

THE BENZIE COUNTY BOARD OF COMMISSIONERS
September 22, 2015

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, September 22, 2015, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chair Vance Bates at 4:00 p.m.

Present were: Commissioners Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke
Excused: Commissioner Griner

The invocation was given by Commissioner Bates followed by the pledge of allegiance.

Agenda:

Motion by Walterhouse, seconded by Tucker, to approve the agenda as amended by adding County Administrator search discussion under HR. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Minutes:

Motion by Sauer, seconded by Carland, to approve the regular session minutes of September 8, 2015, as presented. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

4:04 p.m. Public Input

Jim Evans, Joyfield Twp, discussed the budget and stated that he feels the county should retain Peter Cohl's firm as the chief negotiator – it is a mistake to allow that liability.

Senator Darwin Booher updated the board on the happenings in Lansing.

4:19 p.m. Public Input Closed

ELECTED OFFICIALS & DEPT HEAD COMMENTS:

Craig Johnson, EMS, reported on Pre-Hospital Cardiac Arrest -- that they will start free Community CPR classes on Oct 15 at the Inland Twp Hall; they will do another class in a different area of the count. Each month they will do another class elsewhere in the county. October 1 they will carry Narcan on the trucks for overdoses. They were busy with call volume the first two weeks of September, then is slowed down.

Sara Swanson, Prosecuting Attorney, stated regarding the labor attorney that is important to keep a retainer with a labor attorney; employment law is always changing. She is also concerned about not being able to call a labor attorney if she needs to.

Sheriff Schendel, stated he has a couple issues – U/S Lamerson stated that the he believes the County Administrator should be adequately compensated – the position needs a raise, but shouldn't be taken from the labor counsel. Requests the board reconsider the term of the labor contract and that the county relook at the department heads having to contact the County Administrator or Board Chair prior to talking with labor attorney.

Sheriff Schendel commented regarding the budget process – all we have heard is there is no money, we heard that loud and clear; we made cuts to our budget; during that process, we identified one area in the jail to seek savings and then in union negotiations the county offered status quo and that took

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care of the area we were going to have savings in. He asks for a one time budget amount from the general fund to help pay for this and get through the next budget year.

Chair Bates stated that the contract isn't the labor contract; U/S talked about inmate lawsuits; car – that isn't labor; we don't have signed labor contracts and you shouldn't talk about them until we have signed contracts. We will figure out what we will do after we receive those.

Comm Warsecke stated that no one in the room is as educated in the law as the Prosecuting Attorney – we should listen; the Sheriff or any other department head shouldn't have to ask for permission; that policy should be changed and we should keep the labor attorney.

Judge Mead, Probate Judge, reported to the Board that the Probate Court staff has been named as one of the premier staffs in the state; the court system is the only one that has made significant long-term cuts. We continue to tighten our belts.

Doug Durand, Council on Aging, provided the board with this written September 2015 report and reported on the senior dental program; they had a joint meeting with the Benzie Home Health Care and have determined that there is no duplication of services.

Frank Post, Emergency Management, reported on the August activity report; he provided the board with the EMPG and requests approval with the chair to sign.

Motion by Walterhouse, seconded by Tucker, to approve the FY 2016 Emergency Management Performance Grant work agreement with MSP Homeland Security, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Tom Longanbach, Chair of the Building Authority, asks the board if there has been more discussions regarding the options presented by Mr. Roy at the last meeting regarding the Maples – Chairman Bates stated there has not been any further discussions.

Ron Berns, 911 Central Dispatch, stated that they are short a person again; he has asked for an electrical analysis from Glen Lake Electric of the power surge suppression that is in the building.

COMMISSIONER REPORTS

Comm Carland stated that he has attended a couple of conferences – MiGemis at Boyne Highlands last week (computer and tech) and MAC in Traverse City – roads and prison reform were big topics. Another topic was medical marijuana.

Comm Tucker reported that she has learned a lot about the Child Care Fund after discussions with Connie Krusniak -- thank you.

Comm Walterhouse reported that he has been to finance meeting; buildings & grounds; reported that the Equalization Dept turns the lights on with the main switch – they are looking to fix that; he attended the MAC conference – one interesting meeting was on tax assessors – in the State of Michigan there is a shortage of them with levels 1, 2, 3 and 4, they have 130 people for the whole state, they are sharing in the counties.

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Comm Sauer reported on the Summit which will be October 30 8 a.m. – 4 p.m. – the Health Dept has donated the lower level and they are working to lock down speakers; he went to the Maples meeting today.

Comm Warsecke:

Motion by Warsecke, seconded by Walterhouse, to change the policy regarding elected department heads being allowed to call the labor attorney through the end of the year, December 31, 2015.

Motion by Sauer, seconded by Tucker, to amend to stated that if we are billed for that service then the department should be billed.

Vote on amendment: Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke

Nays: None Exc: Griner

Vote on original motion as amended: Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Comm Bates stated that one Platte Township trustee has passed away while fishing in Alaska, so they will need to fill that vacant seat.

5:19 p.m. Break

5:29 p.m. Reconvene

COUNTY ADMINISTRATOR'S REPORT - Karl Sparks

- Reported on Buildings & Grounds – no consent items.
- Joyfield Code Enforcement – we have no ordinance in place and is being worked on.
- Joyfield EDC Action Plan – just received it, looking into it.
- Bargaining – 4 of 5 have accepted status quo after mediation.

Comm Warsecke asks Mr. Sparks about the quote in the paper as stating that the board wouldn't have enough votes to pick on administrator and he believes we would have. Were you misquoted or misspeak or bad information Mr. Sparks stated that it was his own opinion. As of today I do not have a new contract, as of today he will be out of here December 1.

FINANCE

Motion by Walterhouse, seconded by Sauer, to approve payment of the bills from September 9 through September 18, 2015 in the amount of \$360,071.87 as presented. Roll Call Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried

Michelle Thompson, County Treasurer, presented a revenue and expenditure report for period ending September 30, 2015 with four funds in a deficit. The Land Bank has completed demolition of the former Bud's in Honor; she gave a speech at the Register of Deeds conference in Petoskey and it went over very well.

Finance Consent Calendar:

Comm Warsecke removes item #6.

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Motion by Walterhouse, seconded by Bates, to approve the September 8, 2015 Finance Consent Calendar items 1 through 5 as presented. Roll Call Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Motion by Walterhouse, seconded by Warsecke, to approve the September 8, 2015 Finance Consent Calendar item #6 as follows: To refer the proposed County Administrator contract and proposed termination letter of Peter Cohl to the HR committee. Roll call. Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

HR AND PERSONNEL

Comm Sauer reported regarding continuing the CA search; seems to be a lot of confusion, discontent on the board, there was three late candidates; we need participation from all Commissioners somehow to review all applicants; we need to research some more. You need to go into the Administrator's office and look at these applications. Do we revisit this, start all over, what? He is in favor of bringing in the late candidates.

Comm Walterhouse agrees – we need to revisit all applications. He has heard from some of the committee members that they did not have enough time to review the applications. We have egg on our face.

Comm Tucker feels that we need to resume the search with 6 or 9 and move forward also to develop a committee.

Special meeting: September 29, 2015 @ 7:00 p.m.

Animal Control – New truck is in and they will install the box; sold the old Ranger for \$2,400 on MiBid and ended up with \$1,800.

COMMITTEE APPOINTMENTS – None

ACTION ITEMS

Budget: Mr. Sparks spoke regarding the two budget Emergency Mgt and Health Dept.; he also spoke regarding Child Care Fund.

Cameron Clark and Connie Krusniak addressed the board and stated that the Child Care Fund is not overbudget it is just what Benzie County fails to do is to not fund, in anyway, any state-ward chargebacks then get upset. If they county wanted to address the issue then you should set aside some funds for a rainy day fund – like this.

Budget Consent Calendar: Motion by Walterhouse, seconded by Carland, to adopt the September 17, 2015 Budget Consent Calendar items 1 and 2, as presented. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Motion by Warsecke, seconded by Tucker, to rescind the motion regarding budget hearing consent calendar of September 17, 2015. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

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Motion by Tucker, seconded by Carland, to amend the 2015-16 Budget to add \$51,003. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Motion by Tucker, seconded by Walterhouse, to adopt the FY 2015-16 Budget. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Appropriations Act: Motion by Walterhouse, seconded by Carland, to adopt the FY 2015-16 Appropriations Act as presented, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Motion by Tucker, seconded by Carland, to rescind the adoption of the Appropriations Act. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Motion by Bates, seconded by Walterhouse, to adopt the Benzie County General Appropriations Act for FY 2015-16 to include Commission on Aging authorized millage rate from 0.6536 to 0.6600 and to add TNT of 0.1000. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

L-4029: Motion by Bates, seconded by Walterhouse, to adopt the L-4029 as corrected changing COA to 0.6600, authorizing the chairman and clerk to sign. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

FOIA Appeal - Yacks: Motion by Sauer, seconded by Tucker, to adopt Resolution 2015-021 Resolution Upholding FOIA Denial. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Railroad Point Expansion: Motion by Bates, seconded by Sauer, to adopt Amendment #7 Railroad Point Natural Area Expansion with the Michigan Natural Resources Trust Fund, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Board of Canvassers: Vote by the Board of Commissioners for Jan Mick, Republican and William Ward, Democratic candidates to the Board of Canvassers.

BC/BS Settlement: Motion by Carland, seconded by Tucker, to authorize approval of the Settlement Agreement and Mutual Release regarding BC/BS case, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

CORRESPONDENCE

- Oceana Resolution regarding September 17, 2015 as Constitution Day.
- Road Commission minutes of August 27, 2015 received.

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- Benzie Transportation Authority august 2015 Statement of Activities.
- Bay County resolution regarding Waterfront Community Revitalization.
- Two RAP grants received from MMRMA.

NEW BUSINESS – None

7:10 p.m. Public Input

Nena Bondarenko commented regarding the County Administrator position – you do have egg on your face; you had 21 people apply then reduced to 9 people then reduced to 3 – you need to go back to the 3 people.

Motion by Tucker, seconded by Sauer, to adjourn until October 13, 2015 regular meeting or the call of the chair. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried

K. Vance Bates – Chair

Dawn Olney – Benzie County Clerk

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1. Approved the agenda as amended by adding County Administrator search discussion under HR.
2. Approved the regular session minutes of September 8, 2015, as presented.
3. Approved the FY 2016 Emergency Management Performance Grant work agreement with MSP Homeland Security, authorizing the chairman to sign.
4. Approved to change the policy regarding elected department heads being allowed to call the labor attorney through the end of the year, December 31, 2015, and if we are billed for that service then the department should be billed.
5. Approved payment of the bills from September 9 through September 18, 2015 in the amount of \$360,071.87 as presented.
6. Approved the September 8, 2015 Finance Consent Calendar items 1 through 5 as presented.
7. Approved the September 8, 2015 Finance Consent Calendar item #6 as follows: To refer the proposed County Administrator contract and proposed termination letter of Peter Cohl to the HR committee.
8. Special meeting: September 29, 2015 @ 7:00 p.m.
9. Adopted the September 17, 2015 Budget Consent Calendar items 1 and 2, as presented.
10. Rescinded the motion regarding budget hearing consent calendar of September 17, 2015.
11. Amended the 2015-16 Budget to add \$51,003.
12. Adopted the FY 2015-16 Budget.
13. Adopted the FY 2015-16 Appropriations Act as presented, authorizing the chairman to sign.
14. Rescinded the adoption of the Appropriations Act.

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15. Adopted the Benzie County General Appropriations Act for FY 2015-16 to include Commission on Aging authorized millage rate from 0.6536 to 0.6600 and to add TNT of 0.1000.
16. Adopted the L-4029 as corrected changing COA to 0.6600, authorizing the chairman and clerk to sign.
17. Adopted Resolution 2015-021 Resolution Upholding FOIA Denial.
18. Adopted Amendment #7 Railroad Point Natural Area Expansion with the Michigan Natural Resources Trust Fund, authorizing the chairman to sign.
19. Vote by the Board of Commissioners for Jan Mick, Republican and William Ward, Democratic candidates to the Board of Canvassers.
20. Authorized approval of the Settlement Agreement and Mutual Release regarding BC/BS case, authorizing the chairman to sign.

Motion by Walterhouse, seconded by Bates, to approve the Finance Consent Calendar items as follows:

1. To amend the 2014-15 Law Library Budget as in the amount of \$500.00 as presented.
2. To amend the 2014-15 Commission on Aging Budget in the amount of \$5,660.00 as presented.
3. To amend the 2014-15 EMS Budget in the amount of \$9,567.08 as presented.
4. To amend the 2014-15 Jail Reserve Budget in the amount of \$3,712.00 as presented.
5. To amend the 2014-15 Jail Budget in the amount of \$13,600.00 as presented.
6. Removed from Consent Calendar.