



STATE OF INDIANA
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 GOVERNOR

INDIANA-MICHIGAN BOUNDARY LINE COMMISSION

JOHN R. McNAMARA, P.E., P.S., CHAIR
 DAVID W. MOSTROM, P.S., VICE CHAIR

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BRAD CRAMER, P.S., ELKHART COUNTY
 REX PRANGER, P.S., LAGRANGE COUNTY
 ANTHONY HENDRICKS, P.S., LAPORTE COUNTY
 JOHN R. McNAMARA, P.E., P.S., ST. JOSEPH COUNTY
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 MIKE LODZINSKI, P.S., HILLSDALE COUNTY
 DAVID W. MOSTROM, P.S., ST. JOSEPH COUNTY



STATE OF MICHIGAN
 RICK SNYDER
 GOVERNOR

MEETING MINUTES

MAY 12, 2015
 11:00 A.M.

COUNTY COMMISSIONERS MEETING ROOM
 227 WEST JEFFERSON BLVD., 7TH FLOOR COUNTY CITY BUILDING
 SOUTH BEND, IN 46601

MEMBERS PRESENT

John McNamara, Chair, IN Commissioner
 David Mostrom, Vice Chair, MI Commissioner
 Anthony Hendricks, IN Commissioner
 John Kamer, MI Commissioner
 Chris Marbach, MI Commissioner
 Rex Pranger, IN Commissioner

MEMBERS ABSENT

Brad Cramer, IN Commissioner
 Michael Ruff, IN Commissioner
 Edward Reed, MI Commissioner
 Michael Lodzinski, MI Commissioner

STATE OF MICHIGAN PERSONNEL ATTENDING

Mr. Chris Beland, Director, Office of Land Survey and Remonumentation
 Mrs. Angela Sanderson, Secretary, Office of Land Survey and Remonumentation

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson John McNamara called the meeting to order at approximately 11:08 a.m. A quorum was determined present at that time.

Indiana-Michigan Boundary Line Commission

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2. APPROVAL OF AGENDA

A **MOTION** was made by Commissioner Marbach and seconded by Commissioner Hendricks to approve the agenda. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF MINUTES

A **MOTION** was made by Commissioner Marbach and seconded by Commissioner Pranger to approve the Minutes from the January 13, 2015 IN-MI Boundary Line Commission Meeting. **MOTION CARRIED UNANIMOUSLY.**

4. OLD BUSINESS

a. Status Update and Discussion

Mr. Christopher Beland, Director, Office of Land Survey and Remonumentation, reported that Michigan has not given a response to the Request for Proposal for this project moving forward, but he said it was communicated to him that when Indiana did their upcoming budget they did not appropriate any new funds for this project and that any funds already appropriated would revert back to their general fund. He said at this point in time, there is no funding for this project to move forward.

Commissioner Pranger asked if Michigan is still in the position that they would have to have 100% of the money before they can begin the project.

Mr. Beland answered yes; that Indiana did not set aside a specific sum of money and that beyond the \$200,000 originally appropriated they have not appropriated additional funds; and of the \$200,000 originally appropriated whatever has not been spent will revert to their general fund and the end of the fiscal year.

Commissioner Pranger asked if July 1st is that date when the money will go back to Indiana's general fund.

Mr. Beland answered saying that is correct.

Chairperson McNamara said that they should probably just adjourn, start a new committee, and start all over again.

Commissioner Pranger asked if Michigan really wants to do this project. He said he did not feel like they do.

Mr. Beland said there is uncertainty with the overall cost of the project, and what the outcomes may result in and how some of those outcomes, such as title issues, will be handled. These concerns and unanswered questions from a government prospective are causing individuals to be leery of moving forward with the project.

Chairperson McNamara inquired as to whether they can even come up with a Request for Proposal because the State of Michigan does not think they have enough money.

Mr. Beland answered yes; they (State of MI) will not support it unless the money is available.

Chairperson McNamara asked what would happen if they decide to send the RFP out even if we do not have the money.

Mr. Beland said he does not know how the Commission could do that because it would have to go through each state's procurement staff and they were not in support of putting it out. He said the draft RFP is a Commission document and is subject to FOIA. If people want it, they can request it and it will be provided to them.

Commissioner Hendricks asked if there is an end date to this Commission with or without money.

Mr. Beland said January 1, 2018 is the end date in Michigan; the Indiana end date is July 1, 2018.

Commissioner Hendricks asked if the County did its own request with its own funds, if it could still come to this board for approval.

Mr. Beland said that is a legal question that he can't answer; but that the laws state that this Commission will administer the survey and remonumentation of the lines and contract for services with the assistance of State agencies – not to say that something couldn't be gifted to the commission, but legally he's not sure how that would work.

Commissioner Hendricks asked if it is this board's responsibility to approve state line markers that then go to the legislatures for final approval.

Mr. Beland said he believes it is the end goal and charge of this commission to review the survey and monuments that delineate the line, but the legislature is looking for an entire project not just a certain amount of miles.

Mr. Beland said that it is the recommendation of his Department that the commission not continue to meet if there is no business to discuss. He said it is a legal question as to whether they can continue to meet to discuss any work the counties may be doing on their own.

Commissioner Marbach asked who is giving the political people the idea there could be an issue with title when the project is done.

Mr. Beland answered saying that information is in the meeting minutes.

Commissioner Pranger said that it is still just speculation, that they do not even know if there will be a title issue during the project.

Mr. Beland said that an option of doing a feasibility study for this project had previously been presented to the commission. That a study related to completing this project could bring to light what the possibilities are that title situations may arise, how to resolve them and what the associated costs might be. In addition, the study could have identified the political need, compliance requirements, overall costs, and the cost benefit of completing the project. He said there are no answers to these questions. He agreed that it is just speculation at this point that there could be title issues, but in the political environment, if there is a possibility of an issue, the Department does not want to move forward without ways to address issues should they arise.

Commissioner Marbach asked even if they had the money, would there be a guarantee that the project would happen then.

Mr. Beland said he does not know for sure. He said there are definitely questions and concerns about the project, but the money is the bigger issue.

Commissioner Hendricks asked if they go ahead and have some work approved in his county (LaPorte County) with their own funding and workout some "kinks and bugs", the legislature might be more receptive to finishing the whole project later having a better idea of what it would cost and what they are in for.

Chairperson McNamara said he feels it is wrong to stifle things so much so that they cannot move forward enough to even find out how much the project is going to cost.

Commissioner Marbach said his discussions with the Indiana lobbyists have been the same, they cannot ask for more money without knowing what the project is or the costs are.

Commissioner Hendricks asked if the commission could still go out with their Request for Proposal.

Mr. Beland said no.

Commissioner Hendricks asked if the current RFP states that any and all bids can be denied by the commission for any reason.

Mr. Beland said he is not sure. He said what he can tell them definitively at this point, is that his Department does not want to move a single thing forward on this project. As far as they are concerned, the money on Indiana's side is no longer available, so they do not want to move anything on their end either.

Commissioner Hendricks asked if outside of this board project, if they can move on in each county on our own. He said then they could bring those lines to the commission for approval and it would be on record that the commission has approved some lines and the rest are remaining to be approved with the entire project in both States.

Mr. Beland said if they want to work on something in their county with their county's resources, he was not aware of anything that would prevent them from doing so, and if they want to coordinate that work with the adjacent Michigan counties, they could try.

Commissioner Hendricks said that if it all went well, and the commission is still in place until 2018, they can request funding again from the legislatures, or discuss different funding mechanisms.

Commissioner Kamer asked if the Department handles the funding for the Michigan side per the Act.

Mr. Beland said it comes out of the State Survey and Remonumentation Fund, which the Department administers, and that the money would be appropriated at the request of the Department for this project specifically.

Commissioner Hendricks said they could have hard, fast prices on an RFP in 45 days, then meet in 2 months, and discuss how much everything has cost so far. Then when those lines are done, at that point, they could ask the legislature for more funding to finish the project. He said it would not take much to get an RFP out in LaPorte County.

Commissioner Pranger asked where he was pulling the money from.

Commissioner Hendricks answered with their Section Corner Perpetuation Fund.

Commissioner Kamer asked if doing that would give a fair representation of costs for this project.

Commissioner Hendricks answered yes; he thinks so and asked if Chairperson McNamara would also go ahead with a proposal in St. Joseph County as well.

Commissioner Marbach asked if the maps Commissioner Hendricks provided ever got published to the website in Michigan.

Mr. Beland said they have not been able to get the space available to put them on the website, but if anyone wants a copy, they are available.

Commissioner Hendricks asked if they could be put them into a "Dropbox" online.

Commissioner Hendricks asked Chairperson McNamara if he would be willing to put out an RFP.

Chairperson McNamara answered yes, if his county has the money.

Commissioner Mostrom asked if there is any other way to attack this and commented that they have done a lot of work to just let the project go.

Mr. Beland said they have had those discussions before.

Chairperson McNamara said that Indiana is going to do something for sure.

Commissioner Hendricks said he would put the RFP out in his county and give them 30 days to respond.

Commissioner Pranger asked what the Michigan surveyors want to do.

Commissioner Kamer said they want to move forward, but they do not have the money in their counties to do it on their own.

Commissioner Marbach asked if there is any advantage to teaming up and making it a joint bid.

Commissioner Hendricks said he did not think they could to do that because it is separate county funds.

Chairperson McNamara added that there would be a benefit to bidding at the same time though.

Commissioner Marbach asked about having a disclaimer on the RFP as was discussed earlier, and asked if they could still send the proposal out even though they are not sure if they have the money, in order to at least gather numbers.

Commissioner Hendricks suggested putting out two RFPs (one for LaPorte County and one for St. Joseph County) and if they come in favorably then Commissioner Pranger could jump on board in LaGrange County.

Commissioner Kamer asked if it is possible to coordinate county to county to see what corners can be done and if so he would like that information.

Commissioner Mostrom asked if they move ahead with this and get some dollar amounts, would they be doing it in time to save the money from Indiana that has been appropriated before it goes back to the general fund.

Commissioner Hendricks answered no, they would lose it in July.

Commissioner Hendricks suggested starting a pilot program in two continues and then asking Indiana to appropriate funding for the entire project with the numbers in place later. He said they could make it part of the RFP that if Indiana will not appropriate the money, they will have to find another funding source.

Commissioner Kamer asked how it would work including mile markers in the Remon program – he asked how they would be funded.

Mr. Beland said they would be considered as one of their county's program corners and funded out of that county's annual remonumentation grant.

5. PUBLIC COMMENT

Mr. Jack Owens (private surveyor - Michigan) discussed the fact that possible title issues would not be known until the line is surveyed.

He also discussed how he thought the appropriation was supposed to be \$100,000 per year over the course of five years and that it would not automatically revert.

6. COMMISSION DISCUSSION

Commissioner Mostrom asked if it would make sense to stay in touch with their contacts in Indiana to share their plan to move forward.

Chairperson McNamara said he is going to have to find out how the funding works for his county. He said the commission would be better off if he fades out and then get someone else instead who is more understanding; he said he is very frustrated with Michigan's attitude toward this project. He feels he has to push for every meeting, he said if Michigan does not want to do the project, they should just tell the commission that.

Commissioner Pranger commented that it does not seem like Michigan really wants to move this project forward.

Commissioner Mostrom said the attitude Mr. Beland is getting from everyone at the meeting is because they joined this group for a reason to get this project done, and it feels like the his Department is keeping that from happening now. He said it would be nice if the Department would come up with an alternative way for the commission to be able to move forward with the project. He asked if the Department is hearing the frustration of the commission from the meetings.

Mr. Beland said yes they have heard the commission's frustration. He reiterated that the last word he got from his Department was that since there is no money, there is no project and no reason for the commission to continue to meet.

Commissioner Mostrom asked if the Department's decision was mostly prompted by Indiana's statement about the money going away if it was not used.

Mr. Beland said he does not know. He said he did report to his superiors that Indiana was not appropriating any additional funding and that the current appropriation would be going back to the general fund at the end of their fiscal year.

Commissioner Pranger asked if Chris would still be meeting with the commission if they have future meetings.

Mr. Beland said as long as the commission exists, the Dept. (MI) is going to want someone representing them at the meetings.

7. ADJOURNMENT

Chairperson McNamara adjourned meeting at 11:57 a.m.

APPROVED:

John R. McNamara, P.E., P.S., Chairperson
Indiana-Michigan Boundary Line Commission

Date

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