

Jackson County Board of Commissioners Meetings Minutes
February 22, 2005 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Herl called the February 22, 2005 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

INVOCATION:

Comr. Brittain

PLEDGE OF ALLEGIANCE

ROLL CALL:

(11) Present: Comrs. Lutchka, Brittain, Day, Reynolds, Videto, Shotwell, Berkemeier, Smith, Wilson, Gumbert, & Herl. (1) Absent: Comr. Mahoney

APPROVAL OF AGENDA:

Moved by Gumbert supported by Videto to Approve the Agenda as published. Shotwell asked to delete item 17, Closed Session. Motion carried.

AWARDS & RECOGNITIONS:

A. Employee of the Month of February 2005-Mark Abbott, Animal Control Officer, Animal Shelter. Presented by Herl with remarks by Animal Control Director Kim Luce.

Moved by Shotwell supported by Wilson to Approve Resolution 02-05.11 Honoring Carol Atzenhover Upon her Retirement. Roll call: (11) Yeas. Motion carried unanimously. Presented by Herl with remarks by Juli Kolbe.

B. Proclamation Honoring deceased Fire Captain Scott Thornton and the Summit Township Fire Department. Presented by Herl remarks by Summit Township Supervisor Jim Dunn.

C. Proclamation Honoring Flamingo Brown, deceased President of the Jackson Branch of the NAACP and Board Member of the Jackson Public Schools. Presented by Herl with remarks by Reynolds.

D. Recognition of the Cooperative Partnership between W.A. Foote Memorial Hospital from Jackson, Michigan and the County of Jackson Hospital Finance Authority in the Issuance of \$80,650,000 in Hospital Revenue Bonds and Hospital Revenue Refunding Bonds. Presented by Herl with remarks by Director of Emergency Services Joan LeFere with W. A. Foote Memorial Hospital.

COMMUNICATIONS/PETITIONS:

Moved by Reynolds supported by Videto to Accept Comr. Wilson's Communications for Filing. Motion carried. The communication was given to the clerk for distribution.

Wilson also had a communication from Cherry Mosier. *Moved by Shotwell supported by Lutchka to receive the Communication from Cherry Mosier for Filing.* Motion carried. (The communication had been distributed before the meeting. No copy was filed with the clerk.)

SPECIAL ORDER/PUBLIC HEARINGS:

None.

PUBLIC COMMENT:

Public comment began at 7:25 p.m. with Tom Hutton. Mr. Hutton expressed his concern about an article he read in the paper, and that is also listed in the Consent Agenda under item E. The County is revisiting the issue of retiree's health benefits. The union brought an attorney in to offer an opinion in October 2004. Legalities aside, the Board must ask itself if it is morally right to change the benefits and/or co-pays of the retirees.

Cherry Mosier spoke and indicated that the purpose of the Board is to represent the people, not personal interests. She asked that the Board investigate the increases in the restaurant fees and discrimination in category charging.

Public comment concluded at 7:35 p.m.

SPECIAL MEETING OF STANDING COMMITTEES:

CONSENT AGENDA ITEMS:

Moved by Reynolds supported by Videto to Approve the Consent Agenda items A through H as contained in the following Consent Agenda List: Wilson requested that items E and G be removed from the Consent Agenda and be reviewed under Personnel & Finance.

- A. Minutes of the 01/18/05 Jackson County Board of Commissioners Meeting.
- B. Public hearing to be scheduled for the 03/22/05 Board of Commissioners meeting to receive comments on the environmental remediation strategy for the former Mechanical Products site at 1824 River Street in Blackman Township.
- C. Increase the Re monumentation grant from \$95,000 to \$128,609 due to the availability of additional funds.
- D. Increase the Friend of the Court South Central Michigan Works! Grant by \$19,914 due to increase in contract dollars.
- E. Obtain a legal opinion on adjustments to retirees' health insurance prescription coverages.
- F. Sign 2004 audit engagement letter with Rehmann Robson, CPA.
- G. Appoint the Deputy Administrator as Parliamentarian to the Board of Commissioners.
- H. Claims dated 01/01/05-01/31/05 as presented to and approved by the Standing Committees.

Motion carried.

STANDING COMMITTEE REPORTS:

A. County Affairs –Commissioner John Day:

1.) *Moved by Day supported by Reynolds to Appoint Cmr. Lutchka to the University of Michigan/Michigan State University Extension Agri-Food Economic Development Initiative.* Roll call: (11) Yeas. Motion carried unanimously.

2.) *Moved by Day supported by Shotwell to Adopt Resolution 02-05.09 to Amend Resolution 12-04.50 and to Authorize Execution of Jackson County Water Supply Facilities (Spring Arbor Township Section) Bond Contract and to Provide for Certain other matters pertaining thereto.* Roll call: (11) Yeas. Motion carried unanimously.

3.) *Moved by Day supported by Reynolds to Adopt Resolution 02-05.10 to Authorize Issuance of Series 2005 Bonds for Jackson County Water Supply Facilities (Spring Arbor Township Section).* Roll call: (11) Yeas. Motion carried unanimously.

4.) No action required

B. County Agencies- Cmr. Judy Reynolds:

No report.

C. Human Services- Cmr. Phil Berkemeier:

1.) *Moved by Berkemeier supported by Reynolds That the written opinion dated 01/28/05, of Attorney Bob Grover regarding the Board of Commissioners votes on the Health Department fee schedule be made public.* Motion carried.

D. Personnel and Finance – Cmr. Jim Videto:

1.) *Moved by Videto supported by Lutchka to Add the Law Firm of Fraser, Trebilcock, Davis, and Dunlap to the approved list of legal firms per Policy 4130.* Brittain would like to see the law firm of Bob Grover removed

from the list. Brittain would also like to see a local firm, rather than the one from Lansing added. Reynolds indicated that she received a call from a constituent that feels that we should have attorneys from other counties to prevent a conflict of interest. Brittain stated that would validate the fact that the local firm of Bob Grover should be removed from the list. Shotwell added that local firms put someone in our corner that understands our issues. Removing someone because they are local is a wrong idea. We need a diverse selection of attorneys available to us. Brittain has found that Bob Grover and Peter Cohl, of MAC, opinions have differed. In Brittain's opinion, Mr. Grover pleases whomever he talks to, not necessarily what is correct. Herl pointed out that removing an attorney was not the discussion. Wilson asked to add a friendly amendment removing Mr. Grover's firm. Shotwell asked that the items be separated in order to vote for the attorney from Lansing and also vote for Mr. Grover. Vote on the motion to add the law firm of Fraser, Trebilcock, Davis, and Dunlap. Motion carried with the record reflecting a nay vote from Brittain.

Moved by Wilson supported by Brittain to remove the law firm that Mr. Grover represents. Wilson stated that he also has concerns about the quality of Mr. Grover's opinions. Gumbert requested a roll call vote. Videto voiced his opinion that these types of issues should be taken through committee, rather than being handled on the floor. Day asked if Mr. Grover were on his own or in a partnership. Mr. Elliot replied that the firm has multiple members.

Moved by Wilson supported by Berkemeier to move the issue of attorney removal to Personnel and Finance for additional discussion. Videto interjected that items such as this would be more appropriate under New Business rather than under Committee Reports. Roll call: (10) Yeas. Cmr. Herl, Lutchka, Brittain, Day, Reynolds, Videto, Shotwell, Berkemeier, Smith & Wilson. (1) Nay. Cmr. Gumbert. Motion to send to committee passes.

2.) *Moved by Videto supported by Shotwell to Change the status of a Telecommunications/AP Clerk position in Administrative Services Department from full-time to part-time resulting in annual savings of \$16,000.* Motion carried.

3.) *Moved by Videto supported by Berkemeier to eliminate the vacant full-time Account Clerk position in the Count Treasurer's office and upgrade the remaining Account Clerk to a Tax Specialist resulting in an annual savings of \$37,500.* Day expressed that he is against this move and asks how many pay grades were jumped. Randy answered that the position was advanced 4 grades to bring it in line with the other Tax Specialists in the department. Randy also stated that this is reorganization, not an upgrade. Videto points out that a position was not filled, we are encouraging people not to fill positions if possible. There are four people with greater flexibility to fill the needs of the department. Wilson asked if this elimination is permanent. Will this position be filled again within the next five years? Janet replied that she doesn't even know who the Treasurer will be in the next five years, nor does she know what the law will be in five years. There is no way to answer that question with a guarantee. Wilson expresses concern that four Tax Specialist may present a hardship for her office. Janet explained that at the time she was going to request to fill the position of Account Clerk, because of a retirement, she had two Account Clerks and three Tax Specialists. When she went to discuss the position with Randy and Mr. Elliott, she saw the handwriting on the wall. It would be better to not fill this position now, than to have to lay someone off during the 2006 budget process. Brittain requested the financial information comparing two Account Clerks, three Tax Specialists with 4 Tax Specialists. Reynolds asked if the Account Clerk who was elevated to Tax Specialist was qualified. Janet replied that she could not have raised her if she was not. *Shotwell called for the Question.* Wilson had his hand up prior to the Call. Wilson asked if the Tax Specialists were going to be doing clerk work. Janet replied that they would be doing all of the work. Motion to call for the question, motion carried. Roll call on main motion: (8) Yeas. Cmr. Lutchka, Reynolds, Videto, Shotwell, Berkemeier, Wilson, Gumbert, & Herl. (3) Nays. Cmr. Brittain, Day, & Smith. Motion carried.

4.) *Moved by Videto supported by Reynolds to Adopt Resolution 02-05.12 Land Bank Authority Grant Submission to the Mott Foundation and Genesee Institute.* Mr. Elliott called Janet to the microphone to give the status on this initiative. Janet indicated that the county is working with the city on this and the city has given us their part of the application. Janet explained that this is a grant application. If we are accepted for the grant, people will be coming to help the county decide if we need a land bank in Jackson County. If the decision is made that we do need a land bank, there are foundations that will help us and we will have different seminars. Mr. Elliott interjected that we will be working cooperatively with the city to ensure that we file the proper application in a timely manner, but there is a very specific timeline in place. Roll call: (11) Yeas. Motion carried unanimously.

Consent Agenda Item E: *Moved by Videto supported by Lutchka to Obtain a legal opinion on adjustments to retirees' health insurance prescription coverage.* Wilson, while applauding Mr. Elliott's efforts to reduce the budget, feels that there are better areas we can look at. We have signed a contract with the retiree's while they were working and it is not right to change it after they retire and have no representation. Lutchka points out that we are not trying to change their insurance, we are only obtaining an opinion whether or not we can. Videto said that it is a necessary step for a total package as we look at county government and the cost of doing business. It is fair to understand whether it is an option or not. Wilson feels that we are going to pay for something we already know. Any agreement can be changed. We sent a strong message with our vote last year that we don't want to change our retiree's benefits. If anything is going to be changed, do it during contract negotiation.

Berkemeier said that we received an unsolicited legal opinion that we contractually not touch this, but we need to know if that's correct. The cost of benefits continues to rise exponentially, and it's going to be coming to the point where we are going to be cutting services, programs, and people, or we are going to have to impose some kind of co-pay if we can. If we can't, per the legal opinion then it will be put to rest. Smith asked if the retirees are bargained for. Randy answered that they are not. Mr. Elliott interjected that once someone retires, the union no longer represents them. Lutchka suggested that the retirees who are receiving a small pension, treat them differently than those who are receiving a large pension, but we need to know what our options are. Roll call: (8) Yeas. Cmsrs. Lutchka, Reynolds, Videto, Shotwell, Berkemeier, Smith, Gumbert, & Herl. (3) Nays. Cmsrs. Brittain, Day, & Wilson. Motion carried.

Consent Agenda Item G: *Moved by Videto supported by Reynolds to Appoint the Deputy Administrator as Parliamentary to the Board of Commissioners.* Wilson does not feel it is appropriate to appoint the Deputy Administrator to oversee the Board; he would rather have the Administrator/Controller. Roll call: (7) Yeas. Cmsrs. Lutchka, Reynolds, Videto, Shotwell, Berkemeier, Gumbert, & Herl. (4) Nays. Cmsrs. Brittain, Day, Smith, & Wilson. Motion carried.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Moved by Videto supported by Reynolds to Direct the Administrator/Controller to enter into a complete review/ investigation of a potentially hazardous incident that occurred this past fall at the Jackson County Animal Control Facility. Review to be followed up with a written report to the Jackson County Commissioners. Videto feels that there are many rumors and that the Administrator will put together a fair review and report back. Brittain asked why the fire at the Blackstone complex was reported four days after it occurred, and we never received a report about the Animal Shelter. What were they trying to cover up? *Moved by Wilson supported by Brittain to add a friendly amendment to hire an outside investigator.* Wilson does not feel that the information loop that Mr. Elliott has been involved in has been accurate and a fair investigation could not be performed based on the scrap issue out at the Medical Care Facility. *Moved by Shotwell supported by Gumbert to split the motion.* Motion carried. Mr. Elliott stated that the incident occurred around November 2. No attention was brought forth until mid-December when it came before the Board as a service request. Mr. Elliott would support an independent investigation. Gumbert stated that it is always a surprise what comes up under New Business, so she is not fully prepared. She has confidence in the Administrator investigating this situation and coming to the Commissioners to be addressed accordingly. If we are going to continue to hire outside investigators for every incident in this county, then we should eliminate Administrator/Controller position.

Shotwell explained that the reason why he wanted the motion separated was because it was a cost item. Videto stated that the main motion would not preclude the Administrator/Controller hiring an outside source to do the investigation if he deemed it necessary. Reynolds agreed with Gumbert that she has total confidence in the Administrator and sees no reason to spend the extra money on an outside investigation. Berkemeier also has confidence in the Administrator, but has concerns about some of the Commissioners doing their own investigating and may not feel that the Administrator's report is accurate; this will not solve the problem so the Administrator needs to have the latitude to bring on an independent investigator. Day supports an outside investigation. Gumbert said that the Commissioners need to let the Administrator do his job and stop their own investigations and micromanaging. Then perhaps we can get the county back on track and start respecting the process. Smith feels that everyone within the County has been reading the newspaper, and an outside investigator would not be biased. Wilson expressed the concern that people don't understand that the people he has been talking to are credible, and that he is not micromanaging. Motion on investigating the situation at the Animal Control Shelter: Roll call: (11) Yeas. Motion carried unanimously. Motion on an outside investigation: (10) Yeas. Cmsrs. Lutchka, Brittain, Day, Reynolds, Videto, Shotwell, Berkemeier, Smith Wilson, & Herl. (1) Nay. Cmr. Gumbert. Motion carried. Reynolds expresses concern at the way that people are raising their voices to each other. This Commission needs to learn respect and be able to agree to disagree.

Moved by Wilson supported by Brittain that due to the recent events in Facilities there be motion of no confidence in the Facilities Director. Moved by Shotwell supported by Berkemeier to table this item and send to Personnel and Finance. Gumbert added that there is not sufficient information when a topic does not go through committee. Shotwell interjected that there is no discussion on a tabling motion. Roll call: (8) Yeas. Cmsrs. Lutchka, Reynolds, Videto, Shotwell, Berkemeier, Smith, Gumbert, & Herl. (3) Nays. Cmsrs. Brittain, Day, & Wilson. Motion sent to Personnel and Finance.

PUBLIC COMMENT:

Tom Hutton spoke and said that no retiree is ever conferred with for anything except for once a year when they get a form allowing them to change their benefits. Mr. Hutton suggested that the Board look to the Supreme Court for a pending case with the State Retirement System, before they spend money on attorney opinions. Studier vs.

State Retirement System, School Teachers. The suit was filed in 2000 by six school teachers and has taken five years to make it to the Supreme Court. AFSME has assured the retirees of Jackson County that they will afford any legal assistance necessary to fight this. Public comment concluded at 8:42 p.m.

COMMISSIONER COMMENT:

Lutchka announced that March 22, 2005 is "Project Red", Rural Education Days. There will be eight stations set up for 3 rd graders to stop at for information on agriculture.

Wilson stated that recently he had sent a letter to Voice of the People that he felt was carefully worded so that he would not be representing any viewpoints from the Commission. Sometime in the future he will be presenting a resolution to encourage dialog between the city and the college about moving the JCC campus downtown. Wilson was concerned about the letter that Herl sent in accusing Wilson of speaking on behalf of the Commission. The Commission never discussed this, so Herl had no direction from the Board to send this letter. Wilson signed the letter "Jackson County Commissioner", not "Jackson County Commission". Wilson feels the members need clarification from the Chair that we are not to be identified as a County Commissioner in the future. Herl replied that only the Chair is supposed to speak for the Commission. If an issue is to be discussed by the Board, send it through the Committee system to get it before the Board. Wilson reminded Herl that he copied all of the Commissioners with his letter. Brittain said that Wilson's mistake was that he did not include a sentence that stated that the letter was just "his" opinion.

Brittain said that he would like to discuss budget cuts in the future pertaining to Deputy positions in the county. He would like a breakdown on how much we spend on Deputy positions throughout the county. Elliott clarified that a listing of strategies for information purposes are being researched in a preliminary stage and will be presented at the Department Head/Elected Official meeting. The entire list of strategies that are under consideration will be presented to Personnel and Finance Committee for further direction from the Board.

Moved by Shotwell supported by Gumbert to Adjourn to the Call of the Chair. Motion carried. The February 22, 2005 meeting of the Jackson County Board of Commissioners was adjourned at 8:51 p.m.

Cliff Herl-Chairman, Jackson County Board of Commissioners
Sandy Crowley, Jackson County Clerk