

THE BENZIE COUNTY BOARD OF COMMISSIONERS

January 3, 2007

The Benzie County Board of Commissioners met in an organizational meeting on Tuesday, January 3, 2007, in the Commissioners Room, Government Center, Beulah, Michigan, 49617. The meeting was called to order by County Clerk Dawn Olney.

Present were: Commissioners Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse

Absent: None

The pledge of allegiance was given with invocation by Commissioner Kelley.

Election of Chairman:

Nominations were opened for the position of Chairman of the Board.

Comm Kelley nominated Commissioner Roper

Comm Sandman nominated Commissioner Walterhouse

Motion by Pitcher, seconded by Smeltzer, to close nominations and use a paper ballot for election of chairman. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Ballots were handed out and voted. County Clerk Dawn Olney tallied votes as follows:

Roper 4 Votes

Walterhouse 3 Votes

Commissioner Roper assumes the Chair.

Motion by Pitcher, seconded by Sandman, to approve the agenda as presented. Motion carried.

Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

9:08 a.m. PUBLIC INPUT

Eric VanDussen, Benzonia, stated that over the last four years this board has spent upwards of \$200,000 defending lawsuits against the county filed by him; this board has been found in contempt for failure to provide FOIA information; you need to educate yourselves and curtail the deficiencies; he feels this board should reimburse the Chorley's a portion of their fees.

9:11 a.m. PUBLIC INPUT CLOSED

Election of Vice Chair:

Chairman Roper opens the floor to nominations for Vice Chair.

Comm Walterhouse nominates Comm Damm

Comm Kelley nominates Comm Pitcher

Comm Roper closes the nominations calls for a roll call vote for Comm Damm. Motion denied.

Ayes: Damm, Sandman and Walterhouse Nays: Kelley, Pitcher, Roper and Smeltzer

Roll call vote for Comm Pitcher. Motion carried. Ayes: Kelley, Pitcher, Roper and Smeltzer Nays: Damm, Sandman and Walterhouse

Meeting Dates & Times:

Comm Roper states that he has a conflict with the first meeting, he will be out of town.

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Motion by Walterhouse, seconded by Kelley, to adopt the 3rd Tuesday of each month as the regular meeting day, except January 2007. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Walterhouse, seconded by Smeltzer, to adopt the finance dates as presented, except January 2007. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Smeltzer, seconded by Pitcher, to adopt January 12, 2007 as the Finance and January 16, 2007 at the Regular meeting dates. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Board Rules:

Motion by Walterhouse, seconded by Kelley, to begin holding department head meetings on the 3rd Tuesday of each month at 8:30 a.m. for 25 minutes, prior to the regular board meeting, with the full Board of Commissioners present. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to adopt the Board of Rules with changes as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Committee Appointments:

Comm Roper makes temporary assignments until the January 16 regular meeting and asks all commissioners to provide him with a list of committees they would like to sit on by 4 p.m. on January 10, 2007.

Motion by Pitcher, seconded by Kelley, to confirm the temporary committee assignments made by the chairman through January 16, 2007. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Depositories:

Motion by Pitcher, seconded by Walterhouse, to approve the Depository Resolution 2007-01 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Walterhouse, seconded by Damm, to approve the ACH Electronic Transfer Transactions Resolution 2007-02 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Appendix C:

Motion by Walterhouse, seconded by Pitcher, to adopt Appendix C for 2007 as amended. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

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9:55 a.m. David Bedells

Mr. Bedells introduces himself to the new commissioners and welcomes them. He updates the board regarding the "Boat Launch Case". Judge Batzer has ruled that local zoning does not apply; the court has also said that it did not violate the Bigelow Judgment or the Betsie Valley Trail Ordinance. He provides the board with a draft brief which will be filed by January 17, 2007 with the Court of Appeals. He has the exhibits in his office if any board member would like to see them.

Comm Pitcher appreciates your accessibility to the commissioners, but the board rules state that no one can contact Mr. Bedells except through the chairman.

Mr. Bedells states that he will work through Chuck and has never charged for commissioner consultation, nor will he.

Comm Roper says that the court says we are out? Yes, but the appeal brings us back in.

Other Business:

Comm Roper provides the board with information from the Road Commission regarding the board wages and asks this board to read it over and it will be discussed at the next finance meeting.

10:10 a.m. PUBLIC INPUT – None

Motion by Pitcher, seconded by Kelley, to adjourn until January 16, 2007, or the call of the chair.

Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Waltherhouse Nays: None

Mark E. Roper -- Chairman

Dawn Olney – Benzie County Clerk

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1. Commissioner Roper elected as Chairman for 2007.
2. Approved the agenda as presented.
3. Commissioner Pitcher elected as Vice Chair for 2007.
4. Adopted the 3rd Tuesday of each month as the regular meeting day.
5. Adopted the finance dates as presented.
6. Auth holding of department head meetings on the 3rd Tuesday of each month at 8:30 a.m. for 25 minutes, prior to the regular board meeting, with the full Board of Commissioners present.
7. Adopted the Board of Rules with changes as presented.
8. Confirmed the temporary committee assignments made through January 16, 2007.
9. Approved the Depository Resolution 2007-01 as presented.
10. Approved the ACH Electronic Transfer Transactions Resolution 2007-02 as presented.
11. Adopted Appendix C for 2007 as amended.