

BRANCH COUNTY BOARD OF COMMISSIONERS
APRIL SESSION (SECOND DAY)
April 28, 2020

1/ The Board of Commissioners of the County of Branch met, pursuant to adjournment, on Tuesday, April 28, 2020.

Chairman Gordon called the meeting to order at 4:00 pm via video conference call.

Present: Commissioners Ted Gordon, Tom Matthew, Leonard Kolcz, Randall Hazelbaker, and Terri Norris via video conference call.

County Clerk Teresa Kubasiak and Administrator Bud Norman were present in the Boardroom at the Courthouse.

Commissioner Matthew led the Board in the Pledge of Allegiance.

Commissioner Norris added an item to the P3 area of the agenda.

2/ Motion by Commissioner Norris, seconded by Commissioner Kolcz, to approve the agenda, as amended.

Upon roll call vote the results were as follows:

Yes – Norris, Matthew, Hazelbaker, Kolcz, Gordon – 5

No – 0

MOTION CARRIED

3/ Motion by Commissioner Hazelbaker, seconded by Commissioner Matthew, to approve the minutes of the April 14, 2020 Board meeting.

Upon roll call vote the results were as follows:

Yes – Norris, Matthew, Hazelbaker, Kolcz, Gordon – 5

No – 0

MOTION CARRIED

Public Comment:

Several representatives from the Michigan Public Safety Communication System (MPSCS) spoke about the 911 radio communication contract that is being considered. The MPSCS favors the Motorola system, which all but 9 Michigan counties use. They wanted the opportunity to discuss options available to Branch County before a decision was made on a radio system. Members of the 911 Board spoke regarding the selection process and the discussions that took place, which MPSCS was a part of. The cost difference between J & K/Kenwood and Motorola was also discussed. It was noted that grant money may be lost if the selection process was to start over.

4/ Motion by Commissioner Norris, seconded by Commissioner Kolcz, to extend the closure of all County buildings through May 15, 2020.

Upon roll call vote the results were as follows:

Yes – Norris, Matthew, Hazelbaker, Kolcz, Gordon – 5

No – 0

MOTION CARRIED

Consent Agenda:

approve the Bills and Accounts in the amount of \$229,865.29.

approve the line item transfer for 911 of \$55,000 from Capital Outlay to Radio Repair and maintenance.

5/ Motion by Commissioner Hazelbaker, seconded by Commissioner Norris, that authorization is given to approve the following items by Consent Agenda: Bills & Accounts, Line item transfer-911

Upon roll call vote the results were as follows:

Yes – Norris, Matthew, Hazelbaker, Kolcz, Gordon – 5

No – 0

MOTION CARRIED

6/ Motion by Commissioner Hazelbaker, seconded by Commissioner Kolcz, to approve the resolution from the Commission on Aging authorizing a millage renewal proposal to be put on the August Primary ballot.

2020-03

RESOLUTION AUTHORIZING MILLAGE ELECTION FOR BRANCH COUNTY COMMISSION ON AGING MILLAGE RENEWAL PROPOSAL AND CERTIFYING BALLOT LANGUAGE

WHEREAS, Act 39 of the Public Acts of 1976 expressly authorizes the Board of Commissioners for the County of Branch to appropriate funds to organizations for the purpose of providing activities and services to older persons, being individuals fifty (50) years of age or older; and

WHEREAS, the Board of Commissioners for the County of Branch has appropriated funds for the purposes of funding the building debt retirement, renovation, equipping, furnishing and operating a senior center for the Branch County Commission on Aging, which provides activities and services to older persons; and

WHEREAS, the voters of Branch County supported a 0.25 mill special tax in 2010 to fund the senior center within Branch County, which millage has been reduced to 0.2424 of one (1) mill pursuant to the legally required millage rollbacks, with this 2010 millage approval providing authorization through the 2020 tax levy, and continued levy of this tax after 2020 requires voter re-authorization; and

WHEREAS, the Board of Commissioners for the County of Branch seeks to have the voters of said County determine whether or not they desire to continue to raise funds for the purpose of funding the senior center by an ad valorem property tax levy of up to the same millage approved in 2010, as rolled back, being at the rate 0.2424 of one (1) mill for a period of ten (10) years, 2021 through 2030, inclusive.

NOW, THEREFORE, BE IT RESOLVED that the following proposal be submitted to the qualified voters of the County of Branch at the next State Primary Election to be held in said County on Tuesday, August 4, 2020:

**COMMISSION ON AGING
MILLAGE RENEWAL PROPOSAL**

For the purpose of renewing funding for building debt retirement, renovation, equipping, furnishing and operating a senior center for the Branch County Commission on Aging at the rolled back millage level previously approved by the voters in 2010, shall the constitutional limitation upon the total amount of taxes which may be assessed in one (1) year upon all property within the County of Branch, Michigan, be renewed at the previously voted total limitation of 0.2424 of one (1) mill, (\$0.2424 per \$1,000 of taxable value), for a period of ten (10) years (2021-2030) inclusive.

If approved and levied in full, this millage will raise an estimated \$360,176.00 for the Branch County Commission on Aging senior center in the first calendar year of the levy based on taxable value.

BE IT FURTHER RESOLVED that this question is hereby certified to the County Clerk.

BE IT FURTHER RESOLVED that all Public Officials of the County of Branch, State of Michigan, and all Governmental units thereof, within such time as shall be required by law, are directed to perform all acts which shall be necessary to be performed in order to submit the above stated proposition to the duly qualified voters of the County at the State Primary Election to be held in the County on Tuesday, August 4, 2020.

Upon roll call vote the results were as follows:

Yes – Norris, Matthew, Hazelbaker, Kolcz, Gordon – 5

No – 0

MOTION CARRIED

7/ Motion by Commissioner Hazelbaker, seconded by Commissioner Norris, to approve the increase of up to \$50,000 to the ADC Telecom contract for the 800mhz radio system for 911, changing the amount from \$157,000 to not to exceed \$207,000.

Upon roll call vote the results were as follows:

Yes – Norris, Matthew, Hazelbaker, Kolcz, Gordon – 5

No – 0

MOTION CARRIED

8/ Motion by Commissioner Hazelbaker, seconded by Commissioner Kolcz, to accept the recommendation by the 911 Board to use J & K Communications/Kenwood as the vendor for the radio system, depending on funding, with all five towers to be located in Branch County.

Upon roll call vote the results were as follows:

Yes –Hazelbaker, Kolcz, Gordon – 3

No – Norris, Matthew -2

MOTION CARRIED

9/ At the work meeting held on April 23, 2020, the following resolution was passed.

2020-02
RESOLUTION AMENDING THE RESOLUTION
AUTHORIZING THE BRANCH COUNTY
BUILDING AUTHORITY TO FINANCE A PROJECT FOR A
NEW BRANCH COUNTY JAIL

WHEREAS, On June 7, 2016 the Board of Commissioners (the "Board") of the County of Branch, Michigan (the "County"), preliminary documents describing the project to finance the construction of a new Branch County Jail (the "Project"), all as more fully described in EXHIBIT A to the Lease Contract (as hereinafter defined), and a proposed Lease Contract between the County and the Branch County Building

Authority (the "Authority") dated as of August 1, 2016 (the "Lease Contract"), pursuant to which the Authority will construct, furnish and equip the Project as contemplated by the terms of Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"), and lease the Project to the County for a term not to exceed 50 years as permitted by Act 31; and

WHEREAS, The Branch County Building Authority approved a revised Lease Contract on June 11, 2019 which reduced the maximum amount of the Project to \$26,000,000 and approved a revised form of Lease Contract pursuant to Act 31; and

WHEREAS, there has been prepared and attached hereto as APPENDIX I a revised form of Lease Contract with the Branch County Building Authority " (the "Lease Contract").

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF BRANCH, MICHIGAN, as follows.

1. The Lease Contract in the form of APPENDIX A attached hereto is hereby approved and the Chairperson of the Board of Commissioners and the County Clerk are hereby authorized and directed to execute and deliver the same for and on behalf of the County.

2. This Board of Commissioners, for and on behalf of the County of Branch, hereby covenants and agrees, for the benefit of the beneficial owners of the Bonds to be issued by the Branch County Building Authority, to enter into a written undertaking (the "Undertaking") required by Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be substantially in the form attached hereto as Appendix B. The Undertaking shall be enforceable by the beneficial owners of the Bonds or by the Underwriter on behalf of such beneficial owners (provided that the Underwriter's right to enforce the provisions of the Undertaking shall be limited to a right to obtain specific enforcement of the County's obligations hereunder and under the Undertaking),

and any failure by the County to comply with the provisions of the Undertaking shall not be deemed a default with respect to the Bonds.

The County Treasurer, or Clerk shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the terms of the County's Undertaking.

3. The Disclosure Certificate attached as Appendix B is hereby approved as is the execution thereof by the designated officials.

4. The Chief Administrative Officer of the County, if necessary, is authorized to apply to the State of Michigan, Department of Treasury ("Treasury") for approval to issue the bonds, to pay the related fee, and to execute and deliver such other documents as may be requested by the Treasury.

5. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

6. This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the County as soon as practicable after adoption.

Upon roll call vote the results were as follows:

Yes – Norris, Kolcz, Matthew, Hazelbaker, Gordon – 5

No- 0

MOTION CARRIED

10/ Motion by Commissioner Hazelbaker, seconded by Commissioner Norris, to adjourn at 5:12 pm.

Upon roll call vote the results were as follows:

Yes – Norris, Matthew, Hazelbaker, Kolcz, Gordon – 5

No – 0

MOTION CARRIED

Chairman

Clerk