

**THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN** respectfully recommends the adoption of the following:

**RESOLUTION**

**WHEREAS**, on March 12, 1976, the Legislature enacted 1976 PA 39, MCL 400.571 *et seq.* (Act 39) authorizing a local unit of government, including the County, to “appropriate funds to public or private nonprofit corporations or organizations for the purposes of planning, coordinating, evaluating, and providing services to older persons; and

**WHEREAS**, since 1988, the Berrien County Board of Commissioners has put a millage proposition before voters for .30 mill for services to older citizens in accordance with MCL 400.576; and

**WHEREAS**, in conjunction with the grant of authority to the County, Act 39 imposes obligations on the County with regard to appropriations made pursuant to Act 39, including a mandate to specify the terms of the appropriations [MCL 400.575] which shall be a matter of public record and shall be entered into the journal of the official proceedings of the Board [MCL 400.574]; and

**WHEREAS**, since 2002, the Berrien County Board of Commissioners has instituted terms of appropriation (some in the form of guidelines) for the seven Senior Centers located in Berrien County for the purposes of planning, coordinating, evaluating, and providing services to older persons; and

**WHEREAS**, since 2002, the Berrien County Board of Commissioners has approved guidelines and terms of appropriations via resolutions F0209148, B1511264, B1611306, B1712335, and B1812310 and deems it appropriate to compile all of those in one resolution as follows:

Each Senior Center shall:

1. Be incorporated under the Michigan Non-Profit Corporation Act, as a membership corporation.(F0209148)
2. Hold meetings of the Board of Directors and membership conducted in public, in accordance with the Michigan Open Meetings Act. If the center facilities are not large enough to accommodate the number of people attending meetings, other facilities must be arranged for which will comfortably accommodate the people attending. (F0209148)
3. Have By-Laws which provide for the election of directors at a meeting of the membership conducted by secret written ballot, if requested by any member present at the meeting. (F0209148)
4. Have Articles of Incorporation that provides for the election of all directors with the election of at least one third of the directors at each annual meeting of the members of the center. Directors shall be residents of Berrien County. (F0209148)
5. Have Articles of Incorporation that provides for exemption from liability for money damages for all volunteer directors, as provided in the Michigan Non-Profit Corporation Act.(F0209148)
6. Purchase and maintain director and officer liability insurance, unless the cost for such insurance is prohibitive. (F0209148)
7. Provide full access by the County of Berrien or its designees to the books and financial records, including financial statements, banking records and checking account records (F0209148)

8. Assure that the business and affairs of the center are managed by and under the direction of a Board of Directors elected by the members at a special or annual meeting of the members. (B1511264) (B1611306) Within 30 days of the election, the senior center will provide the County Board of Commissioners the results of the election to include how it was advertised to the membership, how membership for purposes of voting was determined, and the manner in which nominations were accepted from the membership. (B1712335)
9. Institute a fiscal year that begins with October 1 and ends September 30 (B1511264)
10. Provide the audit firm designated by the County Board of Commissioners with access and assistance to conduct a thorough audit in a timely manner during normal business hours. (B1511264) to include providing audit information by the due date of the engagement letter.
11. Annually by July 31, provide a written plan briefly summarizing the proposed activities and services to be offered in the upcoming fiscal year to the older persons it serves. (B1511264) (B1611306) (B1712335)
12. Annually by December 3, provide a report briefly summarizing the fulfillment of its plan, if there was one, during its prior fiscal year including the number of older persons served in every major service component identifying both the gross number of participants and the number of unique individuals served. (B1511264)(B1611306)(B1712335)
13. Provide equivalent transportation services to individuals with disabilities, including individuals who use wheelchairs, as it does to individuals without disabilities, if it provides transportation services. (B1511264)
14. Annually by October 1, provide a copy of the centers approved upcoming budget. (B1712335)
15. Each Senior Center will attest in writing, signed by the Senior Center director and Board President, to the Berrien County Administration Office prior to October 1 that it has met the guidelines/Terms of Appropriation that had been previously approved (identified above).
16. Provide that the County Board of Commissioners shall receive an unmodified (formerly referred to as an “unqualified” audit) from the audit firm designated by the County Board of Commissioners for that senior center by April 1, unless the delay is determined by the Board of Commissioners to be of no fault of the senior center. The County Board may withhold all or a portion of the following year’s appropriation or any unpaid portion of any preceding appropriation until it is satisfied that corrective action has been taken. (B1712335)
17. That all audit accounting adjustments identified by the auditor will be completed prior to April 1, six months after the fiscal year ending date. (B1812310)
18. That a corrective action plan for material weakness and ineffective internal controls identified during the audit be submitted to the Board of Commissioners prior to June 1 and implemented prior to July 1, nine months after the fiscal year ending date. (B1812310)
19. The Center will continue to utilize the standard Chart of Accounts implemented in 2019. This Chart of Accounts is subject to amendment by the Financial Services Department after no less than six months of notice to each Center. (B1812310)

**WHEREAS**, in accordance with MCL 400.576 the County Board of Commissioners submitted a millage proposition of .30 mill for services to older citizens to the electorate on August 4, 2020, and it was approved for the years 2021 through 2024.

**WHEREAS**, the estimated 2021 - 2022 (Tax Year 2021) Senior Citizens Millage was appropriated in the amount of \$369,988 per senior center.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that provided these Terms of Appropriation are met for the period October 1, 2022 to September 30, 2023, the following organizations are eligible to receive funds for the purpose of planning, coordinating, evaluating, and providing services to older persons:

Benton Harbor/Benton Twp. Senior Services	225 Colfax, Benton Harbor, MI 49022
Buchanan Area Senior Services	810 Rynearson Rd, Buchanan, MI 49107
Central County Senior Center	4083 Shawnee Rd., Berrien Springs, MI 49103
Greater Niles Senior Center	1109 Bell Rd., Niles, MI 49120
North Berrien Senior Center	6648 Ryno Rd., Coloma, MI 49038
River Valley Senior Center	13321 Red Arrow Hwy., Harbert, MI 49115
St. Joseph/Lincoln Senior Center	3271 Lincoln Ave., St. Joseph, MI 49085

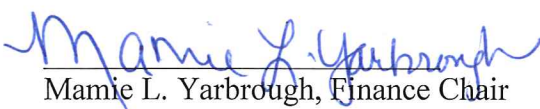
**BE IT FURTHER RESOLVED** that at any time following the approval of this resolution, should the Financial Services Department determine that a Center is at risk of not being in compliance with these Terms of Appropriation, and if the amount of Senior Center Millage collected for Tax Year 2021 exceeds the amount appropriated by resolution of the Board of Commissioners, the Financial Services Department may retain this excess amount and will release these funds only when these Terms of Appropriation have been met.

**BE IT FURTHER RESOLVED** that upon a determination of the County Board that any Senior Center failed to follow the Terms of Appropriations described herein, the Berrien County Financial Services Department will withhold the unpaid portion of any preceding appropriation until the County is satisfied that all Terms of Appropriation are met.


**BE IT FURTHER RESOLVED** that in order to be eligible to receive a full appropriation for the period October 1, 2022 to September 30, 2023, each of the above organizations will fulfill the Terms of Appropriations approved by this County Board of Commissioners as described herein.

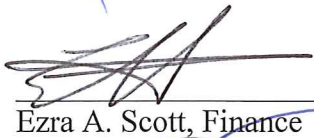
**BE IT FINALLY RESOLVED** that the terms of this appropriation shall be published in a newspaper of general circulation within 10 days following approval by the Board in accordance with MCL 400.574(2).

**Respectfully submitted,  
Berrien County Board of Commissioners:**

  
Mamie L. Yarbrough, Finance Chair

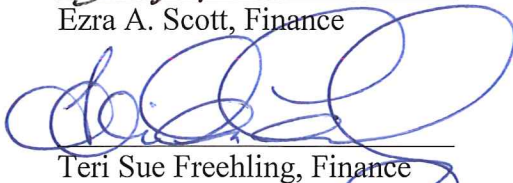
  
R. McKinley Elliott, Chair

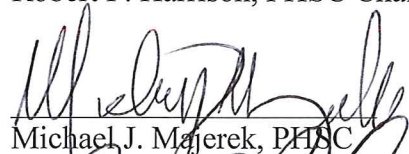
  
Jim Curran, Admin Chair

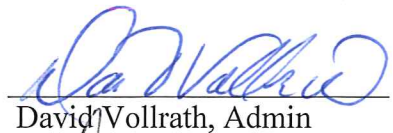
  
Ezra A. Scott, Finance

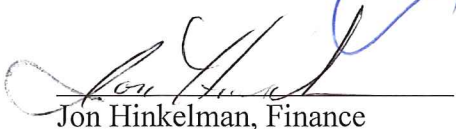
  
Robert P. Harrison, PHSC Chair

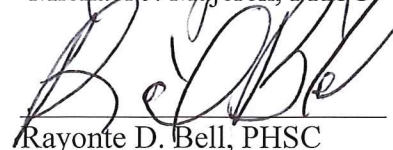
  
Julie Wuerfel, Admin

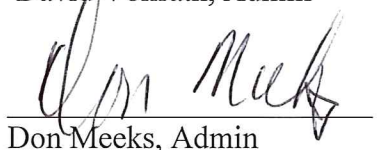
  
Teri Sue Freehling, Finance

  
Michael J. Majerek, PHSC


  
David Vollrath, Admin

  
Jon Hinkelman, Finance

  
Rayonte D. Bell, PHSC

  
Don Meeks, Admin

**B2202194 dated 2/3/2022**

RESOLUTION APPROVED AS TO FORM	
Administrative 	Date 1-26-22
Comments Attached 	1/26/22