

**Jackson County Board of Commissioners Meetings Minutes**  
**October 14, 2004 - Special Meeting**  
**Jackson County Commissioners Chambers: 8:30 a.m.**

**CALL TO ORDER:**

Chairman Cliff Herl called the October 14, 2004 Special Meeting of the Jackson County Board of Commissioners to order at 8:31 a.m.

**INVOCATION:**

Cmr. Lacinski

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

(9) Present: Cmr. Brittain, Day, Videto, Shotwell, Mahoney, Berkemeier, Lacinski, Elwell, & Herl. (3) Absent: Cmr. Adams, Baxter, & Wilson

**MOTION TO SUSPEND RULES:**

*Moved by Elwell supported by Brittain to Suspend the Rules.* Motion carried.

**CLOSED SESSION:**

*Moved by Videto supported by Brittain to Go Into Closed Session to Discuss a Written Legal Opinion.* Roll call: (9) Yeas. Motion carried unanimously. The Jackson County Board of Commissioners went into Closed Session at 8:35 a.m.

**OPEN SESSION:**

**First Interview- Brian Philson**

*Moved by Brittain supported by Berkemeier to Return to Open Session.* Motion carried. The Jackson County Board of Commissioners returned to Open Session at 9:04 a.m.

Chairman Herl turned the meeting over to Chet Taraskiewicz in his capacity as Moderator. Chet introduced Brian Philson as the first candidate in the search for the new Jackson County Administrator/Controller. Each candidate will be asked the same set of 20 questions. It was agreed that Chet would ask the pre-submitted questions for the Commissioners that were not present. One follow up question would be allowed for clarification of an answer.

Mr. Philson answered all of the Commissioners questions and then was given an opportunity at 10:12 a.m. to ask questions and make a closing statement. Mr. Philson cited the Jackson County Mission Statement "Jackson County government, in cooperation with the community and local government units strives through a planned process to deliver quality services that address public needs". Mr. Philson said that he believes he can fulfill that mission. He has a commitment to Jackson County, family, strategic planning and delivering quality service.

Herl thanked Mr. Philson for his participation. *Moved by Videto supported by Brittain to Recess until 11:00 a.m. for the Next Scheduled Interview.* Motion carried, the Board recessed at 10:14 a.m.

Rick Baxter arrived at 10:58 a.m.

**OPEN SESSION:**

**Second Interview- Robert Elliott**

*Moved by Mahoney supported by Brittain to Return to Open Session to Continue the Interview Process.* Motion carried. The Board returned to Open Session at 11:02 a.m. Chairman Herl turned the meeting over again to Chet Taraskiewicz in his capacity as Moderator. Chet introduced Robert Elliott as the second candidate in the search for the new Jackson County Administrator/Controller. Chet explained the process as before. Each candidate will be asked the same set of 20 questions. It was agreed that Chet would ask the pre-submitted questions for the Commissioners that were not present. One follow up question would be allowed for clarification of an answer.

Mr. Elliott answered all of the Commissioners questions and at 12:38 p.m. was given an opportunity to ask questions and deliver a closing statement. Mr. Elliott's first question was related to budget stabilization. He questioned how the resources had been used; has the county been drawing them down? Chet answered that they were not touched for four or five years. It's only been in the last two years that it's been necessary, but that's what it's for, to maintain services. Mr. Elliott asked as a follow up question if the county plans on building the fund back

up. Chet explained that they put money in there when they are closer to 11% or 12%. Mr. Elliott pointed out that the county is property tax dependant and must rely on assessed valuation growth, and that he sees signs of that growth. Chet responded that residential construction has been keeping us afloat.

Mr. Elliott's next question was in regard to the astronomical cost of our retirement and health benefits are we planning any major changes? Chet explained that approximately 20 years ago you only had to work for the county for 8 years and reach a certain age and you would retire with full benefits. About 12 years ago, that was changed. You were still vested into the pension system after 8 years, but you would only be at a 75% level of health care, and you would have to work 15 years to reach 100%. The last contract that was negotiated and just went into effect in July changed the prescription co-pay from a flat \$5 to \$10 for generic and \$20 for brand name. Another change is that all employees now contribute a percentage of their health coverage. Chet also indicated that he has proposed that retirees, some who pay no co-pay, and some who pay the flat \$5 be brought on board to pay the \$10/\$20 that the current employees pay, but that issue has not been voted on yet. Chet went on to explain that the county is self-insured and do many wellness programs trying to keep costs down. Health costs have risen in the past two years from \$5,600 to \$9,800 per employee.

Mr. Elliott asked if there were a set of goals, objectives, or standards that we subscribe to. Chet explained that is usually done every two years as a new Board of Commissioners is seated. This time they were still working on some previous goals, but they will be setting up goals after the first of next year.

Mr. Elliott concluded by reinforcing that he has seen some outstanding accomplishments on the part of Jackson County over the last 20 years, and that Jackson is evolving into a major county for the state. He would be honored to serve as our Administrator, and will work to bring the type of cohesion that we are looking for in a smooth transition. Mr. Elliott thanked the Board for the interview and the reception the previous evening.

*Moved by Baxter supported by Shotwell to Recess until 1:00 for the Next Scheduled Interview.* Motion carried. The Board recessed at 12:52 a.m.

Baxter left at 12:57 p.m.

#### **OPEN SESSION:**

##### **Third Interview-Paul Brake**

*Moved by Mahoney supported by Brittain to Return to Open Session to Continue the Interview Process.*

Motion carried. The Board returned to Open Session at 1:08 p.m. Chairman Herl turned the meeting over again to Chet Taraskiewicz in his capacity as Moderator. Chet introduced Paul Brake as the third and final candidate in the search for the new Jackson County Administrator/Controller. Chet explained the process as before. Each candidate will be asked the same set of 20 questions. It was agreed that Chet would ask the pre-submitted questions for the Commissioners that were not present. One follow up question would be allowed for clarification of an answer.

Mr. Brake answered all of the Commissioners questions and followed up with a few of his own. Mr. Brake wanted to know what characteristics the Board was looking for in their Administrator/Controller. Day answered that they want someone who will listen to them and work with them. Elwell said that it was important to keep them informed and keep on top of the finances.

Mr. Brake then asked how they worked as a group. Mahoney answered that they need consensus building assistance. Elwell stated that when issues make it to the Commission floor, the Board airs them out well.

Herl asked Mr. Brake to clarify whether or not he planned on moving to Jackson County. Mr. Brake replied that his wife has a good career in the Lansing area, but that he does comply with the state's residency law.

Mr. Brake thanked the Board for their time and the opportunity to get to know all of them. Many of the challenges that they currently face he has dealt with in his career and could bring that experience to the table.

#### **END OF INTERVIEWS:**

*Moved by Mahoney supported by Brittain to Recess until 4:00 p.m. to Conclude the Meeting.* Motion carried. The Board recessed at 2:13 p.m.

#### **COMMISSIONERS RETURN TO OPEN SESSION:**

*Moved by Mahoney supported by Brittain to Return to Open Session.* Motion carried. The Board returned to Open Session at 4:00 p.m.

*Moved by Elwell supported by Brittain to Move Forward to Make a Selection on an Administrator.* Roll call: (5) Yeas. Cmr. Brittain, Day, Berkemeier, Elwell, & Herl. (4) Nays. Cmr. Videto, Shotwell, Mahoney, & Lacinski. Motion carried.

*Moved by Mahoney supported by Elwell to Proceed to Ballot in the Normal Fashion and also have Colors Assigned to the Candidates, Paul Brake-Green, Robert Elliott-Red, and Brian Philson-Yellow.*

Mahoney asked how one would abstain from the vote. Herl answered that it would be blank. Elwell believed that Roberts Rules states that one cannot abstain without a vote to allow that person to abstain. A search for a copy of Roberts Rules ensued.

Elwell stated for the record that there needs to be a majority of those elected, not present to pass a vote, and 7 votes would be needed to appoint an Administrator/Controller.

Brittain asked if they don't get enough votes, could the issue be adjourned until the entire Board is here?

Herl said that it would have to be passed as a motion.

Mahoney withdrew her question about abstaining so that the Board could move forward to ballot.

Lacinski commented that this is probably the most important decision that this Commission will make and is disappointed by the fact that we are missing 3 Commissioners. Elwell echoed the disappointment and stated that he understood that one of the Commissioners had an emergency arise as he was on his way to the interviews.

Mahoney stated that her position from the beginning was that the new, incoming Board should make this appointment. Elwell's decision to move forward is based on the fact that the sitting Commissioners know more about what is needed in an administrator, than new incoming Commissioners would. It would also be uncomfortable to have one of the missing Commissioners come in and vote when they have not been part of the process. Berkemeier spoke in defense of Cmr. Adams, who was called away to an emergency as he was on the way to the interviews. Elwell concurred, and Herl said that he's certain that everyone present feels that way.

Day said that he talked to Adams and he was still trying to get to the meeting. Day said that Adams hadn't been present for the interviews, but he had studied the packets and he would be in favor of putting off the vote until the whole Board was present. Elwell asked if the matter could be brought up at the next meeting if the vote was defeated. Chet answered that it wouldn't be defeated, just not enough votes.

Mahoney feels that delaying the vote would be defeating the purpose, as the missing 3 Commissioners didn't participate in the interviews. The Board may as well have just read the packets and made a decision from that. You can look much different on paper than you appear in person. Elwell felt that the votes of the Commissioners that didn't sit through the interviews are irrelevant because they didn't get full knowledge. Elwell suggested that if they are unable to obtain the votes needed tonight, that there should be a motion after that to move on to plan B.

Roll call on the main motion: Robert Elliott (5). Cmr. Herl, Day, Mahoney, Berkemeier, & Elwell. Paul Brake (3). Cmr. Brittain, Videto, & Shotwell. Brian Philson (1). Cmr. Lacinski. Brian Philson drops out of the running. Roll call: Robert Elliott (6). Cmr. Herl, Day, Videto, Mahoney, Berkemeier, & Elwell. Paul Brake (3). Cmr. Brittain, Shotwell, & Lacinski.

Appointment is not made because there was not a majority of votes.

Berkemeier voted for Robert Elliott for his vast experience and his answer in regard to working with new commissioners and orienting them to the norms and procedures in meetings and their relationships to others. Berkemeier stated that he is the newest commissioner and is disappointed with the way that some of the commissioners interrelate with each other in discussions and debates. Everyone comes with their own ideas, but we need to keep respect for each other, and he thinks it's lacking. He can see Mr. Elliott addressing that type of situation. Berkemeier found the fact that Paul Brake was unwilling to move to the Jackson Community very disturbing. The other thing about Mr. Brake was his flat presentation and found his personality somewhat subdued, and may not be up to the challenge of working with some of the strong personalities that we have involved in our local government and community that he would be responsible for dealing with on a regular basis.

Shotwell indicated that he supports Paul Brake. Shotwell sat through two interviews with both Mr. Brake and Mr. Elliott, and was on the original search committee. Mr. Brake created the Administrator position in Shiawassee County. He dealt with judges, clerks, treasurers; all strong people who had an idea of what the position should be. He developed a budget process and created an administration that is functioning today. The residency issue is a concern, but it may be negotiable. It should not be the reason that he is removed from the pool. Mahoney felt that Mr. Brake did not demonstrate the ability to be the chief financial officer and would be totally dependant on other people in that capacity. Elwell thanked Brian Philson for participating in the process, and sees him moving up the ranks in the county. Elwell stated that he was part of the group that did the background and spoke with three listed references, and three references that were not listed and was very impressed by everything he heard. Today's interview was somewhat flat and his laid back personality may not be suited for handling the people and issues that this position requires. Elwell is supporting Mr. Elliott. Day also sat in on the earlier interviews and was at that time was impressed with Mr. Brake. He was disappointed today and doesn't think Mr. Brake has the financial experience needed for this position. Day was also disappointed about Mr. Brake's unwillingness to move into the Jackson community. Herl had received e-mail from someone on the search committee asking him to follow up on Mr. Elliott's references. Herl made a phone call to Columbia TN. A Saturn plant went in down there and Mr. Elliott went down as the City Director. When the Saturn plant went in, they took workers who had been laid off from plants all over the country and moved them down there, they didn't hire local people. They didn't want any more outsiders coming in. The local police chief retired, so Mr. Elliott interviewed 3 candidates, one from outside and two internally. Mr. Elliott found the outside candidate to be the better candidate and hired him. That same day the City Council held a meeting and voted to fire him. Mr. Elliott stood his ground. Roll call: Robert Elliott (8). Cmr. Herl, Brittain, Day, Videto, Mahoney, Berkemeier, Lacinski, & Elwell. Paul Brake (1). Cmr. Shotwell. Robert Elliott was selected as the candidate for Jackson County Administrator/Controller effective January 2005 subject to successful contract negotiations.

Elwell suggested that the Chair appoint a committee to negotiate a contract with Mr. Elliott. *Moved by Elwell supported by Mahoney to Move Forward with a Professional Search if a Contract Cannot be Negotiated with Mr. Elliott.*

Berkemeier commented that Brian Philson should be a back up candidate. Brittain agreed, stating that he had been tied between Paul Brake and Brian Philson. Brittain said that he would be voting against a professional search and that we should not waste taxpayer dollars on it. Mahoney interjected that she feels the county has a perfectly capable Deputy Administrator that could act as an interim Administrator while we look and take the time to bring candidates to the Board that they can support, and if we are not able to reach an agreement with Mr. Elliott the Board has no choice but to move forward with a process to find a candidate with the experience that the county needs at this time. Elwell stated again that he hopes Brian Philson continues to move up in county government and get more experience that's in line with the administrator position, because with a little experience in the right places he would make a great administrator. Mahoney agrees with all of the comments regarding Brian Philson, but she does not feel that with his experience at this time, he is prepared for this level of an administrative position. Motion carried with the record reflecting a nay vote from Brittain and Berkemeier.

Chet reminded the Board that according to statute any contract agreed upon after August 1 of an even numbered year could only be negotiated for one year.

**ADJOURN TO THE CALL OF THE CHAIR:**

*Moved by Mahoney supported Brittain to Adjourn to the Call of the Chair.* Motion carried. The October 14, 2004 Special Meeting Jackson County Board of Commissioners was adjourned at 4:31 p.m.

Cliff Herl-Chairman, Jackson County Board of Commissioners  
Sandy Crowley, Jackson County Clerk  
Respectfully submitted by Erin Foster, Chief Deputy County Clerk