

Commissioner's Minutes of December 20, 2007

The County Board of Commissioners met on Thursday, December 20, 2007. Chairman Whittington called the meeting to order at 9 a.m. The Pledge of Allegiance was recited and roll call found all Commissioners present.

Agenda- there were no additions or corrections. .

The **minutes of December 12, 2007** along with the Executive minutes of the same day were reviewed. Motion by Commissioner Rhode, supported by Commissioner Reid, to approve as presented. Ayes carried, motion passed.

The **semi-monthly finance report** totaling \$77,323.92 was then presented for consideration. Motion by Commissioner Rhode, supported by Commissioner Carl, to approve for payment as presented. Ayes carried, motion passed.

PUBLIC COMMENTS

Mandi Bergman Probate Court Juvenile Register, commented on the minutes of the November 20th Board meeting – specifically comments made by Commissioner Hargrave regarding the court contract. Ms. Bergman noted that the negotiated court contract calls for a 1.5 % increase in January with another 1.5 % the first of July for an average annual increase of 2.5% for the first year. Ms. Bergman then commented on agreement reached with the Judge for health insurance and then related for the Board just how little the contract increases would benefit her personally. Ms. Bergman stated that she was offended by the comment by Commissioner Hargrave that everyone wanted big raises and benefit increases.

Dave Taney, UAW Union Representative, stated that negotiations with the Judge have been completed and a contract was in place, and the fact that the county has voted not to fund the contract as negotiated is irrelevant at this time. Mr. Taney also referred to the amount of dollars paid to Mr. Borushko, hired by the County to handle contract settlements. A letter was presented which outlined the court and union's position regarding health insurance, Mr. Taney further noted that in Clare County, they (the courts, union and the Board) can set down and resolve problems, but this simply isn't the case in Gladwin County.

Commissioner Hargrave then commented on his statements of the November 20th meeting – stating that the comments were made in good faith and further noted that he never made the statement “big raises” –that that was an addition made by the Clerk. (when questioned by the Clerk as to what Commissioner Hargrave felt was actually said –he stated that he only said “raises”) Commissioner Hargrave continued by stating that he is sorry offense was taken, and apologized *if his comments offended anyone*. He continued by stating that Clare County may have a different outlook and funding abilities—but this is Gladwin County and this Board must look at what is best for our county.

Wayne Seger of Mansfield & Associates, spoke to the board regarding Aerobic Septage Processing. Facilities, history, legal regulations of septage, and how the systems work. Discussion on if this topic should be addressed with townships instead of at the County level. Mr. Seger commented on the reasons for addressing this matter at the County level. General discussion. A flyer was presented on the Big Fish Environmental Facility in Charlevoix.

Chairman Whittington reported:

- On receipt of notice of the MAC winter conference in Lansing scheduled for Feb. 2008. Motion by Commissioner Rhode, supported by Commissioner Carl, to allow attendance by County Commissioners. Ayes carried, motion passed.
- On Thank You notes from Dan & Evelyn Hall and John and Nancy Rose-- thanking the Board for consideration of their retiree insurance supplement that is paid by the County.
- On the invoice received from E.C. Mi. Planning and Development for the \$5500.00 annual contribution.
Commissioner Rhode noted that he sits on that board and that some county's did drop out they are now returning because of grant opportunities.
Motion by Commissioner Hoag, supported by Commissioner Carl to pay the invoice as presented. Ayes carried, motion passed.

Gina Conrad Gypsy Moth Coordinator explained that E. C. Mi. Planning & Development has requested a copy of our GIS digital parcel layer guide, and she had drawn up a simple contract for consideration. Discussion. Motion by Commissioner Reid, supported by Commissioner Rhode, that E. C. Mi. P. & D. be allowed access as requested. Discussion. Ayes carried, motion passed.

Chairman Whittington continued reporting:

- On a letter from MSU Extension – commending custodian John Heppner for his help when MSU offices experiences sewer back-up problems.
- On the Holiday News letter received from Region VII Areas Agency on Aging.
- On receipt of the Dept. of Human Services request for their 2008 appropriation.
- On receipt of notice that Deputies and Dispatch have voted 9-1 to have POAM represent them instead of POLC.

Board then recessed for a short break. Recalled to order by Chairman Whittington.

Commissioner Carl then moved to go into Executive Session for discussion of litigation issues, supported by Commissioner Posey. Ayes carried, motion passed.

EXECUTIVE SESSION

Commissioner Hoag, then moved to return to regular session, supported by Commissioner Carl. Ayes carried, motion passed.

Prosecuting Attorney Mary Hess noted that the minutes should reflect that both Undersheriff Hartwell and Detective Eaton had requested to be present in Executive Session and were not allowed. Ms. Hess was assured by Chairman Whittington that neither Undersheriff Hartwell nor Detective Eaton *was discussed in Executive Session*.

Commissioner Hoag reported that due to illness and other circumstances, he had nothing to report.

Commissioner Hargrave reported:

- That he attended the Sage Township meeting on Dec. 12th.
- On the Dec. 13th Airport Commission meeting and discussion had on issues over snowplowing and the manager leaving.
- On attending the Dec. 17th Personnel committee meeting.
- That on Dec. 18th he attended the Sherman Township Board meeting.
- That he attended the Veterans Affairs committee meeting and discussions had regarding cleaning of the canons in front of the Courthouse – noting that because of preservation issues, no further cleaning will be done.
- That he had nothing further to report –but wished all a Merry Christmas and Happy New Year!

Commissioner Posey stated that she had had no meetings since the last Board meeting on Dec. 11th and too this opportunity to wish all a Good Christmas and a Happy New Year!

Commissioner Carl reported:

- That he attended the Bourret Township Board meeting on Dec. 11th.
- On attending both the Clement Township Board meeting and the Planning commission meeting on Dec. 12th.
- That on Dec. 13th he attended the Buildings and Grounds committee meeting.
- That on Dec. 14 he attended the Courthouse Christmas Dinner.

- On the Personnel Committee meeting of Dec. 17th.
- That on Dec. 19th he attended the C. Mi. District Health Department meeting as well as the Gladwin Township Board meeting.

Commissioner Reid reported:

- That he attended the Hay Township Board meeting on Dec. 13th.
- On attending the Secord Township Board meeting on Dec. 19th.
- On quotes received for **remodeling of the Prosecuting Attorney's office** as follows:

Electric:	Rowley Electric	\$1,290
	<i>Master</i> Electric	\$1,850
Construction	UHL & Son	\$3,575
	Dan French	\$8,195

Motion by Commissioner Reid, supported by Commissioner Carl, to have the work done by Rowley Electric and UHL & Son as quoted. Ayes carried, motion passed.
- That Buildings and Grounds had considered re-carpeting of Circuit Courtroom and the Jury Room – but that project was put on hold because of the cost.
- On progress of the MSU office clean-up and other issues being addressed. The committee had discussed air quality testing and cost estimates. Discussion. The committee will contact Bonham's for further information and report back at the next regular Board meeting.
- On offices getting new desks and that the committee is asking that once the new are assembled and in place – the old desks be placed in the hall for re-allocation to other departments. If any are left over they will then be sold. Motion by Commissioner Reid to handle the desk replacement as outlined, supported by Commissioner Hargrave. Ayes carried, motion passed.

Commissioner Rhode reported:

- On the request from Dept. of Human Services for their 2008 allocation and moved to approve as requested. Motion supported by Commissioner Carl. Ayes carried, motion passed.
- That on Dec. 12 he attended the EDC meeting.
- On Dec. 14th he also attended the Courthouse Christmas Dinner

- On Dec. 17th he attended the Personnel committee meeting followed by the Unit #6 Grievance procedure meeting.
- That on Dec. 19th he attended the C. Mi. District Health meeting in Clare.
- On the Dec. 19th Finance committee meeting and matters before finance as follows:
 1. On the reimbursement of \$2209.89 due to the General Fund for Special Corrections Overtime from the 264 Fund. Motion by Commissioner Rhode, supported by Commissioner Hoag, to authorize the Treasurer to make the necessary budget amendment between the two funds. Ayes carried, motion passed.
 2. Because the final board meeting falls early in the month, it is requested that all regular bills be paid through Dec. 28th, with a copy of the invoice listing to be presented to finance committee for review. This will allow payment in the year expended and dramatically reduce 2008 accruals. Motion by Commissioner Rhode, supported by Commissioner Carl, to allow payment by the Clerk's office as requested. Ayes carried, motion passed.

Chairman Whittington then commented on a request submitted by Vern Volmering for payment of unused sick time – prior to retirement. Chairman Whittington noted that payments allowed at retirement would be paid as allowed by current contract

PUBLIC COMMENTS

Sheriff Shea addressed Board about his recent discussions with finance committee regarding the Boards action to park County cars after work hours, stating that he would like the Boards intentions regarding the recent law suit, placed in writing. The Sheriff also asked if the Board were setting aside funds to cover legal representation fees of his employees.

Commissioner Reid questioned the Sheriff regarding having a mediator come in to mediate this matter. The Sheriff noted that the matter is past that point, *based on filing of law suite action by the Commissioners.*

Prosecuting Attorney Mary Hess commented that the minutes should reflect what is being discussed. Discussion was then had regarding the Prosecutor's representation of the County and/or of the two employees involved. Ms. Hess replied that she represented neither, but was in attendance only to find out what is happening.

Chairman Whittington reported on communication from Attorney Kaltenbach – it is his position that the County is not required to provide legal representation for the two employees / defendants in this law suit and further is recommending a mediation option.

Commissioner Reid again asked if mediation would be an option. Sheriff Shea replied that the board bypassed that option when the law suit was filed.

Discussion. **Chairman Whittington** then moved to put the question to the Board – “*Would the Board provide funding for legal representation for Undersheriff Hartwell and Detective Eaton?*” Motion supported by Commissioner Hoag.

Discussion on the motion.

Commissioner Hargrave commented that he is just sickened by this situation – the Board too action based on economic concerns, to park County owned cars after hours (cars are no longer to be driven home by employees), and the decision has been made by two employees to ignore this action. That he (Hargrave) feels that some of the blame rests on the Sheriff, as he will not enforce the Board action. Commissioner Hargrave continued by stating that this whole matter is frivolous and that the taxpayers will be the ones to suffer.

Commissioner Reid commented on various considerations in setting the 2008 budget, including changes to health care provision, and that the Board issued the directive in efforts to conserve funds – as they must do the best they can with available dollars. The vehicles were ordered to be parked and not driven home, based on economic issues and it is his feeling that this matter should be able to be settled.

Sheriff Shea replied that he had asked for savings projections on the two vehicles in question - but was given nothing. The Sheriff voiced his dissatisfaction that his employees were being placed under the same “blanket” with other offices such as animal control and maintenance. **Commissioner Reid** noted that he had given the cost savings projections to the Sheriff. .

The question was called for and roll call vote was had as followed:

Commissioner Hargrave-yes, Carl-no, Rhode-no, Reid-no, Posey-no, Hoag-no and Whittington-no. 1 yes, 6 no – legal representation will not be funded by the County.

Dave Taney, UAW Union Representative, commented that Commissioner Reid’s comments regarding figures on health care were inaccurate and asked that it be so noted in the minutes.

Mr. Taney also wanted it noted that his observation as an outsider was that the Board is battling the Sheriff, battling the Court and battling the Prosecutor.

Sandy Walling, Zoning Administrator, informed the Board that Mr. Christie, Zoning Board of Appeals chairperson had requested to be on the agenda, regarding a request that the Zoning clerk be placed on full time as it is felt that additional revenue could be generated if more staffing time were available. Ms. Walling noted that this was not her request –but a request of the ZBA.

Chairman Whittington commented that more help was probably needed, but the Board had to work with the revenue and income available and they can only do so much.

Ms. Walling voiced concerns that the matter was referred to finance committee instead of being placed on the agenda for the regular meeting.

Chairman Whittington asked if Mr. Christie would like to make his presentation now?

Commissioner Hoag commenting that in either event the bottom line would be the same.

Commissioner Carl commented that if figures were available on dollars that could be generated – the board should be open to review.

Mr. Christie spoke on the ZBA position – that County has re-written new zoning ordinance and put it into effect – that that ordinance needs to be enforced. That building goes on all over the county without the proper permits – if zoning had man power to keep the office open full-time– those un-permitted projects could be discovered and revenue increases would be realized. Mr. Christie reported that Ms. Walling does not have time to keep up on follow-ups due to staff limitations.

Commissioner Reid commented hat he would like to review figures on estimated revenue increases.

Discussion. **Commissioner Carl** moved to allow the additional 10 hours per week, making the zoning clerk position full time with matter to be revisited when figures are available. Motion support by Commissioner Hargrave for sake of discussion. Following discussion, Commissioner Hargrave withdrew his support and proposed that the matter be sent to committee for review and revisiting by Board (personnel committee) As there was no second, the motion died for lack of support.

Mr. Christie requested to meet with the committee once the date was scheduled.

Commissioner Hoag then moved to receive and file the various reports and correspondence, supported by Commissioner Posey. Ayes carried, motion passed. .

Commissioner Hargrave then asked that the Chair recognize Judge Evans. **Judge Evans** came before the Board, stating that he has been an elected official in this county for 15 years –and in all of those years he has never come before the Board saying that another Department did not need an employee, but he wanted to go on record by stating that an additional clerk is not needed in the County Clerk’s office. Judge continued in noting that a new county clerk will be elected next year and it should be left up to them to review staffing and implement new ideas.

Commissioner Hargrave commented that he has been opposed to the additional clerk in the Clerk’s Office from the beginning, feeling that the position is not necessary. He (Commissioner Hargrave) then moved that the 2008 budget be re-visited with regards to the additional clerk and the matter be referred to committee to re-assess the matter. Commissioner Reid seconded the motion, in light of the Judge’s comments.

Clerk Laura Flach then noted “with utmost respect for the Judge” that neither he nor Commissioner Hargrave had ever spent any time in her office and neither of them understood all the work that went into keeping the court running efficiently.

Ms. Flach pointed out that documents are scanned, indexed and filed; hearings scheduled; notices sent; warrants and court ordered payments tracked and accounted for; abstracting of records; vehicle immobilization and AS400 software upgrades, being only a few of the duties necessary for the daily operation of the court.

She also pointed out that when the county had only one circuit judge, her court clerk, who handles taping and recording of courtroom activities – had only two motion days per month and 2 weeks of trials to cover. Now that we have two Judges—there are 4 motion days a month with 4 weeks of trial schedules. This basically takes her chief court clerk from the office, leaving all of the filing and scheduling duties to be handled by one other clerk. .

Mrs. Flach also noted out that if an additional clerk were not necessary – she would not have asked for one; and further noted that Clare County has 4 clerks doing the same amount of work that she is trying to handle with only 2 clerks.

Commissioner Rhode explained that this matter has been re-visited several times over the past two years and sent back to committee on numerous occasions. He noted that the committee’s position has been and still is that the added position is necessary-- that Mrs. Flach has waited long enough for additional help.

Roll call vote was then had on the motion to re-visit the 2008 budget regarding this position and send the matter back to committee. Commissioner Carl-no, Rhode-no, Reid-yes, Posey-no, Hoag-no, Whittington-yes and Hargrave-yes. 3 yes and 4 no, motion fails.

