

Leelanau County Board of Commissioners
Executive Board Session – Tuesday, January 9, 2024
Approved Minutes 1/16/2024

Proceedings of the meeting are being recorded (audio and video). The video of the meeting can be found at the following link:
<https://www.leelanau.gov/meetingdetails.asp?MAId=2632#video>

Meeting called to order by Chairman Ty Wessell at 9:00 a.m. Today's meeting is being held at the Government Center, 8527 E. Government Center Drive, Suttons Bay, Michigan.

Pledge of Allegiance/Moment of Silence:

The Pledge of Allegiance to the Flag of the United States of America was recited, followed by a moment of silence.

<u>Roll Call:</u>	District #1	Jamie Kramer	ABSENT (via Zoom, Elmwood Twp)
	#2	James O'Rourke	PRESENT
	#3	Doug Rexroat	PRESENT
	#4	Ty Wessell	PRESENT
	#5	Kama Ross	PRESENT
	#6	Gwenne Allgaier	PRESENT
	#7	Melinda C. Lautner	PRESENT

Guests present.

Approval of Agenda / Late Additions or Deletions:

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE AGENDA. SECONDED BY REXROAT.

Discussion – none.

AYES – 6 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier)

NO – 0 ABSENT – 1 (Kramer)

MOTION CARRIED.

Communications, Proclamations, Presentations –

Administrator Update:

► Administrator Allen gave a report to the Board of Commissioners.

The Administrator's update can be found at the following link:

<https://www.leelanau.gov/meetingdetails.asp?MAId=2632#handouts>

Conservation District Update:

Conservation Executive Director Buzz Long and Natural Resources and Soil Erosion Technician Alex Ryktarsyk were present before Commissioners. Long and Ryktarsyk responded to questions from Commissioners.

The presentation can be found at the following link:

<https://www.leelanau.gov/meetingdetails.asp?MAId=2632#handouts>

Commissioners thanked Long and Ryktarsyk for the update.

Leland Dam Authority Update:

Drain Commissioner Steve Christensen, Chairman of the Leland Dam Authority was present before Commissioners. He thanked Commissioners for their work and appreciates the work that Commissioners do. Christensen stated the Leland Dam Authority will be going out for bids regarding the hydraulic system and needed repairs to the current system.

Christensen responded to questions from Commissioners regarding the special assessment district. Commissioners thanked Christensen for the update.

Public Comment:

The following individuals spoke in person: Steve Gilbreath; Jill Wellman; Tim McCaulley; Renee Wyler and Scott Richards.

The written comments can be found at the following link:

<https://www.leelanau.gov/meetingdetails.asp?MAId=2632#handouts>

Commissioner Comments:

- Commissioner Ross stated she is a private citizen, a caring individual, and who also likes fact and information. She said “this is really hard but don’t bully me, don’t bully me, I am a person and I have all the rights to attend whatever meeting I have. And if you would have asked me why I went, it is to gain information, so I’m just really getting close to having trouble sitting here without a smile on my face. Please talk to me if you have a problem with something I do. If you are my constituent I always, my phone number is on the website, my email is on the website, I reach out to people constantly if they have something they have a concern about — what I am doing. Call me, text me, email me, but don’t attack me. Thank you.”
- Commissioner O’Rourke said today is National Law Enforcement Appreciation Day that started back in 2015 when an officer got shot. If you see an officer, just say thank you.
- Commissioner Kramer said she is home sick and can’t attend in person today. She stated she is also feeling the emotional roller coaster that we are all going through right now. Kramer commented that she knows the Board was all well intentioned with having this climate survey, but she is really concerned about how it was unrolled and the people that it is now affecting at the County building. She said she thinks that although everyone is eager to get to work and to move forward to see what we can do, she thinks we need to pause for a moment and really take stock of where we are at and look at our different avenues on how we are going to move forward. There is a great quote in the TAO TE CHING which is; “Do you have the patience to wait until your mud settles and the water is clear. Can you remain unmoving till the right action arises by itself?” Kramer continued that she thinks the Board is sitting at a moment that really requires us to take that pause before we move forward. As she stated before, she thinks as well intentioned as we were, that we may have done some more harm than good and she is really concerned how to move forward. She stated she knows the Board will have the best intentions at heart, as does she. Kramer said she made this choice as well as the rest of the Board when she said yes, let’s do this climate survey, so she too put herself right out there as well. Does she necessarily think it was the most professional survey, no, she does not, and doesn’t think calling people out by names and then being patronized is at all professional. She commented that the Board needs to take stock of that and then re-group and take a moment and move forward.

Kramer said she hopes the Board hears her on that and was really sorry she couldn't be present at the meeting. She thanked the Board for all the work they are doing.

- Commissioner Allgaier stated that the County hasn't spent a dime on Energy Futures Committee and anything done is from grants.
- Commissioner Lautner clarified that the Energy Futures Committee Grant is for up to 100%, which is very concerning to her when it comes to those kinds of things. She thanked the public for their comment as it is their right to come and speak to the Board. She said having felt bullied herself for many years, she thinks it is a very interesting comment. She herself has never told anyone from her Board seat not to bully her. Lautner continued it is the right of the public to come and to do so and this is what we are here for. As it has been said, we are all here doing the best we can and she really appreciates those comments. She stated she agrees with Commissioner Kramer that she really likes the idea of a pause on this, whatever it was, because she really hates to call it a survey. Lautner said she met the gentlemen (Dr. John Scholten) in the hallway, who did that survey, walking out of this meeting room and she said to him that you have just driven this wedge of division deeper in the courthouse. She commented that his response was that he just laughed. She hates to even call this a survey because she has never seen anything like it, in all the years and all the surveys she has been involved in. She never has seen anything like it. Lautner continued that the other thing she has found out is just how correct she was in the division when she started to hear from even more employees. She said she has heard from employees who in the past have never called her and asked her where their comments are. Lautner commented that the employees are saying they called out other elected officials and it wasn't in the report. She said another employee stated they called out a different commissioner and it wasn't in the report. The employees have told her that documentation was given and they are wondering where is it all. The first thing she thinks the Board should do is take the pause and find out where the complete report is and not a synopsis. She stated that later in the agenda she will bring it up but she would like to know why the Board was never told that MSU Extension could have done the climate/culture survey for free. She wants answers as to why that option was never brought to the Board. Lautner said she will be requesting more emails that were between the HR Director that just left and anybody else involved in that culture survey. She stated she thinks the Board has a right to get that and she would hate to see this Board have to FOIA (Freedom of Information Act) them because we need some answers. Lautner commented that this was not a survey, but instead this was a hit piece.
- Chairman Wessell stated that looking at the agenda that the Attorney Matt Nordfjord is present in person today, so after the break and come back we can address the issues we need him for.

Action Items:

Sheriff's Office – Acceptance of Anonymous Donation for Purchase of Medical Bags:
Sheriff Michael Borkovich and Undersheriff James Kiessel were present for the Agenda Item.

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO ACCEPT THE ANONYMOUS DONATION IN THE AMOUNT OF \$12,000.00, MADE TO SHERIFF'S OFFICE AND THEN IN TURN ALLOW THE SHERIFF TO PURCHASE TWENTY-FIVE (25) MEDICAL BAGS FROM BOUND TREE MEDICAL AT A COST NOT TO EXCEED \$11,997.66; FUNDS TO COME FROM ACCOUNT #101.225.301.727.004. SECONDED BY REXROAT.

Discussion – Commissioner Lautner commented the motion may need to be split for the Regular Session since one part is to accept and one part is to the expense.

AYES – 6 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Conservation District, Approval of FY 2024 Work Orders – Conservation Education and Technical Assistance:

Executive Director Buzz Long was present for the Agenda Item.

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE CONSERVATION EDUCATION AND TECHNICAL ASSISTANCE WORK ORDERS; SOIL EROSION AND SEDIMENTATION CONTROL; AND WATER QUALITY MONITORING, AS PRESENTED. SECONDED BY REXROAT/ALLGAIER.

Discussion – Commissioner Ross stated that while looking at these work orders she sees some areas that need future discussion that are stressing the environment.

AYES – 6 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Conservation District, Approval of FY 2024 Work Orders – Soil Erosion and Sedimentation Control:

Recommendation done together with Work Order #1

Conservation District, Approval of FY 2024 Work Orders – Water Quality Monitoring:

Recommendation done together with Work Order #1.

Information Technology – Barracuda Essentials, Annual Maintenance Agreement:

IT Director Liana Wilson was present for the Agenda Item.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE RENEWAL OF THE ANNUAL MAINTENANCE CONTRACT FOR THE BARRACUDA ESSENTIALS SOFTWARE IN THE AMOUNT OF \$8,700.00 FROM REHMANN, WITH FUNDS TO COME FROM DATA PROCESSING FUND #636. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 6 (Ross, Wessell, Allgaier, Lautner, O'Rourke, Rexroat)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Chairman Wessell stated the agenda item for the Drain Commissioner – South Bar Lake Drainage District, Full Faith and Credit be moved on the agenda before the Land Bank Fast Track Authority – Non-Program Income Use Resolution Discussion.

Drain Commissioner – South Bar Lake Drainage District, Full Faith and Credit:

Drain Commissioner Steve Christensen and GEI Consultants, Inc. Engineer Brian Cenci, were present for the Agenda Item. Cenci explained the portion the of the drainage district that will be paid by the County and the Leelanau County Road Commission and further clarified for Commissioners how bonding is configured. Commissioners also heard from County Treasurer John Gallagher III (from the audience) who confirmed he is comfortable backing the County's drainage districts.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE LEELANAU COUNTY RESOLUTION #2024-XXX A RESOLUTION PLEDGING THE FULL FAITH AND CREDIT OF THE COUNTY OF LEELANAU, WITHIN CONSTITUTIONAL LIMITATIONS, FOR THE PAYMENT OF THE SOUTH BAR LAKE DRAIN DRAINAGE DISTRICT DRAIN NOTE, AS PRESENTED. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 6 (Ross, Wessell, Allgaier, Lautner, O'Rourke, Rexroat)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Cenci stated that Drain Commissioner Steve Christensen will be getting an award for the Lake Bluff's Drainage project given by the Michigan Association of Drain Commissioners for project of the year.

Land Bank Fast Track Authority – Non-Program Income Use Resolution Discussion:

County Treasurer John A. Gallagher III present for the Agenda Item. Gallagher explained the resolution is with corporate counsel and the agenda items needs to be moved forward to the Regular Session.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE FORWARD AGENDA ITEM – LAND BANK FAST TRACK AUTHORITY – NON-PROGRAM INCOME USE RESOLUTION TO THE REGULAR SESSION. SECONDED BY ROSS.

Discussion – Chairman Wessell stated the resolution is awaiting a revision from corporate counsel and should be ready by next Tuesday.

Treasurer Gallagher and Interim Finance Director Cathy Hartesvelt answered Commissioner questions in regards to non-program income that Planning Director Trudy Galla has handled in the past. They stated there is now an opportunity to utilize those funds through the Leelanau County Land Bank Fast Track Authority. Hartesvelt informed the Board that she will pass along Galla's notes to her to the Board which may help clarify the definition of the incomes the County has on hand.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE FORWARD AGENDA ITEM – LAND BANK FAST TRACK AUTHORITY – NON-PROGRAM INCOME USE RESOLUTION TO THE REGULAR SESSION ON JANUARY 16, 2024. SECONDED BY ROSS.

Discussion – none.

AYES – 6 (Allgaier, Lautner, O'Rourke, Rexroat, Ross, Wessell)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Solid Waste Council – Bay Area Recycling for Community, Electronics Disposal Agreement:

Interim Planning Director Gail Meyer was present for the Agenda Item.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE ELECTRONICS COLLECTION AGREEMENT WITH BAY AREA RECYCLING FOR COMMUNITIES, F/K/A BAY AREA RECYCLING FOR CHARITIES, FOR 2024, AS PRESENTED. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 6 (Ross, Wessell, Allgaier, Lautner, O'Rourke, Rexroat)
NO – 0 ABSENT – 1 (Kramer) RECOMMENDATION PASSES.

Chairman Wessell stated he would like to move agenda items that need to be discussed with Attorney Matt Nordfjord of Cohl, Stoker & Toskey, P.C., after the break. Wessell called for a break at 11:01 a.m. The meeting was called back to order at 11:12 a.m.

Chairman Wessell restated Agenda Items #10, #11 & #12 will be addressed now rather than later in the meeting.

BATA Update & Legal Representation:

Attorney Matt Nordfjord was present for the Agenda Item. Nordfjord stated he sent a notice to the County following a legal opinion that was provided regarding the steps taken by two of their clients, which are Leelanau County and Grand Traverse County, that were identified as an ethical conflict on the Bay Area Transportation Authority (BATA) matter. He continued that this is not super common but that it does happen and that there were conflict waivers that were in place in the event something like this would happen. As this matter proceeds forward, all of the work done by the firm prior to the withdrawal can be used and relied upon; but neither he nor the firm can provide any new additional legal advice that relates to the BATA matter. Nordfjord continued that he wanted to make sure that the Board was aware of that and that there is ongoing discussion and things that are happening, which is all public information, but there is a dispute between Grand Traverse County and BATA regarding an appointment to the BATA Board. He confirmed that as far as the dispute goes, that he cannot represent Grand Traverse County nor can he represent Leelanau County.

Chairman Wessell stated he thinks the question at hand is, is this Board comfortable letting it ride without attorney representation at this time or until there is some sort of agreement or lack thereof? Or does the Board need be prepared and have representation?

Commissioner Rexroat stated his understanding is there was a pause put on this and that Grand Traverse County has asked and agreed for additional applicants that may or may not be County Commissioners, so his understanding is there is no conflict at this time until Grand Traverse County takes an action that contradicts the agreement. If they do move forward with something that is in conflict, then that would be the time to retain counsel but if we don't know if that will happen then the Board can wait to retain another attorney.

Commissioner Kramer asked if it would behoove the Board to seek out other counsel in the event it is needed? This way there is someone waiting in the wings and how does this really all work procedurally.

Chairman Wessell stated questions can be directed to the Administrator and then if there are further questions then we will have to figure out how to do it.

Attorney Nordfjord commented that generally how a County gets outside legal counsel is to authorize that as a Board. He continued that you can solicit that through a request for proposal or simply seek someone out and ask them to provide a fee agreement for a particle matter and then determine if you want to engage with that attorney, which is a Board decision.

Commissioner Kramer stated she doesn't think it would hurt in this matter to have someone waiting in the wings. There is a pause currently; however, we have no idea what the upcoming future will be between Grand Traverse County and BATA.

Commissioner Allgaier agrees with the idea of having someone waiting in the wings. The Board wouldn't necessarily have to contract with a particular firm, but at least have the potential of someone waiting in the wings.

Commissioner Ross stated she supports the idea of being ready and it doesn't hurt to put some feelers out there so someone could be ready to step in. Ross asked Nordfjord if he is done with BATA?

Attorney Nordfjord replied it is only unrelated to this dispute, which is in regards to the Interlocal Agreement.

Commissioner Rexroat said he has no issue looking into someone to wait in the wings as long as it is for no cost until they are needed.

Commissioner Lautner said she understands the Board should have representation but also feels that since there is pause there is no need to rush. She stated she does understand Commissioner Kramer has responsibility towards the BATA Board and wants and needs the Board's support.

Chairman Wessell stated there is a standing legal opinion and if ever Commissioner Kramer wants to discuss it further, a closed session can be called.

Commissioner Kramer stated the County is engaged in the Interlocal Agreement and she said she thinks it is in the best interest to be prepared because even she thought this issue was put to rest already and instead, we are still sitting here talking about this. It is a good idea and the Board should really consider getting an Attorney.

Administrator Allen stated she has had conversations with the County Prosecutor to find out historically who the County has used prior to Cohl, Stocker & Toskey, P.C. or other firms. She continued that she does have some information on individuals that she can just call to get or find out about availability and that she can have that ready for the Board on Tuesday.

Commissioner Ross asked if anyone knows if Grand Traverse County has hired another firm? Administrator Allen replied it is her understanding that they have.

Commissioner Lautner stated she would like to encourage the Administrator to reach out to the County Clerk to find out which attorneys the County has used in the past. She said it is possible that the County Prosecutor may not have been needed in those situations and he wouldn't have that history, but the Clerk would.

Chairman Wessell stated he would like a motion to move forward this agenda item to next Tuesday.

Commissioner Kramer asked if the Administrator's information on other legal counsel would be ready for next week and Chairman Wessell replied Allen will explore further by speaking with the County Clerk and the County Prosecutor about other attorneys used by the County in the past.

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE FORWARD AGENDA ITEM – BATA UPDATE & LEGAL REPRESENTATION TO THE REGULAR SESSION. SECONDED BY ROSS.

Discussion – none.

AYES – 6 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Cohl, Stoker & Toskey, P.C. Legal Counsel Contract Renewal:

Attorney Matt Nordjford was present for the Agenda Item.

Administrator Allen stated that last week the Board was provided the prior agreement and in the board packet this week is the proposed contract, which includes a 3% increase. She said the contract with Cohl, Stoker & Toskey, P.C. does not expire until April, but she is trying to be proactive based on some of the recent questions.

Chairman Wessell said the Board will come back at a later date for contract renewal but if there are any questions about the contract, retainer services, non-retainer services, and redacting or other questions please feel free to ask Nordjford.

Commissioner Ross stated she has a ton of questions but she doesn't think this is the right place for it. She commented that she is hoping that at some governance training or workshop that would involve the Board relationship with their hired attorney and a further understanding of material that is redacted from who and why. Ross continued she wants to understand past practice, current practice and what has been agreed to going forward, so she would just like to state that for the record that she is open to learning more and that she has a lot to learn.

Attorney Nordjford stated that we are definitely ahead of the curve as discussions go because the contract runs through the end of May. He gave a brief background of the contract to the Commissioners and stated that the firm has been with the County since 1997 and the County has had a retainer in place since 2010. Nordjford explained to the Board various scenarios when it comes to following the Open Meetings Act. He also described in detail the parameters of the proposed contract, which would begin on June 1, 2024. He stated the majority of the non-retainer fees for 2023 are due to the current litigation with Road Patrol Deputies' Union in 13th Circuit Court.

FOIA Appeal:

Chairman Wessell stated there was a FOIA Appeal received from Commissioner Lautner and once he found out about it, he requested Administrator Allen contact Attorney Nordjford to give the Board a legal opinion on the Board's responsibility and process.

Attorney Nordjford explained that in a nutshell he received a written FOIA appeal and you have ten days from the receipt of that appeal to hold a hearing. The ten days are business days between now and your next Board meeting, which also includes a federal holiday but it does not count as one of the ten business day. If you have an appeal hearing it should occur at the next

regular scheduled Board meeting. The reason for the hearing is so the person filing can advocate to the Board in an open meeting their position and the FOIA Coordinator would respond as the responding party to explain if it is a fee appeal, how it is calculated. The Board has the option, as the head of the public body, to decide the outcome of the question, which in this case is to uphold, reduce, modify or waive the fee. He confirmed that it is its own little hearing and is handled all in front of the public. If there are more questions from the information, he provided, then he would prefer to answer those questions in closed session.

Commissioner Lautner stated that if information is marked confidential from Cohl, Stoker & Toskey, P.C. she knows that has to stay within the confines of the Board. She said she does understand that there were concerns regarding employee correspondence, but if she drops that portion from the request, she is aware that all she needs to do is modify it? Nordjford confirmed that is correct.

Commissioner Wessell asked Commissioner Lautner if she is withdrawing this and revising the appeal? Commissioner Lautner replied that she will be modifying that.

Chairman Wessell asked when does the clock start?

Attorney Nordjford stated he doesn't want to speak on behalf of the FOIA Coordinator.

Chief Assistant Prosecutor Tristian Chamberlain was called to the presentation table alongside Attorney Nordjford. Chamberlain explained the FOIA procedures and fees to the Board. He said that in some instances there does need to be a legal opinion, which means that an attorney has to review the documents if legal decisions need to be made. He also clarified the role of the new FOIA Assistant position within the Prosecutor's Office.

Chairman Wessell stated unless Commissioner Lautner withdraws this Appeal the Board is bound by the 10 days.

Attorney Nordjford and Chief Assistant Prosecuting Attorney Chamberlain confirmed that yes, it is bound by the 10 days.

Commissioner Lautner asked if the hearing needs to be set right now and Chamberlain replied not if a modification will be made because the fee would most likely be reduced if the modification is for less than the original request.

Commissioner Lautner stated she will connect with Chamberlain and Chairman Wessell returned the appeal form to her.

Commissioner Allgaier stated that she is not supportive of making personal communications between Commissioners and employees public. She said that if we do that, then we will never hear from anyone again and she is concerned just about this action in general.

Commissioner Lautner clarified that her request was not going to be for public review.

Commissioner Allgaier stated that all communication between the Board and employees should be private.

Chief Assistant Prosecutor Chamberlain stated there are certain exemptions that may or may not apply and that is why there are legal decisions, which the Prosecutor would make.

Chairman Wessell stated the appeal for today is no longer needed and until the Board receives another Appeal, then a hearing will need to be set.

The 86th District Court Tri-County Operating Agreement – Antrim County Contractual Notice of Withdrawal:

Administrator Allen gave a brief history in regards to the Agenda Item.

86th District Court Administrator Gwen Taylor was present for the Agenda Item. Taylor explained the resolution has been passed by Antrim County to withdraw from the Intergovernmental Agreement with Grand Traverse County and Leelanau County. Antrim County is citing the reason to leave the district and combine Probate Court with District Court due to an ongoing unhappiness with the lack of communication from the 86th District Court (Grand Traverse/Leelanau and Antrim). Taylor further explained that Antrim County will need legislation to allow them to create a separate District/Probate Court separate from the 86th District Court. She stated there must be one year's written notice prior to the withdrawal so with the notice then Antrim County will be able to withdraw on January 1, 2025, with the caveat of pending approval from the legislation to do it.

Chairman Wessell said he believes that Judge Cooney would like to meet with the Board February and there could be a possibility of maybe some sort of action at Board level to communicate with the Legislature because there would be increased costs to Leelanau County if it was to be approved. Wessell confirmed it will be on the February agenda.

Senior Services Advisory Committee Update – Potential 2024 Millage Proposal:

Director Lena Vander Meulen was present for the Agenda Item. Vander Meulen gave a brief history regarding the past millage requests and informed the Commissioners the millage expired effective December 2023. She stated the rate needs to be set and the language is drafted by the County's legal counsel. The Clerk's Office must have the language by May 14, 2024, at 4 p.m. to appear on the August ballot. Vander Meulen is recommending a two-year renewal because with coming out of covid this is the first full year they were able to have all services back. She stated that within two years the department could very well outgrow from 2023 and she wants to be responsible for the taxes and the monies. Vander Meulen said there is everything in place to make sure to keep the current programs in line.

Interim Finance Director Hartesvelt joined Vander Meulen at the presentation table to explain the process of selecting the millage rate and how much revenue is currently being collected. Hartesvelt stated that without the 2024 property values, it is still a guessing game on the firm number to be collected.

Equalization Director Andrew Giguere (from the audience) clarified for the Board that the 2024 property values will be available in March for the estimation of taxes to be collected.

Commissioner Lautner commented that the rate is always set as an "up to" amount and the Board can change the millage rate based on the amount to be collected as needed.

Interim Finance director Hartesvelt stated that each September the Board of Commissioners selects the millage rate for the Senior Services millage to accommodate the need.

Commissioner Allgaier said that she originally encouraged four years and not have a millage every two years, but now understands the position and can see how the landscaping could change.

Commissioner Kramer left the meeting via Zoom at 12:17 p.m.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE A SENIOR SERVICE MILLAGE RENEWAL TO APPEAR ON THE AUGUST 2024 BALLOT. THIS RENEWAL PROPOSES A LEVY OF UP TO .320THS MILL FOR A DURATION OF TWO (2) YEARS, COVERING THE PERIOD FROM 2024 THROUGH 2026. SECONDED BY O’ROURKE.

Discussion – none.

AYES – 6 (Ross, Wessell, Allgaier, Lautner, O’Rourke, Rexroat)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Senior Services Advisory Committee Update – Conference Attendance Request:

Director Lena Vander Meulen was present for the Agenda Item.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE GAIL CARLSON, CARE COORDINATOR, TO ATTEND THE AMERICAN SOCIETY ON AGING 2024 CONFERENCE TO BE HELD MARCH 25TH-28TH IN SAN FRANCISCO, CALIFORNIA. FUNDS TO COME FROM THE SENIOR SERVICES EDUCATION AND TRAVEL ACCOUNTS. SECONDED BY O’ROURKE.

Discussion – None.

AYES – 6 (Allgaier, Lautner, O’Rourke, Rexroat, Ross, Wessell)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Broadband Project – DCS Technology Design, LLC; Agreement Point Broadband Fiber Holdings, LLC:

Interim Finance Director Cathy Hartesvelt was present for the Agenda Item. Hartesvelt distributed a handout to the Commissioners that can be found at the following link:

<https://www.leelanau.gov/meetingdetails.asp?MAId=2632#handouts>

Hartesvelt explained the handouts and the contract parameters, which includes overseeing the current project with Point Broadband, future project with Charter Communications, along with travel reimbursements. She replied to Commissioner questions regarding the amount requested and the length of the contract.

Chairman Wessell stated that Chris Scharrer, CEO of DCS Technology Design, LLC, was not able to attend via Zoom today between noon and 1 p.m. and he (Wessell) would prefer to have Scharrer present for this discussion. Wessell asked for a motion to move the agenda item forward to the Regular Session.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE AGENDA ITEM – BROADBAND PROJECT – DCS TECHNOLOGY DESIGN, LLC; AGREEMENT POINT BROADBAND FIBER HOLDINGS, LLC., FORWARD TO THE REGULAR SESSION. SECONDED BY REXROAT.

Discussion – Commissioner Ross stated she would like further clarification of what Scharrer's role is for the County?

Commissioner Allgaier stated that without Scharrer there wouldn't be any work being done and the County would be over charged.

Commissioner Ross said there is a lot of information out there.

MOTION BY REXROAT TO CALL THE QUESTION. SECONDED BY ROSS.

AYES – 6 (Rexroat, Ross, Wessell, Allgaier, Lautner, O'Rourke)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Hartesvelt stated the Administrator will be in charge of the contract but is there direction from the Board to amend the contract and break out the Charter Communications portion?

Commissioner Rexroat asked if Scharrer has submitted a proposal for the Point Broadband only or are we just taking his word?

Hartesvelt replied that during a phone conversation Scharrer would be willing to look at the Point Broadband component in the contract relationship on its own.

Commissioner Rexroat stated that it seems odd to him to have the attorneys prepare a contract that he hasn't given the Board a proposal for. He said he would rather see the proposal for that specific amount of services before he spends attorneys money on dissecting anything.

Chairman Wessell stated he believes there is a proposal.

Administrator Allen clarified there is a proposal that was brought forward to the Board and then there were discussions. Allen said she will follow up with Scharrer later today to discuss the contract proposal and get clarification if it includes travel reimbursement.

AYES – 6 (Allgaier, Lautner, O'Rourke, Rexroat, Ross, Wessell)

NO – 0 ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Chairman Wessell said he didn't get a chance to comment and that 1.5% direct cost is a deal, along with Scharrer's service.

Chairman Wessell called for a break at 12:39 p.m. and called the meeting back to order at 12:47 p.m.

Commissioner Kramer rejoined the meeting at 12:50 p.m.

Employee Culture/Climate Survey Recommendations – Effective Board Governance Workshop:

Chairman Wessell stated he added this on the agenda when it was being put together and that he really thinks 13a and 13b are combined and after receiving suggestions as a follow up to what he has heard several people say that the Board should have a Governance Workshop. Wessell said that Chet Janik did one in Mecosta County last week and in the Village of Northport last month. Wessell continued that Janik can work with Boards on how to work together and even cover a little bit about Open Meetings Act. He said he would like to propose that this Board schedule an Effective Governance Workshop with Chet Janik in January of this year or even early February.

Commissioner Allgaier said she would support a workshop.

Commissioner Ross commented that she definitely supports the Board doing something but does there need to be more exploration on who does it. She said the survey hasn't been talked about yet and she is just curious because there was some information thrown out about MSU Extension doing something for free. Ross stated that before we get too far that people complain about what Commissioners decide, to make sure that we make a decision based on a thorough understanding of what is available out there and at what cost to the taxpayers before any decisions are made. She said that Janik's work with Michigan Leadership Institute (MLI) sounds wonderful, but should there be a proposal before we go forward providing this workshop.

Chairman Wessell stated there is a motion so now it can be discussed.

Commissioner Lautner asked if someone supported that motion, and Chairman Wessell replied that Commissioner Ross did.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO SCHEDULE AN EFFECTIVE GOVERNANCE WORKSHOP WITH CHET JANIK IN JANUARY OF THIS YEAR OR EARLY FEBRUARY. SECONDED BY ROSS.

Discussion – Commissioner Allgaier stated it is not a bad idea to see what other resources are available as well, but she does like the idea about Janik (Chet) is that he knows the culture really well, so he might be able to speak more specifically to what we are dealing with here. She said while she is not opposed to looking at other options, she does think he would be uniquely qualified.

Chairman Wessell said that Janik has done that workshop for previous boards of Leelanau County, which were well received. He stated that he has participated in two of them, which were efficient and well done, so that is why he suggested Janik.

Administrator Allen stated that as a follow up to Chairman Wessell's request for her to reach out to Janik that she has done that and Janik (Chet) has confirmed that he would do this gratis for the Board.

Commissioner Ross asked if the workshop would be done in a fairly timely way and Administrator Allen replied that Janik has recently taken the position of the City of Traverse City Assistant Administrator and so she would just need to confirm what his timeline would be.

Commissioner Ross stated that she is just trying to go back to the process where we try to delve into the issues that are facing the County on a committee level, so she does offer that this could be a time when this group could ask the Personnel Committee to look at the options and provide information back after the research. Is that how the committee structure is supposed to be working if people are more interested in finding out more about other companies?

Chairman Wessell commented that he wants to make sure that everyone has a chance to talk.

Commissioner Rexroat stated he fully supports the Governance Workshop and in knowing Janik that he is an excellent candidate and that he doesn't have an issue with him performing it. He said that if he is going to perform it for free and it is something we can get done and will help us as a Board to be more functioning than he supports moving forward with Janik.

Commissioner Lautner commented that she personally has no issue with Janik and she thinks that if she knows where Chairman Wessell is coming from, then she has attended those as well and has no problem with that. She said she does have a couple of questions and she does always enjoy spending time with Janik. Lautner asked who is this governance training for?

Chairman Wessell replied for just the Board of Commissioners.

Commissioner Lautner asked Chairman Wessell if this is a voluntary get together?

Chairman Wessell replied that he is suggesting a special workshop.

Commissioner Lautner stated she thinks it might be premature. She said she spoke earlier today about the ridiculousness of the report that we received last week and the Board was also fed a little bit of misinformation. She said that Janik did do a survey, which was made public and the Board received an email that gave the Board the information again to read. Lautner commented that due to the number of employees that have reached out to her and have stated that they didn't even know what to say, like wow. They want to know where is the full report and where are their statements.

Chairman Wessell stated that Commissioner Lautner's comments are not related to the motion on the floor. Commissioner Lautner stated that she thinks the Board needs more and Chairman Wessell asked if she would comment on the motion on the floor. Commissioner Lautner replied that how does this Board bring someone in if we don't have all the information, which is where she is coming from. Lautner said the Board should receive the full report and receive all the employees' comments and not the select few that were in that report. She commented that you want to move forward, but you want to have governance training, which that is fine, but it doesn't have to do one with the other.

Chairman Wessell stated that with his proposal, which is the motion on the floor, is that we start with a reminder on how to function as a Board and he thinks quite frankly that it should happen every two years and should be automatic.

Commissioner Kramer said she thinks we could use the raw data from the survey that Commissioner Lautner is requesting, which will help glean more information. She stated from this point, all you have is the headings and the information we have doesn't allow us to tackle the

problem. Kramer commented that if we can get Janik and then maybe additionally with MSU Extension, because we need historical information and we also need new information. How do we do this better? We can't do one without the other and we can't move forward without knowing historically what the problems are, but we also can't move forward just knowing the history. Kramer stated that all of things are important and to put them to together, then we could build an even stronger governance moving in a better direction then we are currently in. Commissioner Lautner stated to go ahead if the Board wants to vote on this separately. She said that she agrees with Commissioner Kramer that we need both, and it sounds like MSU Extension offered to do a survey for no cost.

Commissioner Ross asked if it will be mandated for all Commissioners to participate, which includes the Administrator?

Chairman Wessell replied that he hopes everyone would participate, but we can't mandate it.

Commissioner Ross stated unless it is a Special Session.

Commissioner Lautner said she was wondering if she should amend the motion to include asking MSU Extension to do that, but it could also be done by separate motion, which is fine. She continued that yes with governance that this Board does have a long way to go and that she has never worked with anything like this last year has been and there is some definite work to be done.

AYES – 6 (Allgaier, Lautner, O'Rourke, Rexroat, Ross, Wessell)

NO – 0

ABSENT – 1 (Kramer)

RECOMMENDATION PASSES.

Commissioner Lautner and Commissioner Rexroat clarified the workshop will be at no cost to the County.

Employee Culture/Climate Survey Recommendations – Discussion for "Moving Forward" – Next Steps:

Commissioner Lautner stated that she has two issues. The first being that she would like to ask the Board to receive all of the emails between former HR Director Darcy Weaver and the survey candidates.

Commissioner O'Rourke said no.

Commissioner Lautner continued that the email she provided Commissioners with have here is an email asking MSU Extension by Weaver, which she received (a response) stating that MSU could assist the Board with the survey and at no cost. Lautner confirmed with Commissioner O'Rourke and Commissioner Allgaier that they, as part of the Personnel Committee, had not seen the email from MSU before she passed it out to them today. Lautner continued that Weaver received an email on October 11, 2024, stating that MSU Extension could assist.

Commissioner Rexroat said he wants to clarify that when he reads sentence number one that it doesn't say they will do a survey at no cost, but it does say that if the Board supplied them with questions that they could put it in a matrix. He stated, to that point, it is not doing a survey at no cost and the Board would have directed them and the point was to have a disinterested party do the questions.

Commissioner Lautner commented that the Board could have used some of the same questions that Janik used back in 2012 and it would have been with MSU Extension, who then would have compiled a report and sent it to the Board at no cost. She said there was also another option and so her point is then why didn't this ever come to committee and why wasn't this option one that came to the Board?

Commissioner Allgaier stated that she doesn't read the email that way. She said they are saying they will ask the questions and drop it in the survey and send us that report for no cost. But if they followed through and did it, that there would be a fee because they use an office for survey research, as well as it doesn't sound like there would have been any part that would have been one-on-one. Allgaier continued that the Personnel Committee did consider another firm and part of the reason we chose MLI was because he was going to ask questions in person, and the other firm was going to do an email survey and we thought the one on one would be valuable.

Commissioner Ross stated she wanted to remind everybody that we were asked to do an independent survey by a professional company. She said that Ms. Weaver went out to find a match for what we asked of her. If Commissioners write the questions, it is not an independent survey, so Ross thinks without Ms. Weaver being in the room now that we are not being respectful of what she carried out and asked her to do. Ross commented that Weaver did her due diligence to find a company, a separate professional company, that would take care of the survey, because that is what Planning Director Trudy Galla and Undersheriff James Kiessel asked the Board on behalf of the employees. If we wanted MSU Extension to do this, then you are comparing apples to oranges and Ross said she doesn't know a ton about this but she did her homework and she believes that Weaver came to the committee with the best possible options that fit what was asked of her. Ross said that she doesn't think that what you are seeing in front of you, if we had MSU Extension present, would be corroborated that this would have been anything similar to what we paid \$6,500.00 to do. Ross continued that it wasn't what "we" wanted because "we" wanted a professional outside, independent climate survey, which is what we received.

Commissioner Lautner stated that is a perception, which is the whole point she is trying to make. MSU Extension does run independent surveys and she would even guess that this could have been done in a way we wouldn't have written the questions. She said she understands where Commissioner Ross is coming from in regards to the Board writing the questions, but those questions that were asked were so basic that she even heard from several people they were third grade level questions.

Commissioner Ross commented this is so disrespectful.

Commissioner Lautner continued that she thinks not calling MSU Extension is very disrespectful and that Commissioner Ross is being very difficult to work with. Lautner said because herein lies the problem with the whole governance thing. Anytime we try to have respectful debate at this table and you (Commissioner Ross) tends to like to cut me (Lautner) off. Lautner continued that she thinks MSU Extension is respectable organization, who run very professional surveys, and her point is that this discussion should have at the very least been at your committee level, and/or here. Commissioners were never given this opportunity to even ask those questions of them and so it would appear that someone took this upon themselves to keep this from us as another option because the Personnel Committee was presented with only two. Lautner said she thinks

that is derelict and that is how she feels about it and now in the meantime we got what we got, which is very difficult to decipher moving forward and is almost impossible.

Commissioner Rexroat stated he isn't sure as an option if the Board can reach out to MLI to satisfy if there is a way to provide unredacted because a fellow Commissioner is stating that there are responses that were not heard or reported. Is there anyway, where you can assure the protection of identities of people to be able to provide the Board with the raw data and receive all of the responses? Rexroat stated that he would lean hard on, unless the person's identity could be guaranteed to be protected, he would not support it. But he is wondering if that is worth a question because it does seem to be a heartache for Commissioner Lautner and some others.

Commissioner Lautner said it is a heartache for the employees.

Commissioner Rexroat continued that he doesn't know if that is possible to get from MLI and if it isn't, that is fine – but he doesn't think it hurt to ask. He stated that his whole question rests on the fact that identities can be protected because those responses were given on the condition of anonymity.

Commissioner Wessell stated that he could reach out to MLI with the Board's direction. He said that he did reach out to Dr. Scholten yesterday because he had been asked by two people if HR Director Weaver or the Personnel Committee or if the County Board Chairman received the report earlier than everyone else. Wessell stated Dr. Scholten said that he only gave the report to the Board all together collectively and he knows that is the truth because he didn't see it nor did he request it nor was it offered to him.

Commissioner Lautner stated that to answer Commissioner Rexroat's question, the Board paid \$6,500.00 for that report and got part of it. We are entitled to that entire report. Yes, absolutely redact only the names of those who spoke to him and don't redact any of the names they spoke about because that is what is in part of the report we received. This Board paid for the report and we deserve the entire report.

Commissioner Kramer said that she agrees with both Commissioner Rexroat and Commissioner Lautner because she too would like to see the full report. She commented that things can be redacted along with signing a contract that we won't repeat any of this information. There is a level of anonymity that can exist and that we just need to think outside the box as to how it can exist. She said if it is fair enough that we air out certain people's names in the report then she thinks it is ok we look at those names within the full report to be able to disclose what is going on. Kramer commented that we could have done better and she knows there was due diligence and the committee looked into other companies but even sitting there as an observer listening to the report that it did not feel professional and it did not feel that we were doing the County justice by what we did. She stated she stands by her comments from earlier that this is really not sitting well with her and she thinks we have to figure out a better way to move forward. Kramer said she really hopes to be able to get the raw data because hopefully we can glean some more information before moving forward.

Commissioner O'Rourke stated the report was anonymous and it should stay that way and that was a good buy for the \$6,500.00 bought and paid for. He said he is a little upset that he wasn't named in it and jealous a little bit. But a lot of that report, even while speaking at a third-grade

level, is what he has gathered from employees around here. Those people who were named, yes, their names probably should have been kept out of it. O'Rourke said he tries to get along with everybody like Michelle, Jen, and even Melinda and he are on speaking terms now, but what came from the report is some ideas for him how to move this forward and he has some real good ideas on how to do that. Something like how to do a separation and still keep Jen as a friend. He said as Jen and Michelle as friends and trying to keep Cathy as a friend, and even Melinda as a friend, so he got some good ideas out of that report, so it was worth it for him to read the report and it should be kept anonymous.

Commissioner Lautner said she agrees 100%, but what we have to do now is gain back the trust that we just lost with several employees. That is the reason we need the full report and keep it anonymous but they need their voices to be heard and we have lost so much trust in this building over that report, which she refuses to call a survey. Trust needs to be gained back because we can't move forward until trust is restored.

Commissioner Allgaier stated that she too would like to read all the results and kept anonymous because she does not want to betray the confidence of anyone who gave a response.

Chairman Wessell said that he believes whenever you do a survey or report, that if you like what you get that you applaud it and if you don't like it that you might find problems with it. He stated the Board needs to be careful that we take out of the report what is worth taking out and if it is not worth taking out then let's not spend time on it. Wessell commented he would be happy to reach out to Dr. Scholten and ask him what he could provide the Board in terms of anonymous redacted information and raw data.

Commissioner Lautner confirmed it is to be everything.

Chairman Wessell stated he could do that and report back to the Board next Tuesday.

Commissioner Rexroat said that he would add that besides names that if there is something within the phrasing in the responses that would identify someone in any way that you would have to be careful with that as well. This is not just names because there might be a response and you will know immediately who it is by the way it was being answered. He wants to make sure that he is protecting the privacy of those people that participated.

Commissioner Lautner said the Board needs to see every response, because under the same token we knew who wrote some of that stuff. You are going to know who wrote it because you heard it from them or you hear it from the grapevine, and so we know where a lot of that all came from and it was expected. If the report can be redacted, then that is all we can hope.

Commissioner Ross said Dr. Scholten gave us an outline of what he wanted to do. It was specific to how he was going to do it, how he was going to report and Weaver (Darcy) had a chance to look at it, Personnel Committee looked at it, and this full Board looked at it. He sat at the presentation table and the Board could ask questions and listen to the answers. When Scholten presented the findings to us, he told us exactly what he was going to do, why he did it and how that is standard practice in a survey. Now we are telling him that his professionalism and what he agreed to do for this County doesn't mean anything. Ross said she is really frustrated that we

don't respect people. We hire people and sign contracts and then we complain about what they do for us and she doesn't like that and she won't be a part of that. She will not be voting for that.

Commissioner Lautner said that we have to watch out for our employees.

Commissioner Ross stated she is watching out for employees and trying to respect the process.

Commissioner Lautner said it all comes back to that meeting you (Ross) are talking about where we did not nor were we able to talk to the gentlemen sitting at the presentation table about the report. Lautner said she was interrupted three different times until the question was called and she never got a chance to even ask about it.

Commissioner Kramer said there are a lot of emotions towards this as there should be but we need the scientific data. She is requesting all of the data and it is not what he gave us. If we simply look at it as data to help us make a better- and well-informed decision, then that is what the Board needs, which is all of the data. She stated it is pure and simple and it doesn't have to be about doing the job and there doesn't need to be finger pointing and name calling because it is all about the data. She would like to see, moving forward, all of it.

Chairman Wessell stated there is an approved motion to invite Chet Janik for an Effective Governance Workshop for the Board. Wessell said he thinks the Board has asked and directed him to, but not by Board motion but by discussion, to reach out to Dr. John Scholten and see if there is other information that the Board can receive. He continued that the Board does not want any information that is confidential or that does not protect employees but that if there is more information that should be received and could be received then he will ask Scholten if he has that. Wessell stated that he would say that he has been sitting in these meetings for a year and he knows the first best thing we can do is the Governance Workshop because we need to make decisions and listen better, along with talking less and do all that, so let's do that.

Chairman Wessell received consensus from the Board that he can ask Dr. John Scholten for all the information (data) from the report and that the names of who participated be redacted.

Commissioner Kramer left the meeting at 1:17 p.m.

Administration – Staffing Updates – Executive Assistant:

Administrator Allen announced that Jill Rowley will be starting on January 15, 2024, as the Administration Executive Assistant.

Administration – Staffing Updates – Human Resource Director:

Administrator Allen stated there is a verbal offer to an individual who will be confirming this Thursday their intentions whether or not they will take the position. She said the individual has union experience, pension experience, along with county government experience.

Commissioner Lautner stated she believes there is an internal candidate with a Master's Degree in Human Resources who has applied but has not heard back about getting an interview.

Administrator Allen said the internal individual has no county government experience.

Commissioner Lautner commented that when she called Administrator Allen that Allen was unaware the internal candidate had a Master's Degree in Human Resources and would recheck the resume, but Lautner never received a call back from Allen. Lautner confirmed that the internal candidate does have a Master's Degree in Human Resources.

Administrator Allen stated she is specifically looking for an HR Director with government experience and she is moving forward with hiring for the position based on the 2024 staffing levels and salary wages.

Administration – Staffing Updates – Planning Director:

Administrator Allen said that in terms of the Planning Director position she wanted to bring to the Board's attention something that was not known by herself or HR Director Weaver and was an opportunity to check with the Clerk. She continued that the Planning position has been recently identified that only the County Board can hire or fire the Planner. Because of some of this and some of the discussions that have taken place, she would like some protection to have direction from the Board. Allen stated it does state within the document the Board can appoint a designee and she was under the impression that was her role and so she wants to confirm that is indeed the intent to be able to move ahead. She said that she cannot assist the Planning Department by adding staff until she knows what the opportunity is for actually hiring a Planning Director. Allen commented that she needs direction if the Board would like her to extend a search out further from what was currently done. In the first round there were about 20 applications and only two of those have planning experience and both were interviewed and thus was the reason why we moved forward with an Interim Planning Director opportunity with the Senior Planner. She would like some direction and guidance to move forward.

Chairman Wessell said he was a part of the interviewing process and he was very happy that one of the people was an internal candidate and they are now interim. He stated that he is hopeful to give the candidate that chance to be successful before we keep looking for a Planning Director, but he isn't looking for a third direct report to the board.

Commissioner Allgaier stated this is the current policy and she is not ready to make a quick decision.

Commissioner Lautner said the Planning Department has many functions and she doesn't believe that Parks & Receptions should be dumped on them too. Lautner asked if the new Executive Assistant will be assisting with Parks & Recreation?

Administrator Allen said the resolution speaks specifically to the management of Parks and Recreation.

Commissioner Lautner stated even though the resolution stated it, it was part of the management done by the Executive Assistant and it should stay there with that position.

Commissioner Ross said she has a feeling that Galla worked directly with County Administrators and she has a real problem with trying to micromanage this. She would like the Administrator's help to figure out how the Planning Department should function coming up. Ross stated as a member of the Parks and Recreation Board that she has asked both Planning Department employees and neither one has stated they can't take on Parks and Recreation. She said she

doesn't see where there is a problem following that, but she would like to know why she never knew that Galla didn't answer to the County Administrator.

Commissioner Rexroat said before we get into the weeds, we need to figure out the structure. He assumed that the position reported to the County Administrator and he would lean to delegate to the Administrator.

Commissioner Allgaier stated she is uncomfortable making a hasty decision on this and is also feeling blindsided. She isn't sure why we should change something that we have been doing after a very long time without some time to talk to people and find out more. Allgaier would like to know what the Planning Department feels about the Resolution. Allgaier said she isn't comfortable moving on this, this month at all.

Commissioner Lautner said her first question would be why was this resolution passed, what the purpose was and make sure it isn't by state statute. She commented that she too has talked to staff about taking on Parks and without them saying so, they aren't going to say no. The work that was being done previously was by non-union personnel and now that function is being dumped on a union position. Lautner continued that we never had the Planning Director involved and instead Parks and Recreation was built by prior County Administrators and with some help of the Clerk's Office. She said she doesn't want to be the one dumping that on them.

Chairman Wessell said for him the question is does the Board manage the daily task of the County or do we hire an Administrator and have them to work with her team because he doesn't know and that is why he really wants that Governance Workshop. He stated that some of this stuff gets delegated to the Administrator and if you don't like what the Administrator is doing, then you do that through the evaluation process, but you don't micromanage every decision and that is why he doesn't want to take action on this. He is only one person and there is no motion on the floor.

Finance – Finance Committee Proposed COTW meeting – 1/24/2024:

Interim Finance Director Cathy Hartesvelt was present for the Agenda Item. Commissioner Rexroat stated that MSU Extension will be here to present to the full Board on January 24, 2024, at 9:30 a.m. in regards to county government structures within the State of Michigan. He said the meeting will also consist of reviewing the Capital Outlay projects that were not approved for the operational budget.

Commissioner discussion ensued regarding the committee structure.

Hartesvelt commented that she would request the Board return to the Committee Of The Whole meeting structure so that information can be presented to all seven commissioners and the public at the same time.

Commissioner Allgaier agreed with Hartesvelt. Allgaier said if there is something to be explored and discussed, that the concept should be done with the full Board of Commissioners.

Commissioner discussion ensued regarding tasks given to committees.

Finance – Staffing Update – Account Clerk(s):

Interim Finance Director Cathy Hartesvelt was present for the Agenda Item. Hartesvelt informed the Board that the current Account Clerk is making a lateral move to the County Treasurer's Office and will be starting there on January 16, 2024. She said she has been communicating with an individual that interviewed and who has an accounting degree. The individual is currently on vacation and when they return will be giving her an answer and, in the meantime, she will be reaching out to other candidates to setup more interviews.

Commissioner Rexroat apologized for leaving early from the meeting and informed the Board that he will not be in attendance for the Regular Session. **Rexroat left the meeting at 1:45 p.m.**

Administration – Approval of Board Rules and Committee Structure/Process:

Administrator Allen stated she worked with County Clerk Crocker to help review the document and made the suggested changes. Allen reviewed the changes with the Board.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE AMENDED RULES OF ORDER AND PROCEDURE OF THE LEELANAU COUNTY BOARD OF COMMISSIONERS AS PRESENTED. SECONDED BY O'ROURKE.

Discussion – none.

AYES – 5 (Ross, Wessell, Allgaier, Lautner O'Rourke)

NO – 0 ABSENT – 2 (Kramer, Rexroat)

RECOMMENDATION PASSES.

Administration – Annual Administrator Evaluation: Reminder of Process and Dates:

Chairman Wessell stated the evaluation will be held during the Regular meeting on February 20, 2024.

Review Of Financials:

Interim Finance Director Hartesvelt was present and answered questions from Commissioners.

Special Reports by Staff, Commissioners, and Affiliated Agencies:

► Commissioner Lautner said the negotiating team received a Letter of Understanding from the Teamsters Local 214 Union because of the Sheriff's Office Administrative Secretary position. She stated the employee works a 40-hour work week and that employee works through their lunch, which means there is no lunch hour. Lautner explained the employee will be working straight through and the County will be getting eight (8) hours of work out of the employee. The employee in the position agrees that they will not be taking a lunch. She commented that if the employee does decide to take a lunch hour it will not be paid but the employees does still accumulate vacation and personal days as a 40-hour week employee. Lautner stated the employee will have to adjust their time accordingly if a lunch break is needed. She said this was brought to the surface by the employees when that position changed personnel and since it was brought to the attention of the employees, the union now has a letter of understanding and it has been approved by the union.

► Chairman Wessell said the County's attorneys have yet to review the letter so it will be brought back in front of the Board at next week's Board meeting after their review.

► Commissioner Lautner continued that unless the Board wants to separate the requests within the Letter of Understanding it will also include adding the FOIA Assistant position will be added to the bargaining unit.

MOTION BY LAUTNER TO RECOMMEND TO THE BOARD OF COMMISSIONERS TO ADD TO THE REGULAR SESSION THE LETTER OF UNDERSTANDING WITH TEAMSTERS LOCAL 214 ON TUESDAY, JANUARY 16, 2024. SECONDED ALLGAIER.

Discussion – none.

AYES – 5 (Lautner, O'Rourke, Ross, Wessell, Allgaier)

NO – 0

ABSENT – 2 (Kramer, Rexroat)

RECOMMENDATION PASSES.

► Commissioner Ross thanked the Senior Services Department for their newsletter.

Public Comment:

The following individuals spoke in person: Renee Wyler; Rick Robbins; Steve Mikowski and Bill Wiesner.

Commissioner Comment:

- Commissioner Allgaier stated that the Board of Commissioners a couple of years ago made a commitment to provide broadband and we had thousands of people that did not have broadband. Satellite may work for some, but those with hills and trees then satellite does not work for everyone. It can be fairly expensive to get and to have, and she has talked to many citizens. The Board made the decision to help people get broadband and the Board made a commitment to provide Leelanau Township residents and the western townships who were in the most need. Point Broadband gave the County a pretty good contract, while Leelanau Township would guarantee that broadband would be provided to every single resident. There has been always been an understanding that Charter Communications (Spectrum) was working within the four western townships using grant resources to provide residents with broadband and a gentleman's agreement that Point Broadband would work to provide service to as many citizens as possible. Allgaier continued that American Rescue Plan Act (ARPA) funds would cover the bulk of the work and the Board knew we would need additional money to finish the job. She said that she decries any nickel and diming at this point saying that some people don't deserve what everyone else was given and nowhere in Leelanau Township was it said we would pick and choose the residents. We guaranteed coverage for every citizen in this County. She hopes everyone will remember that commitment.

- Chairman Wessell stated he would like to reply to Renee Wyler's public comment question about a bill. He said the County does pay the bills on time and thanked Interim Finance Director Cathy Hartesvelt and the finance team. He commented that there was one bill that there was a disagreement on the cost and there was a dispute process. He confirmed there was a delay in paying the invoice and the people the County owed the money to were aware there was a dispute. Wessell commented that as Chairman of the Board that he can't waive late fees from any invoices and he would be happy to talk to Wyler about that but he didn't want the public to think that the County has a cash flow problem because we do pay our bills on time.

- Commissioner Lautner stated that the company kindly removed those fees for the County.

Approval of Financials —
Amendments & Transfers:
None.

Miscellaneous Fund Transfers and Amendments:
None.

Commissioner Ross left the meeting at 2:21 p.m.

Claims and Accounts:

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$118,363.22. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 4 (Lautner, O'Rourke, Wessell, Allgaier)

NO – 0 ABSENT – 3 (Rexroat, Ross, Kramer) RECOMMENDATION PASSES.

Post Audit Claims and Accounts:

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE POST AUDIT CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$2,119,472.68. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 4 (Lautner, O'Rourke, Ross, Wessell, Allgaier)

NO – 0 ABSENT – 3 (Rexroat, Ross, Kramer) RECOMMENDATION PASSES.

Adjournment:

Chairman Wessell adjourned the meeting at 2:22 p.m.

Ty Wessell, Chairman
Leelanau County Board of Commissioners

Jennifer L. Zywicki, Chief Deputy Clerk for
Michelle L. Crocker, Leelanau County Clerk