

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
RECONVENED MEETING
June 8, 2011**

The reconvened 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 Linda Socha, Don Horrocks, Pete Redmond, Cal Gouine, Tony Matelski, John Wallace, and Sue Allor

Absent: None

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

Civil Counsel Bryan Graham requested the addition of Item 5A Drain Commissioner Resignation.

Motion by Commissioner Matelski, seconded by Commissioner Redmond, to approve the agenda with the above addition. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Wallace, seconded by Commissioner Allor, to approve the minutes of the May 10, 2011 Finance/Business Meeting. Motion carried with 7 yes, 0 no and 0 absent.

Civil Counsel Bryan Grahams advised that Dennis Lennox submitted his resignation as Drain Commissioner effective June 6, 2011. The committee, required by statute, comprised of the Probate Judge, County Clerk/Register and County Prosecuting Attorney met earlier this morning and accepted the resignation. He said this has a direct impact to this meeting. Mr. Graham outlined the events that occurred leading to scheduling a public hearing to consider removing the drain commissioner from office, including numerous requests from the Board to Mr. Lennox for more information on various topics questionable reimbursement requests and demands to pay those reimbursements. He said since Mr. Lennox's resignation was received and accepted there is no need to proceed with today's public hearing.

Motion by Commissioner Matelski, seconded by Commissioner Horrocks, that since the Cheboygan County Drain Commissioner, Dennis G. Lennox, II, has submitted his resignation from the Office of the Cheboygan County Drain Commissioner effective June 6, 2011 and since the Cheboygan County Probate Judge, Cheboygan County Clerk/Register of Deeds, and Cheboygan County Prosecuting Attorney, the officials vested with the legal authority to appoint a new Drain Commissioner, have accepted Mr. Lennox's resignation, the Public Hearing concerning removal from the Office of Cheboygan County Drain Commissioner is no longer necessary and is hereby concluded. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Mr. Graham said even though he heard rumors of Lennox resigning, he continued to prepare for the public hearing in case the rumors were not true. The documents prepared by civil counsel included an Exhibit List of 47 exhibits, a prepared Opening Statement and Proposed Findings of Fact.

Motion by Commissioner Wallace, seconded by Commissioner Horrocks, to enter into the minutes of today's meeting the materials provided by Civil Counsel Bryan Graham and the additional cost estimate provided by Administrator Overton. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Socha commended Mr. Graham for the work, time and effort that went into this. She also recognized Dennis Grenkowicz, who was hired by the County through the Drain Commissioner, for the work he done representing the Drain Commissioner with the subpoena answers. Mr. Grenkowicz stated in the final analysis last week Mr. Lennox decided his resignation would be best for everyone. Commissioner Socha said an estimated cost for civil counsel legal fees resulting from matters directly relating to the drain commissioner over the past 2+years totals \$19,738.10. Administrator Overton had

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the finance department prepare an opportunity cost estimate of time spent by county officials and employees dealing with matters relating to the drain commissioner which totaled over \$112,000 since the beginning of 2009. He said this is not actual out of pocket costs but reflects employees time that could have been used for something else.

Chairperson Socha stated public comment would be allowed; and she has been asked to extend the time allowed for comments.

Motion by Commissioner Matelski, seconded by Commissioner Horrocks, to allow additional time if anyone does wish to have additional time to speak. Motion carried with 7 yes, 0 no and 0 absent.

PUBLIC COMMENTS – Robert Heilman, Chair of the County's Department of Public Works, said Lennox challenged him on several issues in regards to the DPW. Mr. Heilman said he wanted the Board to be aware of this.

Leonard Page, former County Commissioner, thanked the Board for pursuing the subpoena and read highlights from a letter he drafted recounting many issues involving Lennox and the Board of Commissioners over the past 29 months.

Chris Brown, the filer of the petition to have Lennox recalled from office, addressed the Board. Mr. Brown related that Lennox's attorney contacted him just prior to the Circuit Court hearing regarding the Election Commission's Clarity Hearing case that Lennox had filed and asked if he would drop the recall if the drain commissioner resigned at an unspecified date. Mr. Brown said he said no he would not withdraw at that time. However, he did agree to withdraw when it was certain the resignation would occur. He related the manner in which the recall efforts against the four other county officials happened. Mr. Brown stated Lennox's word is not good.

Roger Gauthier said he was born and raised in Cheboygan and recently purchased a home in Benton Township after working downstate for the past 40 years. He said he retired as a senior hydrologist with the Corps of Engineers after 30 years prior to retiring as a Program Director for the Great Lakes Commission. He has worked closely with a wide array of water resource professionals. He said the Drain Commissioner position is a very important position. The principle role of the drain commissioner is to be responsible for administrating programs related to flood protection, storm water management and soil erosion and to promote improvements in agricultural practices. Abolishment of this key position could cause damage to the quality of life in the county. Mr. Gauthier said the drains should be studied and assessed as to whether maintenance is needed on these drains. He related he submitted a FOIA request to Mr. Lennox, he has failed to respond to this request. The information request deals with the drains. Mr. Gauthier said Lennox seems to choose which laws to obey and which to ignore. As a citizens and taxpayer of this county if the board had to remove him it would have been in the best interest. Civil Counsel Bryan Graham said the FOIA request should be referred to Mr. Overton.

Mr. Grenkovicz clarified that he was not the attorney referred to by Mr. Brown for the circuit court case. That would have been Mr. Hartman.

BOARD MEMBER COMMENTS – Commissioner Wallace said he thinks Ms. Bricker's letter should be made part of the record. A letter from Kathy Bricker was received relating to the Drain Commissioner. Ms. Bricker noted a correction in her letter regarding 1987 should read 2007. Commissioner Wallace said he believes Mr. Lennox has used this office for personal political gains and has a habit of constantly coloring the truth to his advantage. He said he believes Mr. Lennox has been unethical and immoral at least and unless he takes a 180 degree turn he is unfit for any office.

Commissioner Redmond asked what the status was for appointment of a new drain commissioner. Mr. Graham said the committee has set a 21 day timeline for applications and will be posing the position and advertising in the local newspaper. Chairperson Socha noted that all questions or applications should be forward to the County Clerk regarding the appointment. Mr. Graham said the Board of Commissioners has no role in filling the vacancy.

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Chairperson Socha said when you first meet Mr. Lennox he appears to need life experience and after a while you find out that's not the case. She said hopefully Mr. Lennox's job will work out for him and he will get his feet on the ground and can learn to communicate from an emotional standpoint, an intellectual standpoint and a maturity standpoint. She said it is not a communication problem between him and the board. This board operates as a board and does not address matters separately.

Chairperson Socha thanked the MTA and the townships for their input, the people who spoke today, members of the Republican Party and the Democrat Party, and everyone involved. She is really, truly thankful and relieved; his resignation was in his best interest and the best interest of this county. She especially thank Mr. Graham. Commissioner Matelski thanked Chair Socha.

Motion by Commissioner Matelski, seconded by Commissioner Allor, to adjourn to the call of the Chair. Meeting adjourned at 10:40 a.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson