

**Jackson County Board of Commissioners Meetings Minutes**  
**October 5, 2007 - Special Meeting**  
**Jackson County Commissioners Chambers: 7:30 a.m.**

**CALL TO ORDER:**

Chairman Shotwell called the Special Meeting of the Jackson County Board of Commissioners to order at 7:31 a.m.

**ROLL CALL:**

(12) Present: Commissioners Herl, Lutchka, Brittain, Duckham, Poleski, Videto, Mahoney, Brown, Smith, Way, Elwell, and Shotwell.

**PUBLIC COMMENT:**

*Public comment began at 7:32 a.m.*

John Tallis, Hanover Township Supervisor and a member of the Ad Hoc committee. He hopes that the commissioners look at the work the committee has done in a favorable light. He is very pleased with the actions of the committee.

*Public comment closed at 7:33 a.m.*

**ANIMAL SHELTER:**

Acting Administrator Randy Treacher stated that the administration has recommended purchasing a parcel of property on Spring Arbor Road, which currently houses Top Dog Pet Care. That building is approximately 1/3 larger than the current facility and sits on 5½ acres that would be included in the purchase. A veterinarian from the State Department of Agriculture has visited the site and looked favorably upon one of the buildings. The plan is to have a complex that has two buildings. One building would be the animal shelter where an animal could be surrendered. All of the animals would go there for intake. The animals that are suitable for adoption would move to the adoption center where they would be groomed and potentially micro-chipped. They would be in a very appropriate and non-stressful setting, and people would be able to go there and have socialization with them. He thinks that it will be a first class operation. Another benefit of two buildings is if there was disease, the animals would be separated and with that he expects the vet costs to go down. He also expects that the number of animals would increase the numbers of animals adopted and the number of animals that have to be euthanized would go down. There is also a program through Baker College where the vet techs are doing spaying and neutering. He hopes that everyone sees that the concept they are talking about is something dramatically new and will reduce the possibility of spreading disease between the animals that Jackson County currently has. He also thinks it will put Jackson County on the map as having a great facility. Cmr. Way asked how closely the contract with the current owner is tied into the sale of the property because he still has some issues with the grooming versus the main mission of the Animal Control. Mr. Treacher stated that per the contract [pg 3, sec. 5(c)], a separate independent contractor's agreement will have to be executed to complete the sale. Cmr. Way stated that he toured the current facility yesterday. Currently, there are 30 dogs and 25 cats. The director told him that is just a little bit below average. The large building's capacity at the proposed facility is 30 cats and 30 dogs. With the main mission being what it is, he doesn't see that they can do what the current owner's plan for the building. Mr. Treacher said he is not exactly sure of the question. He would say that the average is between 50 and 60 in the current shelter, which will be the same for the adoption center, but that would be if all of the animals are there. There is also the building in back that will hold the animals that are not going for adoption. There will be an increase in the number of animals that can be accommodated. Cmr. Elwell asked if the numbers of 50 to 60 in the front building are based on a single animal in each case. If so, that can certainly be doubled if needed, as is the practice at the current facility. Mr. Treacher stated that between the two buildings, it will substantially increase the number of animals that it will hold. Cmr. Duckham likes the concept and thinks that it is something that the residents of Jackson County can be proud of and he thinks that Mr. Treacher has done a good job. However, he is a little uncomfortable with the working agreement in a couple of aspects. He doesn't know what term of contract is being looked at and he doesn't think there should be any severance package included. Mr. Treacher said the contract would be for an independent contractor so there would be no severance and it would be a five year agreement but on a year to year. The budget would be approved by the board each year. Even within the year there would be an out on either side for cause. It really doesn't tie the county to any particular amount of time. Cmr. Duckham asked if this means that there will be a reduction the employment numbers for the animal control department. Mr. Treacher said yes, and he believes that when the plan is put into operation that even less employees will be needed. Since it hasn't been tried and there is no background, he didn't want to underestimate the budget. Cmr. Herl asked if we are talking about the purchase, working agreement, or both. Mr. Treacher said that the only thing that he is recommending action on today is the purchase agreement. The independent contractor's agreement will come back before the board assuming this is approved. ***Moved by Herl, supported by Brown to go ahead with the purchase of the land as recommended by the administrator.*** Cmr. Brittain stated that the property to the west side that runs along the road is not owned by the seller. If the county did want to expand in the future we would have to look at purchasing that property also. We will also be taking the building off the tax rolls if it is purchased. He believes that the tax base is

needed. He agrees that it is an excellent building even though it is not completely finished. He believes it will cost an additional \$17,000 because the floor hasn't been done along with a few other minor things, but this is separate from the building portion. He said if we aren't going to stick to the three bid policy, he doesn't think this should even be considered. He will be voting no on this. Mr. Treacher responded by saying that they have looked at the property to the west, but the current owner wants too much for it so they are not interested at this time. In terms of the building, it is already in the agreement that that work will be finished regarding the front building. The other issue regarding adoption, there is a lot more expense than what Cmr. Brittain mentioned. One of the things that he mentioned from the very beginning is that any new improvement in the shelter is going to cost more money. The proposal being shown only has a net increase of \$50,000. We are moving some of the current expenditures to the \$180,000. It will cost more money. Another point is that the county will still need volunteers without question in the "shelter" and "adoption center." Cmr. Elwell looked at it the other day and stated that it is a huge piece of property. He doesn't think the other property will be necessary. To Cmr. Brittain's issue on the three bid policy – that it not what we are acting on today but that argument could come up when they get ready to look at it. Cmr. Duckham is not one to enjoy spending the tax payers' money but he thinks it's a very worth while project. It is his understanding that they are under the gun to improve the current animal shelter by State Order. He will be supporting this motion. Cmr. Poleski didn't notice in the purchase agreement that there is a requirement for the seller to finish the minor work on the buildings. ***Moved by Poleski, supported by Videto for an amendment that we condition our approval on the fact that the seller does complete the additional items that Mr. Treacher discussed with her regarding the buildings.*** He thinks that it is prudent in this case. Cmr. Elwell asked if the amendment is going to include a time that the seller has to have the additional work finished. Mr. Treacher stated that the work has already been ordered and it will be done by closing. She is already working on it and paying for it herself. Cmr. Way's understanding is that the \$17,000 is built into the price, so he doesn't understand the amendment. Chairman Shotwell responded that the clarification would be that Cmr. Poleski would like the work completed before the county takes occupancy. This amendment will have no direct impact on when the county receives the property. Roll call on the amendment: (11) Yeas. Cmr. Herl, Lutchka, Duckham, Poleski, Videto, Shotwell, Mahoney, Brown, Smith, Way and Elwell. (1) Nay. Cmr. Brittain. Cmr. Poleski asked if the commission will have an opportunity to consider and vote upon the consulting contract. Chairman Shotwell answered yes. Cmr. Poleski also asked if the costs of the expansion of the intake building are included in the \$1.3 million dollar price. Mr. Treacher said that those costs will be additional because there is no point in getting engineering or architectural costs to do something like that if the commission does not go through with the purchase. Another thing that needs to be determined is how many animals will have to be housed there. Currently, the animal shelter does not keep track of how many animals are available for adoption, held for owners, or held to be euthanized. It's not going to have to be that much bigger because the building that is going to be the adoption center already is going to hold as many animals that we house all together. Cmr. Brittain said that when he took the tour of the facility and asked about additional improvements to the buildings, she said that they would be at the county's expense, unless she has changed her mind. She also said that any new animals coming in would go to facility on Blackstone Street. He said that we are looking at an increased maintenance because we will be keeping up three buildings instead of one. Mr. Treacher said that on a temporary basis the animals will go to Blackstone until such time as we have the back building ready because the state will not allow us to go to that building until it is approved. She is right and she has been very adamant that the front building will be the adoption center. She is not interested in becoming the animal shelter. In terms of words, we are talking the same thing. On the \$17,000 there is list of vendors and some materials have been ordered. She meant on top of that, it is up to us. Cmr. Poleski stated that he has been poking and prodding for options on this project. He thinks that what we have here is a vast improvement over what we have on Blackstone Street. He would have rather have seen a more complete process, but he thinks it is a good solution. He is very concerned about entering into a five-year contract without the bid process. Vote Roll Call: (11) Yeas. Cmr. Herl, Lutchka, Duckham, Poleski, Videto, Shotwell, Mahoney, Brown, Smith, Way and Elwell. (1) Nay. Cmr. Brittain. Motion carried. The purchase agreement is going forward.

#### **RECOMMENDATIONS FROM THE AD HOC COMMITTEE ON ROADCOMMISSIONERS:**

##### **a. Establishment of Road Commission at five (5) members**

***Moved by Elwell, supported by Herl for the Establishment of the Road Commission at Five (5) Members.***

Cmr. Brittain stated that he will be voting against this motion because he thinks a three member commission will work fine. Cmr. Lutchka feels that it doesn't matter if the commission goes from three to five members because it is still going to end up costing more. Cmr. Elwell said he is typically for smaller government, but in this case he doesn't think that three commissioners are enough right now. Cmr. Poleski stated that we will have more experience with five commissioners. He urges everyone to support the motion. Roll call: (10) Yeas. Cmr. Herl, Duckham, Poleski, Videto, Shotwell, Mahoney, Brown, Smith, Way, and Elwell. (2) Nays. Cmr. Lutchka and Brittain. Motion carried.

##### **b. Members of the Road Commission are to continue to be appointed by the Board**

***Moved by Elwell, supported by Mahoney to Have Members of the Road Commission Continue to be Appointed by the Board.***

Cmr. Brittain does not think that they will be held accountable unless they are elected by the public to a two-year term. He doesn't think that they should be the ones to have full authority over that. They don't have to have any requirements to make them qualified as a road commissioner. Cmr. Duckham will be supporting the appointment process, but asked if it can be made a five-year term instead. Chairman Shotwell said

the questions will be referred to the Administrator to research and return to the commission with answers. Cmr. Elwell is fairly certain the terms are six years per state law. He fully supports appointing the road commissioners instead of making them elected. Roll call vote: (11) Yeas. Cmr. Herl, Lutchka, Duckham, Poleski, Videto, Shotwell, Mahoney, Brown, Smith, Way and Elwell. (1) Nay. Cmr. Brittain. Motion carried.

#### **c. Adopt the Road Commissioner Job Description**

*Moved by Elwell, supported by Brittain to Adopt the Road Commissioner Job Description.* Acting Administrator Treacher stated that yesterday Cmr. Brittain asked him to research public highway and private roads act, which governs Road Commissions. He found in section 22.49 (2), "The Board of County Road Commissioners shall annually appoint one member as chairperson to serve during the pleasure of the board. The board of County Road Commissioners shall act as an administrative board only and the function of the board shall be limited to the formulation of policy and the performance of official duties imposed by law and delegated by the County Board of Commissioners." He thinks that the job description is even more appropriate today given what it says with this section of the act in mind. *Moved by Elwell, supported by Brittain to Amend the Job Description to Include the Statutory Language.* Cmr. Mahoney said that it is in the statute and she doesn't feel that is necessary to pull one part out without pulling everything out. Cmr. Elwell said a lot of what Cmr. Mahoney said makes sense but there are also a lot of things in state law that have been forgotten through the years, including the fact that the board of commissioners have to approve the pay and other compensation. He sees no problem in hitting the high points in a job description that we can look back on five years from now and know that they are only a policy setting board. Cmr. Brown said that when the road commissioners get their jobs, there is a handbook that every commissioner in the state of Michigan gets. It states that they are only policy makers. Roll Call on motion to amend the job description language: (8) Yeas. Cmr. Herl, Brittain, Duckham, Shotwell, Brown, Smith, Way and Elwell. (4) Nays. Cmr. Lutchka, Poleski, Videto and Mahoney. Motion carried. Roll call on Item 5c: (12) Yeas. Motion carried unanimously.

#### **d. Adopt Administrative Policy No. 5290 which outlines the Salary, Compensation, and Requirements for the Road Commissioners**

*Moved by Elwell, supported by Duckham to Adopt Administrative Policy No. 5290 which outlines the Salary, Compensation, and Requirements for the Road Commissioners. Moved by Elwell, supported by Brittain for the following amendment of the first line of the policy: The Salary for All Members of the Jackson County Road Commission Who Are Appointed after 10/1/07 Shall Be Established at \$5000 Annually.* Cmr. Elwell asked Acting Administrator Treacher to speak to the conversation that he had last night relative to the resolution that was sent to Lansing on pay. Mr. Treacher stated that he had a rather extensive conversation with State Representative Mike Simpson and although he has been working on the budget, he did take the resolution passed at the September meeting regarding being able to change the salaries of the Road Commission seriously. He asked the Legislative Service Bureau, which is a non-partisan group that actually drafts the legislation, to look into whether or not they believed it was even necessary to even change the law. According to the attorneys, they believe that there is no language in the law currently that would govern the ability of the Board of Commissioners to change the salaries of elected Road Commissioners. Appointed Road Commissioners are different than elected commissioners; elected would be treated the same as all other elected officials wherein the salary cannot be changed during the term of office. Their clear opinion is that the salary of the appointed road commissioners could be changed at any time depending on resolution or policy of the local board. Mr. Treacher did remind Mr. Simpson that he believes there is an Attorney General's opinion to the contrary but they had not looked at those yet. In terms of statute, they do not believe that the statute needs to be changed at this time. Mr. Simpson told Mr. Treacher specifically that he considers appointed road commissioners to be at-will employees. Cmr. Elwell explained that the reason he moved that way is because they will be making two appointments eventually for the unexpired terms. He strongly opposes paying those new appointees \$34,000 a year. He fully supports taking on that fight and feels that if the board of commissioners perform their jobs appropriately regarding who gets appointed and it is made clear of what the salary is ahead of time, they are the only ones that would have standing to argue that point. Cmr. Herl asked for some clarification as to changing the wages of the Road Commissioners. Mr. Treacher stated that the wages can be changed at any time during the term of their office, but if there is a local policy or a resolution that sets their salary, you can't go back and change it. Cmr. Herl believes that the third road commissioner's salary should be cut as well and if a resolution was signed, he would be willing to rescind it. Chairman Shotwell suggested dealing with the recommendations of the committee at this time and the adjustments will be examined at a later time. Roll call on the amendment: (11) Yeas. Cmr. Herl, Lutchka, Brittain, Duckham, Poleski, Shotwell, Mahoney, Brown, Smith, Way and Elwell. Cmr. Videto left the room at the time the amendment was voted on. He has the option to vote later in the meeting per Chairman Shotwell. Chairman Shotwell asked for a Roll call vote on Policy 5290 as amended. Cmr. Way asked for discussion. He has an issue on the first paragraph under Compensation. It was his opinion that they would not get extra per diems for the board meetings but that is not how it reads. The other issue is in the third paragraph under Compensation, he would like to add the word the benefits after the word compensation. Mr. Treacher stated that adding the word benefits would be redundant because compensation means the same thing. Cmr. Way thought that vehicles were considered a benefit and not compensation. Mr. Treacher said that under the law the vehicles are considered compensation. Cmr. Way stated that two months ago they were considered benefits. Cmr. Mahoney's understanding is that the Road Commission would be operated basically under the same premise as this board, which means that they don't

receive compensation for a board meeting; it's only for ad hoc committee meetings that they receive the per diem. She thinks that it reads that way but she wanted to make sure. Cmr. Elwell's recollection is that is in fact what they were setting in the ad hoc committee. The salary will be set at \$5000 and also allowing per diem to be paid. It was not his understanding that it would be for regular monthly meetings, only above and beyond that. They also talked about a cap on the meetings. Mr. Treacher was under the impression that they are to be compensated and the guidelines do state, "per diem payments for all meetings attended of the Jackson County Road Commission." If that is not the intent then that needs to be changed. *Moved by Mahoney, supported by Way to amend the first paragraph of the Salary and Compensation Guidelines for Jackson County Road Commissioners to state that they would not receive compensation for their regularly scheduled Road Commission meetings.* Cmr. Lutchka thinks the wording is wrong, it should say per diem for the regularly scheduled board meetings. Cmr. Mahoney moved to change the amendment to say that they would not receive per diem for their regularly scheduled Road Commission meetings. Cmr. Mahoney stated that should not even be paid for special meetings. She wants to make sure that it is exactly like the Board of Commissioners so she should say for *any* road commission meeting. Cmr. Elwell thinks that the intent of Cmr. Mahoney's amendment is to simply make it the same as the County Commissioners policy. He suggests that the amendment be that the Administrator makes the policy say what the county commissioner's policy says. Roll call on the amendment: (12) Yeas. Motion carried unanimously. Roll call on the policy. Roll call: (12) Yeas. Motion carried unanimously.

**e. Adopt a Road Commissioner Candidate Screening Committee, currently the Ad Hoc Committee on Road Commissioners, for Road Commissioner appointments. The duties of the Screening Committee would be to submit no less than three names for each vacant Road Commission position to the County Affairs Committee. County Affairs would then submit one name for each vacant position to the Board of Commissioners per current Board rules. Also, a criminal background check of applicants is to be performed.**

*Moved by Elwell, supported by Poleski to Adopt a Road Commissioner Candidate Screening Committee, currently the Ad Hoc Committee on Road Commissioners, for Road Commissioner appointments. The duties of the Screening Committee would be to submit no less than three names for each vacant Road Commission position to County Affairs Committee. County Affairs would then submit one name for each vacant position to the Board of Commissioners per current Board rules. Also, a criminal background check of applicants is to be performed.* Cmr. Brittain does not agree with the motion. The recommendations and appointments are going to be political. It doesn't come down to who is the best person or who has the best qualifications. It comes down to getting a majority of the county commission's vote. He doesn't feel that the structure of that board is good enough to give recommendations. When he first became a commissioner in 1999, he and the other commissioners were asked to look through the stack of applications and submit their top five to eight names. He thinks that it should be the same process now. He thinks that the recommendation from the committee may be a little slanted because it's not made up entirely of commissioners. Cmr. Mahoney agrees with Cmr. Brittain. She thinks that the buck stops with the commission. She thinks that the county commissioners should be fully ready to take responsibility for that. She has no problem with reviewing the applications and she thinks that all commissioners should do the same so that they can feel confident that they have done their due diligence and responsibility. It may be cumbersome, time consuming, and political, but this is a political body. She thinks that the board should take on that responsibility and not give it to somebody else. Cmr. Elwell stated that in committee he supported being a little bit more broad based on who this recommendation committee would be made up of. He agreed with what is before the board now as a compromise and he still supports it now. The thing he wants everyone to recognize is that it comes back to the body of twelve county commissioners. If everyone thinks about who is on the committee and who will be making the recommendations, the pressure is on to get it right. They are public meetings and anyone can be there to make a public comment. If this proposal is adopted, the committee is going to recommend three people for each position and then it goes back to County Affairs to do their obligation and whittle it down to one. He said that if he is not mistaken, Cmr. Brittain is on the Affairs committee, so he would be part of that process to recommend to the board who it is. As a last result there is also always the ability to nominate a person from the floor. One final point Cmr. Elwell wanted to make is that there are four commissioners on the committee, along with three supervisors, and Mr. Treacher. Cmr. Herl agrees that the motion is a good process to go by, but he does think that the application form for the Road Commissioners should be changed so it gets a little more information about their background. Cmr. Lutchka supports the committee but feels that recommending three people for each position is a little too much and thinks that two is a better number. Cmr. Duckham suggested that each commissioner be given the task of submitting a certain number to the screening committee and then let them do the screening. That would allow the commissioners to have input on who the committee is reviewing. Cmr. Brittain informed the commissioner that he has to leave soon because a family member is having surgery. Roll call: (9) Yeas. Cmr. Herl, Lutchka, Poleski, Videto, Shotwell, Mahoney, Brown, Smith, Way and Elwell. (3) Nays. Cmr. Brittain, Duckham and Mahoney. Motion carried. Cmr. Brittain left after placing vote.

#### **ESTABLISH A COMMITTEE OF THE WHOLE MEETING FOR REVIEW OF THE 2008 BUDGET RECOMMENDATIONS:**

Chairman Shotwell asked if any commissioners had any ideas for a date and time to hold the next Committee of the Whole meeting for review of the 2008 budget recommendations. He stated that he has been criticized in the

past for setting meetings and then people being mad that they weren't consulted. Mr. Treacher stated that it will need to be at least two hours or so long. *Moved by Elwell, supported by Mahoney to Establish a Committee of the Whole Meeting for Review of the 2008 Budget Recommendations on Monday, October 29, 2007, at 7:00 p.m.* Motion carried.

Mr. Treacher stated that he is very pleased to let everyone know that yesterday the general fund budget presentation was completed and is now available online. It is on the county's internet site, on the County Commissioner's page. It is in the middle of the page listed as – New 2008 Budget Information. The general fund information is there for them to view and more data will be added as they get the opportunity.

**NEW BUSINESS:**

*Moved by Way, supported by Elwell to Appoint Acting Administrator Randy Treacher, effective today, to Take on the Current Term of Retired Road Commissioner Robert Zenz.* Cmr. Elwell asked if it will be a conflict of interest. Mr. Treacher said he doesn't know of any. Cmr. Mahoney supports if Mr. Treacher if there is no conflict of interest. Cmr. Lutchka feels that if there is going to be a replacement for one of the retired commissioners, he believes there should be a replacement for the other. Chairman Shotwell said that it is out of order right now. Cmr. Elwell thinks it's worth while to say that it would allow a quorum again, and it would be only a temporary thing until the committee can do its work. His belief is that sometime soon the Administrator would resign from that position and allow a new appointee to fill that spot. Roll call vote: (9) Yeas. Cmr. Herl, Duckham, Poleski, Shotwell, Mahoney, Brown, Smith, Way and Elwell. (2) Nays. Cmr. Lutchka and Videto. *(As mentioned earlier, Cmr. Brittain had to leave early and was not present for this vote.)* Motion carried.

*Cmr. Duckham moved to make compensation adjustment effective 1/1/2008 to reduce the remaining Road Commissioners salaries to the \$5000 as the other four will be.* Motion denied for lack of support. Chairman Shotwell asked the Acting Administrator to investigate what the impact of that motion would be and return to the county commissioners with a report.

Cmr. Mahoney asked the board to allow the Acting Administrator to bring back what their actions need to be to remove the final and third road commissioner so they can move forward with an entire new road commission. Cmr. Duckham stated that he supported the motion made by Cmr. Mahoney. Chairman Shotwell said that it is an administrative item and policy states that it must go through the administrator.

**PUBLIC COMMENT:**

*Public comment began at 8:43 a.m.*

Judy Dynnik thanked Chairman Shotwell, Mr. Treacher, Jackson Co Animal Rescue Friends, Kim Luce, and all of the board members for all of the hard work on the new shelter. She also offered any help that Jackson County Volunteers Against Pound Seizure can give. She will put a wish list on their website and she is sure that other pet people have pet or other items to donate to help reduce costs to Jackson County. She also suggested that a donation fund be started for people that are interested so they can donate cash, or perhaps donate through Cascades Humane Society. Another option is for people to send donations to the county in care of animal shelter fund.

Diane Brush with Jackson County Animal Rescue Friends thanked the commission for the work with new animal shelter. She thinks that it is step in the right direction.

*Public comment closed at 8:44 a.m.*

**ADJOURN:**

Chairman Shotwell adjourned the October 5, 2007, Special Meeting of the Jackson County Board of Commissioners at 8:45 a.m.

James E. Shotwell – Chairman, Jackson County Board of Commissioners  
Respectfully submitted by Amanda L. Riska – County Clerk