

**THE BENZIE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
JULY 14, 2009**

The Benzie County Board of Commissioners met as a Committee of the Whole on Tuesday, July 14, 2009, at 6:00 p.m. in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

Present were: Commissioners Damm, Hollenbeck, Kelley, Tanner and Walterhouse
Absent: Excused: Pitcher and Roper

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

Approval of the Agenda: Motion by Walterhouse, seconded by Kelley, to approve the agenda as amended, moving CMH to 7A, Auction to 7B, add 7E Child Care Fund, 7F Prosecutor Grant Application and FOIA Appeals to 15. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

Approval of the Minutes: Motion by Walterhouse, seconded by Kelley, to approve the minutes of June 9, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

6:08 p.m. PUBLIC INPUT -- None

FINANCE

General Finance Issues:

CMH – Chip Johnson: Mr. Johnson presented an AG Opinion No. 7231 regarding the responsibility for costs incurred when providing mental health services to inmates; he will enter into an agreement with the sheriff for services to inmates; asks this board to pass a resolution. Motion by Walterhouse, seconded by Hollenbeck, to recommend to the Board of Commissioners to adopt resolution 2009-015 regarding Manistee-Benzie Community Mental Health for mental health services as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

Auction (Sheriff/Govt Center/669 Property): Grant Cole, Cole & Co. Auction & Appraisal Service Inc. presents information to the board regarding a possible county auction. Motion by Walterhouse, seconded by Hollenbeck, to recommend to the Board of Commissioners to hire Cole & Co. Auction Service Inc. to conduct an auction for the Sheriff Dept and Government Center on August 15, authorizing the chairman to sign the contract; and Sheriff Heckman and Linda Wilson to work out the details of disposal of unsold items. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

669 Property Update – use of pole barn: Linda updates the board on the property and asks for permission to allow the Recycling Coordinator to use the pole barn for her program and possibly use the site for her scheduled collections; we need to keep activity there to discourage break-ins. Motion by Hollenbeck, seconded by Damm, to recommend to the Board of Commissioners to authorize the use of the 669 pole building for recycling, at no cost. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

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Animal Control Millage: Mr. Clarke presents two options for ACO millage request. Motion by Walterhouse, seconded by Kelley, to recommend to the Board of Commissioners to authorize .0982 mills for four years, for the November 3, 2009 ballot as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

7:00 p.m. Kathy Ralston, Planning Commission Update

Ms. Ralston is the current chair of the Planning Commission with her term ending in September 2009 and will not seek reappointment. She discusses the possibility of forming an Intergovernmental Communication and Cooperation Committee – this was discussed at The Summit meetings; she makes two recommendations for this board to consider (to be discussed further on July 21); she states that the communication problem is distrust here and it gets in the way of public service; it is difficult to tone down the rumors and gossip, but that is human nature. The best way to handle that issue is to get the facts out right away. A part time person (less than 20 hours per week) to handle these issues with a high level of proficiency and diplomacy is what is needed. This person could do a newsletter, articles, fundraising, host smaller workshops, research grant opportunities, establish and promote guidelines for an Intergovernmental Agreement, ad hoc grievance committee, and work on updates for the Master Plan with the Planning Commission.

There is a Wind Energy workshop scheduled for August 5.

There are problems with the staff in the Planning Department – we need a strong HR person.

Child Care Application Amendment: Motion by Walterhouse, seconded by Damm, to recommend to the Board of Commissioners to adopt the Child Care Fund Budget Summary for October 1, 2008 through September 30, 2009, as presented, authorizing the chairman to sign. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

STOP Grant Application – Prosecutor: Motion by Walterhouse, seconded by Hollenbeck, to recommend to the Board of Commissioners to adopt the STOP Grant Application in the amount of \$13,000 for two years with the Women's Resource Center, authorizing the chairman to sign. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

7:35 p.m. Break

7:43 p.m. Reconvene

Budget Issues:

2009 Building Dept Review: Mr. Clarke provides an overview of the department for the last 9 months; not a lot of difference from the last report; he feels all looks good.

Linda Wilson, County Treasurer, says you aren't comparing apples to apples.

Chuck says we should look at the next two months; year end should be better; will recommend go back with employee rather than contract for inspections.

Steve Haugen, Building Official, says he feels Aldo Davis will retire by year end; with what Chuck has said, we will be OK; has hurt his department having contracted inspectors.

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Linda did her own analysis noting that all revenues, payroll and payables are not posted for the month of June; you need to compare revenue with revenue, not revenue with budget.

Comm Walterhouse says we need the State to come in and tell us what they can do for us.

Comm Kelley says we need to have the State come in and tell us to complete the past inspections or move on; we need to put the trust back in the people.

Mr. Haugen also informs the board that two days ago he authorized placement of a modular near the airport; the FAA has given their approval, just waiting on MDOT.

Fund 241 – Land Reutilization Fund: Motion by Walterhouse, seconded by Damm, to recommend to the Board of Commissioners to amend the 2009 budget by increasing revenues and expenditures as presented:

Revenue:

241-000-699.00	Transfer in	\$64,321.00
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Expenditures:

241-000-800.00	Contracted Services	\$20,000.00
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241-000-967.00	Project Expenses	<u>\$44,321.00</u>
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	Total	\$64,321.00
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Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

Fund 371 – Jail Debt Fund: Motion by Kelley, seconded by Damm, to recommend to the Board of Commissioners to amend the 2009 budget by increasing revenues and expenditures as presented:

Revenue:

371-000-691.00	Budgeted Use of Fund Balance	\$70,900.00
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Expenditures:

371-000-970.00	Capital Outlay – Equipment	\$70,900.00
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Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

Fund 354 – Ambulance Debt/Millage Fund: Motion by Walterhouse, seconded by Hollenbeck, to recommend to the Board of Commissioners to amend the 2009 budget by increasing revenues and expenditures as presented:

Revenue:

354-000-402.00	Current Real Property Tax	(\$28,593.00)
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Expenditures:

354-000-999.13	Transfer to Fund 214 (ALS)	(\$28,593.00)
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Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

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Fund 214 – EMS Fund: Motion by Walterhouse, seconded by Damm, to recommend to the Board of Commissioners to put on hold until September 2009 Committee of the Whole meeting to gather more information. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

2010 Budget Preparation Status: Mr. Clarke states that meetings are now being held and the hope is to have a tentative budget for August.

Spending Issues:

Folder/Inserter/Sealer – Treasurer's Office: Motion by Walterhouse, seconded by Damm, to recommend to the Board of Commissioners to authorize the County Treasurer to purchase a new SI-3500 in the amount of \$13,695.00 which includes a vertical stacker, as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

Sheriff:

Jail Roof Replacement: Sheriff Heckman states that three bids were received and opened in the public; he recommends the low bid of \$56,255.00 from Bloxsom Roofing; we will run into the need to replace some insulation due too leaks; MMRMA jail inspection has been completed. Motion by Walterhouse, seconded by Kelley, to recommend to the Board of Commissioners to authorize Bloxsom Roofing to replace the roof at the jail with funds from Fund 371, authorizing the chairman to sign the contract. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

Reports:

Treasurer: Linda provides the Cash Fund Balance Report with five funds in the red; auction of tax foreclosed properties will be August 3 in Traverse City with seven parcels; Standards & Poor's have reduced our rating, however we are still bondable.

Controller: Nothing

9:13 p.m. Break

9:21 p.m. Reconvene

PERSONNEL

General Personnel Issues:

MERS Employer/Employee Delegates: The employees have elected Lori Lautenbach as the delegate and Sue Wells as the alternate; requests the board to affirm it. Motion by Walterhouse, seconded by Kelley, to recommend to the Board of Commissioners to affirm Lori Lautenbach as the MERS Employee Delegate and Sue Wells as the alternate. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Exc: Pitcher and Roper

Motion by Walterhouse, seconded by Damm, to reappoint Charles Clarke as the MERS Employer Delegate.

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Motion by Walterhouse, seconded by Hollenbeck, to amend to appoint Dawn Olney as the Employer alternative.

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

Vote on original motion as amended: Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse
Nays: None Exc: Pitcher and Roper

Bixler-Carter-Platte Wastewater Treatment Association, LLC – Committee Appointments:
Chairman Tanner appoints: Commissioners Damm and Pitcher as Co-Chairs; Benzonia Township Representative; Linda Wilson, County Treasurer; Charles Clarke, County Administrator; Bill Crawford, Benzie-Leelanau Health Dept; two members of Association.

Committee Assignments:

Planning Commission: Mr. Clarke is working on setting up an interview. Motion by Kelley, seconded by Hollenbeck, to recommend to the Board of Commissioners to move forward and set up Planning Commission interviews under the new ordinance. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse
Nays: None Exc: Pitcher and Roper

Benzie-Leelanau Board of Appeals: There are two openings at this time; one resignation and expiration; the clerk will advertise for these.

Other: None

HR Study Committee Report:

Comm. Hollenbeck states that the committee has met several times and the last meeting was July 8 with 12-15 people in attendance; will meet on the regular basis on Wednesday before the Committee of the Whole at Noon; she asks that employees receive their job descriptions – they want them; they also wish to have yearly evaluations.

Motion by Hollenbeck, seconded by Walterhouse, to recommend to the Board of Commissioners to direct the County Administrator's Office to be sure everyone receives their job description and sign that they have received it. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse
Nays: None Exc: Pitcher and Roper

Status of Union Contracts: TPOAM contract has issues; working on a few things.

Other General Topics Requiring Discussion and Potential Board Action:

FOIA Appeal: Mr. Jacobson did not find any reference to various items and he will give us a full report on July 21 at the regular meeting; he felt Mr. Clarke was professional in his responses.

Chairman Tanner will talk with Mr. Figura about a fee schedule for search computers.

10:2 pm. PUBLIC INPUT

Thelma Rider-Novak, discusses Mr. Clarke and his violations using the county computer for personal use; ethnic origin; deleted and erased emails – feels they didn't want the email found and they conspired; she feels Mr. Clarke should not have the FOIA Coordinator title and internet capability; he

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lies continually and deleted the email after the FOIA came in; if you terminate him she will not proceed with the FOIA.

Dave Neiger, Planning Director, informs the board that they have received responses back on the ZORC and asks the board to appoint two members to the committee.

Larry Morris apologizes to Mr. Clarke about the email; sorry it was sent to the county computer and that he mixed personal business and county business.

10:32 p.m. PUBLIC INPUT CLOSED

Motion by Walterhouse, seconded by Hollenbeck, to move the meeting for July 21, 2009 to begin at 5:00 p.m. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None
Exc: Pitcher and Roper

Next meeting: Tuesday, August 11, 2009 at 9:00 a.m.

Motion by Walterhouse, seconded by Kelley, to adjourn until August 11, 2009, or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None
Exc: Pitcher and Roper

Donald R. Tanner – Chairman

Dawn Olney -- Benzie County Clerk

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

1. To adopt resolution 2009-015 regarding Manistee-Benzie Community Mental Health for mental health services as presented.
2. To the Board of Commissioners to hire Cole & Co. Auction Service Inc. to conduct an auction for the Sheriff Dept and Government Center on August 15, authorizing the chairman to sign the contract; and Sheriff Heckman and Linda Wilson to work out the details of disposal of unsold items.
3. To authorize the use of the 669 pole building for recycling, at no cost.
4. To authorize .0982 mills for four years for Animal Control, for the November 3, 2009 ballot as presented.
5. To adopt the Child Care Fund Budget Summary for October 1, 2008 through September 30, 2009, as presented, authorizing the chairman to sign.
6. To adopt the STOP Grant Application in the amount of \$13,000 for two years with the Women's Resource Center, authorizing the chairman to sign.
7. To amend the 2009 budget for Fund 214 – Land Reutilization Fund by increasing revenues and expenditures as presented.
8. To amend the 2009 budget for Fund 371 – Jail Debt Fund by increasing revenues and expenditures as presented.
9. To amend the 2009 budget for Fund 354 – Ambulance Debt/Millage Fund by increasing revenues and expenditures as presented.
10. To put the EMS issue on hold until September 2009 Committee of the Whole meeting to gather more information.
11. To authorize the County Treasurer to purchase a new SI-3500 in the amount of \$13,695.00 which includes a vertical stacker, as presented.
12. To authorize Bloxsom Roofing to replace the roof at the jail with funds from Fund 371, authorizing the chairman to sign the contract.

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

1. To affirm Lori Lautenbach as the MERS Employee Delegate and Sue Wells as the alternate.
2. To reappoint Charles Clarke as the MERS Employer Delegate and Dawn Olney as the Employer alternate.
3. To move forward and set up Planning Commission interviews under the new ordinance.
4. To direct the County Administrator's Office to be sure everyone receives their current job description and sign that they have received it.