

“DRAFT”

LAKE COUNTY BOARD OF COMMISSIONERS
Regular Meeting
January 14, 2015
10:30 a.m.

Chairman Walls called the meeting to order at 10:48 a.m.

Commissioner Stenger gave the prayer and the Pledge of Allegiance was said.

Deputy Clerk DeWolf called the roll with the following Commissioners present:

Barb Stenger, Chuck Vayda, Colleen Carrington-Atkins, John Brunn, John Fairbanks, Dan Sloan and Karl Walls.

Commissioner Fairbanks moved that the agenda be approved with the addition Commissioner Sloan will present a Resolution as reported in the December 10, 2014 minutes, seconded by Commissioner Vayda, and by voice vote carried.

Commissioner Sloan moved that the minutes from the December 10, 2014 regular meeting be approved with the correction on page 6, that the \$400,000 the Building Authority received was for investment purposes only and can't be used for any other purposes without Lake County Board of Commissioners approval, seconded by Commissioner Fairbanks, and by voice vote carried. Commissioner Fairbanks moved that the closed session minutes from December 10, 2014 be approved as presented seconded by Commissioner Stenger, and by voice vote carried. Commissioner Fairbanks moved that the minutes from the January 2, 2015 Organizational Minutes be approved, seconded by Commissioner Sloan and by voice vote carried.

BRIEF PUBLIC COMMENT – *Limited to 5 minutes each, please!*

Erin Kuhn, West Michigan Shoreline Regional Development Commission (WMSRDC), was present and reported how she has enjoyed working with the Economic Development Committee and the sub-committees and they should be commended on how quickly they moved along with the Strategic Plan, etc. She continued to state when the time comes to apply for the EDA Grant Application, she will be available to help with the application and is looking forward to this. She stated the EDA Representative from Chicago will be in Muskegon on February 10, 2015 and if Commissioner Stenger and/or Commissioner Sloan were available to meet them, they were more than welcome. She continued to report what WMSRDC does and has done for Lake County.

PERSONS SCHEDULED TO ADDRESS THE COMMISSIONERS

10:45 a.m. Mark Witte, SUD Prevention and Treatment Coordinator with Lakeshore Regional Partners, Rich VandenHeuvel, CEO with Lakeshore Regional Partners and Lisa Hotovy, West Michigan Community Mental Health (WMCMH) were present to discuss the Lakeshore Regional Partners Agreement and the fact that Lake County was the only County that had not signed the agreement. Mr. VandenHeuvel answered questions from the Commissioners and explained if all County agreements are not signed, they can't begin to disperse the funds. Ms. Hotovy stated WMCMH and Baldwin Family Health work very closely together regarding substance abuse and will continue to do so.

Mr. Witte stated they have not held a meeting as they were waiting for all counties to sign the agreement, so they can move forward. The main topic is the importance of taking care of each county, no matter on

LAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 14, 2015 – Page 2

the size and make sure all counties receive the same benefits. A lengthy discussion followed on how the funds are distributed and they are based on the Liquor Tax funds coming to our County. The PA 2 dollars and the Liquor Tax dollars are protected and are sent back to the county they came from and can't go anywhere else and it doesn't matter how many members are on the board from each county, the funds can only go back to the county that they were received from.

Commissioner Carrington-Atkins asked if the residents of Lake County can attend any facility, or do they have to attend the Baldwin Family Health Care facility? Ms. Hotovy stated they have expanded the network to have more providers and will have access to 7 counties that they have not had before. It was stated that outpatient treatment would be provided at Baldwin Family Health Care or Community Mental Health and residential would be in Traverse City.

Commissioner Sloan moved for approval and authorization for signature on the contract between Lakeshore Regional Entity, d/b/a Lakeshore Regional Partners ("LRP") and the following Counties – Allegan, Kent, Lake, Mason, Muskegon, Oceana and Ottawa, seconded by Commissioner Carrington-Atkins. Discussion followed regarding the funds that are used first and the liquor tax funds are the last funds that are used. Roll call vote on the above motion is 7 yes.

The board thanked Mr. Witte, Mr. VandenHeuvel and Ms. Hotovy for attending this meeting and explaining the agreement and how this newly formed committee will perform.

The board recessed for lunch at 11:48 a.m.

The board reconvened at 1:37 p.m.

Kim Loop, Juvenile/Child Care Department, was present and explained she distributed a fact sheet which answers most of Commissioner Sloan's questions. Commissioner Sloan explained why she was requested to attend and answer questions regarding the cost the County is paying for these youth. Commissioner Sloan stated his intent is to have a resolution at the first meeting in February to form an Ad-Hoc Committee regarding the Child Care Fund. Ms. Loop explained, just this month, they have received 11 new youth that have been in the court system. Ms. Loop explained that most of these youth will be placed on probation and stay in their homes. She explained resources have been produced in her department to keep the youth in their homes or to be placed elsewhere for only a couple of months. She stated they are trying very hard to keep the youth in their homes. Ms. Loop told the board they are more than welcome to come visit her in her office and ask questions any time.

The board thanked Kim for her report and update.

PERSONS SCHEDULED TO ADDRESS THE COMMISSIONERS

John McGlinchey and Chris Gura, Abbott Nicholson, P.C., Attorneys for Lake County were present and stated they do appreciate meeting with the Board of Commissioners, when there are new board members. He reported on the following:

1. Open Meetings Act – this applies to all county board of commissioners and sub-committees meetings and deliberating. All meetings must be posted.
2. Closed Sessions – when going into closed session, a 2/3 roll call vote is required to call a closed session and must state the reason why. There are four reasons to move into a closed session:
 - a. Considering the purchase or lease of real property

LAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 14, 2015 – Page 3

- b. Consulting with their attorney
- c. Considering an employment application, or
- d. Considering material exempt from disclosure under state or federal law

Mr. McGlinchey stated there should never be a vote during closed session and once moved to go out of closed session, the board would then vote on whatever action needs to be addressed

3. FOIA – Freedom of Information Act – All requests are to be in writing and there are public records are subject to copy for a fee. Mr. McGlinchey went on to state the use of a county computer and/or personal computer used for county business and what could be FOIA'd. There is other information that could be given out when receiving a FOIA request, but may have to redact information, but must be stated in the letter to the person who sent the FOIA request.

Chris Gura was present to discuss, “Attorney Client Privilege”, which is information between the attorney and the client, information to be kept confidential and promotes the clients to give as much information to the attorney and there are several issues that meet this criteria. The entire Lake County Board of Commissioners’ is the “client” and they are the only ones to waive privileges, not the attorney. This information is exempt from “FOIA requests”.

The board thanked both Mr. McGlinchey and Mr. Gura for being here and reviewing important issues.

Department of Human Services (DHS) Board Members, Randy Howes and Don Arquette and Lori Schultz, Acting Director was present to discuss the “appropriations” that were budgeted for 2015. It was stated the basic requirements the Board of Commissioners has to appropriate for is mileage and per diems for the board members. Mr. Howes read the letter that was sent to the Commissioners regarding the 2015 allocation and the reduction of 94% and stated that all requests are reviewed and some requests are not funded and some requests are not 100% funded. The DHS Board is requesting the Board of Commissioners amend the allocation to assist in helping social welfare in the county with an operating fund of \$16,500 from 2015 – 2019, five years, to meet these needs and work with other agencies.

Chairman Walls stated the board is not questioning the DHS Board’s motive, but is questioning where some of the allocations are sent to. It was stated that DHS and Social Welfare Funds help with foster parents and to keep the foster children here in Lake County and help them go out on their own. Discussion followed regarding the Child Care Fund and placement of children through DHS. Ms. Schultz encouraged the board to consider the increase in appropriations and Chairman Walls stated he is not accusing the DHS Board of anything and is learning more of what this board does.

COMMITTEE REPORTS

FINANCE – Commissioner Fairbanks moved for approval for the purchase requisition from IT to Ayres Associates for the spring aerial project for a total cost of \$52,000.00, seconded by Chairman Walls. Commissioner Vayda stated he did not think he could vote yes on this until he talks to his townships and if Ayers Associates could come and discuss what they will be doing for the County. Commissioner Sloan was opposed to this project in the beginning, but over the years he has learned more about public safety and the trails in Lake County. Commissioner Vayda stated, if 911 can pay a portion, can road patrol also pay? Chairman Walls stated if we work with the Townships, it could lessen some of the burden from the

LAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 14, 2015 – Page 4

County. The Treasurer also has funds available to help with this project. Roll call vote on the motion above is 5 yes and 2 NO Commissioners Fairbanks and Vayda.

Commissioner Fairbanks moved for approval for the purchase requisition from IT to Universal Cabling Systems to move cables from the Maintenance Tool Room to inside the 911 Central Dispatch equipment room for a total cost of \$4,152.00, seconded by Commissioner Stenger, roll call vote 6 yes and 1 NO Commissioner Fairbanks.

Commissioner Fairbanks moved for approval for the purchase requisition from Lake County Sheriff's Department/Road Patrol to ProComm Inc. for labor and all materials to outfit two 2014 Dodge Charger Police Vehicles for a total cost of \$11,713.22, seconded by Chairman Walls, roll call vote 7 yes.

Commissioner Fairbanks moved for approval for the purchase requisition from Emergency Management to Emergency Communications Network for Code Red Extension 1/1/15-12/31/15 for a total cost of \$5,225.00, seconded by Commissioner Stenger, roll call vote 5 yes and 2 NO Commissioners Vayda and Fairbanks.

Commissioner Fairbanks moved for approval for the conference and training request for Marlene Stroop, Equalization, to attend Board of Review Training in Cadillac on February 20, 2015 for a total cost of \$35.00 and will be using the county vehicle, seconded by Commissioner Carrington-Atkins, roll call vote 7 yes.

Commissioner Fairbanks moved for approval for the conference and training request for Prosecuting Attorney Craig Cooper to attend the PAAM Mid-Winter Conference at the Grand Traverse Resort, February 11, 2015 – February 13, 2015 for registration cost \$275.00, which is the total cost and will be using the county vehicle, seconded by Commissioner Carrington-Atkins. Commissioner Sloan stated he reviewed the information for this conference and will vote no as the first part of the conference is with no charge and the second part is for the awards banquet. Chairman Walls stated he agrees with Commissioner Sloan after reading the information and if PA Cooper wants to attend the first part with no cost to the county and using the county vehicle and if he attends the second part, it will be on his own. Roll call vote on the above motion is 1 yes and 6 NO, Commissioners Carrington-Atkins, Brunn, Fairbanks, Sloan, Stenger and Chairman Walls, motion fails.

Commissioner Fairbanks moved for approval for the conference and training request for Chairman Walls and Clerk/Register/CFO Myers to attend the 2015 Risk Management Workshop in Lansing from March 4, 2015 – March 6, 2015 for cost of meals \$88.00 and mileage \$165.00, for a total cost of \$253.00, seconded by Commissioner Sloan, roll call vote 5 yes and 2 NO, Commissioners Fairbanks and Vayda.

Commissioner Fairbanks moved for approval for the conference and training request for Judge Mark Wickens to attend the Judicial Seminar: An Educational Program for Trial Court Judges, in Plymouth MI on January 29, 2015 for cost of hotel, approximately \$50.00, meals \$32.00 and mileage \$234.30 for a total cost of \$316.30, seconded by Commissioner Stenger, roll call vote 6 yes and 1 NO Commissioner Fairbanks.

Commissioner Fairbanks moved for approval for the conference and training request for Dave Sanders, 911 Director to attend the Interop/AuxCom conference in Traverse City from February 2, 2015 – February 5, 2015 for registration cost \$150.00, lodging \$225.00 and meals \$76.00 for a total cost of \$451.00 and will be using the County vehicle, seconded by Commissioner Stenger, roll call vote 7 yes.

LAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 14, 2015 – Page 5

Commissioner Fairbanks moved for approval for the conference and training request for J. Buscaino, Lake County Road Patrol to attend the Basic Speed Operator in Holland on January 19, 2015 and on February 2, 2015 for the cost of meals \$84.00 and paid from Fund 285, seconded by Commissioner Stenger, roll call vote 7 yes.

Commissioner Fairbanks moved for approval for the conference and training request for road officers to attend the Standardized Field Sobriety Test January 27, 2015 in Baldwin for lunch and paid from Fund 285, seconded by Commissioner Stenger, roll call vote 7 yes.

The board took a short break at 3:42 p.m.

The board reconvened at 3:52 p.m.

COMMITTEE REPORTS cont.

FINANCE

Clerk/Register/CFO Myers presented 3 purchase requisitions that were just submitted for approval and 1 conference and training request she asked John Kovalcik to complete as follows:

1. Purchase requisition from the Lake County Sheriff's Department/RRP Center to US Jail Supply for inmate clothing in the amount of \$3,165.69. Commissioner Fairbanks moved for approval for the purchase requisition as presented, seconded by Commissioner Sloan, roll call vote 7 yes.
2. Purchase requisition from the Lake County Sheriff's Department/RRP Center to Pro Comm. Inc. for the purchase of a prisoner partition, rear cargo partition, maxrad cable for antenna and misc. shop wires, connectors and fuses for the new Dodge Caravan in the total amount of \$2,167.61. Commissioner Fairbanks moved for approval for the purchase requisition as presented, seconded by Commissioner Sloan, roll call vote 7 yes.
3. Purchase requisition from the Lake County Sheriff's Department/RRP to Heritage Dodge for a 2015 Grand Caravan-American Value Package in the amount of \$20,890.00. Commissioner Fairbanks moved for approval for the purchase requisition as presented, seconded by Commissioner Vayda, roll call vote 7 yes.
4. Conference and training request for John Kovalcik, IT Department, to attend the Cyber Security Quarterly Meeting in Grand Rapids on January 28, 2015 for the cost of meals only, \$10.00. Commissioner Carrington-Atkins moved for approval for the conference and training request as presented, seconded by Commissioner Sloan, roll call vote 7 yes.

Commissioner Carrington-Atkins moved for payment of bills by fund as follows:

General Fund	\$321,888.55
Road Patrol	27,981.59
E911	55,988.74
RRP Center	76,181.28
Friend of the Court	4,117.27
Council on Aging	67,165.05
Building Inspection Department	27,770.21
Register of Deeds Automation Fund	1,788.39
E911 Service Fund – Wireless	5,828.87

LAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 14, 2015 – Page 6

Law Library	1,216.04	
Child Care-Probate	67,776.25	
Veterans Trust	6,581.81	
JABG Grant	1,911.98	
Capitol Improvements	980.14	
Ambulance	27,388.60	
D.H.S. Building	12,478.96	
Commissary Fund	<u>13,329.37</u>	
GRAND TOTAL		<u>\$720,373.10</u>

Seconded by Commissioner Fairbanks, roll call vote 7 yes.

PERSONNEL – Commissioner Sloan reported on the recent meeting and the three items that were on the agenda as follows:

1. Commissioners Instruction Handbook – was reviewed and revised and would like to make the one change regarding the standing committees. Commissioner Sloan moved for approval to amend the Board of Commissioners rules and procedures as presented with changes to page 4 & 5, as requested by the Personnel/Board Rules Committee; Finance Committee change to “3 Members”, Properties/Safety “description from both committee duties combined and 3 members”, Personnel/Board Rules and Procedures, “description from both committee duties combined and change to 3 members”, seconded by Commissioner Fairbanks, roll call vote 7 yes.
2. Equalization Director Position was discussed and there is not enough time to do a search and it was discussed and requested to advertise for an individual or a firm to contract with for 1 year and gives us time to look to hire. Commissioner Sloan moved for approval to advertise for a one year contract with an optional additional one year extension, for a qualified Director for Lake County’s Equalization Department, as requested by the Personnel/Board Rules Committee, seconded by Commissioner Fairbanks. Commissioner Vayda asked where this will be advertised and Clerk/Register/CFO Myers stated in the Lake County Star and/or Michigan Townships Association, Michigan Association of Counties and Michigan Equalization Directors Association, but will need to look where it was posted before. Roll call vote is 7 yes.
3. CFO position – There was no action taken at this time, but the Personnel/Board Rules Committee will meet in two weeks to work out the requirements and plan to replace CFO Myers by the end of 2016. This will be a very involved search for a replacement and was against hiring a firm to search for a replacement, but Muskegon County paid \$17,000 to hire a firm. Chairman Walls stated he is not in favor of hiring a firm, but is not qualified to look to hire a replacement. Commissioner Sloan asked if anyone was interested to look at govhrusa.com. This is an executive search firm to help hire for local firms.

Commissioner Carrington-Atkins asked who would write the job description and Commissioner Sloan stated the firm would help the Personnel Committee write the job description. Discussion followed if Commissioners that are not on the committee, can sit in on the meetings and listen. Next meeting is January 27th at 10:00 a.m.

PROPERTIES – Commissioner Fairbanks stated he needed to schedule a meeting and have all maintenance personnel attend, scheduled for January 20th at 2:00 p.m.

LAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 14, 2015 – Page 7

AGENCY REPORTS

BUILDING AUTHORITY – Commissioner Fairbanks stated he was confused on how much this board has to spend on the new road officers building, since at this time they have no contract, no architect and any part of the \$400,000 they received to invest, and if they need any to spend, they need board approval first.

Commissioner Carrington-Atkins asked if there were any alternates for the agency meetings and Chairman Walls asked to let him know for which meetings Commissioner Carrington-Atkins will need an alternate, and he will appoint one. Commissioner Fairbanks stated he will attend the Council on Aging meeting for Commissioner Carrington-Atkins.

DISTRICT HEALTH DEPARTMENT #10 – Commissioner Carrington-Atkins stated this committee needs an alternate appointed. Chairman Walls stated he will do this at the next meeting.

ECONOMIC DEVELOPMENT – Commissioner Sloan reported they met and submitted a report and all have received and reviewed it also. He gave a brief history and the resolution that was done to create this committee and the 3 sub-committees that were formed. Commissioner Sloan presented a resolution to direct the EDC to engage business service organizations, community groups, local governments, business and others to establish a Lake County Economic Development Alliance under the United States IRS code and recommend the adoption of the newly established Alliance the EDC Plan.

Commissioner Sloan moved to approve Resolution #01/14/15 1321 as presented, seconded by Commissioner Carrington-Atkins. Commissioner Fairbanks stated he has an issue with the last paragraph and creating jobs. Commissioner Stenger stated we are trying to help Lake County grow, not creating jobs. Roll call vote on the motion above is 6 yes and 1 NO Commissioner Fairbanks. (*See exhibit "B"*)

Commissioner Stenger recognized Mr. Rick Chapla, who was present and thanked him for all his support and Erin Kuhn's support, who was present earlier.

ORV ORDINANCE – Commissioner Fairbanks stated he needed to schedule a meeting and have all Townships, DNR, Forestry and Sheriff's Department notified, scheduled for January 22nd at 10:00 a.m.

ORV PROMOTIONAL GRANT – Commissioner Sloan reported on their meeting last week to finalize a logo and tags for campaign. There were over 1,000 photos and clips and this will go on U-Tube and will be done by Memorial Day. Commissioner Stenger stated Bit Social has young and excited technicians working on this project.

PLANNING COMMISSION – Commissioner Carrington-Atkins reported that Ernie Wogatzke is not on the Webber Township Planning Board, so there is no conflict with him serving on Lake County Planning Commission.

Clerk/Register/CFO Myers explained she would like to invite District Health Department #10 to the next meeting to review the lease agreement with the board.

CORRESPONDENCE – *see Exhibit "A"*

LAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 14, 2015 – Page 8

Chairman Walls stated he has a letter from the Board of Commissioners to Township Supervisors regarding the Aerial Project and asked if anyone had an issue with him signing and sending to the Townships. Commissioner Stenger moved for approval and authorization for signature for Chairman Walls to sign a letter addressed to the Township Supervisors regarding the Aerial Project, seconded by Commissioner Fairbanks, and by voice vote carried.

APPOINTMENTS – Chairman Walls stated there are names to appoint to the Solid Waste Committee. Chairman Walls appointed the following to the Solid Waste Committee: Darrell Fenstermacher-Independent Rural Waste, Jay Crouch and Ron Smith-Smith Dumpsters, Robert Long-Township Government, Roger Peel and Eugene Hunt-General Public. It was stated the Planning Commission doesn't need a new member at this time.

Discussion followed regarding the requirements for having 14 representatives from different areas. Chairman Walls asked to bring suggestions to the next meeting. Chairman Walls appointed Mark Thomas as General Public to the Solid Waste Committee.

CFO REPORT – Clerk/Register/CFO Myers was present and reported on the following:

Lake County received \$577.50 from Michigan Municipal Risk Management Association (MMRMA) for the RAP Grant Commissioner Carrington-Atkins applied for to be reimbursed for a portion of the registration fees for those who attended the Citizen's Planning Course in 2014.

Discussion followed regarding the Equalization Department and Clerk/Register/CFO Myers stated she has instituted training between themselves, and a schedule for them to follow regarding their lunch hours.

BRIEF PUBLIC COMMENT – *Limited to 5 minutes each, please!*

There was no one present who wished to speak.

COMMISSIONERS PERSONAL PRIVILEGE

Commissioner Stenger stated she would like to apologize for coming off as being angry when speaking, but when she is discussing something that she is so involved with she may sound like she is angry, but she is not.

Commissioner Brunn stated it's a pleasure being here and enjoyed today's meeting.

Commissioner Fairbanks reported they have put their restaurant up for sale.

Commissioner Carrington-Atkins reported there will be a Martin Luther King Program Sunday, January 18th at the Baldwin Community School from 2:30 p.m. – 4:00 p.m. They will have a dinner, a speaker and children will present essays. She also reported there will be a "Welcome to Idlewild" The Black Eden of Michigan on February 1st at 1:00 p.m.

There being no further business, the meeting was adjourned at 5:07 p.m.

Shelly Myers, Clerk of the Board

Karl Walls, Chairman of the Board

Exhibit “A”

NUMBERED CORRESPONDENCE

- #1 WMSRDC December 12, 2014
- #2 MAC Legislative Update December 19, 2014
- #3 Lake County Permit Summary Report
- #4 MAC Legislative Update January 9, 2015

EMAILED CORRESPONDENCE

December 12, 2014 MAC Legislative Update

DRAFT

LAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 14, 2015 – Page 10

Exhibit “B”

**STATE OF MICHIGAN
COUNTY OF LAKE
Resolution #1/14/15 1321**

WHEREAS, the Lake County Board of Commissioners and the people of Lake County have an interest in furthering economic development and creating jobs in Lake County; and,

WHEREAS, the Lake County Board of Commissioners has established and tasked an Economic Development Committee with pursuing specific economic development activities; and,

WHEREAS, the Economic Development Committee has worked with over 40 people, in 2014, from throughout Lake County on the specific activities ; and,

WHEREAS, the Economic Development Committee has presented the Lake County Board of Commissioners with a report of these activities with recommended actions; and

THEREFORE, BE IT RESOLVED, the Lake County Board of Commissioners direct the Economic Development Committee to engage business service organizations, community groups, local governments, business and others to establish a Lake County Economic Development Alliance under the United States IRS code ; and,

BE IT FURTHER RESOLVED, present to the newly established Alliance the Economic Development Plan and recommend its adoption; and

BE IT FURTHER RESOLVED, secure matching funds from the County and the above mentioned groups and apply for an Economic Capacity Development Grant from the federal Economic Development Administration thru and with the assistance the West Michigan Shoreline Regional Development Commission.

STATE OF MICHIGAN)
) SS
COUNTY OF LAKE)

I, Shelly Myers, Clerk of the Board of Commissioners for the County of Lake, do hereby certify that the above and foregoing is a true and correct copy of a resolution passed by the Lake County Board of Commissioners at a regular meeting held on January 14, 2015.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal at Baldwin, Michigan, this 14th day of January, 2015.

Shelly Myers, Clerk of the Board