

Jackson County Board of Commissioners Meetings Minutes
July 27, 2004 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Vice Chairman Cliff Herl called the July 27, 2004 meeting of the Jackson County Board of Commissioners to order at 7:01 p.m.

MOMENT OF SILENCE- Remembrance of Chairman Jim Rice

INVOCATION:

Comr. Elwell

PLEDGE OF ALEGIANCE

ROLL CALL:

(11) Present. Comrs. Herl, Adams, Brittain, Day, Baxter, Videto, Shotwell, Mahoney, Lacinski, Wilson, & Elwell

ELECTION OF NEW COMMISSIONER FOR DISTRICT 9:

A. Comments by candidates (limit of no more than three minutes)

- 1) Ed Miller
- 2) Phil Berkmeier
- 3) Bruce Barton
- 4) James C. Smith

B. Election of new commissioner for District 9:

Moved by Elwell supported by Shotwell to nominate Phil Berkmeier. Moved by Mahoney supported by Day to nominate Bruce Barton. Moved by Brittain to nominated James Smith.

Roll call.

(9) Berkmeier. Comrs. Adams, Day, Baxter, Videto, Shotwell, Lacinski, Wilson, Elwell, & Herl.

(1) Barton. Comr. Mahoney.

(1) Smith. Comr. Brittain.

Phil Berkmeier was appointed to fill the vacancy in the 9th Commission District.

C. Administration of Oath of Office for Phil Berkmeier given by Sandy Crowley, Jackson County Clerk

ELECTION OF CHAIRMAN OF THE JACKSON COUNTY BOARD OF COMMISSIONERS:

Sandy Crowley opened the floor for nominations for the Chairman of the Jackson County Board of Commissioners.

Moved by Wilson supported by Baxter to nominate Cliff Herl. Motion carried unanimously.

APPROVAL OF AGENDA:

Moved by Mahoney supported by Baxter to Approve the Agenda as Written. Motion carried.

AWARDS & RECOGNITIONS:

A. Employee of the Month of July-Vicki Miller, Clinic Nurse, Jackson County Health Department. Presented by Herl with remarks by Ron Grimes, Health Officer.

COMMUNICATIONS & PETITIONS:

None

SPECIAL ORDER/PUBLIC HEARINGS:

None

PUBLIC COMMENT:

Public Comment began at 7:22 p.m. with Bob Carlton. Mr. Carlton shared his concerns about the Board getting involved with the hiring and firing of Department Heads. As a businessman he doesn't feel that policy makers and management should mix. He is concerned that a micromanaging Board will not attract quality candidates.

Janet Rochefort commented that the Board of Commissioners should not go back to hiring FOC-Friends of the Commissioners. Government is large and complex. She also pointed out that Jerry Bethel was hired 24 years ago from the outside.

Susan Milhoan, of the Chamber of Commerce, said that the role and responsibility of the Board is to be the leaders of the community, policy makers. The Administrator is in a much better position to hire and to set the stage for a more business like standard.

Travis Fojtasek asked the Board to reconsider their decision to require the Board's approval on the hiring and firing of Department Heads.

James C. Smith asked why on one hand, the Board is giving Chet a raise based on a performance evaluation, and now they want to fire him, just before his retirement. Just because he didn't do what the Board wanted him to do, he did what was in his job description.

Nancy Seydell, Supervisor of Tompkins Township, stated that the newspaper is not always right. Chet does a good job, but the paper should print Chet's job description. The CEO should not be running the elected officials that we, the people, put there. Nita Delaney agrees with all of the concerns expressed, but her largest concern is how our elected officials act when they are challenged or threatened.

Public Comment closed at 7:42 p.m.

CLOSED SESSION:

Moved by Elwell supported by Brittain to go into Closed Session to Discuss a Legal Opinion.

Lacinski asked what the issue was. Peter Kohl, attorney for the County stated that per the Open Meetings Act, the Board could go into Closed Session with a 2/3 vote to discuss a written legal opinion from an attorney.

Roll call: (10) Yeas. Cmr. Berkmeier, Adams, Brittain, Day, Baxter, Videto, Shotwell, Wilson, Elwell, & Herl. (2) Nays. Cmr. Lacinski & Mahoney. Motion carried.

Mahoney encouraged the public to stay until the end of the meeting. The Jackson County Board of Commissioners went into Closed Session at 7:46 p.m.

Moved by Mahoney supported by Baxter to Return to Open Session. Motion carried.

The Jackson County Board of Commissioners returned to Open Session at 8:56 p.m.

SPECIAL MEETINGS OF STANDING COMMITTEES:

A. Personnel & Finance:

- 1) Approve the Resolution to Establish and Provide for the Jackson County Wastewater Disposal Facility (Southwest Interceptor Section)

CONSENT AGENDA ITEMS:

Moved by Elwell supported by Mahoney to Approve the Consent Agenda Items A through E as contained in the following Consent Agenda List:

- A. Approve the Minutes of the June 15, 2004 Board Meeting

County Affairs:

- B. Receive the Drain Commissioner's 2003 Annual Report

County Agencies:

Human Services:

- C. Approve Region II Area Agency on Aging's FY 2005 Annual implementation Plan

Personnel & Finance:

- D. Approve the FOC budget adjustment dated June 14, 2004

- E. Approve the Administrator/Controller July 2004 budget adjustments

Motion carried.

STANDING COMMITTEE REPORTS:

A. County Affairs:
No report.

B. County Agencies:
No report

C. Human Services:
No report

D. Personnel & Finance

1. *Moved by Elwell supported by Mahoney to Approve the budget adjustment of \$16,464 as proposed by the Health Department and originally approved by the Board of Commissioners at the October 13, 2003 meeting.* Motion carried with the record reflecting a nay vote for Brittain.

2. Recommendations from the Term Limit Ad Hoc Committee:

a) *Moved by Elwell supported by Wilson that any appointee missing 3 or more regularly scheduled and consecutive meetings in any 12-month period, or any 5 absences in any 12-month period shall be automatically removed and replaced. This would apply to both citizen and commissioner appointments.*

Brittain suggested the friendly amendment that you shouldn't get paid for coming late and leaving early just to receive your per diem.

Elwell did not accept that friendly amendment. He pointed out that it is noted in the minutes of each meeting when people arrive and leave.

Mahoney stated that someone attending another meeting or conference on County business should not be considered absent.

Elwell could not fathom missing 3 in a row or even 5 in a year.

Herl suggested adding this concern to b. Motion carried.

b) *Moved by Elwell supported by Baxter that absences that require removal that are due to long-term medical conditions may be reviewed by the Board of Commissioners.*

Mahoney suggested the friendly amendment including absences while attending other County business.

Motion carried.

c) *Moved by Elwell supported by Wilson to establish a procedure to track attendance of all appointees, both Commissioner and citizen. This procedure to be developed and implemented by the Administrator or their designee.*

Chet explained that he had priced software to track absences and it would run between \$3,500 and \$5,300 and training. Chet went on to explain that the County has 57 committees that meet and it would be a monumental task to track all of the absences.

Elwell suggested tracking regular meetings, ad hoc meetings, and standing committee meetings.

Mahoney stated that the Board should give Chet specific direction on what is expected.

Elwell said that Chet could use the latitude given in the motion and bring back his recommendation.

Mahoney said that by using the term "monumental task" he had given his recommendation. Besides that, the Board only receives so many applicants for a position.

Brittain interjected that the reason they do not get as many applicants as they used to is because of the "good ole boy" appointment process. People will only apply so many times before giving up.

Wilson suggested the friendly amendment that Chet bring his recommendation before the ad hoc committee before it comes to the Full Board.

Motion carried.

d) *Moved by Elwell supported by Wilson to direct the Administrator or appointee to update the appointment application, including a telephone number for applicant, and incorporate the absence policy on it, including a note of the importance of attending the Agencies meeting and subsequent full Commission meeting and to make the application available on the Website. Additionally, other current appointments will be noted, with attendance record at those meetings also available at the time of the appointment recommendation process by County Affairs.* Motion carried.

e) *Moved by Elwell supported by Videto to establish a policy to mandate that County Affairs only report out a number of recommendations equal to the number of positions open for any given committee.* Day stated that Affairs are better than they used to be for the number of recommendations, but there are sometimes extenuating circumstances. He would hate to see the option of recommending extras.

Elwell explained that they could still be nominated from the floor. Motion carried with the record reflecting a nay vote from Mahoney & Day.

f) *Moved by Elwell supported by Lacinski to exempt citizen appointments from any term limits.* Roll call: (7) Yeas. Cmr. Berkmeier, Baxter, Videto, Lacinski, Wilson, Elwell, & Herl. (5) Nays. Cmr. Adams, Brittain, Day, Shotwell, & Mahoney. Motion carried.

g) *Moved by Elwell supported by Brittain to establish a term limit policy for Commissioner appointments to the three main boards (Fair, Airport, & Parks), that would allow a Commissioner to serve on a specific board for not more than six years. If after six years, no other Commissioner applies for appointment to that specific board, a Commissioner could be re-appointed to serve one more term beyond the six-year limit. It should be noted that no Commissioner should be discouraged from applying for any board or committee, contrary to any previous unwritten practice.*

Mahoney feels that the Road Commissioners should be included in this motion. Brittain agrees.

Elwell noted that the Road Commissioners were cut from this motion when it went before Personnel & Finance.

Wilson *moved that Road Commissioners should be part of the motion.*

Elwell did not accept this as a friendly amendment. Baxter points out that the Road Commissioners term is six-years. That would limit them to one term. Also, there are already members that have been on that board for more than six-years. Elwell pulled the original motion that also retracts the amendment.

Moved by Elwell supported by Brittain to amend the Main Motion to include that time seated applies to time served. Change to be made when term expires. Roll call: (8) Nays. Cmr. Adams, Day, Baxter, Videto, Shotwell, Mahoney, Lacinski, & Wilson. (4) Yeas. Cmr. Berkmeier, Brittain, Elwell, & Herl. Motion to amend failed.

Moved by Mahoney supported by Lacinski to Include the Road Commissioners when considering Term Limitation. Roll call: (11) Nays. Cmr. Berkmeier, Adams, Brittain, Day, Baxter, Videto, Shotwell, Lacinski, Wilson, Elwell, & Herl. (1) Nay. Cmr. Mahoney Motion to Include Road Commissioners failed. Roll call, Main Motion: (5) Yeas. Cmr. Berkmeier, Brittain, Videto, Wilson, & Elwell. (7) Nays. Cmr. Adams, Day, Baxter, Shotwell, Mahoney, Lacinski, & Herl.

Motion to establish a term limit policy for Commissioner appointments to the three main boards (Fair, Airport, & Parks), which would allow a Commissioner to serve on a specific board for not more than six years. If after six years, no other Commissioner applies for appointment to that specific board, a Commissioner could be re-appointed to serve one more term beyond the six-year limit. It should be noted that no Commissioner should be discouraged from applying for any board or committee, contrary to any previous unwritten practice fails.

h) *Moved by Elwell supported by Wilson to implement the previous motions as Board Policy where applicable.* Motion carried.

3. *Moved by Elwell supported by Shotwell to Approve the Resolution (07-04.32) Regarding the Sale of Surplus Land on the Old Prison Site.* Roll call: (11) Yeas. Cmr. Berkmeier, Adams, Day, Baxter, Videto, Shotwell, Mahoney, Lacinski, Wilson, Elwell, & Herl. (1) Nay. Cmr. Brittain. Motion carried.

4. *Moved by Elwell supported by Day to Approve the Resolution (07-04.33) to Establish and Provide for the Jackson County Wastewater Disposal Facility (Southwest Interceptor Section).*

Mahoney doesn't think it's right to pass this under Act 185. It puts it on the townships without a vote. Roll call: (11) Yeas. Cmr. Berkmeier, Adams, Brittain, Day, Baxter, Videto, Shotwell, Lacinski, Wilson, Elwell, & Herl. (1) Nay. Cmr. Mahoney. Motion carried.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

A. Election of Commission Vice-Chair

Moved by Wilson supported by Baxter to nominate David Elwell as Vice-Chair.

Mahoney disagrees with the placement of this motion. Elwell just wanted to get his items passed in Personnel & Finance before becoming Vice-Chair.

Elwell said that Chet suggested the placement so that we didn't have to change all of the committees mid-meeting.

Brittain suggested that Mahoney should have brought that up during Approval of the Agenda.

Shotwell called for the question. Motion carried.

Moved by Shotwell to Close Nominations and Cast a Unanimous Ballot.

Mahoney objects.

There were no further nominations.

Motion carried with the record reflecting a nay vote from Mahoney.

B. Standing Committee Appointments:

Moved by Lacinski supported by Baxter to Concur with the Appointments of the Chair.

Brittain expressed his concern that Videto was to Chair Agencies when he has never sat on that committee.

Elwell stated that Videto has a level head and plenty of township government experience and will be an asset.

Wilson said that he welcomes Videto as the Chair.

Herl explained that he did that because Shotwell meets with the judges.

Motion carried with the record reflecting nay votes from Cmr. Mahoney & Brittain.

C. Recommendation from Closed Session:

Moved by Elwell supported by Wilson to Direct the Chair to Appoint an Ad Hoc Committee to Review and Recommend a Process and Policy of Hiring and Firing Department Heads and Directors of Departments under the Boards Jurisdiction to be brought back at the September meeting.

Mahoney wanted the community to know that the changes the Ad Hoc committee would be studying would be ways of removing the responsibility from the Administrator while directing the Administrator to create a policy to include the Commissioners in the process.

Videto stated that they are not trying to micromanage. There is a weakness in the system and the Board is trying to build a better relationship between themselves and the Administrator.

Elwell thinks the community needs more information. The termination of Chet has been off the table for a while. We need to move slowly and deliberately. We need a policy for hiring department heads.

Shotwell feels we need the ad hoc committee so that it is a public forum and the community can speak.

Mahoney requested the motion read again.

Baxter said that the Chair would put the responsibility on the ad hoc committee to come up with a recommendation for creating a policy.

Wilson interjected that as with any committee they will come back with a recommendation and the community can be part of the process.

Mahoney reminded the Board that they had received an opinion from the Prosecutor, Hank Zavislak, who was also heading the committee searching for the new Administrator/Controller, advising them that they should wait until the new Board is seated in January to hire the person that they would be working with. Day interjected that the debate is about 2 different issues, hiring Department Heads, and hiring an Administrator/Controller.

Move by Lacinski supported by Brittain to Call for the Question. Motion carried. Roll call on Main Motion. (5) Yeas. Cmsrs. Berkmeier, Videto, Wilson, Elwell, & Herl. (7) Nays. Cmsrs. Adams, Brittain, Day, Baxter, Shotwell, Mahoney, & Lacinski.

Motion to Direct the Chair to Appoint an Ad Hoc Committee to Review and Recommend a Process and Policy of Hiring and Firing Department Heads and Directors of Departments under the Boards Jurisdiction to be brought back at the September meeting failed.

Moved by Day supported by Brittain, read by Sandy Crowley, County Clerk to Adopt the Resolution that the County Board of Commissioners shall have the Authority to Hire and Fire Department Heads and Directors of Departments unless otherwise provided by State Law or other Adopted Board Policies. However the Administrator/Controller Shall make the Recommendations to the Board Regarding the Hiring and/or Firing of such persons. All other Subordinate Staff Shall be Hired and Fired in Accordance with the County's Current Policy and Job Description of the Administrator/Controller, unless otherwise provided by State Law or other Adopted Board Policies.

Baxter said the Board should not make a new policy without a procedure in place.

Brittain suggested the resolution not take effect until the procedure is in place.

Mahoney agrees with the motion, but the people in the community have the right to know.

Wilson is disappointed that the first motion didn't pass.

Mahoney is concerned about changes when the business community says "no".

Roll call: (7) Nays. Cmsrs. Baxter, Videto, Shotwell, Mahoney, Lacinski, Wilson, & Herl. (4) Yeas. Cmsrs. Adams, Brittain, Day, & Elwell. (1) Abstention. Cmr. Berkmeier. Motion failed.

CONSIDERATION & ALLOWANCE OF CLAIMS:

Moved by Lacinski supported by Baxter to Allow the Claims. Motion carried.

PUBLIC COMMENT:

Public comment began at 10:12 p.m. with Bob Carlton expressing his desire to make the community work, and that some of the things the Board was suggesting were flying in the face of the business community.

Greg Northrup said that the Board should take a look at itself, figure out what its objectives are, and know that your current form of government is what the business community wants.

Janet Rochefort, Jackson County Treasurer thanked the Board for listening and thanked the community for taking the time to show up and express themselves.

Jim Smith commended Chet for his behavior as people talked about him as if he weren't there. Mr. Smith stated that he would have walked out.

Public comment concluded at 10:17 p.m.

ADJOURN TO THE CALL OF THE CHAIR:

Moved by Mahoney supported by Lacinski to Adjourn to the Call of the Chair. Motion carried.

The Jackson County Board of Commissioners was adjourned at 10:18 p.m.

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