

Leelanau County Board of Commissioners
Executive Board Session – Tuesday, February 13, 2024
Approved Minutes 2/20/2024

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=2666#video>

Meeting called to order by Chairman Ty Wessell at 9:30 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	PRESENT
	#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:

Commissioner Rexroat requested to add to the agenda the information shared in an email to the Board from Chairman Wessell last night, in regards to the Michigan Leadership Institute (MLI) and Chet Janik to help the Board search for a new Administrator/CFO. Rexroat also requested the removal of the MLI Survey from the agenda under Special Reports. Commissioner Allgaier supported both amendments.

Commissioner Ross stated she will not support the MLI survey to be taken off under Special Reports, and she said she would like the public comment that is scheduled for a longer period of time than five minutes be removed.

Chairman Wessell said that the public comment is on the agenda as extended public comment and it can't be removed.

County Clerk Michelle L. Crocker confirmed for the Board that public comment can't be removed. Commissioner Lautner said she supports Commissioner Rexroat's amendments and would like to add discussion regarding the North Façade of the Government Center.

Chairman Wessell stated that Late Addition #1 –MLI/Chet Janik Agreement For The Search Of An Administrator/CFO and Late Addition #2 – North Façade of the Government Center Discussion be added to the agenda and to remove from the agenda the Special Report MLI Employee Climate Survey Supplementary Report.

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

Discussion – none.

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

NO – 1 (Ross)

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=2666#handouts>

- Administrator Allen gave “Kudos” to the Board of Commissioners for going through the governance training last week because she was very encouraged with the Board’s outcome and the things that the Board said are priorities. She continued that she asked the Board, while going through today’s meeting, to be mindful of what those were that were agreed upon.
- Administrator Allen stated that the Traverse City Airport Authority has requested a meeting with the Board to follow up from an initial meeting that Chairman Wessell and she had in regards to Airport Approach Plan (AAP). The date has been set for Wednesday, March 13, 2024, and believes it will be in the afternoon. Allen requested that Commissioners plan to attend the joint session and block their calendar for that day.
- Administrator Allen stated that she received the following email from County Treasurer John Gallagher III and read from the following email:

Hello Treasurer Gallagher,

We are reaching out to you as PACE Authorized Official for Leelanau County to alert you to amendments to the PACE Statute that go into effect this month. We have updated your PACE Program Report to reflect these changes (draft attached). While doing so, we noticed that PACE will need to be reaffirmed by the Board of Commissioners due to language in the original report. To that end, I am including a draft Resolution of Intent to Establish (actually re-establish!) that sets a date for a public hearing and makes public the amended PACE Program Report for review. Following the public hearing, the Board can approve the Resolution to Establish so that commercial property owners can continue to access PACE financing in the County.

Leelanau has many neighbors who are also members of our PACE district: Benzie, Grand Traverse, Antrim, Charlevoix, Emmet, Cheboygan and Otsego Counties as well as Clearwater Township in Kalkaska County. Otsego and Antrim have each closed one project and Grand Traverse has closed six! You can see the case studies here: <https://leanandgreenmi.com/casestudy/>

The amendments to the PACE Statute include the following:

- For retrofits or rehab projects, the option for the property owner to waive the energy savings guarantee and for new construction, the energy savings guarantee is no longer required.
- Establish a common sense approach for new construction projects, requiring the building to be built above Michigan’s energy code.

Addition of Environmental Hazard Projects including:

- Mitigation of lead, heavy metal, or PFAS contamination in potable water systems.
- Mitigation of lead paint contamination.
- Mitigation of the effects of floods or drought.

We believe these changes will make PACE even more accessible to commercial property owners.

We are happy to set up a call or come speak at a meeting to review the process for updating and the amended PACE program report. I'll follow up next week to see about next steps. Take care,

--

Mary Freeman
Owner and Outreach

Administrator Allen stated that she has not yet reviewed the email since it just came in this morning to her, forwarded from Treasurer Gallagher, and that she will send more information on to the Board.

Commissioner Lautner asked if the expiration date allows the Board to take this up in March and Allen responded that the email stated the revisions take place this month and that she doesn't know how that will impact anyone or if there is anyone in process with an application.

Commissioner Lautner stated if it does need to be done that it could be added as a late item to the Regular Session for Tuesday night. She said she believes there was a five-year time frame on the program.

Chairman Wessell said that PACE will be left open with the possibility of adding it to the Regular Session for Tuesday night.

Register of Deeds Update:

Register of Deeds Jennifer L. Grant and Chief Deputy Rachel Richardson were present before Commissioners. Grant and Richardson responded to questions from Commissioners.

The presentation can be found at the following link: (Pages 2-18)

https://www.leelanau.gov/downloads/02_13_1.pdf

Sheriff's Office Update:

Sheriff Michael Borkovich and Undersheriff James Kiessel were present before Commissioners. Borkovich and Kiessel responded to Commissioner questions.

The presentation can be found at the following link: (Pages 19-20)

https://www.leelanau.gov/downloads/02_13_1.pdf

Public Comment:

The following individuals spoke in person: John Fletcher; Lois Bahle; Harry Steffens; Peter Wolcott; Mark Hanes; Robert LaCore; Tim McCalley; Bill Wiesner; Renee Wyler; Steve Yoder; Mary Tonnenberger; Sue Miller; Susan Moocherally; John Hunter; Allen Woods; Sam Getsinger; Jan Weglowski; Joe Welsh; Scott Aughney, and Kieth Beduhn.

The written comments can be found at the following link:

<https://www.leelanau.gov/meetingdetails.asp?MAId=2666#handouts>

Chairman Wessell called for a break at 11:01 a.m. and called the meeting back to order at 11:10 a.m.

Commissioner Comments:

Commissioner Kramer stated she would like to address some earlier topics so that everyone can be on the same page. She said that regarding the longer public comment that is going to happen today that there is no legal issue with it and so she would like to keep everyone informed that how she views this is that it is the job of a Commissioner is to listen. When listening, we as Commissioners, should be holding space for our neighbors and she hopes that we can all see that. She continued that when positions come up on either side of the aisle, that we are here and that we are listening and responding, whether or not we agree with said topic. It is important for this Board to do that and to remember that at the heart of everything this is a community and these are our neighbors and holding the space is really important for everyone.

Commissioner O'Rourke thanked the audience for coming and stated it is easier to make a decision when a lot of people are here.

Action Items:

Sheriff's Office – 2024 Marine Safety Grant Application:

Sheriff Mike Borkovich and Undersheriff James Kiessel were present for the Agenda Item.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPLY FOR THE 2024 MARINE SAFETY GRANT THROUGH THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES TO COVER A PERCENTAGE OF THE COSTS OF THE LEELANAU COUNTY SHERIFF'S OFFICE MARINE SAFETY PROGRAM. SECONDED BY REXROAT.

Discussion – none

AYES – 7 (Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke, Rexroat)

NO – 0

RECOMMENDATION PASSES.

Sheriff's Office – FOPLC Union Request Executive Command Separation Letter of Understanding (LOU):

Sheriff Mike Borkovich and Undersheriff James Kiessel were present for the Agenda Item.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE VOLUNTARY RECOGNITION LETTER BETWEEN THE FRATERNAL ORDER OF POLICE LABOR COUNCIL, LEELANAU COUNTY AND THE LEELANAU COUNTY SHERIFF'S OFFICE. UPON APPROVAL, THE BOARD CHAIRMAN AND SHERIFF ARE AUTHORIZED TO SIGN AND ENTER INTO THE AGREEMENT. SECONDED BY O'ROURKE.

Discussion – none.

AYES – 7 (Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke, Rexroat)

NO – 0

RECOMMENDATION PASSES.

Energy Futures Task Force – Application to the MPSC – Renewal Energy and Electrification Infrastructure Enhancement and Development Grant:

Energy Futures Task Force member Joe DeFors was present for the agenda item and explained the handout.

The handout can be found at the following link:

https://www.leelanau.gov/downloads/eft_ppt_exec_session_02132024.pdf

DeFors responded to Commissioner questions and stated that he has discussed funding options with County Treasurer John Gallagher III, since the grant is a reimbursable grant.

Commissioner O'Rourke and Commissioner Lautner both stated that they do not wish to have Solar Panels near or in the site of the Veteran's Memorial. Commissioner Lautner said she would like DeFors to recognize that the map indicates the panels will be placed where cars park as an overflow for any ceremonies at the Veteran's Memorial. DeFors replied that it is one day a year.

Commissioner Allgaier, Commissioner Kramer, Commissioner Ross and Chairman Wessell stated they support the project.

Commissioner Lautner stated that the application process and site plans should have been reviewed at a Buildings & Grounds Committee meeting and then if approved the process should have moved to the Finance Committee to review the costs and what the County would be exposed to for costs. She reminded Commissioners that currently there is a commitment from the Board for County-wide Broadband, which possibly could be more than this proposed project at \$1.1 million to \$1.5 million. Lautner also reminded the Board that the Federal award for the patrol boat took over six months leaving the County at a cash flow situation. She said the project could be moved to Myles Kimmerly Park, because she believes that Consumers Energy needs more solar projects. She recommended to the Board there should be a joint meeting of the Buildings & Grounds Committee and the Finance Committee before approving the application.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE FORWARD AGENDA ITEM – ENERGY FUTURES TASK FORCE – APPLICATION TO THE MPSC TO THE REGULAR SESSION ON TUESDAY, FEBRUARY 20, 2024. SECONDED BY KRAMER.

Discussion – none.

AYES – 5 (Allgaier, Kramer, Rexroat, Ross, Wessell)

NO – 2 (Lautner, O'Rourke)

RECOMMENDATION PASSES.

Commissioner Rexroat requested further information from DeFors regarding budget and future expenses that the County would be exposed to, such as maintenance and the life span of the panels.

Information Technology – Safety Net Contract Review:

IT Director Liana Wilson, Greg Harrand, Safety Net Senior Account Executive, and Tim Cerny, Safety Net Chief Executive Officer were present for the Agenda Item. Wilson stated that she reached out to Safety Net to inquire about a reduction in charges to the current contract prior to this meeting regarding the offset of her wages from moving from a Technician to a Director in effective January 1, 2024. She explained that at that time she was told there would be an increase in the monthly charges starting in December of 2023 due to changes in the infrastructure in regards to Information Technology.

Cerney and Harrand responded to Commissioner questions regarding the changes to the charges represented within the agreement. Cerney explained that Safety Net looks at all of their accounts on a quarterly basis regarding any infrastructure changes and reviews the support that is required, per the agreement. Cerney stated he did request that changes be discussed in December with the full Board, but, that Wilson requested more information regarding the agreement changes.

Commissioner Lautner asked Cerney if the change in monthly charges goes back to December, and Cerney replied that yes, the change will go into effect for December 1, 2023.

Wilson stated that she was asking for the detail, which was not forthcoming and so there was a delay, but that she wanted the justification for all the costs before coming to the Board.

Commissioner Rexroat stated he is concerned about the length of commitment out to 2027 and would support a shorter term.

Chairman Wessell commented that maybe the length of the agreement could be approved for just a year at the rates provided to the Board.

MOTION BY REXROAT TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE SUBSCRIPTION AMENDMENT WITH SAFETY NET FOR AN AGREEMENT TERM OF ONE YEAR. SECONDED BY ROSS.

Discussion – Commissioner discussion ensued and Cerney responded to Commissioner questions regarding the percentage increases that are automatically built into the agreement based on inflation.

Commissioner Rexroat withdrew the motion, which was supported by Commissioner Ross.

MOTION BY REXROAT TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE FORWARD AGENDA ITEM – INFORMATION TECHNOLOGY – SAFETY NET CONTRACT REVIEW TO THE REGULAR SESSION ON TUESDAY, FEBRUARY 20, 2024. SECONDED BY ROSS.

Discussion – none.

AYES – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)

NO – 0

RECOMMENDATION PASSES.

Information Technology – Audio Upgrade for BOC Meeting Room:

IT Director Liana Wilson present for the Agenda Item. Wilson explained that even though Commissioners say they will speak into their microphones that isn't happening and the audio can't be picked up. Wilson said she requested three quotes from BIS Digital that represent a good option, a better option and the best option. She said that all three quotes presented include new ceiling speakers and a new amplifier to be installed, but that each of three do have different microphone "types".

BIS Digital Account Representative Andy Spigner was present via Zoom and responded to Commissioner questions.

MOTION BY REXROAT TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO ACCEPT OPTION A FROM BIS DIGITAL FOR A TOTAL COST OF \$10,653.95. SECONDED BY ROSS.

Discussion – Discussion ensued regarding wireless versus wired microphones, along with the direction of the microphone and the sensitivity of them.

Chairman Wessell asked Wilson if there is an option of trying out the different microphones before the Board decides on which proposal and Wilson responded that she would look into that on behalf of the Board with BIS Digital.

Commissioner Lautner stated that she understands that with these microphones being installed in 2008 that they are most likely aging out and would support a motion to try a combination to see what would work best.

Commissioner Rexroat withdrew the motion, which was supported by Commissioner Ross.

MOTION BY REXROAT TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE FORWARD WITH BIS DIGITAL WITH THE OPTION OF TRYING THE PROPOSALS BEFORE MAKING A PURCHASE. SECONDED BY ROSS.

Discussion – Commissioner Rexroat requested that IT Director Wilson confirm with BIS Digital before the Tuesday Regular Session that different microphones could be tested before a purchase is made.

AYES – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)

NO – 0

RECOMMENDATION PASSES.

Chairman Wessell called for break at 12:40 p.m. and called the meeting back to order at 12:51 p.m.

13th Judicial Circuit Court Letter – Antrim County Notice of Withdrawal:

Administrator Allen gave a brief description of the Agenda Item.

Chairman Wessell stated there could be budget implications and that Leelanau County and Grand Traverse County should put some effort into working together.

Equalization – L-4018 Report:

Equalization Director Andrew Giguere was present before Commissioners. Giguere gave a brief overview and answered Commissioner questions on the Leelanau County 2023 Equalization Study, which is a Tabular and Graphical Summary of Leelanau County Michigan's STC L-4018s that is the base for the 2024 STC L-4023s. No action is required or necessary.

The PowerPoint can be viewed at the following link: (page 42-80)

https://www.leelanau.gov/downloads/02_13_1.pdf

Commissioners thanked Giguere.

Senior Services – 2024 Senior Citizens Millage Resolution:

Senior Services Director Lena Vander Meulen was present for the Agenda Item.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE RESOLUTION AUTHORIZING MILLAGE ELECTION FOR LEELANAU COUNTY SENIOR CITIZENS SERVICES MILLAGE, RENEWAL AND RESTORATION PROPOSAL, AND CERTIFYING BALLOT LANGUAGE FROM COHL, STOKER & TOSKEY. THIS IS TO APPEAR ON THE AUGUST 6, 2024 BALLOT. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 7 (Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke, Rexroat)

NO – 0

RECOMMENDATION PASSES.

Vander Meulen explained that she will be requesting an RFP for in-home services from legal counsel to go out for bids because there is more than one company looking to provide those services now. She hopes to have everything handled for the April meeting.

Emergency Management – Natural Hazard Mitigation Plan:

Emergency Management/9-1-1 Director Matt Ansoerge was present for the Agenda Item and Commissioners thanked Ansoerge for all his work in putting the plan together.

Emergency Management – Leelanau County HM Resolution:

Emergency Management/9-1-1 Director Matt Ansoerge was present for the Agenda Item.

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY RESOLUTION #2024-XXX, LEELANAU COUNTY NATURAL HAZARD MITIGATION PLAN ADOPTION AS PRESENTED. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 7 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier, Kramer)

NO – 0

RECOMMENDATION PASSES.

Parks and Recreation – Sole Source Contract Request:

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

Commissioner Lautner stated she doesn't think this is the correct motion and there needs to be further investigation. She said she would like to move this forward to the Regular Session.

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE FORWARD AGENDA ITEM – PARKS AND RECREATION – SOLE SOURCE CONTRACT REQUEST TO THE REGULAR SESSION TO TUESDAY, FEBRUARY 20, 2024. SECONDED BY REXROAT.

Discussion – none.

AYES – 7 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier, Kramer)

NO – 0

RECOMMENDATION PASSES.

Planning Department – Bay Area Recycling for Charities (BARC) Electronics Collection:

Interim Planning Director Gail Myer was present for the Agenda Item and stated that she wasn't sure why this is on the agenda because it was approved last month.

Planning Department – Out of State Travel for Interim Planning Director:

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

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE TRAVEL FOR INTERIM PLANNING DIRECTOR GAIL MYER TO ATTEND THE APRIL 2024 AMERICAN PLANNING ASSOCIATION CONFERENCE IN MINNEAPOLIS WITH FUNDS TO COME FROM THE PLANNING DEPARTMENT BUDGET (101-400-645-860-000), AND NOT TO EXCEED \$2,500.00. SECONDED BY O’ROURKE.

Discussion – none.

AYES – 7 (Allgaier, Kramer, Lautner, O’Rourke, Rexroat, Ross, Wessell)

NO – 0

RECOMMENDATION PASSES.

FOIA Appeal Request:

Commissioner Lautner stated that she has to ask the Board for a reduction or to waive the fees and that she has asked the Prosecutor’s Office for less information now, which has changed the amount to \$1,100.00. She said the attorney she consulted with has stated that with the request change it really is only a search engine to find the emails she is now requesting. Lautner commented that her request is to have the fee waived.

Commissioner Allgaier asked Commissioner Lautner to clarify what she has changed the FOIA request to.

Commissioner Lautner replied that she has changed to request to include communications done on county computers between Kama Ross and Department Heads and excludes employees.

Chairman Wessell asked if anyone would like to make a motion?

Commissioner Lautner replied that she thinks the Board has to deny the request so that it can go forward to the Regular Session.

Chairman Wessell stated there is nothing in writing to deny the request but could move it forward to Tuesday.

Commissioner Lautner said she will have something ready for Tuesday.

MOTION BY REXROAT TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO MOVE FORWARD AGENDA ITEM – FOIA APPEAL REQUEST TO THE REGULAR SESSION ON TUESDAY, FEBRUARY 20,2024. SECONDED BY O’ROURKE.

Discussion – none.

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

NO – 1 (Ross)

RECOMMENDATION PASSES.

Finance – MGT Contract Extension for the FY 2023 & FY 2024 Cost Allocation Plan:

Interim Finance Director Cathy Hartesvelt was present for the Agenda Item.

MOTION BY REXROAT TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO WAIVE ITS POLICY ON BID REQUIREMENTS AND APPROVE RENEWING THE AGREEMENT WITH MGT OF AMERICA CONSULTING, LLC, FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS IN AN AMOUNT NOT TO EXCEED \$7,500.00 ANNUALLY; FUNDS TO COME FROM 101-100-101-801-000. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O’Rourke)
NO – 0 **RECOMMENDATION PASSES.**

Finance – Heat Pump Replacement D&W:

Interim Finance Director Cathy Hartesvelt was present for the Agenda Item.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS WAIVE BID POLICY AND APPROVE THE PURCHASE AND INSTALLATION OF 10 VERSATEC HEAT PUMPS THROUGH D&W MECHANICAL. FUNDS TO BE TRANSFERRED FROM FUND #516 DTR TO FUND #470 CAPITAL BUILDING FUND IN THE AMOUNT OF \$112,500.00. EXPENSE TO COME FROM #470.000.000.970.019 – HEAT PUMP REPLACEMENTS. SECONDED BY LAUTNER.

Discussion – Commissioner Rexroat will support the motion today, but would like to review the bid process regarding the replacement of heat pumps.

AYES – 7 (Allgaier, Kramer, Lautner, O’Rourke, Rexroat, Ross, Wessell)
NO – 0 **RECOMMENDATION PASSES.**

Personnel Committee Meeting Request:

Commissioner Ross said she just wanted to bring to this Board the desire of the Personnel Committee to still function within the intention of how it was created. She stated that the three members know that we just have to sit back and wait and get direction from the Executive but she just wanted to make sure that everybody understood that this committee is willing, able and interested in helping with whatever needs to happen. Ross said that she is in communication with the Leadership team with Administrator Allen and Judge Kromkowski to offer our leadership or our collaboration in whatever way that might look like but again the understanding is clear that we will wait for direction from the Executive Board. She just wanted to update everyone how they were feeling.

Administration – BATA Update and Legal Representation:

Administrator Allen stated she reached out to Michigan Municipal Risk Management Authority (MMRMA) and it doesn’t meet their criteria. She received confirmation that the firm Mika Myers, PLC, will be representing the County at the hearing next Tuesday, February 20, 2024.

Administration – 2024 Rules of Order – Proposed Amendments:

Chairman Wessell turned the meeting over to Vice-Chairman Commissioner Rexroat.

Commissioner Wessell requested the Clerk to distribute the handouts he would be referencing.

The handouts can be found at the following link:

<https://www.leelanau.gov/meetingdetails.asp?MAId=2666#handouts>

Chairman Wessell refenced on Document #2 that the first two changes must be stricken from the document and that he would like the Board to consider the statement labeled #4, #5, and add the verbiage regarding the Commissioners.

MOTION BY WESSELL TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO AMEND THE 2024 RULES OF ORDER AND PROCEDURE OF THE LEELANAU COUNTY BOARD OF COMMISSIONERS REGARDING PUBLIC COMMENT AS PRESENTED:

- **SPEAKERS SHALL ADDRESS ALL COMMENTS TO THE BOARD OR COMMITTEE AND NOT TO INDIVIDUAL BOARD OR COMMITTEE MEMBERS, COUNTY EMPLOYEES, ELECTED OFFICIALS OR THE AUDIENCE.**
 - **NO SPEAKER MAY "ASSIGN" HIS OR HER TIME TO ANOTHER PERSON.**
 - **EACH COMMISSIONER REPRESENTS A DISTRICT WITHIN THE COUNTY, AND HE/SHE MAY BE INDIVIDUALLY CONTACTED SHOULD GREATER DEPTH OR UNDERSTANDING OF AN ISSUE BE SOUGHT. PERSONAL CONTACT IS ENCOURAGED AND HELPFUL TO BOTH RESIDENTS AND THE BOARD.**
- SECONDED BY LAUTNER.**

Discussion –

MOTION TO BY ALLGAIER TO AMEND TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO AMEND THE 2024 RULES OF ORDER AND PROCEDURE OF THE LEELANAU COUNTY BOARD OF COMMISSIONERS REGARDING PUBLIC COMMENT AS PRESENTED:

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- *PUBLIC COMMENT AT EVERY MEETING WILL BE AGENDA SPECIFIC FOR THREE MINUTES.*
- *PUBLIC COMMENT AT THE END OF EACH MEETING WILL BE LIMITED TO TWO MINUTES.*

SECONDED BY ROSS.

Discussion – Commissioner discussion ensued regarding the pros and cons of the amendment.

Commissioner Lautner called for a division of the amendment.

MOTION TO BY ALLGAIER TO AMEND TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO AMEND THE 2024 RULES OF ORDER AND PROCEDURE OF THE LEELANAU COUNTY BOARD OF COMMISSIONERS REGARDING PUBLIC COMMENT AS PRESENTED:

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- *PUBLIC COMMENT AT EVERY MEETING WILL BE AGENDA SPECIFIC FOR THREE MINUTES.*

SECONDED BY ROSS.

Discussion – none.

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

NO – 1 (Lautner)

RECOMMENDATION PASSES.

MOTION TO BY ALLGAIER TO AMEND TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO AMEND THE 2024 RULES OF ORDER AND PROCEDURE OF THE LEELANAU COUNTY BOARD OF COMMISSIONERS REGARDING PUBLIC COMMENT AS PRESENTED:

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- PUBLIC COMMENT AT THE END OF EVERY MEETING WILL BE TWO MINUTES.

SECONDED BY ROSS.

Discussion – none.

AYES – 1 (Allgaier)

NO – 6 (Kramer, Lautner, O'Rourke, Rexroat, Ross, Wessell) RECOMMENDATION FAILED.

MOTION BY WESSELL *AMENDED* TO AMEND TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO AMEND THE 2024 RULES OF ORDER AND PROCEDURE OF THE LEELANAU COUNTY BOARD OF COMMISSIONERS REGARDING PUBLIC COMMENT AS PRESENTED:

- **SPEAKERS SHALL ADDRESS ALL COMMENTS TO THE BOARD OR COMMITTEE AND NOT TO INDIVIDUAL BOARD OR COMMITTEE MEMBERS, COUNTY EMPLOYEES, ELECTED OFFICIALS OR THE AUDIENCE.**
- **NO SPEAKER MAY "ASSIGN" HIS OR HER TIME TO ANOTHER PERSON.**
- **EACH COMMISSIONER REPRESENTS A DISTRICT WITHIN THE COUNTY, AND HE/SHE MAY BE INDIVIDUALLY CONTACTED SHOULD GREATER DEPTH OR UNDERSTANDING OF AN ISSUE BE SOUGHT. PERSONAL CONTACT IS ENCOURAGED AND HELPFUL TO BOTH RESIDENTS AND THE BOARD.**
- **PUBLIC COMMENT AT EVERY MEETING WILL BE AGENDA SPECIFIC FOR THREE MINUTES.**

SECONDED BY LAUTNER.

Discussion – Commissioner Lautner asked County Clerk Michelle Crocker if within the email regarding changing public comment that legal counsel has verified that changes can be made and Crocker responded that it has been verified.

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

NO – 2 (Lautner, Kramer) RECOMMENDATION PASSES.

Chairman Wessell stated that he is hopeful about an agreement on a code of "Commissioner Code of Conduct" for meetings. He said that he knows the Leadership Team and Department Heads are working on this internally and so he would like to propose to take the language on the bottom of Document #2, in regards to the Board of Commission commitment to respect.

MOTION BY WESSELL TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO ADOPT THE BOARD OF COMMISSION COMMITMENT TO RESPECT AS PRESENTED.

Commissioners agree to the following Commissioner commitments:

1. Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
2. Help create an atmosphere of respect and civility where individual members, County staff, and the public are free to express their ideas and work to their full potential;
3. Respect the dignity and privacy of individuals and organizations;
4. Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;
5. Conduct public affairs with honesty, integrity, fairness, and respect for others;
6. Avoid and discourage conduct that is divisive or harmful to the best interest of Leelanau County; and
7. Keep the common good as the highest purpose, and focus on achieving constructive solutions for the public benefit.

SECONDED BY ROSS.

Discussion – Commissioner comment ensued.

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

NO – 1 (Lautner)

RECOMMENDATION PASSES.

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

Administrator Allen was present for the Agenda Item and outlined the contract renewal for Commissioners.

MOTION BY REXROAT TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE 2024 – 2026 LEGAL SERVICES AGREEMENT WITH COHL, STOKER & TOSKEY, P.C. AND AUTHORIZE THE LEELANAU COUNTY CHAIRMAN OF THE BOARD OF COMMISSIONERS TO SIGN THE AGREEMENT ON BEHALF OF THE COUNTY. SECONDED BY O'ROURKE.

Discussion – none.

AYES – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)

NO – 0

RECOMMENDATION PASSES.

Administration – Planning Director Confirmation:

Administrator Allen stated currently Gail Myer is the Interim Planning Director and she has received recommendations from the Planning Commission and multiple agencies that participated in the process to appoint Myer as the Planning Director. Allen requested the Board to formally name Gail Myer as the Planning Director for Leelanau County.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO DESIGNATE THE COUNTY ADMINISTRATOR TO FINALIZE THE EMPLOYMENT OFFER OF THE PLANNING DIRECTOR FOR LEELANAU COUNTY TO INTERIM PLANNING DIRECTOR GAIL MYER. SECONDED BY O'ROURKE.

Discussion – Commissioner Allgaier stated she appreciates that Mayer has worked in that Department and has history and knows what we do and that history is very important. She continued that the recommendation of the people she works with is also really important and she supports her appointment.

MOTION BY LAUTNER TO AMEND TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO DESIGNATE THE COUNTY ADMINISTRATOR TO FINALIZE THE EMPLOYMENT OFFER OF THE PLANNING DIRECTOR FOR LEELANAU COUNTY TO INTERIM PLANNING DIRECTOR GAIL MYER AND ALSO TO APPOINT CATHY HARTESVELT AS FINANCE DIRECTOR FOR LEELANAU COUNTY. SECONDED BY KRAMER.

Discussion – Commissioner Lautner commented that Hartesvelt has been acting as Interim for Finance longer than Myer has been Interim Planning Director. Hartesvelt has worked very hard and brought this County right back to the necessary audit standards again. Lautner continued that Hartesvelt has the history, which is very important and comes highly recommended and she sees absolutely no reason whatsoever that this Board wouldn't appoint her today. She commented that the County needs a Finance Director and it would allow that whole department to move forward. Lautner stated that when the Board chooses the next Administrator/CFO that they will not be active in Finance Department to do everything and the County will still need a Finance Director. Hartesvelt is doing a phenomenal job and going to be bumping up against a table pretty soon here and if that department doesn't have its legs under it, then they are not going anywhere. Lautner commented that she feels the Board should really need to consider this seriously.

Chairman Wessell said that he doesn't think this is the way we normally do business and that we approved an agenda and the agenda was to act on the Planning Director Office. Wessell continued that he is uncomfortable with coming to a meeting that he is not prepared to talk about something like an amendment to a motion that is unrelated to it. He said that he will allow it because it is on the table.

Commissioner Rexroat stated that Hartesvelt has done a phenomenal job and is very grateful for what she has done. He continued that his only concern is that a plan has been created and within that plan it was to designate Hartesvelt as Interim until the position opens up and whatever was going to be. He presumes from a procedural standpoint that the Board would have to amend that plan before taking the next action, which is in contrast to the plan.

Commissioner Lautner asked Commissioner Rexroat if the plan is to have a Finance Director under the Administrator/CFO?

Commissioner Rexroat replied the plan right now is to hire a Finance Director and to open that position once we have found the Administrator/ CFO. He stated his understanding of the plan was that the position would stay interim until such time until a structure is decided to be implemented because that person is not currently on staff.

Commissioner Lautner asked if it would possibly be better to work to the County's advantage to have the Finance Director on staff before the Board searches for that individual?

Commissioner Rexroat replied that he would guess that is a discussion worth having, but then he would ask to modify the plan.

Commissioner Lautner stated she didn't see that in your plan and said that when Commissioner Rexroat made the motion the other day that she did not see that in writing.

Commissioner Rexroat commented that the plan he is referring to was the recommendation motion made back in November and not the one from last week. He stated it was just his understanding of the process and if he is wrong, and in no way does it diminish any of Hartesvelt's hard work, but he was just looking at it as a procedural thing. He continued that prior to any of this there was no plan and nobody stuck to anything and that is where everything fell off the rails.

Commissioner Allgaier stated she is uncomfortable with this and Hartesvelt has done a fantastic job and has really come through for the Board for a long while now. She said Hartesvelt does an excellent job and making an interim position a permanent position as an amendment wouldn't be doing Hartesvelt a good service. Allgaier commented this would be a disservice to add as an amendment and she would prefer to treat this as a separate issue in a way that Hartesvelt deserves.

Commissioner Kramer said when she has to give Commissioner Lautner kudos, she has to laugh at herself a little and she thinks that she actually hasn't thought about this like she should have. She stated that by Commissioner Lautner bringing this to light, that is, should point the Board in a direction of voting today because Hartesvelt has been serving the Board and doing a wonderful job. Kramer continued that there is literally no reason that we have not yet promoted her to that position or even in the first place, dare she put that out there. Kramer stated that taking a long hard look at that and that also being a function of this Board, which makes us the boss people here, that is a little overlooking such a position as it is detrimental to our staff and employees and it has been let go for too long. She thanked Commissioner Lautner for bringing this to light and it would be nice to have more background and have it brought to the Board formally. If it is not today, put on the top of the agenda for next month and not overlook this anymore. Kramer said that Hartesvelt has been busting her bum and this Board needs to show her that so that this Board can retain her.

Commissioner Lautner stated she agrees.

Commissioner Rexroat stated he is trying to craft something along Commissioner Kramer's comments so there could be proper consideration, because it does seem awkward as an amendment to do that. He asked Commissioner Lautner if she would be satisfied if her recommendation could be added as an agenda item for the next meeting and have time for everyone to reflect on it because the merits aren't the issue, but he isn't sure if everyone is ready to discuss it further?

Commissioner Lautner replied that she will withdraw her amendment based on the fact that on the promise that either you do this Tuesday night as a late agenda item or at the very latest at the March Executive Session. She said that when she saw this on the agenda and it did not have both Interim positions, it was just unbelievable to her. As she has said, obviously, as she signed the resolution as a Planning Commission member for Myer that she wondered why there is only one listed when she agrees with everything said here today about Hartesvelt that dare she say, discrimination and it is alarming.

Chairman Wessell stated this reminds him of the decision of May of 2021 and the Board hadn't thought through all the steps and consequences. He said he respects Hartesvelt's job that she has done and hopes that the Board will support the contract with Michigan Leadership Institute

to seek a new Chief Financial Officer. Wessell continued that he is quite sure that a new Administrator/CFO would like to be a part of a decision-making process when there is an office to reorganize. He said you can raise your hand and say you disagree with him but he has listened to all of you and he is saying this is his position on it and he doesn't think it should be last minute and he doesn't think you come without a plan and he doesn't think you do this before appointing the other, which is just his opinion.

Commissioner Ross said she totally agrees with Chairman Wessell and that the Board has been faulted before for acting too quickly and this just has to sit a little bit and let the process as spelled out and follow through.

Commissioner Kramer stated that she would really like the staff and the public to see the Board promote internally and she thinks it is a great motivator for people who are already working within the building to see that this Board is appreciating and putting people in the positions they have been working hard for. She said she doesn't think that this needs to happen today, but that definitely we need to move actively forward with this before we have an active Administrator/CFO and before everything is dicey because everything is going to fluctuate at that level, so why not have the infrastructure in place and then pull someone in. Kramer commented it makes more sense to have the infrastructure in place so don't go and muddy the waters anymore because it is muddy enough, so let's solidify what we have and then move forward.

Chairman Wessell stated he believes that Commissioner Lautner withdrew her amendment so there is a motion on the table to appoint Gail Myer as Planning Director.

Commissioner Lautner stated she is supporting Myer but is also supporting Hartesvelt as well, because these arguments opposed are very concerning to her. She said it sounds contradictory to say on one hand we wait for the CFO to hire a Finance Director because they may want to be part of that decision but then this motion says today to let the Board pick the Planning Director before we have an Administrator/CFO. Lautner continued that this is too much looking like maybe people, maybe, and she wants everyone to dig deep and be honest that every conversation they have had in the last week, about who is making the decisions at this table for the best thing for Leelanau County. She reminded the Board that this is our decision and not any other departments decision and finances have been flawless under Hartesvelt and she is very thankful for that.

Chairman Wessell reminded the Board there is a motion on the table.

Commissioner O'Rourke said he agrees there is a plan and the CFO will work very well with Hartesvelt, who has done a remarkable job. He stated today's motion is for Myer, who has worked here a long time and he doesn't want to take anything away from that.

AYES – 7 (Allgaier, Kramer, Lautner, O'Rourke, Rexroat, Ross, Wessell)

NO – 0

RECOMMENDATION PASSES.

Chairman Wessell stated the Finance Director Position will be placed on the March Executive Session agenda.

Administration – Grand Traverse Band 2% Grant Allocation Agreements:

Administrator Allen gave an update regarding the Agenda Item.

MOTION BY ROSS TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE ENTERING INTO CONTRACTUAL AGREEMENTS WITH SAFE HAVEN, LEELANAU CHRISTIAN NEIGHBORS, AND PENINSULA HOUSING REGARDING THE GRANTS AWARDED BY THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS DURING THEIR RECENT 2% GRANT ALLOCATION CYCLE. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 7 (Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke, Rexroat)

NO – 0

RECOMMENDATION PASSES.

Late Addition #1 – MLI/Chet Janik – Search for Administrator/CFO:

Chairman Wessell stated he met with Chet Janik and that Janik has provided the profile the Board is looking for when he searched for Kalkaska County, Missaukee County, and for Northport Village.

Commissioner Allgaier stated she supports Janik, who is well qualified and has done this before, and that Janik will charge the County less and save us money there.

MOTION BY ALLGAIER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO ACCEPT THE AGREEMENT WITH MICHIGAN LEADERSHIP INSTITUTE AND CHET JANIK FOR A FEE OF \$4,500.00 PLUS TRAVEL EXPENSES TO ASSIST IN THE SEARCH FOR AN ADMINISTRATOR/CFO POSITION. SECONDED BY REXROAT.

Discussion – none.

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

NO – 1 (Ross)

RECOMMENDATION PASSES.

Late Addition #2 – Government Center North Façade:

Commissioner Lautner stated she wanted this item for discussion today and received an email from Administrator Allen 10 minutes before today's meeting was starting.

Chairman Wessell stated he would like to request to have a Building and Grounds Committee meeting.

MOTION BY REXROAT TO RECOMMEND TO THE BOARD OF COMMISSIONERS TO MOVE LATE ADDITION #2 – GOVERNMENT CENTER NORTH FAÇADE TO THE BUILDING AND GROUNDS COMMITTEE. SECONDED BY ALLGAIER.

Discussion – none.

AYES - 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)

NO – 0

RECOMMENDATION PASSES.

Chairman Wessell stated a Buildings and Grounds meeting will be set for 2:30 p.m. on Friday, February 16, 2024.

MOTION BY LAUTNER TO EXTEND THE MEETING PAST 2:30 P.M. AND WAIVE THE RULE OF THE FIVE HOUR MAXIMUM PER THE 2024 RULES OF ORDER AND PROCEDURE OF THE LEELANAU COUNTY BOARD OF COMMISSIONERS. SECONDED BY O'ROURKE.

Discussion – none.

AYES – 7 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier, Kramer)

NO – 0

MOTION CARRIED.

Review Of Financials:

Interim Finance Director Hartesvelt was present and introduced Elizabeth Myer, Account Clerk, and answered questions from Commissioners.

Special Reports by Staff, Commissioners, and Affiliated Agencies:

None.

Chairman Wessell called for a break at 2:38 p.m. and called the meeting back to order at 2:49 p.m.

Commissioner Kramer left the meeting at 2:40 p.m. and Commissioner Ross left the meeting at 3:10 p.m.

Public Comment:

Extended Public Comment Per Board Chairman – Election Concerns by James Kobberstad.

The following individuals spoke in person: Scott Aughney; Renee Wyler; Scott Richards; Bill Wiesner; Scott Perry; Keith Beduhn; Steve Mikowski; David Kiessel;

Commissioner Comment:

- Commissioner O'Rourke said that if anyone feels their time during public comment needs to be longer to make sure to ask for an extension and it will be granted.
- Chairman Wessell thanked everyone for attending the meeting today.

Approval of Financials —

Amendments & Transfers:

None.

Miscellaneous Fund Transfers and Amendments:

None.

Claims and Accounts:

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$188,657.40. SECONDED BY O'ROURKE.

Discussion – none.

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

NO – 0

ABSENT – 2 (Kramer, Ross)

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 \$2,498,158.54. SECONDED BY O'ROURKE.

Discussion – none.

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

NO – 0 ABSENT – 2 (Kramer, Ross)

RECOMMENDATION PASSES.

Adjournment:

Chairman Wessell adjourned the meeting at 4:19 p.m.

Ty Wessell, Chairman
Leelanau County Board of Commissioners

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