

Commissioner Minutes of February 23, 2010

The Gladwin County Board of Commissioners met in Regular Session February 23, 2010. The meeting was called to order at 9:00 a.m. by Chairman Whittington. The Pledge of Allegiance was recited. Roll call found all Commissioners present, except Commissioner Posey who was excused.

Agenda – *no correction or additions.*

The **Regular minutes of February 9, 2010** were then considered. *Motion by Commissioner Carl, supported by Commissioner Walters, to approve the minutes as presented.* Ayes carried, **motion passed.**

The **cash balances** for the General Fund and the Judicial Management Fund were then read. *General Fund - \$119,045.00 231 Fund - \$24,858.35.*

The **semi-monthly Finance report totaling \$116,822.93** was then considered for payment. *Motion by Commissioner Carl, supported by Commissioner Rhode, to approve the bills for payment as presented.* Ayes carried, **motion passed.**

Public Comments – *none at this time.*

Resolutions for Consideration – *none to consider.*

Scott Govitz, Executive Director of M-TEC at MMCC, and Chairman of the EDC of Gladwin County, came before the Board. Mr. Govitz stated that it is the roll of EDC to promote Economic Development in many ways and to look for new opportunities. The EDC Board is looking to combine efforts and mission statements with the Chamber of Commerce. Mr. Govitz is asking that the Board support the decision of the EDC Board to review the possibility of combining the Chamber with EDC. Commissioner Walters questioned how long would the combination take. Mr. Govitz explained that it should happen as soon as possible, but wants to make sure it is done correctly. Commissioner Carl commented that he believes EDC has become successful and that he is very supportive of EDC and the great things they are doing for local businesses. Commissioner Carl did voice his concern that the success has become evident mostly in part that EDC has not become “political” and feels that the merger between EDC and the Chamber of Commerce could be a good thing keeping in mind that the mission statements should include a “non-political” statement. Discussion. Commissioner Whittington stated that he is very fortunate to sit on the EDC Board, noting that there are many people that volunteer their time to be part of the EDC and they should be commended. The Board commented that they are comfortable with EDC moving forward with the possible merger with the Chamber of Commerce.

Gina Conrad, Gypsy Moth Coordinator came before the Board with three bids for the spray application program. Bids were reviewed by the Board. *Motion by Commissioner Reid, supported by Commissioner Carl, to grant the project bid to Al’s Aerial Spraying at*

a cost of \$22.84/acre. Commissioner Walters asked if they would be using the Gladwin Airport and if they would purchase their fuel there. Ms. Conrad noted they would. Commissioner Carl stated that there were no GIS issues stated at the Council of Local Government meeting last night, and that perhaps a “progress letter” could be sent out to the Townships. Discussion. Ayes carried, **motion passed**.

Frank Starkweather, *EDC Director*, gave the Board an update on the loan fund and the most recent loan for \$25,000 to Gladwin Metal Processing. EDC is also looking at approving a \$99,500 grant expansion to the loan fund. Discussion. Mr. Starkweather then gave a briefing on the CEDS project list, noting the departments that have submitted their requests. Commissioner Whittington then offered to the Board a letter of support for the application for a Rural Business Enterprise Grant. *Motion by Commissioner Carl, supported by Commissioner Smith, to allow the Chairman to sign the letter of support as presented.* Ayes carried, **motion passed**. Mr. Starkweather then asked the Board to consider a letter of support for an Economic Gardening Grant. *Motion by Commissioner Reid, supported by Commissioner Carl, to allow the Chairman to sign the letter of support upon presentation, as requested.* Ayes carried, **motion passed**.

Correspondence from the Chairman:

- On the article in the paper on the Energy Grant received by the County, noting it was a good article, but wanted to also include Rick Ghent as a valuable part of the completion of the grant.
- On the resolution from Huron County on **State mandated services**. Discussion. *Motion by Commissioner Rhode, supported by Commissioner Carl, to send a letter of support to Huron County supporting their efforts.* Ayes carried, **motion passed**.
- On the letter received by Ron Taylor noticing the Board of **reduction of staff effective 3-1-10**. Discussion on the Sheriff’s Department roll on handling after hour calls. *Motion by Commissioner Smith, supported by Commissioner Carl, to have an article put in the newspaper, and on the County website, explaining the shortage of staff and the provisions for after hour calls.* Ayes carried, **motion passed**.
- On a letter received from Council on Aging.
- On receiving the MMRMA Financial Report.
- That the Emergency Management Director had items stolen from his home that were turned into his insurance company for reimbursement. Discussion on maintaining an inventory list and the storage of Emergency Management items at the County.

The Board then reviewed a **letter from Judge Evans** in regards to the **assignment of duties, and adjustment of wages, to the County Clerk**. Commissioner Carl commented that he had a conversation with Judge Evans before the Board voted on this matter, and that it is not the duty of the Clerk to make recommendations to raise or lower the Courts budget, it was not a part of the job listing, and that is a function of the Board to make any increases or decreases to any budget. Commissioner Smith asked the Clerk if she did ever perform those duties. County Clerk, Laura Brandon-Maveal, responded that

she was involved with budget discussions, but was her job to input the budget numbers provided by the Courts. Additionally she calculated the wages and fringes per their union contract to use in the respective year's budget. Mrs. Brandon-Maveal noted that it is the duty of the Board to make recommendations, or motions, to increase or decrease Court funding. Discussion. Mrs. Brandon-Maveal stated that she feels it would be correct to have the Board rescind their motion from the previous meeting. This will allow the Board time to meet with the Judge to address his concerns and make sure that everything is being done correctly and legally. Commissioner Carl stated that because of the conversation he had with Judge Evans, he did make a point of addressing his concerns by calling the attorney and addressing his questions. *Motion by Commissioner Smith to rescind the action from the previous meeting.* Discussion. **Motion died for lack of support.** **Christy VanTiem**, *County Treasurer*, commented on the changes that had occurred in the hiring of the position from what was posted, stating that she would have made a different response to the job offer. Mrs. VanTiem stated that she was not willing to take on the job as a separate contract position, and that it was never offered as an inclusion of duties position. Discussion. Commissioner Rhode stated that he feels this job is *not* incompatible, it is *not* a separate contract, and that it was done correctly on attorney recommendation. The Board asked for a 10 minute recess to contact the attorney to address these concerns.

Meeting called back to order at 10:15 by Chairman Whittington.

Chairman Whittington commented that the attorney was not available to discuss the matter, and after speaking to the Clerk he would support her decision to have the Board rescind their motion from the previous meeting to address the Judge's concerns. Motion by Commissioner Smith, supported by Commissioner Carl, to rescind their motion to assign additional duties to the County Clerk for the salary of \$15,000. Commissioner Rhode stated that the County Clerk was the only applicant that had all the qualifications to perform the additional duties, noting that the Board had contacted the attorney twice and the third time will render the same opinion. County Clerk, Laura Brandon-Maveal commented on the working relationship she must maintain with the Courts and that she would ask that the Board consider this motion so that the Judge can meet with the Board and their attorney to make sure this process is being done legally. Commissioner Smith asked Judge Evans if he would like to address the Board on this matter. Judge Evans stated that the County Clerk is also the Clerk to the Circuit and Probate Courts, and that upon reviewing the attorney's opinion has questions to his reason in general. Judge Evans further commented that he doesn't believe the attorney gave a legal opinion, only a legal rationale to give a decision to make the assignment of duties happen. The resolution states that the County Clerk shall be the fiscal officer of the County, and the Judge has very serious concerns and questions his legal analysis. Judge Evans commented that the attorney did not consider addressing the duties of the Clerk from the Court position, but only from her "county duties" position. Commissioner Rhode commented that many Counties have the Clerk as their fiscal officer, and that the Board has already had many conversations with their attorney on this matter. Roll call vote as follows: Walters – yes, Carl – yes, Rhode – no, Reid – yes, Posey – excused, Smith – yes, Whittington – no. 4 yes, 2 no, 1 excused. Ayes carried, **motion rescinded.** *The*

matter will be referred to County Affairs to meet with Judge Evans and the County Attorney.

Chairman Whittington then addressed the **Eaton vs. Gladwin County lawsuit**. *Motion by Commissioner Walters, supported by Commissioner Carl, to go into executive session to address ongoing legal matters. Ayes carried, motion passed.*

EXECUTIVE SESSION

Motion by Commissioner Walters, supported by Commissioner Carl, to return to regular session. Ayes carried, motion passed.

Motion by Commissioner Smith, supported by Commissioner Carl, to not submit to the demand requested in the legal matter and that the attorney proceed with the legal process. Roll call vote as follows: Carl – yes, Rhode – yes, Reid – yes, Posey – excused, Smith – yes, Whittington – yes, Walters – yes. 6 yes, 1 excused. Ayes carried, motion passed.

Committee Reports-

Commissioner Smith reported:

- On attending the Beaverton City Council meeting on the 10th, noting that they are purchasing two new trucks with USDA grant funds.
- On attending the Democratic meeting held on the 17th.
- On the Parks & Recreation meeting on the 18th, commenting that plans for fundraising are underway to ensure the maintenance and use of the facility. There will be a “Mom to Mom Sale” on April 17th. Flyers are being circulated to advertise for this. There are plans to hold a Texas Hold’em Tournament at Hunter’s Bar in June. All funds raised will be deposited into 208-000-402.000, and expenses will be dispersed per request through the Finance committee as they approve bills for the Parks and Recreation area.
- On February 22nd she attended a County Affairs meeting.
- On attending the Council of Local Government meeting on the 22nd at Hay Township.

Commissioner Walters reported:

- On the Sherman Township meeting on the 16th, commenting that he was unable to attend, but spoke with the Supervisor and the Clerk to give them an update.
- On the Parks and Recreation meeting on the 18th.
- On the County Affairs meeting on the 22nd, noting the following was addressed:
 1. Conversation with Justin Schneider, Construction Codes/Zoning, on the exclusion of Grim Township from Zoning enforcement. The committee has referred the matter to Planning for their recommendation.
 2. On the discussion with the County Clerk on the “Electronic Grant Registration”. The Clerk stated she is willing to still do the grant

registration process as long as it is not considered as “supplemental duties”.

- On attending the Council of Local Government meeting, noting that the City is looking for participation from Townships on the collection of Hazardous Waste. Commissioner Walters also noted that the “new” Hay Township hall looks great.
- On the Veteran’s meeting that will be held today at 3:00 p.m. Will be discussing Memorial Wall improvements if anyone would like to come and participate in discussions, they are welcome. Commissioner Walters reported that Sgt. Dillon Foxx of Traverse City was killed while in duty in Afghanistan. The Governor has ordered the flags lowered for one day on February 19th. Veterans lost in the past month: Rex Ward – Korean War, Sage Township and William Hisey – Post Korean War, Billings Township.

Commissioner Carl reported:

- On attending the Bourret Township meeting on the 9th.
- On the Clement Township meeting held on the 10th.
- On attending the Butman Township meeting held on the 11th.
- On the Gladwin Township meeting on the 17th.
- On attending the Public Safety and Building and Grounds meetings on the 18th.
- On the Finance meeting on the 19th.
- On attending County Affairs on the 22nd.
- On the Council of Local Government meeting on the 22nd at Hay Township, noting that it was a good turnout. Kevin VanTiem was elected Chairman, Josh Reid – Vice Chairman, Madelyn Hubble – Secretary, and Dennis Perry – Treasurer.

Commissioner Reid reported:

- On attending the Airport meeting, commenting that the “truck grant” through USDA is moving along and that they are close to having a 24/7 fuel system.
- On attending the EDC Executive Session, noting that he understands Commissioner Carl’s “political concern”, but stated that the EDC is exploring options, noting the Chamber is having financial struggles.
- On the Building and Grounds and Public Safety meetings held on the 18th, noting the following matters were discussed:
 1. The County Clerk has requested that her office be allowed to participate in **National Passport Day on March 27th** and that the County building be open from 10 am – 3 pm that day. *Motion by Commissioner Reid, supported by Commissioner Carl, to allow the request as offered. Ayes carried, motion passed.*
 2. Bev Przystas came to present the committee with a Parks and Recreation update, noting that the Parks and Recreation Board will be making recommendations to the Board soon for review and approval.
 3. That the **heating coil repair** has been reviewed. The Board needs to approve Bonham Heating to make the repair at a cost of **\$5,850.00** with \$2,685.00 to be paid by the insurance company. Commissioner Reid commented that Rick Ghent has submitted a request to Frank Starkweather

for a new rooftop unit through CEDS funds. *Motion by Commissioner Reid, supported by Commissioner Carl, to proceed with the coil system repair as outlined. Ayes carried, motion passed.*

4. Space Incorporated will be here tomorrow to meet with Department Heads on furniture replacement due to the flood.
 5. On the outline of the **Energy Grant**, noting that the words “prevailing wage” be changed to “Davis Bacon” and that the RFP be tailored to Gladwin County. Commissioner Reid commented that there may be issues with labor, and keeping the cost of the fixtures separate of the labor costs in the grant. Discussion. *Motion by Commissioner Reid, supported by Commissioner Carl, to change the wording in the grant and to allow for the tailoring of the grant to Gladwin County. Ayes carried, motion passed.*
 6. That Bob Frei came to Public Safety on a new computer for the Jail booking area.
 7. On a tower update, noting that there may be a “hurdle” for driveway construction.
- That the CGRP program had been cut in half by the State, noting this was not in the County’s favor.
 - On receipt of a letter late last night from Mark Sohlden from the Road Commission. Proposed road changes can be submitted to the Road Commission before March 30th. If changes are made, Gina Conrad will be working on new maps for distribution.

Commissioner Reid then asked that the paperless policy be reviewed by the Data committee, noting that he struggles not having the documents in front of him when he makes his report.

Commissioner Rhode reported:

- That the third floor of the Courthouse has been opened, and offices will be moving back in next week.
- On conversations with Bob Moffit, Gladwin City Administrator, on writing grants and options that are available to the County.
- That the Health Department received their statewide rating. Information was shared with the Board.
- On funding cuts to senior meals, noting that Lauren Essenmacher, Council on Aging, was looking into the meal selection process.
- On the MAC Legislative issues, commenting on a resolution to make the State pay for mandated services.
- On attending the Gladwin City Council meeting on the 10th.
- On the Health and Human Services meeting, stating that a report was received from 211 services, and that 211 is looking for agencies to take part in their process.
- On attending the Gladwin Township meeting, noting that they will be participating in EDC this year.
- On the positive results of the Summer Work Program, stating four local businesses hired employees from that program.

- That Gladwin County's unemployment rate increased in the month of December to 18.6% from 17.2% in November.
- On the Opportunity Fair coming to Gladwin County. The date and time to be announced at a later date.

*Commissioner Reid then motioned that the Board send a message of support to pass the bill to extend unemployment benefits by the Senate. Motion supported by Commissioner Carl. Ayes carried, **motion passed.***

Finance Matters-

1. The Clerk has requested to be allowed to **pay any 2009 bills through the end of February** without presenting them to Finance. A list of all bills, if any, will be given to the Finance committee for their review and approval at the first Finance meeting in March. *Motion by Commissioner Rhode, supported by Commissioner Walters, to grant the request as submitted. Ayes carried, **motion passed.***
2. **Jan Burkhart**, Animal Shelter, is requesting to be **paid for all unused vacation and sick time she has upon her retirement February 28, 2010.** Vacation – 268.50 hours Sick – 302.50 hours. Total payment of \$8,810.54 to be paid from 101-430-704.000 per her Unit #6 contract. *Motion by Commissioner Rhode, supported by Commissioner Reid, to make the payment as outlined. Ayes carried, **motion passed.***
3. **Rick Ghent**, Maintenance Supervisor, has made a request to **carry over 62 vacation hours to use at a later date.** Mr. Ghent was scheduled to take vacation to use his time before his March 2nd anniversary date, but with the flood activities, has been unable to utilize his time. In addition, Mr. Ghent is requesting **payment for 35 hours of vacation time per his Unit #7 contract.** Total payment of \$751.10 to be paid from 101-265-703.000 upon approval. *Motion by Commissioner Rhode, supported by Commissioner Carl, to grant both requests as listed. Ayes carried, **motion passed.***
4. Justin Eastman, Jail Administrator, has made a request to purchase a **new computer for the Jail booking area.** Cost of the computer is **\$775.00** from the Jail Commissary budget. *Motion by Commissioner Rhode, supported by Commissioner Carl, to make the purchase from the requested line, as outlined. Ayes carried, **motion passed.***
5. Lt. Rabadue has scheduled a **Firearms Instructor Training for Deputy Cingano at Delta College May 3-7.** No lodging is required. Cost of \$500.00 to be paid from 285-000-804.000 if approved. *Motion by Commissioner Rhode, supported by Commissioner Reid, to approve the training as requested. Commissioner Walters asked if this training was offered through the consortium at Kirtland. Undersheriff Hartwell replied that it was not. Ayes carried, **motion passed.***
6. The Equalization Department has sent the postage check in the amount of \$10,530.00 to 360 Services for the mailing of Change of Assessment Notices. The amount was paid from the reimbursable expenses line and will be reimbursed on the quarterly billing sent to the Townships.
7. The **Ortho Imagery Contract** has been submitted to the Board for consideration. A motion is needed to allow the Chairman to sign the document as presented. *Motion by Commissioner Rhode, supported by Commissioner Carl, to allow the Chairman to sign the contract as submitted. Ayes carried, **motion passed.***

Laura Brandon-Maveal, County Clerk, then asked the Board to consider the **donation of 64 hours by two employees to a Sheriff Department employee.** The donation of hours was done correctly under the working reference guidelines in the personnel policy. *Motion by Commissioner Rhode, supported by Commissioner Smith, to allow the Clerk to transfer the hours as requested. Ayes carried, **motion passed.***

Public Comments –

Sheriff Shea commented that he would like to compliment Rick Ghent on the fine job he has done throughout the restoration process. Sheriff Shea also stated that if the Board finds that they are finished using the large monitor under the “paperless policy” that his department would have good use for it.

Rick Ghent, Maintenance Supervisor, commented that this morning he had met with the adjuster regarding a drop ceiling in the Friend of the Court offices to allow for the installation of A/C ducts.

Chairman Whittington stated that he does plan to seek office for another term.

*Motion by Commissioner Carl, supported by Commissioner Reid, to receive and file various reports and correspondence. Ayes carried, **motion passed.***

*Motion by Commissioner Whittington, supported by Commissioner Carl, to adjourn. Ayes carried, **meeting adjourned at 11:35 a.m. until March 9, 2010, unless otherwise ordered.***

Laura Brandon-Maveal, Clerk

Terry Whittington, Chairman