

Jackson County Board of Commissioners Meetings Minutes
August 24, 2004 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Cliff Herl called the August 24, 2004 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

INVOCATION:

Cmr. Shotwell

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

APPROVAL OF AGENDA:

Moved by Mahoney supported by Lacinski to Approve the Agenda as written. Moved by Shotwell to Add Item 16A, after final Public Comment, to go into Closed Session after Public Comment for the Purpose of Discussing Contract Negotiations. Moved by Lacinski supported by Elwell to Add Item A1 under the Consent Agenda, Approving the Closed Session Minutes of the July 27, 2004. Moved by Mahoney supported by Lacinski to Approve the Agenda as Amended. Motion carried.

AWARDS & RECOGNITIONS:

Employee of the Month of August-Bench Warrant Unit-Friend of the Court, Larry Finton, Holly Finco, Rock Soles, & Robin Walling. Presented by Herl with remarks by Ward Staffeld.

COMMUNICATIONS & PETITIONS:

None

SPECIAL ORDER/PUBLIC HEARINGS:

A. The Enterprise Group. Steve Czarnecki spoke to the Board giving an overview of what the Enterprise Group does, and presenting a power point presentation. With Mr. Czarnecki were Deborah Kelly and David Miller. Wilson thanked David Miller for his help in the I-94 Corridor Project. Wilson also asked about the difference between the business tax and the homestead tax, sharing his concern for the long-term effect of the tax breaks. Mr. Czarnecki explained that the businesses rely very little on the local services. The average homeowner gets the best return on their tax dollars in terms of schools, public infrastructure, fire, and police. Brittain asked for comment on the fewer jobs created in 2003. Mr. Czarnecki stated that our community has been lucky that some of our bigger companies had been expanding during difficult economic times. Many jobs and growth have been realized. Wilson asked about the sewer issue in Blackman Township, what can be done to resolve this issue and attract more businesses? Mr. Czarnecki answered that the Enterprise Group does not make decisions, but gives policy makers information to make good decisions. Brittain asked what effect the revenue sharing cuts that are coming in 2005 will have on the Enterprise Group. Mr. Czarnecki stated that the economy is coming back and the situation will improve. It would be a difficult choice to not fund the Enterprise Group as it's the only County funded organization that is making the County money.

PUBLIC COMMENT:

Public Comment began at 7:30 p.m. with the following citizens speaking against the sale of live animals to class B dealers:

Judy Dinnick, Bob McNitt, Nancy Cameron

Barbara Pasch stated her concerns over the hiring of Dave Comiskey.

Public Comment was suspended at 7:45 for Special Order/Public Hearings

SPECIAL ORDER/PUBLIC HEARINGS:

B. 2004 Audit Report-Dave Fisher, CPA Rehmann Robson. Brittain asked how depreciation was figured, to which Mr. Fisher replied that there are depreciation schedules that are followed. Adams asked how Jackson, with an 18% fund balance, measures up to other counties. Mr. Fisher responded that Jackson County is in the middle of the

pack. Wilson asked for a break down of the money spent on the administration of the Resource Recovery Facility. *Moved by Mahoney supported by Wilson to Receive the 2004 Audit Report.* Motion carried.

Public Comment continued at 8:05 p.m. with the following citizens speaking against the sale of live animals to class B dealers:

Sue Pitsch, Bob Silva, Connie Crandall, Mary Wilson, Kristen Reagan, Bridget Herrspink, Amy Heinrich, Cindy Moulton, Pamela Fouty, Vern Webster, Sharon Kolba, Marcia Meyers, Mark Masterangelo, Michelle Demario, Doug Titus, Dr. John Hand, Amy Weidenbaum, Rob Butler

The following citizens spoke in favor of the sale of live animals to class B dealers:

Ann Hale, Karen Hudson, Michael John, Darrel Hart, Fred Hodgins, Nancy Conn, Diane Carpenter, Julie John

Sean Carroll, Bishop Ira Combs, and Tom Ewing all spoke on behalf of Dave Holubowicz.

Gerry DeLoy introduced himself as a candidate for the Jackson County Drain Commissioner.

Public Comment ended at 9:26 p.m.

SPECIAL MEETING OF THE STANDING COMMITTEES:

None

CONSENT AGENDA:

Moved by Mahoney supported by Brittain to Approve the Consent Agenda Items A-I as follows: Elwell requested that the purpose for going into Closed Session at the last meeting be included in the minutes of the Closed Session.

A. Approve the Minutes of the July 27, 2004 Board Meeting

A1. Approve the Minutes of the July 27, 2004 Closed Session

County Affairs:

B. Approve the first reading of Policy 4080 – Order of Succession

C. Approve the first reading of Policy 4090 – Appointments to Boards/Commissions

County Agencies:

Human Services:

D. Approve the Fiscal Year 2003-2004 Health Department budget adjustments

E. Approve the Fiscal Year 2004-2005 CPBC contract

F. Approve the Health Department Fiscal Year 2004-2005 Budget

Personnel & Finance:

G. Approve the District Court Drunk Driving Assistance Fund budget adjustment

H. Approve the amendment to the Friend of the Court 2004 Access and Visitation Contract

I. Approve the Department on Aging budget adjustments

Motion carried.

STANDING COMMITTEE REPORTS:

A. County Affairs:

1) *Moved by Day supported by Wilson to Recommend to the Full Board the Appointment of Fred Drago to the Department on Aging Advisory Council.* *Moved by Mahoney supported by Day to Close Nominations and Cast Unanimous Ballot.* Motion carried.

2) *Moved by Day supported by Baxter to Recommend to the Full Board the Appointment of Fred Drago to the Region II Area Agency on Aging Board.* *Moved by Mahoney supported by Shotwell to Close Nominations and Cast Unanimous Ballot.* Motion carried.

3) *Moved by Day supported by Wilson to Recommend to the Full Board the Appointment of Phil Berkemeier to the Airport Board.* *Moved by Mahoney supported by Shotwell to Close Nominations and Cast Unanimous Ballot.* Motion carried.

4) *Moved by Day supported by Wilson to Recommend to the Full Board the Appointment of Phil Berkemeier to the Region II Planning Commission. Moved by Mahoney supported by Shotwell to Close Nominations and Cast Unanimous Ballot.* Motion carried.

5) There was no recommendation for the EMS Commission. The Committee is looking into a citizen appointment.

6) *Moved by Day supported by Baxter to Recommend to the Full Board the Appointment of Jim Videto to the Parks Board. Moved by Mahoney supported by Baxter to Close Nominations and Cast Unanimous Ballot.* Motion carried.

7) There was no recommendation for the Community Action Agency Board. The Committee is looking into a citizen appointment.

8) *Moved by Day supported by Baxter to Recommend to the Full Board to Concur with the Appointments of the Chair:*

- Intergovernmental Committee –Gail Mahoney
- Community Planning-Cliff Herl
- County Quality I-Cliff Herl
- Ad Hoc Administrator Search Committee- Cliff Herl
- Building Authority-Dave Holubowicz

Moved by Mahoney supported by Day to Close Nominations and Cast Unanimous Ballot. Motion carried.

B. County Agencies:

1) *Moved by Videto supported by Lacinski to Move to Direct the Animal Control Manager to Draft a Policy to Prohibit Sales of Live Animals to Class B Dealers.* Brittain asked how many people in the audience were from Leoni 1,2,3, & 4. Brittain stated that he never received one call from his constituents against the sale of animals, but he did receive 3 calls from people in support of the sale of animals to class B dealers. Mahoney supports MSU and feels there is a distinction between legitimate research, not experimentation. Elwell is in favor of selling animals, but it should be restricted. Day stated that he was here 14 years ago facing this same issue and voted against banning selling animals for research. If it weren't for the pig valve in his heart, he probably wouldn't be here now. Wilson thanked the audience for their participation in this emotional issue. He voiced concern that by stopping the sale we may be putting someone's life in jeopardy. It's up to the Board to separate facts from emotions. Wilson will be supporting Elwell's alternate motion. Lacinski supports Videto's motion to prohibit the selling of live animals to class B dealers. Berkemeier said that he appreciated everyone being here tonight, but that there are many people involved with animals that have no objection to the sale of animals for research. The Board hears from people everywhere, not just here. He tried to review all of the information and found that 40%-80% of the animals at the shelter are either taken there by the owner, or abandon. Berkemeier will be supporting Elwell's alternate motion and believes in tracking the animals that are being sold to hospitals and medical facilities. Roll call: (9) Nays. Cmr. Adams, Brittain, Day, Baxter, Videto, Mahoney, Berkemeier, Wilson, & Elwell. (3) Nays. Cmr. Shotwell, Lacinski, & Herl. Motion fails.

Moved by Elwell supported by Wilson to Direct the Director of Animal Control, with the assistance of the County Administrator, to develop a policy and agreement that deals with the sale of live animals.

Agreement shall be signed by Hodgins Kennels, or any other class "B" dealer that we sell live animals to. Said agreement shall specifically list who they can sell live animals to that came from Jackson County Animal Control. The list of such facilities may be added to (or limited), only by approval of County Agencies.

Said agreement shall contain the requirement that monthly reports be provided to the Jackson County Animal Control that clearly details which specific animals are going where, and it be in a manner that allows further tracking after the research facility is done with the animal. Jackson County Animal Control shall specify the format for said report.

All tags on dogs when they come in to Jackson County Animal Control hall remain with the dog at all times, including when a dog passes from the class "B" dealer to an approved facility. The above noted report shall also note what tags are on the dogs.

Jackson County Animal Control shall maintain said records in a manner that is easily tracked. Copies of the records shall be available under FOIA, with a report submitted to County Agencies six months after implementation of this plan.

Commissioners shall be allowed unannounced visits to class "B" dealers Jackson County sells animals to. Such visits shall be allowed during the week, during daytime hours.

Adoptions of animals are encouraged, as are transfers to facilities such as the Cascade Humane Society.

Direct sales of live animals to specific research facilities such as Michigan State University and the University of Michigan, and other such facilities as designated in this policy, shall be continued, where it is desired by the facilities and by Jackson County.

Roll call: (11) Yeas. Cmr. Adams, Brittain, Day, Baxter, Videto, Shotwell, Mahoney, Berkemeier, Wilson, Elwell, & Herl. (1) Nay. Cmr. Lacinski. Motion carried.

C. Human Services:

1) ***Moved by Mahoney supported by Baxter to Adopt the Resolution Supporting Integrated Healthcare Services.*** Roll call: (12) Yeas. Motion carried unanimously.

D. Personnel & Finance:

No report.

UNFINISHED BUSINESS:

Moved by Brittain to Revisit the Resolution to Place the Responsibility of Hiring and Firing Department Heads and Directors of Departments with the Board of Commissioners. Shotwell called for a point of order, only a member of the prevailing side can reconsider. Brittain did not participate on the prevailing side and cannot render the motion at this time. Brittain and Shotwell debate the issue of whether or not Berkemeier can bring forward the motion, as he abstained from the vote. It was determined that he cannot.

NEW BUSINESS:

Moved by Brittain supported by Adams to Appoint the New Administrator/Controller at the Next Full Board Meeting unless the Interview Process needs to be Extended.

Brittain said that there are 5 weeks before the next meeting and that should be enough time to interview and do background checks. Elwell asked if Prosecutor Zavislak was ready to turn over the findings of the Ad Hoc Committee to the Board at this time. Herl answered that he is and they are going to meet tomorrow. Berkemeier wondered if there are other people involved in the process that believe that is not a reasonable schedule. Elwell said that there was a caveat that allows an out if the Board is unable to appoint. Adams feels that it is appropriate to set a date. If there is not a suitable candidate, they will not hire, but he would like to see the new Administrator/Controller appointed before the new Board is seated. Lacinski agreed with Adams. Shotwell feels that the Board is acting out of the Ad Hoc Committee policy. Herl said that Prosecutor Zavislak is finished with the Committee and is ready to hand over the five names. Motion carried with the record reflecting nay votes from Mahoney and Shotwell.

Wilson requested a 5-minute break at 10:01 p.m. The Board resumed at 10:07 p.m.

Moved by Brittain supported Day to Move to Change the Committee Appointments that the Board does in January back to December. Elwell stated that he would be opposed to this motion. New Commissioners should have some say in the Committees they are going to sit on. Roll call: (8) Nays. Cmr. Baxter, Videto, Shotwell, Mahoney, Berkemeier, Lacinski, Wilson, Elwell. (4) Yeas. Cmr. Adams, Brittain, Day, & Herl. Motion fails.

Moved by Brittain supported by Wilson to Send to Committee for a Policy to Allow Citizens to Give their Input on a Specific Issue during the Full Board Meetings. Discussion ensued regarding the public speaking during the Full Board discussion. Shotwell stated that the Board already has a policy regarding public speaking and read from the County Policy Article 5, Section 5.5 stating, "When a motion is on the floor, there shall be no audience participation except when requested by a member of the Board of Commissioners. Elected officials and/or staff members may be called upon to provide information and/or answer questions". Videto said that in Agencies they passed a motion to allow public to speak at the discretion of the Chair. Elwell said that the policy doesn't differentiate between Committee meetings and Full Board meetings. Mahoney doesn't want to speak through the

Chair for clarification. Adams expresses concern over having dialog with the audience during Board discussion. Lacinski points out that it's already in the policy, you can seek clarification from a staff member or Department Head. Wilson clarifies that what they want to see is the audience to be able to speak at the time the issue is being discussed. Wilson wants to allow audience input after Commissioner discussion. Herl requests Brittain to re-read the motion. ***Moved to Send to Committee a Policy in Place that would Allow Citizens to give Their Input on a Specific Issue during Discussion at our Full Board Meeting.*** Roll call: (8) Nays. Cmr. Adams, Day, Baxter, Shotwell, Mahoney, Lacinski, Elwell, & Herl. (4) Yeas. Cmr. Brittain, Videto, Berkemeier, & Wilson. Motion fails.

Moved by Wilson supported by Brittain to Adopt the Following Resolution:

***WHEREAS, the current job description for the County Administrator/Controller was adopted approximately seven (7) years ago; and
WHEREAS, the Board of Commissioners believes it would be in the best interest of the County to modify the County Administrator/Controller's job duties so that he/she will make a recommendation to the Board of Commissioners for the hiring and firing of department heads and/or directors of departments; and
WHEREAS, many County Boards of Commissioners reserve the right to hire and fire department heads and/or directors of departments; and
WHEREAS, if the Board of Commissioners does any interviewing for those positions, the Board will be required to comply with the Open Meetings Act;
NOW THEREFORE BE IT RESOLVED that the County Administrator/Controller's job description under Essential Functions #1 and #2 shall be amended as follows:
#1. Supervises staff responsible for personnel administration, finance and accounting, purchasing, data processing and other administrative functions. Including responsibility for training, assigning work, approving leave time, reviewing and evaluation performance and dealing with employee relation issues. It also includes the responsibility for hiring and firing of persons who are not department heads and/or directors of departments.
#2. Supervises appointed managers and functions of departments such as Facilities, Equalization, Health, Aging, Animal Shelter, County Guardian, Waste Management, and others as assigned. Responsible for recommending the hiring and firing of department heads and directors of departments to the Board of Commissioners and responsible for assigning functions and reviewing and evaluating managerial performance.
BE IT FURTHER RESOLVED 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. Such hiring and firing decisions related to department heads or directors of departments, made by the Board of Commissioners shall occur only upon recommendation of the Administrator/Controller. 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 policy.***

Wilson indicates that this Resolution forces communication between the Board and the Administrator, and allows the Board to have input on the hiring and firing of Department Heads and Directors of Departments. Shotwell stated that at the last Personnel and Finance meeting, he attempted to do this same thing and was voted down, so he recommends sending it back to Personnel and Finance. Elwell clarifies that the Board would not have authority to pick and choose whom to hire and fire, the recommendation would have to come from the Administrator. Videto, Lacinski, & Mahoney voice concerns over not having a copy of the Resolution in front of them. Adams said to vote about it, so that the Administrator candidates know what their job description. Lets vote on it. Chet did what his job description said he could do. We need to fix the job description. Elwell stated that according to Roberts Rule, they have to attend to this issue now, because they can't bring it up again. Berkemeier stated that he has seen a lack of communication and he believes that the Resolution that has been proposed would go a long way towards forcing communication. A discussion regarding communication ensued. Roll call: (7) Yeas. Cmr. Adams, Brittain, Day, Berkemeier, Wilson, Elwell, & Herl. (5) Nays. Cmr. Baxter, Videto, Shotwell, Mahoney, & Lacinski. Motion carried.

Wilson asked for an update on the IT position. Chet stated that there had been an advertisement in the paper and the applicants were not qualified. The ad will be running again this weekend. Mahoney asked for an update on the Drain Commissioner posting. Chet indicated that it's still vacant, and there is nothing we can do, as he is an elected official.

Wilson expressed dissatisfaction with the interview process that was done to hire the last department head. HR did a poor job as far as a background check and Chet did a poor job keeping the Board informed. He feels that some type of discipline is in order for both of those people for not following through in a professional manner, as far as bringing someone with a good, solid background check with no skeletons.

Brittain said that he made a motion in County Affairs that was voted down in Personnel and Finance, so he would like to bring it before the Full Board. *Moved by Brittain supported by Wilson that a background check on David Comiskey's personnel file from his previous employer be done; that a check be made of any past criminal history; that a reason be given as to why he didn't bring his situation to us before he accepted the job; determine why he didn't admit to drunk driving; why he did not mention that he had a restricted license; obtain signed permission to check into his personnel file; and to provide documentation on any past criminal offenses.* Brittain expressed his concerns that his entire committee voted to send this to Personnel and Finance, where it was shot down and not brought before the Full Board. Roll call: (7) Yeas. Cmr. Adams, Brittain, Day, Berkemeier, Wilson, Elwell, & Herl. (5) Nays. Cmr. Baxter, Videto, Shotwell, Mahoney, & Lacinski. Motion carried.

Moved by Mahoney supported by Wilson that all candidates that were part of the process go through the exact same process and that all personnel files be opened and their criminal records and checks and all the things in the previous motion. Elwell asked for clarification which candidates Mahoney was referring to. The motion was for the Facilities Director. Wilson withdrew his support as he thought she was referring to the Administrator/Controller position. Mahoney asked for Roberts Rules on withdrawing support from a motion on the floor. Lacinski voices his opinion of a Department Head raising cain with someone within 14 days of being hired. Elwell reads from Roberts Rules-"When a question is before an assembly and the mover wishes to withdraw, modify, or substitute a different one in it's place, if no one objects, the presiding officers grants the permission; if an objection is made it will be necessary to obtain leave to withdraw." Mahoney said the motion was regarding the Dave Holubowicz situation. There is intent there, so open the book on everyone. Adams called for the Question. Roll call: (12) Yeas. Motion to call the Question Carried. Roll call: (11) Nays. Cmr. Adams, Brittain, Day, Baxter, Videto, Shotwell, Berkemeier, Lacinski, Wilson, Elwell, & Herl. Motion failed.

CONSIDERATION & ALLOWANCE OF CLAIMS:

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

PUBLIC COMMENT:

Public Comment began at 10:54 p.m. with Mary Wilson apologizing for her outburst, she did not know there would be another public comment. She also thought that Brittain's motion could be modified to open public comment after the Board has discussed and issue, but before they vote on the issue to allow for clarification or rebuttal. Individuals who would like to donate their animals to research can still do so. Volunteers that we want to place in the Shelter could offer alternatives. Ms. Wilson also questions who is going to monitor the trail of the animals after they are sold.

Mike Trepka spoke on behalf of Dave Holubowicz. He spoke of his dedication to the County and to his Family.

Public Comment concluded at 10:57 p.m.

Moved by Shotwell supported by Videto to go into Closed Session for the Purpose of Contract Negotiations. Roll call: (12) Yeas. Motion carried unanimously.

The Jackson County Board of Commissioners went into Closed Session at 10:59 p.m.

Moved by Mahoney supported by Lacinski to Return to Open Session. Motion carried. The Board returned to Open Session at 11:23 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 August 24, 2004 meeting of the Jackson County Board of Commissioners was adjourned at 11:24 p.m.

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