

CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
FINANCE/BUSINESS MEETING
December 9, 2008

The regular meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson Linda Socha at 9:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Socha, Makima, Redmond, Mushlock, Page, and Bolinger

ABSENT: Commissioner Wallace (excused)

Commissioner Bolinger gave the invocation and led the Pledge of Allegiance.

The public hearing on the 2009 County Budget was opened by Chairperson Socha.

Finance Director Kari Kortz presented the 2009 budget totaling \$25,938,858, of which \$11,273,111 represents the General Fund and \$14,665,747 represents all other special funds. The increase over the 2008 amended budget was .74% for the General Fund and the special funds budget decreased by one/tenth of one percent. Expenditures for 2009 include a 0% increase for health insurance, 3-4% wage increase, \$77,000 for vehicle purchases, \$55,000 for paving the rear parking lot, \$13,000 for sealing all other parking lots, \$48,000 for BS&A software upgrade and \$28,000 for computer rotations. She reported an increase of just over \$200,000 in tax revenue.

Chairperson Socha opened the hearing to public comment and board member comment. None was received.

The Public Hearing was closed at 9:39 a.m.

The following changes to the agendas were made: Item 6B) Budget Adjustments was removed from the Consent Agenda and placed on the regular agenda as Item 9A Finance Director's Report; Item 13J 1) Purchasing Policy Revision, 5) Comp Time for Exempt Employees Revision, and 6) Comp Time for Non-Exempt Employees Revision were removed from the regular agenda to be addressed at the January Committee of the Whole Meeting; and Introduction of Deputy Treasurer Jayne Passeno was added to the regular agenda as Item 8B.

Motion by Commissioner Makima, seconded by Commissioner Mushlock, to approve the agenda as amended. Motion carried with 6 yes, 0 no and 1 absent.

Motion by Commissioner Mushlock, seconded by Commissioner Bolinger, to approve the consent agenda consisting of the following items:

- A. Approve Monthly Finance Claims – Finance = \$17,058.60; Prepaids = \$867,099.47
- ~~B. Budget Adjustments moved to Item 9B under Finance Director's Report~~
- C. Investment Report 9-30-08
- D. Correspondence:
 - 1. Lenawee County Resolution in Opposition to Michigan Commission on Law Enforcement Standards 520 Hour Standard for Police Officers
 - 2. Treasurer's Bonding Report
- E. Minutes:
 - 1. Commissioners Finance/Business Meeting of November 12, 2008 and Committee of the Whole Meeting of November 25, 2008
 - 2. North Country Community Mental Health Board – October 16, 2008
 - 3. Health Board – October 21, 2008
 - 4. Cheboygan County Fair Board – November 3, 2008
 - 5. Board Appointments & Procedures Committee – November 10, 2008

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6. Millage Allocation Committee – December 4, 2008
7. Cheboygan County Housing Commission – September 17, 2008
8. Cheboygan County Road Commission – November 6, 2008 & November 24, 2008
9. Cheboygan City Council – October 28, 2008
10. Planning Commission Minutes – October 15, 2008 & November 5, 2008

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

CITIZENS COMMENTS – Scott Swanson, of the Straitsland Resorter asked what potential pending litigation was. It either is pending or not. Attorney Grant said it is pending litigation for the case Sharkey vs Cheboygan County Humane Society which has been filed. Mr. Swanson also asked about the attorney/client privilege closed session. Mr. Graham said attorney/client privilege is exempt from opening meetings act, and the matter does not involve litigation.

Chuck Berden addressed the Board regarding concerns with additional building permits. He asked if construction code staff would be able to handle additional work from adding additional types of permits. Chairperson Socha said the board has been concerned with the size of county and amount of inspections and staff available at this time and had talked earlier this year of adding a position, but with the economy have not done that. She said Mr. Schnell and Mr. Flory would try to answer any questions. Mr. Berden said he can understand increasing fees on existing permits, but additional required permits would be a huge strain on staff.

Don Horrocks addressed the Board, regarding adding permit fees for new windows, doors, and siding etc., would place an additional economic hardship on the property owners. Chairperson Socha said some of the issues are not dictated by the county, but by the federal and state government. Building Official Kevan Flory said those types of permits are dictated by the state code.

Kevin Neuman voiced concern on window permits or roofing permits in that the inspectors would not have time to make inspections in a timely matter.

Kevan Flory said roofing, siding, windows have always been required under the building code, but this county had not required permits or enforced this in the past because there weren't any problems, however, recently there has been a huge increase in complaints regarding this type of work. He said changes in the new energy code have also lead to these new requirements according to. He said requiring these permits will take the time of the inspectors, but are necessary at this time. He said these types of permits should increase the amount of communications with the contractor, and the goal is to increase the staff based on the needs of the county. Chairperson Socha asked if Mr. Flory and Mr. Schnell would sit down with the builders in the county and discuss their concerns and questions. She said the Board wants to make sure things are done right, but also that inspections are done in a timely matter. Mr. Schnell said they are looking at contractual inspections if needed. Mr. Schnell said windows, siding and roofing are not options and are looking at the possibility of contractual services for those types of inspections. He said other counties have been reducing staff and we are lucky to be able to keep our current staff. We cover more inspections per inspector than other counties. Commissioner Page said the fee schedule was changed so as not to reduced staff or go to a four day week. Mr. Schnell said another option looked at was to hire some one on a contractual basis to avoid having the state take over as that would raise costs and decrease timeliness. He said the current staff can handle the work better than that option. Chuck Robiadek asked why not use affidavits, similar to those used by the health department for inspections on windows, siding and roofing. Mr. Flory said the building code does not allow for the use affidavits. Chuck Berden asked why enforcing windows, roofs, and siding now. Mr. Flory said because of all the complaints. Kevin Gouine said the state only inspects once at the end of the job. Commissioner Mushlock said she would like to see thorough discussion with the Builders Association and Mr. Flory & Mr. Schnell before adopting the new fee schedule, which includes permits for doors, windows, roofing and siding. Mr. Flory said he has no problem with meeting with the association. Chairperson Socha agreed with the meeting, but the resolution on the fee structure has to be in place. Marcia Rocheleau said complaints received are from those hiring inferior contractors for their projects. She also asked if windows are replaced over a ten year period a permit would have to be obtained every time. Mr. Flory said for most of the complaints, if a final inspection had been done, the problems would have been noticeable at that time. Bill Morgan said the county would have to do a lot of educating the

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public who are already under the impression permits not required for these types of projects. Mr. Schnell said a meeting with the builders would be scheduled immediately. Mr. Berden said they would work with Mr. Flory to set up a scheduled time.

SCHEDULED VISITORS – MSUE Director Ben Bartlett explained the process of filling the position of 4-H Educator. He said twenty-two applicants were received, with three candidates interviewed. He introduced the successful candidate, Sara Malone, from Onaway. Ms. Malone has an undergraduate from MSU and a master degree from Rutgers and was involved with the Cheboygan 4-H program as a youth. Chairperson Socha welcomed Ms. Malone.

County Treasurer Linda Cronan introduced Jayne Passeno, the newest deputy treasurer. Ms. Passeno recently completed her probation period.

FINANCE DIRECTOR'S REPORT - Finance Director Kari Kortz presented the revenue and expenditures report for the General Fund for the month ended October 31, 2008. She reported total year-to-date revenue of \$9,959,497.38 versus \$8,151,919.17 last year at that time. Ms. Kortz reported expenditures year-to-date of \$8,278,506.65, or 74.82% of budget, compared to \$7,904,092.43 last year as of the end of October.

Ms. Kortz addressed questions on the budget transfers presented for approval, including child care and marina gasoline. She said the child care fund is very volatile and dependent upon the entities involved; and she explained the gasoline price in the summer months was much higher than expect for the county marina.

Motion by Commissioner Mushlock, seconded by Commissioner Redmond, to approve the budget adjustments as presented, being items 6B 1, 2 & 3 (copies on file in County Clerk's Office). A roll call vote was taken. Motion carried with 6 yes, 0 no and 0 absent.

CIVIL COUNSEL REPORT

Civil Counsel Bryan Graham updated the board on the recent ORV legislation. He said in the first year after the passage of the legislation only counties, villages, and cities have the legal authority to pass ordinances regarding ORV travel, and also in that first year, townships can say no, and road commissions can close up to 30% of the roads in the county to ORV travel. He said this could result in a checkerboard effect, so he would like to meet with the various townships and the road commission to reach a consensus as to which roads would be open to ORV travel in the county and which would not. The state statute authorizes ORV travel on "far right of the maintained portion of the road", which is not defined in the statute. Chairperson Socha said law enforcement should be included in the meeting and referred to the letter dated December 8, 2008 from Paige Perry of the Department of Natural Resources, which offers some suggestions and assistance. Ms. Socha said she would like Ms. Perry, a former Cheboygan County resident, invited to the meeting as well. She said the county administrator would set up the meeting. Commissioner Bolinger asked how this affects ORV's operated for agriculture use. Mr. Graham said if it falls within the definition of an ORV it could be operated on the far right side of the road. He said an agriculture use may be covered by different legislation and he would check on that.

COMMITTEE REPORTS

Commissioner Page reported on the Millage Allocation Committee meetings. He said requests have been made from the Cheboygan County Council on Aging for \$572,400 and the Mackinaw Area Senior Citizens for \$37,000, which the committee reduced to \$30,000, both groups are to report to the Board in six months. Civil Counsel Bryan Graham advised of a statute regarding allocating millage for senior programs which requires contracts with the senior associations. He said the motions should be subject to a contract to be presented at the January Finance/Business Meeting.

Motion by Commissioner Page, seconded by Commissioner Redmond, to accept the recommendation of the Millage Allocation Committee and authorize the allocation of \$30,000 from the 2009 Senior Citizens Millage Fund to the Mackinaw Senior Citizens, now incorporated as the Wawatam Area Senior Citizens, Inc. with a request for a six month report and also subject to the drawing up of a legal contract for senior

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services to be presented at the January Finance/Business Meeting and secondarily to accept the recommendation and authorize the allocation of \$572,400 from the 2009 Senior Citizens Millage Fund to the Cheboygan County Council on Aging with a request for a six month report and also subject to the drawing up of a legal contract for senior services to be presented at the January Finance/Business Meeting, funds to be distributed monthly. Discussion held regarding the old Lions Club facility use as a senior center being located in Emmet County. Commissioner Page said that CCCOA Director Mike Bur does not have a problem with this. He said Mr. Bur has offered some fixtures that may still be available be returned to the Mackinaw Center. Chairperson Socha said Commissioner Page will be the liaison to the Wawatam Area Senior Citizens. She said she thinks it's great that the Village of Mackinaw City is taking over the care of their seniors. She said there will be opportunities to work with Straits Regional Ride in the future. A roll call vote was taken. Motion carried with 6 yes, 0 no and 0 absent.

Commissioner Page reported the Millage Allocation Committee recommends distributing the entire ambulance millage based on township revenue by coverage area.

Motion by Commissioner Page, seconded by Commissioner Bolinger, to accept the recommendation of the Millage Allocation Committee and authorize that the millage revenues collected in 2009 for ambulance services be allocated to the Cheboygan Life Support System, Onaway Ambulance Service and the Village of Mackinaw City Ambulance Service subject to contracts to be presented to the board at the January Finance/Business Meeting and collections to be disbursed monthly. A roll call vote was taken. Motion carried with 6 yes, 0 no and 0 absent.

Commissioner Bolinger reported attending the District #4 Health Board meeting.

Commissioner Mushlock said she and Commissioner Socha attended the MTA Christmas party which was very enjoyable.

Commissioner Page attended the NEMCSA meeting in Alpena. He said the governor may be recommending a 10% cut in all programs from the state. He also reported attending the Aloha and Koehler Township Meeting and reported at those meetings on the increase in permit fees.

Commissioner Socha attended the Airport Authority meeting and an intergovernmental roundtable meeting, which Mr. Schnell and Mr. Overton also attended.

Commissioner Page said in his discussions with Mike Bur, CCCOA Director, he asked Mr. Bur if they are still pursuing possible acquisition of the Black River School. Mr. Bur told him with the cost involved he does not believe this is the time to proceed with that project.

OLD BUSINESS - None

NEW BUSINESS

Administrator Overton said the 2009 Attorney Contract for Delinquency and Child Protection Proceedings is an annual contract in the amount of \$82,000, which is the same amount as for 2008.

Motion by Commissioner Mushlock, seconded by Commissioner Bolinger, to approve the 2009 Attorney Contract for Delinquency and Child Protection Proceedings and authorize the Chairperson to sign. Motion carried with 6 yes, 0 no and 1 absent.

Administrator Overton presented the Cheboygan County Public Defender Contact for 2009-2011 without no change to the contract amount, which is \$137,088 per annum. Discussion held.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to approve the Cheboygan County Public Defender Contact for 2009-2011 and authorize the Chairperson to sign. Motion carried with 6 yes, 0 no and 1 absent.

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Motion by Commissioner Mushlock, seconded by Commissioner Bolinger, to adopt the following resolution:

RESOLUTION 08-027

BE IT RESOLVED THAT THE CHEBOYGAN BOARD OF COMMISSIONERS, concurs with the recommendation of Michigan State University Extension and recommends to the Michigan State University Office of the Provost that, Sara R. Malone, be approved as the *MSU Extension Educator, Children, Youth, Families & Communities/4-H Youth Development*, Cheboygan County, effective December 1, 2008.

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Straits Regional Ride Director Mike Couture presented Revision #1 to the COPESD Transportation Agreement from Mackinaw City Schools to Cheboygan Area Schools. He said the revision adds one student effective November 17, 2008 and raises the per day cost from \$38.00 to \$57.00, resulting in an annual increase of \$10,260.

Motion by Commissioner Makima, seconded by Commissioner Bolinger, to approve the 1st Revision to the COPESD Transportation Agreement between Cheboygan County, on behalf of Straits Regional Ride and the Cheboygan-Otsego-Presque Isle Educational Service District and authorize the chairperson to sign. Motion carried with 6 yes, 0 no and 1 absent.

Maintenance Director Tim Mason presented a proposal to replace two of the county cars with the most miles with two new smaller vehicles that would get at least 30 miles per gallon. After comparing all the different vehicles, the following two bids were received: **Wheeler Motors:** Chevrolet Cobalt - **\$16,618.00** each and **Gorno Ford:** State Bid Ford Fusion - **\$15,100.00** each delivered to the County Building.

Motion by Commissioner Bolinger, seconded by Commissioner Page, to award the state bid for two new Ford Fusions to Gorno Ford for the amount of \$30,200.00. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Mr. Mason also presented a proposal to purchase a small all wheel drive vehicle to replace one of the older county cars. He said this vehicle could be used for people traveling in inclement weather and on back roads throughout the county. A bid of **\$16,707** was received from **Varsity Ford**. Rivertown Motors said they could not compete with the state bid.

Motion by Commissioner Page, seconded by Commissioner Makima, to award the state bid for a new Ford Escape to Varsity Ford for the amount of \$16,707. Motion carried with 6 yes, 0 no and 1 absent.

Administrator Overton presented a 5-year Recycling Materials Agreement with Emmet County to provide for the receipt and processing of recyclable materials at the Emmet County Recycling Facility. Other than the change to a 5-year duration, the agreement has not changed from the current agreement.

Motion by Commissioner Redmond, seconded by Commissioner Mushlock, to approve the Agreement Regarding Recyclable Materials between the County of Emmet and the County of Cheboygan and authorize the Chairperson to sign. Motion carried with 6 yes, 0 no and 1 absent.

Administrator Overton presented a Revised Interlocal Agreement Regarding County Recycling Surcharge. He said the agreement supercedes the existing agreements with Hebron, Beaugrand, Munro, Inverness, Burt, Mullett, Mentor, Ellis, Waverly, and the City of Cheboygan, and is the same agreement approved last month for Aloha, Koehler and Tuscarora. The substance of the agreement has changed little from the original approved in 2007. The change of significance is the indemnification language in section 4, which clearly states that the County will hold all the signatory Townships harmless from liability and damages.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to approve the Inter-local Recycling Agreements with the Townships of Hebron, Beaugrand, Munro, Inverness, Burt, Mullett, Mentor, Ellis, Waverly, and the City of Cheboygan and authorize the Chairperson to sign. Motion carried with 6 yes, 0 no and 1 absent.

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Human Resources Director Tim Garey presented a request to increase the maximum reimbursement allowance for medical-related expenses for County employees participating in TASC's FlexSystem Flexible Spending Account program. He said there would be no financial impact to the County. However, there is an element of risk. Administrator Overton said that in order for the County to lose, an employee would have to quit during the year eliminating the payroll deduction.

Motion by Commissioner Mushlock, seconded by Commissioner Bolinger, to approve the request to increase to \$3,000 per plan year the maximum reimbursement allowance for medical-related expenses for County employees participating in TASC's FlexSystem Flexible Spending Account program. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Finance Director Kari Kortz presented the proposed 2009 Fee Resolution 08-029. Community Development Director Steve Schnell reported on the discussion held with some of the contractors in the hallway. He said they voiced concern with permit fees for siding, roofing and window replacement. Another concern voiced was HUD homes which are exempt from some of the required inspections and permits. He said representatives from the County Construction Code Department will be invited to the January meeting of the Builders' Association. Discussion held on the lines of communication which have improved, however, Chairperson Socha said perhaps these fee changes should have been available to the area contractors for review prior to being presented to this board for approval.

Motion by Commissioner Page, seconded by Commissioner Redmond, to adopt Resolution 08-029 – 2009 Fee Resolution, with the exclusion of the roofing, siding and/or windows, pending further review by the Construction Code Department and Civil Counsel, and the addition of the non-statutory fees charged in the Clerk/Register's Department, effective January 1, 2009 and authorize the Chairperson to sign. A roll call vote was taken. Motion carried with 4 yes, 2 no (Commissioners Mushlock and Bolinger) and 1 absent.

Administrator Overton said compensation to Dan O'Henley for coordination of activities and events at the fairgrounds was overlooked in the 2008 budget and requested \$4,000 be approved as compensation to Mr. O'Henley for those services.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to approve payment of \$4,000 to Dan O'Henley for fairgrounds event coordinator and authorize the necessary budget adjustments. Commissioner Page asked for clarification on the total compensation paid to Mr. O'Henley. Administrator Overton said the Fir paid him \$6,500 in addition to this \$4,000 and he also received \$15 per hour as Recycling Coordinator. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Finance Director Kortz presented Policy Number 100-6 Fraud Policy. She said this policy was created to comply with the recommendation of our auditors included in the audit for the year ending December 31, 2007. The policy was reviewed by civil counsel and all recommended changes were made. The policy covers the following: Actions Constituting Fraud, Duties and Responsibilities, Reporting Procedures, Investigative Procedures, Confidentiality, Media Issues, and Sanctions.

Motion by Commissioner Page, seconded by Commissioner Makima, to adopt Policy Number 100-6 the Cheboygan County Fraud Policy, to become effective December 9, 2008, and authorize the Chairperson to sign. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Finance Director Kortz presented a Revised Budget Adoption and Amendment Policy. She said the original policy was adopted November 7, 2006, but due to several instances recommends the following be changes be included in the policy: Adding language to allow for designees to act on behalf of the Department Heads; Eliminating the aggregating of all transfers to any one line item in the approval process Note: The aggregate amount of transfers will continue to be presented on a line item basis to the Board on a monthly basis for General Fund revenues and on a semi-annual basis for General Fund expenditures and all other funds revenues and expenditures; however, the total of all budget adjustment year-to-date will not be affect the level of approval required; and, Changing the specifics of reporting budget adjustments to the Board to mirror current practice. Discussion held on designees, and Ms. Kortz explained the review process

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Motion by Commissioner Redmond, seconded by Commissioner Makima, to adopt Policy Number 300-1 the Revised Budget Adoption and Amendment Policy to become effective January 1, 2009 and authorize the Chairman to sign. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

County Treasurer Linda Cronan said pursuant to the Auditor's letter, we needed to create and adopt an Electronic Transaction Policy. Wording in the Policy references a Resolution to authorize Automatic Clearing House (ACH) and Electronic Transactions. She and the Finance Director, and both agree that the policy covers the procedures that are used in processing ACH and Electronic Transfers, and adoption of this policy and Resolution would complete the requirements of the auditors.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to adopt Policy Number 300-3 ACH and Electronic Transaction Policy, effective December 9, 2008, and adopt the following resolution and authorize the Chairperson to sign: **RESOLUTION 08-028**

**TO AUTHORIZE ACH AND ELECTRONIC
TRANSACTIONS AND APPROVING THE CHEBOYGAN COUNTY
ACH AND ELECTRONIC TRANSACTIONS POLICY**

WHEREAS, Electronic payments of funds have become a commonly accepted practice by banks and other financial institutions; and

WHEREAS, Sec. 2 of PA 738 of 2002 authorizes a County Treasurer to enter into an ACH arrangement to create electronic transactions involving public funds; and

WHEREAS, Sec. 3 of PA 738 of 2002 requires this Board of Commissioners to adopt a resolution authorizing electronic transactions; and

WHEREAS, the County Treasurer has submitted a proposed ACH and Electronic Transactions Policy which complies with the provisions of PA 738 of 2002;

NOW, THEREFORE BE IT RESOLVED, that the Cheboygan County Board of Commissioners authorizes the County Treasurer to utilize electronic transactions in compliance with the Cheboygan County ACH and Electronic Transactions Policy developed by the County Treasurer and presented to this Board of Commissioners on December 9, 2008.

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Human Resources Director Tim Garey presented a revised Allowable Travel Expense Policy, Policy Number 100-5. He said the revisions are to clarify allowable expenses and procedures.

Motion by Commissioner Makima, seconded by Commissioner Bolinger, to adopt Revised Policy Number 100-5 Allowable Travel Expense Policy effective December 9, 2008 and authorize the Chairperson to sign. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

IS Director Matt Hellens presented a service agreement with FSG Software for jail maintenance software. He said the agreement was reviewed by civil counsel for form and function and a recommendation was made to include a termination clause within the language. However, FSG was only willing to include the clause in the 1 year agreement. Considering the cost savings and that this is a continuation of a contract that started nearly 15 years ago, he said he feels it would be fine to leave out the recommended termination clause. The total cost for a 3 year contract totaled \$14,559.84, compared with the cost of a 1 year contract which totaled \$17,665.94 over the three year period.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to approve the 3-year maintenance agreement with FSG Software, Inc. in the amount of \$14,559.84 for jail management software and authorize the Chairperson to sign. Motion carried with 6 yes, 0 no and 1 absent.

Finance Director Kari Kortz presented the 2009 Budget totaling \$25,938,858, of which \$11,273,111 represents the General Fund and \$14,665,747 represents all other special funds. She provided a summary of the line items that have been adjusted since the Board last reviewed the budget in full in October.

Motion by Commissioner Page, seconded by Commissioner Bolinger, to adopt the 2009 General Fund budget in the amount of \$11,273,111 and all other funds budgets with a combined total of \$14,665,747 resulting in a Cheboygan County 2009 Budget in the amount of \$25,938,858.

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A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Motion by Commissioner Bolinger, seconded by Commissioner Redmond, to cancel the December Committee of the Whole Meeting as there are no foreseen action items. Motion carried with 6 yes, 0 no and 1 absent.

CITIZENS COMMENTS – None

BOARD MEMBER COMMENTS – Chairperson Socha reminded everyone to look over the Board Rules and to let her know of any changes. She said the Organizational Meeting would be held on Monday, January 5, 2009.

Commissioner Mushlock asked if the new fees for the commercial were included in the resolution. Finance Director Kortz said they were.

County Treasurer Linda Cronan said the organizational meeting has always been on the first business day of the year. Chairperson Socha agreed that historically it has been the first day, but statute states the first meeting, not the first business day. Civil Counsel Bryan Graham said he would verify that.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to go into closed session to discuss trial or settlement strategy in connection with specific pending litigation pursuant to the Open Meetings Act, specifically, MCL 15.268(e). A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Entered into closed session at 1:10 p.m., returned to open session at 1:20 p.m.

Motion by Commissioner Page, seconded by Commissioner Makima, to accept the recommendation from Gregory R. Grant, legal counsel in the matter of Carmen Scharffe vs Cheboygan County Humane Society. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Civil Counsel Bryan said as to the organizational meeting, the law states at the first meeting of the year.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to hold the 2009 Cheboygan County Board of Commissioner Organizational Meeting at 9:30 a.m. on Monday, January 5, 2009. Motion carried with 6 yes, 0 no and 1 absent.

Mr. Graham said the chair can be elected for a two year term, if so desired. If the Board wishes to have the term of the chair one year a resolution stating such must be adopted. Mr. Graham said he would prepare a resolution to be used if the Board elects a one year term.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to go into closed session pursuant to Section 8(h) of the Open Meetings Act, being MCL 15.268(h) to consider the written memo from our attorney dated October 10, 2008, which is exempt from disclosure by Section 13(1)(g) of the Michigan Freedom of Information Act, being MCL 15.243(1)(g), since this memo is subject to the attorney-client privilege. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Entered into closed session at 1:25 p.m., returned to open session at 1:35 p.m.

Motion by Commissioner Mushlock, seconded by Commissioner Redmond, to adjourn to the call of the Chair. Meeting adjourned at 1:35 p.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson