

Jackson County Board of Commissioners Meetings Minutes
September 19, 2006 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

The meeting was called to order by Chairman, Steve Shotwell, at 7:00 p.m.

INVOCATION:

Commissioner Reynolds

PLEDGE OF ALLEGIANCE

ROLL CALL:

Amanda Rutan, Chief Deputy County Clerk

Roll Call: (10) Present: Cmr. Herl, Lutchka, Brittain, Duckham, Reynolds, Videto, Smith, Wilson, Gumbert, & Shotwell. (2) Absent: Cmr. Mahoney & Berkemeier. (Mahoney appeared right after Roll Call was taken.)

APPROVAL OF AGENDA

Moved by Reynolds, supported by Gumbert to approve the Agenda as Published.

Herl requests that Item A under County Affairs - Renewal of the Clark Lake Community Center Licensing Agreement) and also under the Consent Agenda, Item 1. under County Agencies - Renewal of the 911 Service Agreement with the City of Jackson. *Support by Wilson.* For clarification purposes, Shotwell advised the 911 Service Agreement Renewal with the City of Jackson is being removed just from the Consent Agenda to the County Agencies Standing Committee report.

At 7:08 p.m., Shotwell moves to:

SPECIAL ORDERS/PUBLIC HEARINGS

There is a public hearing regarding the issuance of County of Jackson Hospital Finance Authority Hospital Revenue and Refunding Bonds for the Benefit of W. A. Foote Memorial Hospital.

Wilson advised that Peter Ecklund and Hendrik Schuur are here from the Authority if there are any questions for them. No public questions regarding the financing. Ecklund & Schuur both spoke briefly. Public Hearing was closed at 7:10 p.m.

Shotwell returns to Approval of the Amended Agenda. Motion carried.

AWARDS & RECOGNITIONS:

A. Presentation on the Integrated Emergency Management Course (IEMC) sponsored by the Federal Emergency Management Agency held in Emmetsburg, Maryland over the period August 7-11, 2006.

Lt. Steve Rand from the Sheriff Department narrated the Power Point presentation.

COMMUNICATIONS/PETITIONS:

Moved by Mahoney, supported by Duckham to receive from Bendzinski & Co. and page 5 of the July 24, 2006 Mid-South Substance Abuse Commission Minutes along with a copy of Mid-South's policy and procedures The clerk handed out the communications.

SPECIAL ORDERS/PUBLIC HEARINGS: (Held after - Approval of Agenda)

PUBLIC COMMENT:

Shotwell acknowledged Supervisor John Tallis who spoke regarding the Farwell and Round Lake sewers. On August 17 th, the sewers were turned on.

Jim Gallant asked to speak when Item 13.A.3 comes up, which is regarding Mid-South Substance Abuse Commission. Chairman Shotwell denied Gallant's request asking him to speak now during Public Comment. Gallant

continued and asked that the request not be accepted because they didn't follow the rules of the Jackson County Board. Peg Clevenger, Secretary of Falling Water Trail spoke in support of the resolution to hire JJR. Public Comment concluded at 7:30 p.m.

SPECIAL MEETINGS OF STANDING COMMITTEES:

(Personnel & Finance held a special meeting behind Videto's desk.)

MINUTES:

Moved by Videto, supported by Herl to receive the Minutes of the July 17, 2006 Regular Meeting of the Jackson County Board of Commissioners. Motion carried.

CONSENT AGENDA:

Moved by Herl, supported by Lutchka to **Accept the Consent Agenda Items A through E as follows:**

A. County Affairs:

None

B. County Agencies:

1. Renewal of the 911 Service Agreement with the City of Jackson
2. Ratification of the 2007 Juvenile Accountability Block Grant
3. Fiscal Year 2007 Title IV-D Cooperative Contract for Jackson County Friend of the Court CS/FOC-07-38001 Program
4. Amendment to the Access and Visitation Grant Contract for State Fiscal Year 2006 with the Jackson County Friend of the Court

C. Human Services:

None

D. Personnel & Finance:

5. Amendment to the Compensation Plan Establishing the Position of Information Technology Director at Pay Grade 20
6. Renewal of Independent Contract Agreement between the Jackson County Circuit/Family/Probate Courts, the County of Jackson, the Jackson County Intermediate School District and Highfields, Inc. (2007)
7. 2006-2007 Health Department Budget Transfer Out in the Amount of \$747,155
8. Adoption of Purchasing Policies:
2020 - Purchasing Procedures
2030 - Professional Services
9. Budget Adjustment - Health Department

E. Claims:

Claims dated 7/1/06 - 7/31/06 and 8/1/06 - 8/31/06 as presented to and approved by the Standing Committees:

July August

- County Affairs \$ 148,563.11 \$ 431,203.75
- County Agencies 698,463.94 755,569.25
- Human Services 188,508.71 193,273.08
- Personnel & Finance 292,703.51 183,541.48

Duckham wants to pull Item D6. - Renewal of the Contract with the Probate System for more discussion. Shotwell asks if Chairman of Personnel & Finance is aware of that now. Motion carried. Item B.1. was removed and sent to committee.

STANDING COMMITTEES:

A. County Affairs - Commissioner Dave Lutchka

1. County Affairs 9/5/06 Meeting Minutes. No action required.

2. Appointment to the Upper grand River Watershed Council - Six Public Members with terms to 5/2008.

Moved by Lutchka, to appoint James Tallman, Scott Ambs, Geoff Snyder, Joe Michalsky, James Spink and Dorothy Baugh to the Council. Motion carried.

3. Removal of a Board Member from the Mid-South Substance Abuse Commission

Moved by Lutchka, supported by Mahoney to remove a board member.

Moved by Brittain, supported by Wilson to table the issue. Roll Call: (on tabling issue) (7) Nays - Herl, Lutchka, Reynolds, Videto, Shotwell, Mahoney & Gumbert; (4) Yeas - Brittain, Duckham, Smith & Wilson. The table motion is defeated.

Mahoney reminded everyone that this was tabled last month because Gallant had not responded to any phone calls to give him an opportunity to resign from the Commission. It is the Board's request by unanimous decision to ask this Board to remove, which is what our process says. Wilson asked Mahoney if it would put the Board or Mid-South in any kind of legal jeopardy because Mr. Gallant contends that the County Commission was not properly notified based on your policy. Secondly, was there a quorum present at that Oct. 5 th meeting? Duckham is concerned that there is no proper paper trail. According to Mr. Gallant, there's nothing in the minutes. Mahoney asked Chairman Shotwell if Randy Treacher could speak.

Brittain feels that if Mr. Gallant cannot speak, then Randy shouldn't be allowed to speak either. Gumbert Calls for the Question at the same time Shotwell calls for the vote. (To keep Mr. Gallant on the Board, vote no) Roll Call: (8) Yeas - Herl, Lutchka, Reynolds, Videto, Shotwell, Mahoney, Smith & Gumbert; (3) Nays - Brittain, Duckham & Wilson.

Motion carried.

B. County Agencies - Commissioner Judy Reynolds

1. County Agencies 9/5/06 Meeting Minutes. No action required.

2. Renew the 911 Service Agreement with the City of Jackson

Moved by Reynolds, supported by Wilson. Chairman Shotwell asked someone to make a motion to table at the request of the Under Sheriff. *Moved by Gumbert, supported by Herl* to table. Motion carried.

C. Human Services - Vice-Commissioner Mahoney

1. Human Services 9/5/06 Meeting Minutes. No action required.

2. Resolution (09-06.46) Adopting an FY 2007 Budget for the Jackson County Health Department.

Moved by Mahoney, supported by Lutchka **to Adopt Resolution (09-06.46) Adopting a FY 2007 Budget for the Jackson County Health Department.**

Wilson moved, supported by Brittain. to amend the automatic 5% increase that has been established for fees and services for fiscal year 2006-07 provided by the County Health Department. Mahoney reminds the commissioners that the 5% is in line with the plan of the Health Department and in line with the budget process that the county has laid out in it=s plan for how we're funding the Health Department and asks commissioners not to support this amendment. Lutchka asked if the budget submitted by the Health Department was balanced. Wilson adds that we have not improved our standings in infant mortality, teenage pregnancy and other areas that keep Jackson County at the bottom of the list and has continued to do so for at least the four years that I've approved this operating budget. To reward the Health Department with an automatic 5% increase is out of line as it does exceed the cost of living for this year. Wilson supports withholding the 5% until the Health Department can start performing better.

Roll Call: (On Amendment) (3) Yeas- Brittain, Duckham & Wilson; (8) Nays. Amendment is defeated.

Roll Call on original Health Department Budget. (9) Yeas, (2) Nays - Brittain & Wilson.

Motion carried.

D. Personnel & Finance - Commissioner James Videto

1. Personnel & Finance 9/6/06 Meeting Minutes. No action required.

2. Item D6 from Consent Agenda:

Moved by Videto, supported by Mahoney for Renewal of Independent Contract Agreement Between the Jackson County Circuit/Family/Probate Courts, the County of Jackson, the Jackson County Intermediate School District and Highfields, Inc. (2007).

Duckham would like to see some tracking done on this as was discussed in committee. It appears to be a successful program, but they only track it out so far. Wilson said they asked Agencies to provide the information by this evening to this commission but he doesn't see it and wondered if anyone from ISD was here tonight. (Larry Meesner came forward.)

Moved by Wilson, supported by Gumbert to Suspend the Rules to allow Meesner to speak. Motion carried.

Larry Meesner, Interim President and CEO at Highfields spoke. He was at that meeting, but he's sorry that he didn't understand that you asked for additional information for this meeting. They did provide a packet of information in advance of the committee meeting. They talked about the 86% successful after one semester and 77% successful after one year. There would be no problem in the future identifying additional items to track if it is at all possible and legal. They would do that in the upcoming year.

Brittain asked what the average total per student is for the school year. Meesner responded that the cost is \$15,000 per student and the cost to the county is \$2.53 per day. Brittain asked about home schooling for these individuals or to have their parents pay the difference over and above. Shotwell commented that these answers were in the packet handed out to each of them.

Videto feels they need information that goes further out because the response from your group is that this is a bargain compared to the alternative and the figures we're not getting is what - about that one or two years down the road. My personal opinion is if they're coming back into the system that you say we're keeping them out of, then it's not working. We at least need to go two years out and investigate that and see what we can find out because that's going to be telling us how successful the program is, not just a year after graduation or in that short interim period.

Wilson is disappointed because there was no follow-up. They were asked if you track social security numbers, is there a way to find out where some of these past students have ended up to tell us whether this program is working or not. The commissioners should have been provided this information prior to voting on this. Reynolds responded that she is the Chairman of that committee and they did ask those questions and were told that we probably could not get that information because it's private after 18 and that you (Meesner) would try in the future to get maybe some of them that you know where they're at and they are agreeable to this, but no time did we say that you had to bring that information tonight.

Roll Call: (10) Yeas; (1) Nay - Brittain. Motion carried.

3. Jackson Transportation Authority (JTA) Supplemental Appropriation Not to Exceed the Amount of \$32,100 to support Operations and Budget Adjustment

Moved by Videto, supported by Reynolds to approve the Jackson Transportation Authority Supplemental Appropriation not to exceed the amount of \$32,100 to support Operations with those funds coming from the County Contingency Fund. Roll Call: (11) Yeas. Motion carried unanimously.

4. Renewal of Agreement for Economic Development Services Between Jackson County and the Enterprise Group of Jackson, Inc. (2007)

Moved by Videto, supported by Mahoney to approve the Renewal of Agreement for Economic Development Services between Jackson County and the Enterprise Group of Jackson, Inc. for the year of 2007. Roll Call: (10) Yeas; (1) Nay- Brittain.

5. Resolution (09-06.44) Refunding the County's Outstanding Bonds for the Wolf Lake Sewer Project

Moved by Videto, supported by Duckham to adopt Resolution (09-06.44) Refunding the County's Outstanding Bonds for the Wolf Lake Sewer Project. Roll Call: (11) Yeas. Motion carried unanimously.

6. Resolution (09-06.45) Accepting the Terms of the Michigan Natural Resources Trust Fund Development Project Agreement - Falling Water Trail Project

Moved by Videto, supported by Reynolds to adopt Resolution (09-06.45) Accepting the Terms of the Michigan Natural Resources Trust Fund Development Project Agreement - Falling Water Trail Project. Roll Call: (11) Yeas. Motion carried unanimously.

7. Lease Agreement for the County of Jackson to Lease 8 Miles of Land Owned by the State of Michigan for the Design, Development, and Management of the Falling Water Trail Project.

Moved by Videto, supported by Mahoney to approve the Lease Agreement for the County of Jackson to Lease 8 Miles of Land Owned by the State of Michigan for the Design, Development, and Management of the Falling Water Trail Project. Motion carried unanimously.

8. Proposal Award for Engineering Consulting Services (Prime Professional) for the Falling Water Trail Project - JJR Smith Group

Moved by Videto, supported by Reynolds to award to JJR Smith Group for Engineering Consulting Services for the Falling Water Trail Project. Motion carried unanimously.

9. Resolution (09-06.47) Adopting the FY 2007 Budget for the Jackson County Friend of the Court

Moved by Videto, supported by Mahoney to adopt Resolution (09-06.47) Adopting the FY 2007 Budget for the Jackson County Friend of the Court. Roll Call: (11) Yeas. Motion carried unanimously.

10. Resolution (09-06.48) County of Jackson Hospital Finance Authority Hospital Revenue and Refunding Bonds for the Benefit of W. A. Foote Memorial Hospital

Moved by Videto, supported by Reynolds to adopt Resolution (09-06.48) County of Jackson Hospital Finance Authority Hospital Revenue and Refunding Bonds for the Benefit of W. A. Foote Memorial Hospital. Roll Call: (11) Yeas. Motion carried unanimously.

Personnel & Finance concluded at 8:05 p.m.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Moved by Mahoney, supported by Wilson to appoint a committee to discuss commission compensation for the next two years and also check with that commission to see if they would like to have that committee discuss the possibility for the next commission to operate as a Committee of the Whole. Chairman Shotwell would like to move this administratively to Personnel & Finance. The chairs of the committees sit on that committee and he'd invite all commissioners to participate in that committee meeting for that discussion.

Brittain spoke regarding their new policy. If commissioners do attend, they aren't allowed to speak during the meeting so what good would it be to be at the meeting. Chairman Shotwell indicated that Videto could suspend the rules as we did tonight and allow commissioners to speak. Motion carried.

PUBLIC COMMENT:

Public Comment began at 8:08 p.m. with Jim Gallant who was disappointed that this board has decided to remove him from the MSSAC with such flimsy accusations not supported by any documentation. He has the appeal going and it will be brought up to the Office of Drug Control Policy.

Public Comment closed at 8:11 p.m.

COMMISSIONER COMMENTS:

Reynolds brought to the attention of the board the letter that is in their boxes. As Chairman and Director of the NAACP, Reynolds asked them to attend the Freedom Fund banquet.

Brittain hopes that Judy will not put payment for this on your deductions and try to claim it on your vouchers.

Wilson spoke regarding a point of clarification on the County Agencies when Highfield and ISD was there. There was never anything brought up about 18 years old. Actually school districts are responsible for students until the age of 26 if they are handicapped or problem students. Wilson also spoke about the board member being removed tonight based on the information received and thinks it could have been presented better.

CLOSED SESSION:

Moved by Videto, supported by Reynolds to go into Closed Session for the purpose of concluding the performance evaluation of the Administrator/Controller. Motion carried unanimously.

(At about 8:17 p.m., the commissioners go into Closed Session.)

Moved by Mahoney, supported by Duckham to come back into Open Session at about 9:00 p.m. Motion carried.

Moved by Mahoney, supported by Videto to Concur with the Separation Agreement with the County of Jackson and Robert C. Elliott hereafter to be deemed as the Employee.

Wilson would like Item #6 on the Separation Agreement read into the public record by the Chair.

Shotwell read Item #6 from the separation agreement:

"The parties agree that for purposes of any unemployment compensation benefits for which the employee may be eligible, that employer recognizes and stipulates that the separation of employment was involuntary on the part of the employee."

Brittain will be voting against this. It's an Agreement that was made up without his knowledge and he thinks it's bad for three people to make the decision for a full board.

Wilson feels this is really putting us in a bad position because of the way the severance package was put together. Mr. Elliott had two very poor performance reviews and he feel that Bob is holding this county hostage by the threat of future litigation if we don't give in to what he feels is an absurd agreement for separation. If we were as disappointed as we should have been in those reviews, we should have taken the initiative to allow Mr. Elliott to resign and have a fair negotiated package and if that weren't the case, then based on his performance reviews and his apparent admission that he is not a candidate for improvement, that he just should have been terminated. Thereby, we are held liable for the \$100,000 separation agreement. But to allow Mr. Elliott to resign and also have to pay him the \$100,000 on top of that agreement is a real disservice to the taxpayers of Jackson County.

Duckham agrees with Wilson, however, he doesn't see any other way out of this. He thinks Bob Elliott is a damaged good right now and couldn't function as County Administrator. He's lost the confidence of county employees and the County Board of Commissioners. He'd rather vote to fire also.

Chairman Shotwell calls for any other comments. Hearing none, he asks for a vote and reminds commissioners that if they vote yes, they are concurring with the retirement.

Roll Call: (9) Yeas; (2) Nays - Brittain & Wilson

ADJOURNMENT:

Moved by Gumbert, supported by Videto to Adjourn. Motion carried.

The September 19, 2006 Regular Meeting of the Jackson County Board of Commissioners was adjourned at 9:04 p.m.

James E. Shotwell, Jr. - Chairman, Jackson County Board of Commissioners
Sandra L. Crowley - Jackson County Clerk