

**THE BENZIE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
May 12, 2009**

The Benzie County Board of Commissioners met in a Committee of the Whole meeting on Tuesday, May 12, 2009, at 9:00 a.m. in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

Present were: Commissioners Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse
Absent: None

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

Approval of the Agenda: Motion by Pitcher, seconded by Damm, to approve the agenda as amended to add items VII. General Finance Issues B. Probate Court; C. Cooperative Reimbursement Prosecuting Attorney; and D. 669 Property. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Approval of the Minutes: Motion by Roper, seconded by Kelley, to approve the minutes of April 14, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

9:04 a.m. PUBLIC INPUT – None

FINANCE

General Finance Issues:

Probate Court: Kim Ireton, Probate Register, says she needs help in her office; they have an answering machine, drop box and cell phone for times when no one is there; the law says the court must be manned at all times; she asks to increase the current two day deputy register to three days.

Motion by Walterhouse, seconded by Pitcher, to recommend to the Board of Commissioners to increase the Probate Court part time secretary to 24 hours per week.

Motion by Kelley, seconded by Hollenbeck, to call for the question.

Vote on original motion: Motion denied. Ayes: Hollenbeck, Pitcher and Walterhouse Nays: Damm, Kelley, Roper and Tanner

Motion by Walterhouse, seconded by Hollenbeck, to recommend to the Board of Commissioners to authorize up to \$4,500 from contingency for the part time deputy register in Probate Court to be increased to 24 hours per week. Motion carried. Ayes: Damm, Hollenbeck, Pitcher, Roper, Tanner and Walterhouse Nays: Kelley

Retirement – Rineer: Mr. Rineer is an employee of the Sheriff's office and has broken employment with the county having worked initially September 1971 to October 1986; he took a payout at that time from Aetna retirement; and is requesting credit for those 15 years of service; Sheriff Heckman says you don't have enough information to make an informed decision now.

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Motion by Roper, seconded by Tanner, to recommend to the Board of Commissioners to turn this matter over to the labor subcommittee for further investigation. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Prosecuting Attorney: John Daugherty introduces the Assistant Prosecutor Michelle Steffens to the Board; she is from the Grand Rapids area and was Prosecuting Attorney for the City of Holland.

Cooperative Reimbursement – Prosecuting Attorney: Motion by Pitcher, seconded by Kelley, to recommend to the Board of Commissioners to authorize the Cooperative Reimbursement Application for the Prosecuting Attorney as presented, authorizing the chairman to sign. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

9:55 a.m. Break

10:04 a.m. Reconvene

669 Property: Linda Wilson states that two bids for tire removal were received but only one was timely and that was Huffman Rubber, Inc. for \$100 per ton; asks for a motion to approve and authorize the chair to sign; Crystal Surveying will be marking the boundaries for us on this property; per diem for the project manager will be taken from the land re-utilization fund; asks that Marlene Wood-Zylstra be appointed to the committee as a voting member.

Motion by Roper, seconded by Pitcher, to recommend to the Board of Commissioners to accept the bid from Huffman Rubber, Inc. for tire removal at the 669 Property for \$100 per ton, authorizing the chairman to sign the contract and Notice to Proceed. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Kelley, to recommend to the Board of Commissioners to authorize all expenses for the 669 property project be taken from the land re-utilization fund.

Motion by Walterhouse, seconded by Damm, to allow Mark Roper to abstain from voting due to a financial gain. Motion denied. Ayes: Damm, Hollenbeck, Walterhouse Nays: Kelley, Pitcher, Roper and Tanner

Vote on original motion: Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: Roper

Motion by Roper, seconded by Kelley, to recommend to the Board of Commissioners to appoint Marlene Wood-Zylstra, Recycling Coordinator, to the 669 property committee as a voting member. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Budget Issues

Proposed ORV Budget: Chuck presents a tentative budget for the ORV mirroring the snowmobile budget; Comm Roper says that the Road Commission has priced signs at \$30-\$35 each for 50 signs; if the county does not pass this ordinance, and the townships do, they will pay for their

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own signs; Sheriff Heckman states that this proposed budget is not accurate as the ORV will be 8 months; Marine is 5 months and Snowmobile is 4 months; he only has one vehicle to use for towing and this will overlap; no one will give us free equipment; this budget will not get it. A vote will be taken following the public hearing tomorrow night.

10:30 a.m. Commissioner Roper Excused

Building Dept Status: Chuck presents a written revenue and expense assessment report and states that this department should be OK with about \$44,000 revenue over expense; would recommend that we continue to monitor this department and 1) maintain status quo on employees and contracts; 2) continue to monitor for the remainder of the fiscal year; and 3) reevaluate contracts vs employees for the next budget cycle.

Agreement with Springdale Township: Steve Haugen, requests approval of a Resolution and Intergovernmental Agreement to allow Benzie County to enforce building permits in Springdale Township, Manistee County. Motion by Walterhouse, seconded by Pitcher, to recommend to the Board of Commissioners to enter into agreement for building construction code enforcement with Springdale Township, Manistee County, as presented, authorizing the chairman to sign. Motion by Pitcher, seconded by Walterhouse, to call for the question. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper
Vote on original motion: Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Friend of the Court Budget: Cost study will reduce Benzie County costs to \$107,000, a savings of \$12,695 – information only.

Marine Budget: Motion by Pitcher, seconded by Walterhouse, to recommend to the Board of Commissioners to establish the 2009 budget for the Marine Patrol Fund (217) as follows:

Revenue:

Line Number	Description	Amount
217 331 539.00	State Grant	\$19,169
317 331 638.00	Inspection Fees	<u>\$ 1,000</u>
	Total	\$20,169

Expenses:

217 331 706.00	Wages – Deputy Sheriff	\$16,500
217 331 748.00	Gas, Oil, Grease	\$ 1,669
217 331 751.00	Uniforms	\$ 500
217 331 930.00	Equipment Repair	\$ 1,000
217 331 954.10	Rent – Dock	<u>\$ 500</u>
	Total	\$20,169

Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None
Exc: Roper

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Spending Issues: None

Sheriff:

Jail Millage Aftermath: Sheriff Heckman thanks the board for their support in getting the millage passed.

Jail Roof Replacement: Roof leaks; will put together RFP with bids to funnel to the County Clerk; estimate is about \$62,000. Motion by Walterhouse, seconded by Damm, to recommend to the Board of Commissioners to allow the Sheriff and County Administrator to put together RFP and go out for sealed bids for a new roof on the jail with bids to come back to this board. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Reports:

Treasurer's Report: Linda Wilson provides the board with the cash fund balance report; three funds are in the red; will do summer tax collection for two townships this year – Benzonia Township will do their own; county will collect without requesting additional help.

Controller's Report: Auditors are scheduled for the regular meeting next week at 11:30.

11:25 a.m. Break

11:30 a.m. Reconvene

PERSONNEL

General Personal Issues

Committee Assignments

CMH: Have interviewed two candidates and will interview one more tomorrow; should have a recommendation next week.

Planning: Scheduling an interview.

ZBA: Scheduling an interview.

11:30 a.m. Motion by Pitcher, seconded by Hollenbeck, to enter into closed session in accordance with 15.268, Section 8 (e) of the Open Meetings Act, PA 267 to consult with its attorney, Haider Kazim, regarding trial strategy in reference to the pending litigation in case of Robert Blank vs Benzie County Board of Commissioners, et.al, File No. 08-8283-CK. The suit is for monetary damages and discussion of said strategy in public would have an adverse effect on the County's ability to articulate its position in court. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

12:27 p.m. Re-enter open session

Motion by Pitcher, seconded by Kelley, that pursuant to discussions in closed session with the County Attorney, the Board directs its counsel to proceed with litigation as recommended by counsel.

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Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None
Exc: Roper

Chairman Tanner talked about a letter from Chip Johnston, CMH Director, regarding the Executive Order cuts from Governor Granholm which are 4% per quarter, but 3 quarters are gone so will be an initial cut of 12% and may end up with a 10% reduction in staff.

Solid Waste Advisory Committee: Motion by Walterhouse, seconded by Pitcher, to recommend to the Board of Commissioners to reappoint Todd Warren to the Solid Waste Advisory Committee for a three-year term. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

12:35 p.m. Commissioner Pitcher Excused

HR Study Committee Report: Comm Hollenbeck says a meeting has been held, and another one is scheduled for 12:00 noon on May 27 in the Annex.

Labor Sub Committee Report: Another meeting is scheduled with TPOAM later today and hope to have it wrapped up by next month.

Other General Topics Requiring Discussion and Potential Board Action:

Motion by Walterhouse, seconded by Damm, to recommend to the Board of Commissioners to switch the July 14 and October 13 Committee of the Whole meetings from 6:00 p.m. to 9:00 a.m. Motion carried. Ayes: Damm, Hollenbeck, Kelley and Walterhouse Nays: Tanner Exc: Pitcher and Roper

NEW BUSINESS: Next meeting: Tuesday, June 9, 2009 9:00 a.m.

12:47 p.m. PUBLIC INPUT

Kathy Ralston talked about the budget committee meetings schedule for department heads and the transparency; the more the public in aware, the better it is.

12:53 p.m. Public Input Closed

Motion by Walterhouse, seconded by Kelley, to recommend to the Board of Commissioners to authorize payment of the bill from Benzie Central Schools for the ORV meeting when it arrives, from the Commissioner Miscellaneous Budget. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

Motion by Walterhouse, seconded by Kelley, to adjourn until June 9, 2009, or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

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Motion by Roper, seconded by Pitcher, that upon recommendation of the Finance Committee of the Whole for Consent Calendar approval:

1. To authorize up to \$4,500 from contingency for the part time deputy register in Probate Court to be increased to 24 hours per week.
2. To turn the Rineer Retirement issue over to the labor subcommittee for further investigation.
3. To authorize the Cooperative Reimbursement Application for the Prosecuting Attorney as presented, authorizing the chairman to sign.
4. To accept the bid from Huffman Rubber, Inc. for tire removal at the 669 Property for \$100 per ton, authorizing the chairman to sign the contract and Notice to Proceed.
5. To authorize all expenses for the 669 property project be taken from the land re-utilization fund.
6. To enter into agreement for building construction code enforcement with Springdale Township, Manistee County, as presented, authorizing the chairman to sign.
7. To establish the 2009 budget for the Marine Patrol Fund (217) as presented.
8. To allow the Sheriff and County Administrator to put together RFP and go out for sealed bids for a new roof on the jail with bids to come back to this board.
9. To authorize payment of the bill from Benzie Central Schools for the ORV meeting when it arrives, from the Commissioner Miscellaneous Budget.

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Motion by Roper, seconded by Walterhouse, that upon recommendation of the Personnel Committee of the Whole for Consent Calendar approval:

1. To appoint Marlene Wood-Zylstra, Recycling Coordinator, to the 669 property committee as a voting member.
2. To direct counsel in the case of Blank vs Benzie County to proceed with litigation as recommended by counsel.
3. To reappoint Todd Warren to the Solid Waste Advisory Committee for a three-year term.
4. Removed from Consent Calendar.