

MONTCALM COUNTY BOARD OF COMMISSIONERS  
Budget Work Session  
Wednesday, July 19, 2023  
1:00 PM

The regular meeting was called to order by Vice-Chairman Petersen at 1:00 p.m.

Members present at roll call: Commissioners Baker, Johnston, Petersen, Mahar, Carr and Kohn.  
Members absent at roll call: Commissioner Painter.

Commissioner Painter entered the meeting at 1:02 p.m.

Others present: Kristen Millard, Brenda Taeter, Michelle Becker, Andrea Krause, Matt Neve, Ryan Villet, Mike Williams, Andy Powell and Elisabeth Waldon.

Public comments were offered. None were given.

The purpose of the meeting was to continue the FY2024 Budget Discussion.

Brenda Taeter, Controller/Administrator, explained that at the request of Commissioner Kohn she went through all of the tentative yeses from the last budget workshop and there is currently a surplus of \$43,565. She also explained the documents that are on the commissioner's desks regarding the requests before the Board today.

Andrea Krause, Prosecuting Attorney; Ryan Villet, Chief Assistant Prosecutor; and Matt Neve, Indigent Defense were in attendance to present their requests to the Board.

Mr. Neve started the discussion and explained the MIDC recommendations and the need for parity. He explained that prosecution and the defense need to be on equal playing field and there needs to be parity.

Commissioner Petersen explained that Commissioners granting \$30,000 increases to employees will not go over well with constituents. Commissioner Kohn agreed and stated that he does not feel that parity is needed.

Mr. Neve explained that he is the only attorney in the Indigent Defense office, and he handles cases from the lowest misdemeanors to the highest felonies.

Ryan Villet, Chief Assistance Prosecuting Attorney, explained the premise that the MIDC was built on. As part of his explanation, he explained that Mecosta County can't fill any of their ADA positions and the elected Prosecutor is the only attorney in the office.

Indigent Defense has \$1,000,000 to cover the costs of defending. He stated that a Court Appointed attorney can make over \$100,000 working 15 hours a week on court appointed cases. How can the Prosecutor compete with that?

Mr. Neve explained that \$65 per hour is the overhead cost of public defenders. At \$135 per hour, that leaves \$70 per hour as profit and that equates to \$140,000 annually. There are currently 9 qualified attorney's that can be assigned to cover indigent defense. If there aren't increases in wages, the attorney's assigned to these cases make more than the department heads.

Prosecutor Krause explained that the pool to select Assistant Prosecutors from is not what it used to be. There aren't as many local attorneys to draw from, therefore the wage needs to be high enough to entice people to come to Montcalm County to apply.

Prosecutor Krause addressed the Board and stated that she doesn't feel like she will be in a position where anyone would need to be laid off, because she doesn't think anyone will be left in the office. She has not had one applicant for the open Assistant Prosecuting Attorney position and if she has two more APA's leave then it will be just her and Mr. Villet covering 500 felony cases, all misdemeanors, and juvenile abuse and neglect.

Commissioner Baker stated that he wonders if the constituents in this county are being properly served since there are not enough prosecutors to handle the case load.

Commissioner Mahar stated he feels both sides have done a good job presenting their justification for an increase. He stated that the prosecution feels like they are outgunned by the defense, and this could affect the safety of our county. He stated that there is a problem here, given that the State created Indigent Defense and increased the pay to court appointed attorneys, which has created a shortage of people willing to work in the prosecutors office.

Chairman Carr stated that he agrees with Commissioner Baker and he feels this has do with the health and safety of the constituents. He just isn't sure that money is the answer to make sure that all of the spots get filled. He pointed out that Indigent Defense doesn't represent every single defendant. Mr. Neve stated that 5-10% of defendants hire their own attorney. He feels the argument for some kind of parity needs to be addressed.

Chairman Carr did address how long it takes for the Prosecutors Office to charge cases. Mr. Villet stated that the office has been restructured and new technology has assisted in having cases reviewed within 14 days. Complaints are electronic now so there isn't anything laying on anyone's desk anymore. Prosecutor Krause explained that she can go into all of her employees' referrals now to see what is pending and how long it took for charges to be issued.

Commissioner Petersen asked if all of the problems will be solved if everyone gets a raise. Prosecutor Krause stated that wage increases will make the office competitive. Mr. Neve stated they are not going to be here forever, so the position needs to be paid what would make the positions competitive in the future.

The consensus of the Board was to take a week to digest the information they were given today.

Commissioner Petersen stated that he is not a fan of people walking in and saying what they want to be paid. He thinks there needs to some sort of rebuttal and have each commissioner come back with alternatives before the next meeting.

At 2:17 p.m. Sheriff Mike Williams and Jail Administrator, Andy Powell, were in attendance.

Sheriff Williams stated that he now has 10 open deputy positions. He stated that recruitment and retention has been a big problem. He is proposing a 14% increase for deputies, which gets the Sheriff deputies to where the City of Greenville is for their officers. Carson City PD is higher than the County, as is Fremont PD.

Sheriff Williams stated that this is not a union request. This is his request to bring the wage to where it is competitive. He stated that he understands the board's difficulty with the budget process. There is a fund balance in the millage fund, which is a symptom of the Sheriff not being able to fill those positions.

He stated that he is proposing only levying .85 of the millage instead of the full mill so that some of the fund balance can be spent down.

Commissioner Kohn asked if he would be willing to trade the 14% increase to get rid of the Defined Benefit Plan. He stated that Brenda Taeter has informed the board how expensive the Defined Benefit Plan is in comparison to the Defined Contribution Plan. Sheriff Williams stated that getting rid of any benefits that could attract candidates is never a good idea. That portion of the contribution is never going to go away. Sheriff Williams stated that the union would have to be involved in the negotiations and he feels that the pension is a good recruitment tool.

Commissioner Petersen asked if Sheriff Williams would consider this pay raise be considered law enforcement. Sheriff Williams stated that he feels that Commissioner Petersen tries to purposely muddy the waters. He stated that the voters have passed the millage and stated that they want officers on the road. His goal is to have 24-hour road patrol.

Commissioner Mahar asked if the Sheriff's approved positions are budgeted. Brenda Taeter, Controller/Administrator, stated that no, she is currently not budgeting for these positions. She is budgeting for the positions currently filled.

Commissioner Petersen stated that he feels like the board has their nose out over their skis. He personally feels that the county is at an unsustainable level using \$200,000 out of fund balance and \$200,000 out of interest income. He questioned if \$43,000 is really a surplus when \$400,000 of revenue is plowed into the budget.

Sheriff Williams stated that he had taken the budget provided by Brenda and calculated the 14% suggested increase.

Chairman Carr expressed concern that there is collective bargaining and all of the effort that goes into union negotiations, and what may happen when the board just changes the wages outside of the contract. Sheriff Williams stated that they would need to sign a Letter of Agreement with the unions. Sheriff Williams stated that he wants to fill his positions and wants to be competitive and increasing the wages is the only way to make this happen.

Commissioner Petersen asked why the law enforcement millage money can't be used for this increase. Sheriff Williams stated that constituents want deputies on the road, therefore he is willing to pull the wage increase from the millage to make this happen. Sheriff Williams invited Commissioner Petersen to meet to discuss the use of the millage funds. Commissioner Petersen stated that he knows how those meetings go and declined.

At 2:53 p.m. Jail Administrator, Andy Powell, presented the Board with the statistics the Board requested from last week. There are 254 individuals incarcerated with felonies this year and 40% of the those are on psychiatric medications. Mental Health has between 150-160 events annually where inmates are stating that they are going to hurt themselves so individuals from the Montcalm Center have had to come into the jail. This is just Mental Health visits, this does not include detox events.

Mr. Powell stated that he is asking for 2 more staff. He encouraged the Board members to come in to tour the jail so they can see for themselves why more staff is needed. The east end cannot be used continuously.

Discussion took place regarding how the 2 new corrections officers would be funded and whether or not they could come from the Law Enforcement Millage. Chairman Carr stated that the ballot language allows that money to be used for anything law enforcement and everything could be solved if the Board

and the Sheriff could just get on the same page. He stated that things have changed since the millage was sold to the voters. He stated that if the board doesn't get solidified on what the millage could be used for then he isn't sure what the temperature of the board would be to approve the language to go back on the ballot.

Sheriff Williams stated that a lot of things could be ironed out if Commissioners would meet with him one on one. Chairman Carr stated that he is not willing to meet as he has done so in the past and is not going down that road. He stated that the Law Enforcement Millage is a Board of Commissioners millage and the Sheriff represented it to the voters differently than the commissioners may have. The Commissioners have the control over how the money is spent.

Sheriff Williams stated that he has been incredibly consistent with how the millage funds have been used. He too would like to get to where everyone is on the same page, but that is difficult when board members refuse to meet with him.

Andy Powell also requested being put in the defined benefit pension plan. He stated that other Jail Administrators get what their employees have, and the COAM and POAM both have the DB plan. Mr. Powell stated that he hasn't taken the family insurance which is a huge savings as well. Ms. Taeter stated that she has a meeting on August 2<sup>nd</sup> to explore this request. Commissioner Mahar asked Ms. Taeter why they counties used in the comparable provided to the board were chosen. Ms. Taeter stated that she chose the counties in which she knows the administrators.

Public comments were offered. None were given.

Moved by Commissioner Johnston, supported by Commissioner Kohn to adjourn at 3:18 p.m. Motion carried.

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Kristen Millard, County Clerk

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Adam Petersen, Vice-Chairman