

Leelanau County Board of Commissioners
Regular Session - Tuesday, May 17, 2022
Tentative Minutes

Proceedings of the meeting are being recorded (audio and video) and are not the official record of the meeting; the formally approved/accepted written copy of the minutes will be the official record of the meeting. The video of the meeting can be found at the following link: <https://www.leelanau.gov/meetingdetails.asp?MAId=2338#video>

Meeting called to order by Chairman Ty Wessell at 7:00 p.m. Today's meeting is being held at the Government Center, 8527 Government Center Drive, Suttons Bay, Michigan.

Pledge of Allegiance:

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

Roll Call:	District #1	Rick Robbins	PRESENT
	#2	Debra L. Rushton	PRESENT
	#3	Lois Bahle	PRESENT
	#4	Ty Wessell	PRESENT
	#5	Patricia Soutas-Little	PRESENT
	#6	Gwenne Allgaier	PRESENT
	#7	Melinda C. Lautner	PRESENT

Approval of Minutes —

Special Session, Tuesday, May 10, 2022:

#121-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE SPECIAL SESSION MINUTES OF TUESDAY, MAY 10, 2022. SECONDED BY ROBBINS.

Discussion – none.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Approval of Agenda / Late Additions or Deletions:

Chairman Wessell noted that there are three late additions (Commissioner Appointments, Personnel Reorganization and Recommendation, and Points Broadband Contract). Wessell noted that the two resolutions (13th Circuit Court Resolution – FY 2023 MDOC Grant and Omena Village Preservation Resolution) have been moved from the Consent Agenda to Action Items.

#122-05172022 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE OR ACCEPT THE AGENDA AS PRESENTED. SECONDED BY SOUTAS-LITTLE.

Discussion - none

AYES – 7 (Allgaier, Bahle, Lautner, Robbins, Rushton, Soutas-Little, Wessell)

NO – 0

MOTION CARRIED.

Public Comment:

Chairman Wessell commented that there is a five-minute limit for Public Comment and the Administrator will keep the time. He stated that the Commissioners will be respectful and requested that the Public also be respectful.

The following individuals spoke:

Bill Weisner (handout provided); Charles Knapp; Karan Josephus, Bingham Township and Chairman of the Leelanau County Republican Party; and John Fletcher.

Commissioner Comments:

- Commissioner Soutas-Little commented that while she appreciates the comments of Karan Josephus, the Chairman of the Leelanau County Republican Party, she finds it interesting that it makes good common sense to spend over \$250,000.00 a year going forward to pull two functions from the Clerk's office and set them up as individual positions. It is a little bit of a reverse from the conservative, fiscal position that she hears from most Republicans, but she will certainly listen and take that to heart

Communications, Proclamations, Presentations:

None.

Consent Agenda:

Chairman Wessell asked if there were any consent agenda items that any Commissioner would like moved to Action Items. No responses/requests received. Wessell asked if there was a motion to support the agenda.

#123-05172022 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS SUPPORT THE CONSENT AGENDA. SECONDED BY SOUTAS-LITTLE.

Leelanau County Substance Abuse Prevention Coalition (LCSAPC) Contract with Northern Michigan Public Health Alliance:

#124-05172022 Regular Session

- **WAIVE ITS POLICY ON BID REQUIREMENTS AND APPROVE THE AGREEMENT BETWEEN LEELANAU COUNTY AND THE NORTHERN MICHIGAN PUBLIC HEALTH ALLIANCE, ON BEHALF OF THE LEELANAU COUNTY SUBSTANCE ABUSE PREVENTION COALITION, IN AN AMOUNT NOT TO EXCEED \$25,000.00; FUNDS TO COME FROM #101.100.101.967.019.**

Sheriff's Office – Potential Jail Inmate Board Contract, Kalkaska County:

#125-05172022 Regular Session

- **APPROVE THE INMATE BOARDING CONTRACT WITH KALKASKA COUNTY, PENDING FINAL APPROVAL BY CORPORATE COUNSEL, AND AUTHORIZE THE BOARD CHAIR TO SIGN SAME.**

Sheriff's Office – Acceptance of 2022 Marine Grant:

#126-05172022 Regular Session

- **APPROVE THE ACCEPTANCE OF THE MARINE SAFETY PROGRAM FEDERAL FUNDING GRANT FROM THE STATE OF MICHIGAN IN THE AMOUNT OF \$30,100.00**

**IN SUPPORT OF THE 2022 MARINE SAFETY PROGRAM AT THE SHERIFF'S OFFICE,
AND AUTHORIZE THE BOARD CHAIR TO SIGN FOR ITS SUBMISSION TO THE STATE.**

Sheriff's Office – Proposed Contract Amendment with Tiggs/Canteen Food Services:

#127-05172022 Regular Session

- **APPROVE THE PROPOSED \$0.14 PER MEAL INCREASE FOR INMATE FOOD SERVICE WITH TIGGS CANTEEN AND AUTHORIZE THE SHERIFF TO SIGN THE ACCEPTANCE LETTER.**

Maintenance – LEC (Law Enforcement Center) Flooring Bid Recommendation:

#128-05172022 Regular Session

- **APPROVE AWARDING THE BID FOR REMOVAL OF CARPET AND INSTALLATION OF PROTECT-ALL TILE IN THE LEC (LAW ENFORCEMENT CENTER) TO FLOOR COVERING BROKERS OF TRAVERSE CITY, IN AN AMOUNT NOT TO EXCEED \$20,078.00 WITH FUNDS TO COME FROM #470.000.000.970.000.**

Monumentation/Remonumentation – Grant Agreement, State of Michigan:

#129-05172022 Regular Session

- **APPROVE THE 2022 REMONUMENTATION GRANT IN THE AMOUNT OF \$34,850.00, AND AUTHORIZE ONLINE SIGNATURE AND SUBMITTAL OF THE GRANT.**

Senior Services – Contract Amendment, RLK Investments, Inc. (expires 2022):

#130-05172022 Regular Session

- **APPROVE THE AMENDMENT BETWEEN LEELANAU COUNTY SENIOR SERVICES AND RLK INVESTMENTS, INC., DBA COMFORT KEEPERS TO TERMINATE THE EXISTING CONTRACT AS OF MAY 31, 2022.**

Senior Services – Contract with RLK Investments, Inc. (expires 2023):

#131-05172022 Regular Session

- **APPROVE THAT LEELANAU COUNTY SENIOR SERVICES TO ENTER INTO A CONTRACT WITH RLK INVESTMENTS INC., DBA COMFORT KEEPERS TO PROVIDE PERSONAL CARE, RESPITE CARE, HOMEMAKING, MEDICATION MANAGEMENT, FOOT CARE, AND TRANSPORTATION SERVICES TO AND FROM MEDICAL APPOINTMENTS AT THE RATES LISTED BEGINNING JUNE 1, 2022 THROUGH MAY 31, 2023.**

Register of Deeds – Scanning Project Agreement, US Imaging, Inc.:

#132-05172022 Regular Session

- **WAIVE THE BID POLICY AND APPROVE AN AGREEMENT WITH US IMAGING, INC. TO CONTINUE THE SCANNING PROJECT PENDING CORPORATE COUNSEL REVIEW AND APPROVAL AT A COST NOT TO EXCEED \$9,100.17, WITH FUNDS TO COME FROM THE AUTOMATION CONTRACTUAL SERVICES FUND #256-000.000-801.000 AND THE BALANCE TO COME FROM AUTOMATION CONTINGENCY FUND #256-000.000-891.000. THE PURPOSE IS TO SCAN THE 1853 – TO THE 1975 INDEX AND MISCELLANEOUS RECORD BOOKS ON SITE. THIS TO INCLUDE 10 INDEXES TO DEEDS BOOKS, 3 MISCELLANEOUS INDEX BOOKS AND 14 MISCELLANEOUS RECORDS BOOKS.**

Equalization – Approval of Leelanau County L-4029 Tax Rate Request:

#133-05172022 Regular Session

- **APPROVE A MILLAGE RATE THAT DOES NOT EXCEED THE MAXIMUM ALLOWABLE MILLAGE LEVY IN COLUMN 9 AND PLACE THAT MILLAGE RATE IN COLUMN 10 AS THE MILLAGE RATE REQUESTED TO BE LEVIED JULY 1 AND RETURN THE L-4029 TO THE EQUALIZATION DEPARTMENT.**

Emergency Management – Hazardous Material Emergency Preparedness (HMEP) Grant:

#134-05172022 Regular Session

- **AUTHORIZE THE EMERGENCY MANAGEMENT DIRECTOR TO COMPLETE AND THE COUNTY BOARD CHAIRMAN TO SIGN THE FY 2021-22 HMEP GRANT AGREEMENT AND SUPPORTING DOCUMENTATION.**

Parks and Recreation – Quote from Playground Boss for Old Settlers Parks Playground Equipment Installation:

#135-05172022 Regular Session

- **WAIVE THE BID PROCESS AND APPROVE ENGAGING THE SERVICES OF PLAYGROUND BOSS OF MCKINNEY, TEXAS, FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT AT OLD SETTLERS PARK AT A COST NOT TO EXCEED \$8,410.00 (#101.850.756.970.000).**

Parks and Recreation – Quote from Deering’s Tree Service, Purchase of Engineered Wood Chips:

#136-05172022 Regular Session

- **APPROVE THE PURCHASE OF ENGINEERED WOOD CHIPS FROM DEERING’S TREE SERVICE, IN AN AMOUNT NOT TO EXCEED \$2,160.00; FUNDS TO COME FROM #101.850.756.727.000.**

Administration – Grand Traverse Band of Ottawa and Chippewa Indians 2% Allocation Request, First Cycle:

#137-05172022 Regular Session

- **APPROVE THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS 2% ALLOCATION APPLICATIONS, AS PRESENTED:**
 - **Parks and Recreation/Child & Family Services – Invasive Species removal, \$22,000.00**
 - **Equalization – Document Scanner Purchase, \$8,232.00**

Discussion – none.

AYES – 7 (Allgaier, Bahle, Lautner, Robbins, Rushton, Soutas-Little, Wessell)

NO – 0

MOTION CARRIED.

Thirteenth Circuit Court – FY 2023 MDOC Grant:

#138-05172022 Regular Session

MOTION BY RUSHTON THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE COUNTY RESOLUTION #2022-006, 13TH CIRCUIT COURT COMMUNITY CORRECTIONS FY 2023 GRANT APPLICATION, FOR SUBMISSION TO THE MICHIGAN DEPARTMENT OF CORRECTIONS, AS PRESENTED. SECONDED BY ALLGAIER.

Discussion – none.

ROLL CALL: Rushton – YES; Soutas-Little – YES; Wessell – YES; Allgaier – YES; Bahle – YES; Lautner – YES; Robbins – YES.

AYES – 7 NO – 0

MOTION CARRIED.

Leelanau County Resolution #2022-006

13th Circuit Court Community Corrections Grant Application to MDOC for FY 2023

WHEREAS, on May 17, 2022, the Leelanau County Board of Commissioners approved submission of the yearly Plans and Services Grant Application to the Department of Corrections, Office of Community Corrections; and,

WHEREAS, the grant is for one year starting with October 1, 2022, in the amount of \$325,056.00; and,

WHEREAS, now, the application requires approval from the Leelanau County Board of Commissioners to continue funding for the next fiscal year with no changes or amendments.

NOW, THEREFORE, BE IT RESOLVED by this Board of Commissioners, that Leelanau County approves the submission of the 13th Circuit Court Community Corrections FY 2023 Grant Application to Michigan Department of Corrections/Office of Community Corrections, as presented.

Omena Village Preservation Resolution:

#139-05172022 Regular Session

MOTION BY RUSHTON THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE LEELANAU COUNTY RESOLUTION #2022 – 007 PROCLAMATION RECOGNIZING AND CONGRATULATING THE OMENA VILLAGE PRESERVATION ASSOCIATION ON ITS 20TH ANNIVERSARY AND RECOGNIZE THEIR SERVICE TO THE OMENA COMMUNITY. SECONDED BY ALLGAIER.

Discussion – none.

ROLL CALL: Rushton – YES; Soutas-Little – YES; Wessell – YES; Allgaier – YES; Bahle – YES; Lautner – YES; Robbins – YES.

AYES – 7 NO – 0

MOTION CARRIED.

Leelanau County Resolution #2022-007

Proclamation Recognizing and Congratulating

The Omena Village Preservation Association On Its 20th Anniversary

WHEREAS, Leelanau County, in Michigan, values the history of its cities, towns, villages and hamlets and appreciates those who respect, repair, and maintain the historic significance of these places and the historic properties within these locations; and,

WHEREAS, the Omena Village Preservation Association (OVPA), which is celebrating its 20th Anniversary this year, was founded in 2002 with the goal of saving two historic buildings, in the very heart of downtown Omena, Michigan, from potential demolition; and,

WHEREAS, eight residents from Omena pooled their own money and invited others in the community to join with them to raise funds and purchase the Omena Post Office, built in 1857,

the historic Anderson House, built in 1883, and a parcel of land next to the Anderson House; and,

WHEREAS, the Founders of OVPA established a nine-member Board of Directors to conduct the business of the Association, and welcomed members to join and purchase shares in OVPA; and,

WHEREAS, in 2004, OVPA became a 501(c)(3) non-profit organization, with the mission of preserving the charm and beauty of Omena Village and ensuring the preservation of the historical nature of the village by purchasing, owning, maintaining, and managing selected properties which are important to preserving the character and history of this idyllic and enchanting village; in addition, OVPA provides educational programming and Town Hall Meetings for the community; and,

WHEREAS, both the Post Office and the Anderson House have been restored, repaired, maintained, and preserved with new, historically appropriate windows, new roofs, a new well and new sewer systems so that these two old gems could continue to serve for generations to come. The Post Office is the heart of Omena. Since there is no home delivery of mail and residents and merchants must retrieve their mail at the Post Office each day; and the historic Anderson House, represents a typical merchant-class residence from the 1800s, reflecting the beauty and charm of that bygone era, and serves as a quality rental property for OVPA; and,

WHEREAS, in 2005, OVPA once again acted to ensure that the historic, 19th Century cityscape of Omena endured by taking its parcel of land next to the Anderson House, where an income-producing pole barn had existed, clearing and preparing the property as a building site and offering it to the Omena Historical Society to lease at \$1 a year for 40 years, as a location upon which to place the History Museum (1876). The Putnam-Cloud Tower House was then moved from its original location, a half-mile south of the village, to this piece of land, where it became the Omena History Museum; and,

WHEREAS, in 2017, Omena was designated as a Historic District by the United States Department of the Interior and the Omena Post Office, and the Anderson House, were designated as Historic Places in the National Register of Historic Places (NRHP). The National Register of Historic Places (NRHP) is the official record of the Nation's historic places worthy of preservation, and,

WHEREAS, in 2018, OVPA purchased and renovated an early 20th Century house in Omena known as "Lavender Lane" to prevent a jet ski company from purchasing it and opening a business that would not have been in keeping with the peaceful nature of Omena. OVPA now uses it as a lovely income-producing rental cottage; and its adjacent building has become the office/conference room for OVPA; and,

WHEREAS, for the past 20 years, OVPA has been unrelenting in pursuing its Mission to maintain the 19th century ambiance of Omena Village, keeping it true to its historic roots and its unspoiled beauty, charm, and tranquility.

NOW, THEREFORE, BE IT RESOLVED that the Leelanau County Board of Commissioners congratulates the Omena Village Preservation Association as it celebrates its 20th year of protecting, preserving, and maintaining Omena, Michigan, and proclaims July 12, 2022, as OMENA VILLAGE PRESERVATION ASSOCIATION DAY in Leelanau County.

Housing North – Housing Ready Program Agreement Update:

Administrator Janik gave an update to the proposed agreement that was distributed last week and they were waiting for Housing North to respond back and it was fine with them. Mrs. Galla responded last Friday with some recommended suggestions on funding. Janik continued that no funds have been allocated. If you don't allocate funds, there is no reason to have an Agreement.

#140-05172022 Regular Session

MOTION BY BAHLE THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS ENTER INTO A HOUSING HEADING AGREEMENT BETWEEN LEELANAU COUNTY AND HOUSING NORTH FOR A THREE-YEAR PERIOD WITH A COST NOT TO EXCEED \$60,000.00 OVER THREE YEARS, WITH (EXPENSES) TO COME FROM #275, LINE ITEMS (000.000.801.000) 001, 002, and 001-003. SECONDED BY ROBBINS.

Discussion – Commissioner Rushton questioned where the funds are coming from and Commissioner Bahle — Rushton stated she had the floor and continued that this doesn't build any houses in our community and in fact this pays for a person's wages and there has really been very little discussion with Planning Director Trudy Galla and Rushton personally does not know that this fills the need in the County. Housing has been discussed year after year after year after year to no avail and all we are doing is taking \$60,000.00 and paying somebody's wages, we are not putting up houses and she will not vote for this today.

Commissioner Bahle responded to Commissioner Rushton and said that a year ago the Housing Action Committee realized that they had gone as far as we could on this process as a group of volunteers and suggested that they needed a Housing Director following the model Housing North had set up in Charlevoix County. The funds would be used to supply that staff person and Housing North has also been actively fund raising to support that staff position. It would be very difficult to approach other organizations asking for funds if Leelanau County is not part of the group of funders, so that is what this is being done, and it is offering support from the County as the problem covers the entire County.

Commissioner Lautner will also oppose the program and agrees with Commissioner Rushton. This does not put houses on the ground. She continued that "we" have a great relationship with Habitat for Humanity and getting houses on the ground. This will just fund another person and another salary. Lautner continued that it would just be a "make work project", instead of solving the problems that we have. She continued that there are other organizations, such as Freedom Builders, who are doing some great projects for many communities. She continued that she is afraid this is the beginning of a large bureaucracy and she does not think it will serve the community and "we" can do better than this.

Commissioner Allgaier will support this because she believes that Housing North is filling a vital role. Housing is complicated and funding is immensely complicated. We need help with that in order to get more houses on the ground and she is glad to be part of a coalition that will be working to increase affordable housing in our County and we are getting off on this very cheaply and appreciates the efforts, Housing North is supporting a vital role. We need help to get more houses on the ground and she is glad to be part of the coalition. She is glad that they will increase affordable housing in the County.

Commissioner Soutas-Little will also support. We have some excellent non-profit organizations – such as Home Stretch and a couple of others working in this County; however “we” need someone who can work with the contracts, non-profits, for-profits, and work with the 11 townships, the three villages, and others. Soutas-Little continued with comments regarding the benefits of this investment. The County will reap the benefits of seeing more housing possible where it was previously closed and offered thanks for bringing this forward to Commissioners.

Chairman Wessell commented that he was part of the discussion in Northport last week with partners meeting with Township Officials and looking at options and zoning issues. Wessell will support the motion.

AYES – 5 (Bahle, Robbins, Soutas-Little, Wessell, Allgaier)

NO – 2 (Rushton, Lautner)

MOTION CARRIED.

Finance/Audit Committee Update and Recommendations – Legal Opinion Review:

Comments offered on the revised 2022 non-union pay scale and that all of the elected officials have one salary and the steps scale for the positions will be eliminated with the exception of the Register of Deeds, all are at the top of the pay scale.

#141-05172022 Regular Session

MOTION BY LAUTNER TO APPROVE THE NON-UNION WAGE SCALE DATED MAY 17, 2022. SECONDED BY RUSHTON.

Discussion.

#142-05172022 Regular Session

MOTION BY LAUTNER AMENDED THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE WAGE SCALE WITH THE STEP SYSTEM IN PLACE (FOR THE REGISTER OF DEEDS) AS DISCUSSED IN THE FINANCE COMMITTEE.

Discussion – Janik asked for clarification that the steps will be for the Register of Deeds for only 2022, 2023, 2024. Further discussion ensued.

Chairman Wessell asked if there was and asked Commissioner Rushton if she was supporting the amendment and she responded no.

AMENDMENT SECONDED BY ROBBINS.

Discussion ensued.

#142-05172022 Regular Session

MOTION BY LAUTNER AMENDED THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE WAGE SCALE WITH THE STEP SYSTEM IN PLACE (FOR THE REGISTER OF DEEDS) AS DISCUSSED IN THE FINANCE COMMITTEE.

AMENDMENT SECONDED BY ROBBINS.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

#141-05172022 Regular Session

MOTION BY LAUTNER TO APPROVE THE NON-UNION WAGE SCALE DATED MAY 17, 2022 WITH THE STEP SYSTEM IN PLACE (FOR THE REGISTER OF DEEDS) AS DISCUSSED IN THE FINANCE COMMITTEE. SECONDED BY RUSHTON.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Undersheriff – Salary and Agreement:

Janik requested the approval of the Salary and the Salary Agreement for the Undersheriff as recommended by Legal Counsel.

#143-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS MOVE THE UNDERSHERIFF POSITION TO THE SALARY \$82,388.54 PER ADVICE OF OUR ATTORNEY. SECONDED BY RUSHTON.

Discussion – none.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

#144-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE SALARY AGREEMENT ENTERED INTO THE 17TH DAY OF MAY 2022 BETWEEN THE LEELANAU COUNTY BOARD OF COMMISSIONERS AND JAMES KIESSEL. AS PRESENTED. SECONDED BY RUSHTON.

Discussion – none.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Administrator Janik commented that next is to increase the Chief Deputy Treasurer and Chief Deputy Register of Deeds to \$56,941.00:

#145-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE CHIEF DEPUTY TREASURER AND CHIEF DEPUTY REGISTER OF DEEDS SALARY TO BE SET AT \$56,941.00 EFFECTIVE MAY 18, 2022, WITH STEPS ELIMINATED IMMEDIATELY. SECONDED BY ROBBINS.

Discussion – none.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Salary Agreement – Interim Chief Deputy County Clerk with the same rationale used for the Undersheriff and covers the amount of time she was working in the position:

#146-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE SALARY AGREEMENT ENTERED INTO THIS 17TH DAY OF MAY 2022 BETWEEN THE LEELANAU COUNTY BOARD OF COMMISSIONERS AND ALISON C. MIDDLETON.

Discussion – none.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Administrator Janik commented that on the advice of Legal Counsel the setting of the Chief Deputy County Clerk's salary should be set at \$68,051.00:

#147-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE SALARY FOR THE CHIEF DEPUTY CLERK TO BE SET AT \$68,051.00 EFFECTIVE MAY 24, 2022, AND STEPS ELIMINATED IMMEDIATELY. SECONDED BY SOUTAS-LITTLE.

Discussion – Commissioner Rushton asked if that included eliminated steps, and Commissioners Lautner responded yes.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

#148-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE A \$2,000.00 STIPEND FOR WORK PERFORMED IN 2021 FOR EXECUTIVE ASSISTANT LAUREL EVANS AS A ONE-TIME LUMP SUM TO BE PAID OUT IN MAY OF 2022 FROM ACCOUNT #101.850.756.703.000. SECONDED BY ROBBINS.

Discussion – Commissioner Lautner said that Ms. Evans has been doing a “yeoman’s job” handling a separate department of P & R and appreciates the work she is doing in addition to her regular duties.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Commissioner Soutas-Little said she voted against these this last time; however she said she did vote for these as she understands that we can increase, and not decrease. She is not suggesting that these folks do not deserve the increase but there are many others that deserve an increase. She thinks that it is unfair that the others are not addressed.

#149-05172022 Regular Session

MOTION TO HOLD A SPECIAL SESSION TO DISCUSS PERSONNEL, SALARY, WAGES, AND HOW TO MOVE FORWARD AS A GROUP AND ADDRESS THE INEQUITIES. SECONDED BY ALLGAIER.

Discussion – Commissioner Rushton that regulations were changed in the way department heads were paid. She continued that this was to “clean-up” you might say the errors that “we” have made in regards to the statutory requirement, which may be true regarding other statutory employees. She continued that typically these things are visited at budget time and she is not opposed to that; however she said it previously that this Board has been spending like we have a money tree in the back yard and looking at raising salaries and moving in that direction without looking at the County's budget for the next year is a huge mistake. Rushton will not support this special meeting prior to the budget process.

Commissioner Allgaier said that she has heard that comment before and it always grinds around in her head, she recalls that in May of 2021, the Commissioners made a \$250,000.00 increase to the budget with no discussion, no study, or anything. It is imperative that employees believe that they are treated fairly and there are some serious deficiencies. There are employees that are woefully underpaid and believes that we could open ourselves up for legal action and address these issues as soon as possible and this is very important.

AYES – 5 (Soutas-Little, Wessell, Allgaier, Bahle, Robbins)
NO – 2 (Rushton, Lautner)

MOTION CARRIED.

Administrator Janik to find a date to hold the meeting.

Leland Dam Authority Recommendations – Leland Dam Spillway Ladder Bid Award:

#150-05172022 Regular Session

MOTION BY SOUTAS-LITTLE THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS AWARD THE BID FOR FABRICATION AND INSTALLATION OF A SPILLWAY PLATFORM AND SAFETY ACCESS LADDER TO RCI OF TRAVERSE CITY, IN AN AMOUNT NOT TO EXCEED \$16,000.00; FUNDS TO COME FROM #805-000.000-970.000. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 7 (Soutas-Little, Wessell, Allgaier, Bahle, Lautner, Robbins, Rushton)

NO – 0

MOTION CARRIED.

Late Addition Request – Commissioner Appointments:

Chairman Wessell stated that he has received complaints from all but one Commissioners and so his appointments are probably okay. He made his recommendations for Standing Committees and Appointments to Boards, Commissioners, Committees, and Authorities.

Commissioner Lautner questioned why he is being pulled from BATA if he is not going to the Airport. Chairman Wessell responded and Commissioner Robbins agreed to his appointments today.

#151-05172022 Regular Session

MOTION BY SOUTAS-LITTLE TO APPROVE THE COMMISSIONERS' APPOINTMENTS AS RECOMMENDED BY THE CHAIRMAN FOR THE BALANCE OF 2022. SECONDED BY ROBBINS.

Discussion – Commissioner Lautner objects to Chairman Wessell's appointment of himself to the Benzie/Leelanau District Health Department (BLDHD). She continued that she had asked to be on it and they had previously wanted balance and now there will not be Republican representation on that Board. Commissioner Allgaier respects Commissioner Lautner's opinion and she (Allgaier) would also like to be on the BLDHD; however, she knows it is not her turn right now and we have to consider the opportunity for others to be on the Board. Discussion about Lautner's previous service for years on the BLDHD, not making everyone happy, the appointments are only for 5-6 month. Commissioners Robbins would like to get back to being Commissioners and doing their job.

Commissioner Rushton requested that Chairman Wessell reconsider his appointments and Chairman Wessell stated his recommendation stands.

Commissioner Robbins commented that we are never going to make any of "us" happy. He continued that this is what it is and instead of fighting and it is only for 5-6 months, let's get back to being Commissioners and doing our job.

AYES – 5 (Soutas-Little, Wessell, Allgaier, Bahle, Robbins)
NO – 2 (Lautner/Rushton)

MOTION CARRIED.

2022 Revised Standing Committees:

Boards and Commission Review	Committee of the Whole
Building & Grounds Committee	Commissioners Soutas-Little and Rushton
Building Safety Committee	Commissioners Robbins and Soutas-Little
Finance/Audit Committee	Commissioner Robbins, Lautner, and Wessell
Senior Services Advisory Committee	Commissioners Bahle, Allgaier, and Robbins
Union Negotiations	Commissioners Wessell and Lautner

Commissioner Appointments to Boards, Commission, and Committees, and Authorities –
 Revised*

9-1-1 Advisory	*Commissioner Wessell
Bay Area Transportation Authority (BATA)	*Commissioner Allgaier
BLDHD Board of Health	Commissioner Soutas-Little
BLDHD Board of Health	*Commissioner Wessell
BLDHD Environmental Health BOA	Commissioner Allgaier
Brownfield Redevelopment Authority (BRA)	*Commissioner Bahle
Community Correction	Commissioner Rushton
Land Bank Fast Track Authority (LBA)	*Commissioner Bahle
Leelanau County Family Coord. Council (LCFCC)	*Commissioner Robbins
Networks Northwest	Commissioner Soutas-Little
Northern Lakes Comm. Mental Health (CMH)	Commissioner Wessell
Northwestern MI Comm. Action Agcy. (NMCAA)	Commissioner Allgaier
Northwest Regional Airport Authority	Commissioner Rushton
Northwest Regional Airport Authority	*Will Bunek
Parks & Recreation Commission	Commissioner Lautner
Parks & Recreation Commission	Commissioner Robbins
Planning Commission (PC)	Commissioner Lautner
Solid Waste Council (SWC)	Commissioner Lautner
Substance Abuse Prevention Coalition	Commissioner Rushton
Substance Abuse Prevention Coalition	Commissioner Allgaier

Late Addition Request - Personnel Reorganization and Recommendation:

Administrator Janik commented that he drove a car back from Florida and stopped in Virginia, as that is where the Civil War ended, and this is where Grant and Lee met to come up with the terms of an agreement to end the war. He said there is a quote on the wall there from Abraham Lincoln from 1861. He continued that a house divided against itself cannot stand, and that it was true in those times and he thinks the same is true here in 2022 in Leelanau County. He said as you know we have been at this for 12 months now, these conflicts, it has been very hard on all the Commissioners and he stated he thinks they are all good people. Janik said it's been hard on all the Department Heads and Elected Officials, who are all good, honest people. He stated that everyone's intentions were good, but we can't continue to go down this path we are on. There is constant debate on this and it's taking a toll on people. It's time to go forward and have a firm plan and everyone abide by it.

Janik stated that there has been a sincere, honest effort made to implement the decision made by the Board. He continued that it was a difficult vote of four to three, but the Board did it and it is in the budget. The Finance Director position was posted in December and he can honestly state that he was not part of the discussions until November when the job description was posted. He said that it is true there were some Department Heads, Elected Officials and retirees that were supporting the idea to create a Finance Department and there may be some debate about that, but he did not seek input from people and that after the job was posted and after the budget was approved people felt more comfortable speaking up. Janik continued and stated that internally it was split 50/50, and that many people felt it should stay the same, but also 50 percent felt were truly supporting moving Finance and HR. He said that he got some calls from some retirees, as well as Commissioners receiving the same phone calls as he did. He stated that with retirees contacting him and stated their comments about going forward. A Finance Director was hired in January with that person resigning in April, and there was no ill will on his part. He said that he tried to do the best he could, but they were on different pages, and the decision was made to resign. The job was posted once again and appreciates the Board changing the salary last month and it has been posted for four weeks with no applicants. Not a single applicant applied and some people have called him interested in the job but they are choosing not to apply for four (4) reasons, with the number one being the salary. He said that for people, who are truly Chief Financial Officers at companies or governments, it is below the average even with the adjusted pay. Number two is that there are constant rumors internally and externally about the Board rescinding the positions, so that is an issue. Number three is that some people are concerned there will be a new administrator that may want to restructure, and number four is no job security based on the all controversy. People are very comfortable applying for the position, but with all the rumors out there they don't know if the job will continue or not and whether is Board is going to change the structure and that is the main reason why they are not applying.

Janik stated that the salary maybe below the average, but it is a very competitive salary for Leelanau County especially with the fringe benefits. He said the situation is that there are zero applicants for that position after a month. As you know and probably saw that the County ran classified ads, along with fairly large ads, in local papers and it was posted on some web pages. Again, he stated there are zero applicants but he has received phone calls.

Janik said that normally at the end of May, and we are almost there, the budget process would get started for 2023 with meetings from August to September and adoption in October. He stated at this point he is unsure if he can accomplish that schedule with no Finance Director. He continued that the County has an Interim Finance Director, who also is the Human Resources Director, and that is difficult to juggle both jobs and there may be more personnel changes coming up also in that area. Janik continued that normally we start the process in the end of May, we put the books together, and when he says "we" they truly have been put together by the Clerk and Chief Deputy Clerk. As you know, that is a big effort and the books are always done and passed out in June. He said that it is really not realistic to expect our Interim Finance Director, who also serves as the HR director, with two accounting people to take on that task as they have not done it in the past. He said once again he thinks that everyone is working hard trying to make the best of a difficult situation, but he can't guarantee the Board that the budget process will get done on time if we are going to stick with the same schedule.

Janik stated that he was asked to get a legal opinion about the October budget deadline date and he did talk with attorney David Stoker, of Cohl, Stoker & Toskey PC, this morning because this was asked of him last night. There is an outdated state statute that says County Boards must approve their budgets in October and that was based prior to summer taxes. He continued that one time as most of you remember you only got tax bills once per year and that was in December. County Boards set the budget and set the millage rate so that the taxes could go out to the townships in November and collect through February. There is an outdated statute on the books about that; however, many counties do their budget in November and December. The only firm legal deadline is the Board must have an approved budget by December 31, so we have always followed the October schedule and he said there are some advantages to it. Realistically, at this point even if the best Finance Director in the world applied tomorrow that by the time they came on board and were trained and so forth, it would be very difficult. He stated that the question was asked about outsourcing the finance and if it is legal, and yes, it is legal. He said yes, other counties do outsource and it is quite expensive but can be done. A question was asked of him as to why he didn't explore outsourcing and since the Board has never discussed it, so if the Board wishes to that it is perfectly legal and is an option. Since it has not been talked about, he has never followed that path.

Janik said that at this point if you truly want it done in the same process then the only option right now is to ask the Clerk and the Chief Deputy Clerk if they wish to take on the duties of developing the budget for 2023. He continued that at that point at the end of that process you will hopefully have a new administrator on board and you can make decisions on how to move forward for 2023. (Gesturing to the Clerk and the Chief Deputy Clerk) He said that he didn't even know if they would say yes, and so that is a whole different topic. If you truly want the budget done and follow the same format as in the past, the only option he sees at this point is to ask the Clerk and the Chief Deputy Clerk to take on those duties for this year

Janik stated that in terms of Human Resources the job was posted, and they selected seven (7) candidates to interview. Five (5) candidates were external and all of them declined to interview for the following reasons: the salary, rumors of the Board making the decision to revert back, and lack of security. When Janik called possible candidates he did relay the salary up front because he didn't want to interview people and then get into a situation where we could not offer them or where they could get paid a different amount. We specifically had told them what the salary was and when they said no, we followed up and asked why? He said their reasons were the salary, constant rumors, constant articles in the Leelanau Enterprise and just the lack of security of not knowing if a new Board is going to come in and make a change. He continued that there were internal candidates and that he made a decision with that person starting May 9, 2022. He said that he can tell you that the support this person received internally has been positive and he would say that at least half of the people that are Elected Officials and Department Heads came to him endorsing her application. He continued that it has been a challenge for her and a challenge for all of us because there is this unknown factor of what's going to happen about the transition of duties and responsibilities. He said that it has been very hard for everyone, like the Clerk, the Chief Deputy Clerk, and it's been a challenge for the HR director. "Does she have all the skills at this point? No." "Can she learn them? Yes."

Janik said that in a normal period there would be a transition plan in place and people would work together for that person to acquire the skills. Janik stated that he is still optimistic that that can happen. He continued that there have been lots of rumors since May 3rd, on how this is

going forward with the recall. It has been a challenge internally and it just has to stop. It's taking a toll on our employees, department heads, elected officials, and it's taking a toll on all of you too. He said that it is just not fair and you definitely have to stop this before you pick a new administrator. You don't want to get into it with a new administrator and have this conflict going on. He stated that he is perfectly willing to proceed with the HR position and am willing to come back to the Board in June with a firm transition plan that will spell out details on how we will make this transition by December 31, 2022. Some functions can take place sooner versus later, but he is hoping to work with the Clerk, himself and the new HR Director to come up with a firm plan that he would like to present to the Board in June on how they are going to proceed going forward. But like he has said it has been very difficult for everyone, and he is sure it is the same for all of you (Commissioners) as you are getting calls to from both sides of the political spectrum on how to proceed, and that is difficult. It has been 12 months, and it has been a challenge. He said unless there is some action taken by the Board on Human Resources then he is going to try to develop a plan by the June meeting, where he will have a firm transition plan on how to proceed in June until December 31, 2022, to make the full transition of HR functions.

Janik stated that his last comments will be another quote from Abraham Lincoln, where he thinks it is from the 1865 inauguration, "I am begging you to appeal to the better angels of your nature." He said that everyone could appeal to the better angels, and there are a lot of hurt feelings, comments made that are regretful. There are people who have been friends for years and those friendships are strained, and we just have to move forward. He stated that on HR unless there is action he is planning to proceed, and the only way that he can see to get the budget done on time by October is to ask for assistance from the Clerk and the Chief Deputy Clerk. He continued that if that is not what the Board wants to do then you should tell him today and we need to come up with other plans because we can't drag this out week after week or month after month. It is too hard on everyone, even himself and this has not been fun.

Commissioner Rushton commented to Commissioner Allgaier that she believes the Chairman has recognized her. Rushton then addressed Janik that in his letter to the Board of Commissioners in December 2011 on the second page he made a comment/bullet point that he had completed several budget restructuring plans and currently have financial responsibility for an \$11 million dollar budget. She continued that Janik also stated, if she may, in his resume that he had budget leadership under difficult economic conditions, implementing staff reductions yet maintaining high academic performance. Rushton commended him on that. Rushton continued that this tells her that Janik does have some budget experience and he is not naive to the process. She continued that she understands with all of his other job duties for him to sit and do a budget for the Board is probably not feasible; however, as he well knows there are agencies out there and for one that could be our auditing firm that could assist the County with a budget. Rushton continued that a budget is just a guess of the expenses for the next year; anybody can put a budget together. It may not be as good as it has been in the past but if we simply take last year's budget, Janik knows the program, tweak it, and bring it forward. Rushton continued that the reason she says that is that this Board continually changes the budget. Rushton question Janik if he has sought any outside independent help from either the County's auditing firm or another firm to assist him with the budget process? Administrator Janik responded that his only dialog was when the former Finance Director resigned he did with the Auditing firm. They said it is feasible, but it is not a common occurrence through the state.

Commissioner Rushton then continued that it may be harder, but at this point, in light of the information "we've" received today, we don't know the outcome of the investigation that is taking place and she would not recommend turning our finances back over to a department that is under investigation, that is number one, it is irresponsible of this Board. Rushton thinks the Board spoke when they asked for an HR and a Finance Department for good reason and in Janik's correspondence to the Board on April 18, 2022, Janik stated "While this entire process has been stressful and emotional for some people, I do believe that it is in the best interest, long term interest of the County once the two positions are filled and completely implemented." Rushton then commented that in "our" discussion today in regards to looking for an Administrator, Matt McCauley (CEO of Networks Northwest) indicated that one, the wages we were proposing were too low. She continued that Janik made the comment that between last year and this year, wages went through the roof. So, if we think that we are going to revisit everybody's pay scale here and if we think we can hire new with what we have offered, maybe we need to look at that. She continued that she agrees with Janik that this has to be straightened out and if we go back to the same old, same old, then we will have the same old, same old problem in this building with every one of these departments. Rushton continued that the Board can do what it wants to do, but you are making a huge, huge mistake if you do if you want to keep your employees.

Administrator Janik clarified that the letter from him is from when he applied for the job here. Janik referenced when he was at Charlevoix Schools in the recession of 2008 and gave his experience with that and all of the people he had to lay off and that it was awful. Fortunately he had a great Finance Director and he has been blessed with everywhere he has worked with great Finance Director. Janik further experienced with the stress involved and he was eventually vindicated and kept the school district out of bankruptcy. Janik said that he is not there, he just needs guidance as he cannot go on. The employees are looking for guidance, the internal bickering has to stop and he is sure that the Commissioners are getting phone calls. Janik stated that he is going forward with the Human Resources unless the Board changes it and he will come up with a restricting plan by June to get the County through the end of the year. Finance is his recommendation to go back to the Clerk. He needs direction as to how to move forward.

Chairman Wessell commented that Janik does not need action on HR tonight. Janik said unless Commissioners are changing the plan, he has an HR Department and hopes to come up with a plan with the assistance of the Clerk and the Chief Deputy Clerk to transfer the duties by December 31, 2022.

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MOTION BY ALLGAIER THAT THE FUNCTIONS OF FINANCE AS ORIGINALLY PERFORMED BY THE CLERK'S OFFICE, BE RETURNED TO THE CLERK'S OFFICE AS THEY WERE ORIGINALLY BEING PERFORMED; AND THE COUNTY ADMINISTRATOR IS DIRECTED TO WORK WITH THE COUNTY CLERK TO DEVELOP A TRANSITION PLAN, IN WRITING, TO TRAIN AND GRADUALLY TRANSFER THE HR (HUMAN RESOURCES) FUNCTIONS CURRENTLY ADMINISTERED BY THE ADMINISTRATOR AND THE CLERK TO THE HR DIRECTOR, TO BE COMPLETED BY YEAR'S END. SECONDED BY SOUTAS-LITTLE.

Discussion – Commissioner Allgaier commented that what is being said about the HR position is wise and she is looking forward to that position. For the stability of our employees and

knowledge we are going to honor. She supports the training and take the time for the transition that we didn't do before and she is glad that Janik is going to come up with a plan and she needs to be given time to absorb the information. Janik plans to give it seven months. Allgaier also commented of returning the budget and the finances to the people that know how to do this work for the time being. They have done an excellent, excellent job and they know the material and for the good of the county and the good of all of the employees this would ensure our stability.

Commissioner Lautner called for a copy of the motion in front of them per the Board rules.

Commissioner Robbins said that this is a sad day. Robbins said it is a year that he didn't think was going to be like this. He doesn't know where to start, but he is going to start and he is not going to make too many people happy tonight. Robbins continued that we passed this back in October 12 (2021) and it reminds him of the Early Childhood Development and how we fought over that before he came on this Board. Robbins asked where does it ever end. He said that biggest thing that we need to look at is what has happened in the last 72 hours. There is an investigation going on and hopefully it is unfounded, but we don't know. Robbins continued what is the public going to think if we give something back to someone under investigation and we find out two weeks from now they are charged with a criminal offense. We aren't going to look good. This thing should stay still for right now and work our way through it.

Commissioner Allgaier stated anyone can make an allegation.

Commissioner Robbins continued that he just learned two hours ago – he stated that he just keeps hearing stuff and people calling him – employees and Department Heads and it just never ends, so he knows something is going on in this building. Two hours ago, he got a call that some people in this room know about. This alleged allegation was changed last night and it was fixed and that is what he was told by people in this building. It would be one thing if it was 30 days, but it's a year and a half. It's almost like robbing the bank and getting caught and then you put the money back in the bank. Robbins continued "I" mean that we just need to let the authorities do their job and it's no different than a year ago when people went after him for the open meetings violation. He had to sit through it, take the lumps and see where it goes and that's what "we" need to do here and go from there.

Commissioner Allgaier commented that anyone can make an allegation. She continued that there is no certification at that point that it is correct. She believes that in the United States one is innocent until proven guilty. Allgaier continued to insinuate that someone cannot do her job because someone else wants to make an allegation is wrong. She further stated she is embarrassed that that has, she is appalled at the treatment of our employees and absolutely believes that in this Country you are innocent until proven guilty, and anyone can make an allegation.

Commissioner Soutas-Little commented that this is more than troubling. It is incredibly unprofessional to take someone who has worked so hard for the county for all of these years and has done so much for this county and to tarnish, blemish, and really call into question her reputation based on something - no body know what it is exactly – it was something that should have, by the Treasurer, walked down the hall and say hey I ran across this and ask what is this and give the person a chance to explain, but it wasn't handled that way. It was

presented to the Administrator as a verbal complaint and from there, it further went as an investigation, again the Clerk was totally uninformed that there was even a problem, let alone what the problem was. The Administrator did inform her and she has all of the records collected that can vindicate that she did nothing wrong. Yet here we are here talking about denying her the opportunity to work on a budget for the Commissioners which is a whole lot of work for something that was stripped from her with no rationale for doing that, but here we are again asking her to pick it up and take it on and yet this allegation has since gone to the Prosecuting Attorney, who made a mistake and forwarded it to the State Police who have forwarded it on to the Attorney General to see if there was any crime? The crime is in the way this has been handled. Soutas-Little continued that she is appalled, embarrassed, humiliated and she is sure that is not even half of what our Clerk is feeling at this moment in time and for this to come out like this in this meeting like it did, shame is not a sufficient word, it is unprofessional and inexcusable.

Commissioner Soutas-Little called the motion.

Chairman Wessell commented that he would ask for the motion to be withdrawn and Commissioner Soutas-Little said that she will withdraw with one more comment. Chairman Wessel commented that he too is uncomfortable with the way this has been handled and this is not the way a well function Board operates. He thinks that there is a big difference between someone asking a question and a statement about a criminal investigation. Wessell spoke to the Administrator before this meeting and we cannot control what is said in the audience and we cannot control what individual Commissioners say, but it is inappropriate to have the discussion and speaking of crimes, it is criminal the way she (County Clerk Michelle Crocker) has been treated.

Chairman Wessell called for a five-minute recess at 8:39 p.m.

Chairman Wessell called the meeting back to order at 8:44 p.m. and asked Commissioner Rushton to stop waving her hand in front of him until he is done talking. Wessell stated that he is very uncomfortable with the conversation with personnel issues and insinuations and asked Commissioners to focus on the topic on hand. There is a motion that is on the floor, which he thinks is consistent with what the Administrator said he will do and he doesn't think that we need to go forward with that as it is exactly what the Administrator said he would do. Wessell again asked Commissioners to not talk about legal problems, because we will have legal problems if we do that at this table.

Commissioner Rushton stated that her question is are we allowed to recess when a motion is on the floor?

Chairman Wessell responded that it is his understanding is that the chair can ask for a recess at any time if he needs clarification on a rule and Rushton interrupted and said that was not stated. Wessell continued that the Chair can take a recess when the Chair needs to take a recess and he will check on that and get clarification.

Chairman Wessell called for the Motion to Call the Question.

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AYES – 5 (Soutas-Little, Wessell, Allgaier, Bahle, Robbins)

NO – 2 (Rushton, Lautner).

MOTION CARRIED.

Chairman Wessell requested to read the motion that is on the floor which he believes is consistent with what the Administrator said he would do.

There was a request to have the Clerk read the motion:

MOTION BY ALLGAIER THAT THE FUNCTIONS OF FINANCE AS ORIGINALLY PERFORMED BY THE CLERK'S OFFICE, BE RETURNED TO THE CLERK'S OFFICE AS THEY WERE ORIGINALLY BEING PERFORMED; AND THE COUNTY ADMINISTRATOR IS DIRECTED TO WORK WITH THE COUNTY CLERK TO DEVELOP A TRANSITION PLAN, IN WRITING, TO TRAIN AND GRADUALLY TRANSFER THE HR (HUMAN RESOURCES) FUNCTIONS CURRENTLY ADMINISTERED BY THE ADMINISTRATOR AND THE CLERK TO THE HR DIRECTOR, TO BE COMPLETED BY YEAR'S END. SECONDED BY SOUTAS-LITTLE.

Discussion required clarification if his is temporary or full-time. Allgaier asked if he was talking about Finance and she indicated that she does not think it needs to be included in the motion. Janik continued with comments regarding a temporary or a full-time move. Add to be determined by a new Administrator.

Chairman Wessell has to ask about a motion to reconsider and believes that there needs to be a motion to reconsider before we vote on the original motion.

Administrator Janik commented that no matter how this comes out no one is going to be happy. Emotions are high, and that is a good question. The legal investigation, alleged allegation is a good question, the question of outsourcing is a good question. Janik continued that normally the budget process starts in the middle of May and finish in October. With all of the emotions flying, he is going to go forward with HR. He would respectively wait a month and see where the investigation is. Janik continued that knowing we aren't going to start the budget process at the end of May, normally you have your budget meetings in July and you will be busy that month anyway. If you look at the schedule you adopted for the Administrator's search and a lot of special meetings. Janik continued that Commissioners could just push the budget process back at least a month, so instead of adopting a budget in October, do it in November. There are no legal issues with that. Janik restated that emotions are very high right now, no matter how this vote comes out and he doesn't know how Commissioners will vote – wait a month and he will talk with Prosecutor Hubbell and see what will happen with the investigation. The last time we tried to get an Attorney General opinion on something it took 18 months to get an opinion, the Open Meetings Act was three months and he would ask to put it on hold for a month .

Chairman Wessell questioned Commissioner Allgaier if she would be willing to pull her motion if it was okay with the second and honor the Administrator's recommendation and sit on this for a month?

Commissioner Soutas-Little asked what changes in a month. Emotions may calm down, but she doesn't think emotions are really at issue as much. If in a month there is nothing, does it change the situation where people think it shouldn't be placed.

Administrator Janik said that alleged investigation, and use the word alleged carefully and where it is now. Janik does not want to go into details but the Attorney General was asked to clarify if there were any illegal activities, and depending on what the Attorney General's office decides will determine who does the investigation and at what level. Janik continued with comments.

Commissioner Allgaier commented that the Clerk has handled the finances in this County since the 1990s and Janik commented that the question was called and you need to vote it up or down.

Clerk reread the motion as requested by the Chairman.

Chairman Wessell asked for reconsideration and that his question has not been answered regarding reconsideration. Janik requested that it be voted down and wait for Board rules.

Commissioner Allgaier questioned about withdrawing and Chairman Wessell said that she is the only one that can withdraw.

Commissioner Allgaier will withdraw the motion for one month. Commissioner Soutas-Little will not withdraw the second.

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AYES – 3 (Allgaier, Bahle, Soutas-Little)

NO – 4 (Lautner, Robbins, Rushton, Wessell)

MOTION FAILS.

**MOTION BY SOUTAS-LITTLE TO SET ASIDE OF THE RULES AND PROCEDURE.
SECONDED BY ALLGAIER.**

Discussion - Commissioner Lautner commented that she thinks the Administrator has brought up a valid point and thinks that it would be a good idea to take a little breather on this. She did not get an opportunity to speak earlier to the motion and she is not sure that was quite appropriate or not. Lautner continued that she understands what you are saying about the budget and she understands the need to go forward. She does understand that we have the expert of our budget and Lautner knows that she enjoys doing our budget. We have different ways to go here and she thinks that we can work together and she hopes that she is not giving up confidences with the Clerk in that she was not opposed to the splitting up the functions, she was opposed with the process that was used and how it came down the pike, whatever you want to call it. With the support of staff, Lautner thinks that we could move forward and relieve those duties from our Clerk successfully. Lautner continued that she has said publicly several times her support for the splitting that of the departments and one person should not have to shoulder three departments. While shouldering three departments, the County accumulate overtime, which just led thinks down the pike. That is why she didn't support the motion. Lautner thinks that we can work together if the Clerk and the Chief Deputy are willing to help as well as all the support that will be needed with HR and splitting the finances, so that the Clerk can concentrate on the Clerk, Courts, and the Elections and everything that has gotten so complicated over the years. To have Finance concentrate on Finances and all the reporting and

everything else that has gotten so complicated over the years and have HR concentrate on HR and these motions that had to do with salaries. If we had an HR department would we have known that a couple of years ago and not be placed in the position we are tonight, I don't know. Lautner would like to believe so, not quite sure if our attorney knew that the wage scale wasn't correct. Lautner doesn't know, but she does think that we can work together if we are going to do this and she thinks that a month break is really a good idea and it is pretty clear where everybody is going to stand in the end and Lautner would like to see that be a little bit easier on everybody.

Commissioner Soutas-Little commented that the Administrator has done a great job and she respects him very much and it is difficult to go against a recommendation from him and we have worked together incredible for seven years and will continue to do so. The reason Soutas-Little requested the motion to set aside and reinstate the motion is exactly what Commissioner Lautner alluded to; she doesn't feel the finance functions should be in the Clerk's office. Nothing is going to change in one month unfortunately. When Commissioner Robbins had the open meetings potential violation, he wasn't recused from doing his job and voting on things. Commissioner Allgaier made a really good comment that in this Country we are innocent until proven guilty. When something is alleged and not even in writing. In order to settle this and move forward, and she doesn't know if the Clerk wants to take this back as it is a lot of work. It is a matter of regrouping after this was taken from her. Comments continued and this has been hurtful and painful all the way around.

Commissioner Wessell would like to make a comment as was planning to support a recommendation that the Administrator was made and he has had multiple conversations about recommendations from the Administrators and he came prepared to support one. Wessell continued, Janik's recommendation was to take a month and 11 weeks ago Wessell said that no matter what happens on May 3, 2022, he will not reverse the Board decision because of the vote on May 3, 2022, and that was his commitment. Wessell could not support the motion if it was not the recommendation of the Administrator. The Administrator says that he needs time and Wessell wants to give him the time he needs.

Commissioner Bahle asked for clarification as to what is happening. Janik responded and indicated that he does not know the legal answer to the number of votes needed. Brief comments continued regarding treating it like every other motion.

Chairman Wessell asked if Commissioner Soutas-Little would change her motion to put aside?

Commissioner Soutas-Little commented that it is her understanding it is a simple majority is needed to set aside, but she will get a legal opinion and ask for it to be set aside and give the 30 days that are being asked for.

Commissioner Soutas-Little recapped the anticipated motion from Rushton and brief exchange occurred.

MOTION BY RUSHTON THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO INSTRUCT THE ADMINISTRATOR TO UTILIZE THE SERVICES AVAILABLE INTERNALLY, TO SEEK INDEPENDENT ACCOUNTING ASSISTANCE, IF YOU FEEL

THAT IS NECESSARY TO PREPARE THE 2023 BUDGET TIMELY WHILE CONTINUING TO SEARCH FOR A FINANCE DIRECTOR.

Discussion – Commissioner Rushton said that it will do a couple of things, allow you to move forward, utilize the services within the County building and she doesn't care which department you have to utilize.

SECONDED BY LAUTNER.

Commissioner Rushton continued that you can utilize the services of the Treasurer, the Clerk or whatever department can assist you in putting together a budget. She continued to find an independent accounting firm, whether it be the one that does our audit or another accounting firm. Rushton said to prepare the 2023 budget to have that completed timely as required by law.

Commissioner Allgaier believes that we have been asked to do is to put this issue aside for one month and she believes that we need to honor that to just decide we are going to put together a budget together willy-nilly and scrape it together is irresponsible and while she reluctantly agreed to that, she believes it is appropriate to wait, but not just scrape a budget together. This is a very detailed difficult process and it needs to be accurate.

Commissioner Robbins commented that he wants to see the dust settle and emotions are high. He continued that Chairman Wessell, Administrator Janik, and he have had some conversations in the last week. Robbins would like to see the 30 days break but in the interim of the 30 days break he wants to expedite the HR a little quicker and get that moving. In 30 days hopefully the investigation, just like his OMA (Open Meetings Act), goes nowhere and we can come back here and talk about the budget for 2023.

Commissioner Lautner doesn't want anyone to believe that what Commissioner Rushton was proposing would be willy-nilly or scraping something together, she does not believe that is what is proposed; however, she supported the motion to hear what it was and obviously we don't have that motion in front of us and will not support the motion. Although she thinks it may be prudent and work well using in house resources, Lautner agrees with Commissioners Robbins and let's let the dust settle and give this 30 days and get the ducks in a row moving forward.

Chairman Wessell asked if everyone is ready to vote on the motion on the floor and
Commissioner Rushton withdrew her motion.

Late Addition Request – Points Broadband Contract:

Administrator Janik offered comments and would like this added to a Special Session. Commissioner Soutas-Little thanked Janik for the efforts on this and Chris Scharrer, Program Manager for the County Broadband Expansion Plan really is the right person to handle this. Chairman Wessell thanked Scharrer, Janik and Soutas-Little who has made it her full-time job.

Review of Financials:

Commissioner Lautner directed questions on financials to Chief Deputy Jennifer Zywicki, who responded.

Special Reports by Staff, Commissioners, and Affiliated Agencies:

Administrator Janik said he and Chairman Wessell will be meeting with Grand Traverse County Administrator on Friday regarding Community Mental Health. Wessell commented on the email that was received from the CEO of Community Mental Health and Wessell has concerns about the email. (no copy provided)

Public Comment:

Chairman Wessell called for any Public Comments and the following individual spoke:

- Karan Josephus.

Commissioner Comments:

- Commissioner Robbins questioned the effective date of the Committee Appointments and Janik said that they were effective as soon as you voted on them. Janik said that he will notify BATA of the change.

- Commissioner Allgaier commented that questions about finances were directed to the Chief Deputy Clerk and the Clerk, that is because they know the finances. They are good and they know it. They got it cold. Yes you can make changes in departments, you can work to improve functions within an organization, but it is done thoughtfully, it is done after talking to staff, it is done with planning, and it is done careful and slowly. It is done as a late addition when that staff is out of town, surprising everyone. That is how not to do it. Has this been a problem, you bet it has, because it started off as an insult. Allgaier congratulated the Clerk and the Chief Deputy on the exemplary work that they have done for so long and she is mortified and angry at the way they have been treated. Allgaier said that "we" shouldn't ask them any more finance questions, if we aren't going to honor them with this function; but guess what, we need to because they are the ones who know. Allgaier is also appalled allegations were made and made public and that someone's character is maligned with no proof. She continued that she believes we live in a country where you are innocent until proven guilty and anyone can make an allegation.

- Commissioner Lautner commented that she does not believe there has ever been a doubt of the expertise of our Finances and as a matter-of-fact, we appointed Jen Zywicki to Finance Director for that reason. Lautner supported her hire as Zywicki is the "queen of finances" and there is no doubt about that and she was saddened when it didn't work out and she made it very clear. What bothers her almost leaving this meeting was with the speech ahead of her. Lautner then referenced last week's meeting about how we would be respectful to each other, civil and work together. She keeps hearing these things over and over again, that may have some truth but are not altogether truthful. Lautner continued that bothers her greatly and saddens her greatly and she would think that we can work together to move forward but only if people stop dividing us.

- Chairman Wessell commented that he doesn't farm and doesn't have children at home, and his yard is mostly wildflowers, so he has lots of time to read. He quoted from the book, *I Never Thought of It That Way*, by Monica Guzman and read for one minute an excerpt from the book. The book will be in the Administrator's office if Commissioners are interested in reading it and it deals with the political climate. It was highly recommended in *The Wall Street Journal* a couple of weeks ago.

Approval of Financials —

Amendments & Transfers:

#154-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE FUND TRANSFER #22-003 IN THE AMOUNT OF \$399,210.00. SECONDED BY RUSHTON.

Discussion – none.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Claims and Accounts:

#155-05172022 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$345,555.21. SECONDED BY RUSHTON.

Discussion – none.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Post Audit Claims and Accounts:

#156-05172022 Regular Session

MOTION BY LAUTNER TO RECOMMEND TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE POST AUDIT CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$3,657,765.51. SECONDED BY RUSHTON.

Discussion – none.

AYES – 7 (Lautner, Robbins, Rushton, Soutas-Little, Wessell, Allgaier, Bahle)

NO – 0

MOTION CARRIED.

Adjournment:

Meeting adjourned by Chairman Wessell at 9:27 p.m.

Ty Wessell, Chairman
Leelanau County Board of Commissioners

Michelle L. Crocker, Leelanau County Clerk
Clerk-Leelanau County Board of Commissioner