception is being requested due to the years of relevant budgeting and auditing experience the candidate brings, and;

WHEREAS, the request is to place the employee at the 2-year level of the Unified Pay Scale, Range 35D, at \$92,229.93, and;

WHEREAS, the proposed start date for this position is November 28, 2022.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners approves the salary exception for the Finance Director position at the 2-year level of the Unified Pay Scale 35D, \$92,229.93 per year.

Motion by Richard Godfrey, Second by Gail Patterson-Gladney, Carried

11. Public Comment

12. Board Correspondence

13. Closed Session

A. NCG Litigation

Motion to enter into Executive Session under Section 8e of the Open Meetings Act to discuss litigation involving New Covert Generating.

Roll Call Vote: All Yes

Motion by Gail Patterson-Gladney, Second by Mike Chappell, Carried

Board went into closed session at 3:16 p.m.

Board returned from closed session at 4:16 p.m.

14. **Adjournment**

The meeting was adjourned at 04:17 PM.

Randall Peat, Chairperson

Beth Saidla, Chief Deputy Clerk