

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**June 8, 2010**

The Benzie County Board of Commissioners met in a special joint meeting on Tuesday, June 8, 2010, at 5:00 p.m. at the Gathering Place, Honor, Michigan, 49640.

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

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

Motion by Pitcher, seconded by Roper, to approve the agenda as amended, adding two resolutions under further business. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

5:05 a.m. PUBLIC INPUT

Cynthia Schnarr, Honor, felt the lawyer at the Maples meeting was rude to Kris; they had it all lined up to have good things said; the atmosphere was tight there – if you weren't going to say something good, they didn't want to hear it; Kris was treated terrible.

John Zirkel, Honor, attended the maples meeting too; they set up that room exactly as Thelma and others wanted it done; all on the recording; 26 pages of minutes; different stories.

Eric VanDussen, everyone knows why we are here – a dispute over who should have gotten the \$300,000 Mr. Sears bequeathed to the Commission on Aging; Commission on Aging and Hospice were to receive it equally; Mr. Sears died in early 2005; Ms. Wolfe said in court that she was the attorney for the Commission on Aging (Board of Commissioners); she also at a court hearing on 2/23/2006 told the Judge and at the hearing, there was no one representing Benzie county, Ms. Wolfe said she was the attorney for the Commission on Aging and asks the court to change to Council on Aging and all parties have agreed to the change – no stipulation from Benzie County.

Kim Ireton, from Benzie County Probate Court, clarifies that the Judge on assignment to handle the case in Judge Brunner in Manistee County; nothing will happen ~~happy~~ until after July 15, 2010; if the parties come to an agreement, the petition to reopen the case has to come first, he has to decide if that happens; if petition to reopen is denied, all things end.

5:14 p.m. PUBLIC INPUT CLOSED

Chairman Tanner explains that we will go into discussion regarding the Sears Estate.

Mr. McQuilken says they do not have a full board present; this was to discuss the matter of the Sears estate. Asks regarding the process; what action has been before the court regarding the Sears Estate. John Daugherty, Prosecuting Attorney, explains regarding the process and that their attorney should have told them. Our position is that the Will is quite clear and we believe the funds should have gone to the Board of Commissioners, not the Council.

Mr. McQuilken: states that she (Linda Davis) asked to become a Council as an independent group to provide the same services that we provided by the Commission on Aging; reluctant to go to court; what is it that you are reluctant about?

Bruce Andersen states that their auditor says they do not have to follow the rules of the county – they can go to the stock market if they want.

They realize that it was a bad time to invest in the stock market and will come up with a policy regarding investments.

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Comm Hollenbeck feels they need oversight of their spending – the employees get benefits as county employees.

Mr. McQuilken we do understand that funds need to be invested in matters for the seniors: asks if you trust us to do that – to be able to use the funds for the service to seniors. Or do you feel the only answer is to go to court.

Mr. McQuilken reads a letter from Carl Greene, COA board member unable to be present.

Hollenbeck, distrust comes from your previous attorney and the not following of the OMA and FOIA, would like to see money as a separate line item in the county budget and only spent on senior issues upon request from the COA to the BOC; money was not handled well.

Comm Roper to Mr. McQuilken, states the Millage money goes to the Comm on Aging, not the Council on Aging, Comm on Aging has always been the BOC – always used for senior services; always been that way; now we contract with Council on Aging, doesn't change where that money goes to; same situation here – money was bequeathed to the Commission on Aging; we want to protect that money under the umbrella of the county to be used for the seniors; you have had some issues and learned lessons over the last few months and changing things – you are getting on the right road.

Chairman Tanner says there are things that trouble him; he has read a lot of Eric's documents and files; having read those documents; we are the Commission on Aging; ethics issues were breached; it is clear to him that those funds should go to the County and delegate those funds for senior use; funds should be invested under the county under our treasurer and earmarked for senior use; we have no interest to use those funds for any purpose other than what was set forth.

Chairman Tanner asks if there is a commissioner here that is satisfied with leaving the funds in the hands of the Council on Aging – no.

Mr. McQuilken: Would you agree to our using some of the fund to pay off the building; improvements at the Gathering Place (\$10,000 - \$12,000) – those matters would be brought to the county for consideration.

Comm Kelley asks that all seniors have the benefit of the Benzie Bus.

5:50 p.m. Comm Walterhouse Excused

Deb Sever asks if a policy signed by all would suffice if they keep the money under their control.

Kim Ireton states it might be beneficial to consider a trust; it would be overseen by the court; that way the court would make a decision on use of the funds.

Comm Kelley states that we have a treasurer that can do that.

Next Council on Aging Meeting: Wednesday, June 16, 2010 @ 1:30 p.m. and will discuss this matter further.

Linda Wilson states that Linda Davis was a department head employed by the county and the Board of Commissioners were in charge.; the county does provide services to seniors by contracting with the Council on Aging; had the money gone to Benzie County, we would have never lost \$70,000 we would have made money and never lost it; the county will not and cannot use those funds for

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anything else; if the millage fails and the COAS is unable to provide services; would like to see the mortgage on this building be paid off.

Linda Saffron states that she is here four days per week and agrees with the remodel idea for the safety of the seniors – good idea; if the money goes to the Council on Aging for senior use only and quit writing stupid letters in the paper.

Any further business:

Resolution 2010-028 – 911:

Motion by Roper, seconded by Pitcher, to approve resolution 2010-028 911 Operating Surcharge as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Tanner  
Nays: None Exc: Walterhouse

Resolution 2010-029 –Conservation District:

Motion by Pitcher, seconded by Roper, to approve resolution 2010-029 Conservation District as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Tanner  
Nays: None Exc: Walterhouse

6:10 p.m. Public Input

Eric VanDussen spoke about the bus policy – very restrictive policy on the senior bus passes; the county used to provide buses with over six figures – should be looked at; informs Council on Aging that they should stipulate to transfer the money to the Board of Commissioners – whatever is left; also should stipulate to strike from the record slanderous comments made by Ms. Wolfe claiming that Benzie County was blackmailing you; why didn't you pay off your mortgage when you got the \$300,000; what have you done with the money.

6:15 p.m. Public Input Closed

Motion by Roper, seconded by Pitcher, to adjourn until June 15, 2010, or the call of the chair.

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

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Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

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1. Approved resolution 2010-028 911 Operating Surcharge as presented.
2. Approved resolution 2010-029 Conservation District as presented.