

**CHIPPEWA COUNTY
BOARD OF COMMISSIONERS**

Regular Session
December 16, 2013

The Chippewa County Board of Commissioners met in regular session on Monday, December 16, 2013 at 5:02 p.m. in the 91st District Courtroom of the Chippewa County Building.

Present: Commissioners Don Cooper, George Kinsella, Don McLean, Ted Postula and Chairman Scott Shackleton

Absent: None

Also Present: Judge Lambros, Judge Church, Equalization Director/Register of Deeds Sharon Kennedy, Sheriff Robert Savoie, Chippewa County Treasurer Marjorie Hank, Deputy Administrator Kelly Church, Chuck Leonhardt, Debbie Sirk, Assistant Prosecuting Attorney Elizabeth Chambers, Jim and Michelle Traynor, Pam Kildal, Administrator Jim German and Cathy Maleport, Clerk.

ADDITIONS AND DELETIONS TO THE AGENDA

Commissioner Kinsella moved to amend the agenda and add, under New Business, the following:

- Tribal Law Suit
- MMRMA (*Michigan Municipal Risk Management Authority Coverage Proposal*) renewal contract; and
- 911 Dispatchers Contract

Having no other proposed additions or deletions, it was moved by Commissioner Kinsella, seconded by Commissioner Postula, to accept the agenda as amended. On a voice vote, the motion carried.

CORRESPONDENCE RECEIVED IN THE CLERK'S OFFICE

It was moved by Commissioner McLean, seconded by Commissioner Postula, to acknowledge the correspondence received in the Clerk's Office and, if necessary, forward to the appropriate committee. On a voice vote, the motion carried.

APPROVAL OF COUNTY BOARD MINUTES

It was moved by Commissioner McLean, seconded by Commissioner Postula, to approve the regular County Board meeting minutes of November 12, 2013, as presented. On a voice vote, the motion carried.

It was moved by Commissioner Postula, seconded by Commissioner Cooper, to approve the Public Hearing minutes of November 12, 2013, as presented. On a voice vote, the motion carried.

It was moved by Commissioner McLean, seconded by Commissioner Kinsella, to approve the Workshop minutes of November 13, 2013, as presented. On a voice vote, the motion carried.

PUBLIC COMMENTS

- Debbie Sirk addressed the Board concerning an unfortunate chain of events concerning a family in need. *(see attached Exhibit A)*

Old Business

Appointments to Board/Committee/Agency/Authority Announcement

Chippewa County Building Authority – 2 - one year appointments – term expires 12/31/13

Candidates: Ronald Meister, James Traynor

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, that the nominations be closed and that a unanimous ballot be cast for Ronald Meister and James Traynor. On a voice vote, the motion carried.

Ronald Meister and James Traynor were re-appointed to the Chippewa County Building Authority Board for a term to expire on December 31, 2014.

Board of Health – 1 - five year appointment – term expires: 12/31/2013

Candidates: James Bias, Thomas Farnquist, Sr., *current member* and Michael Millette

On a roll call vote:

Commissioner Cooper – Tom Farnquist

Commissioner Kinsella – Tom Farnquist

Commissioner McLean - Tom Farnquist

Commissioner Postula – James Bias

Chairman Shackleton – Tom Farnquist

Tom Farnquist was re-appointed to the Board of Health for a term to expire December 31, 2018.

Department of Human Services – 1- three year appointment – term expires: 12/31/2013

Candidates: John F. Kibble, *current member* and Robert J. Shimmens

On a roll call vote:

Commissioner Cooper – Robert Shimmens

Commissioner Kinsella – John Kibble

Commissioner McLean – Robert Shimmens
Commissioner Postula – John Kibble
Chairman Shackleton – John Kibble

John Kibble was re-appointed to the Department of Human Services Board for a term to expire on December 31, 2016.

District Library Board – 1- three year appointment – term expires - 12/31/2013

Candidates: Karen McClenny, *current member* and Janice Repka

On a roll call vote:

Commissioner Cooper – Karen McClenny
Commissioner Kinsella – Karen McClenny
Commissioner McLean - Karen McClenny
Commissioner Postula – Karen McClenny
Chairman Shackleton – Karen McClenny

Karen McClenny was re-appointed to the District Library Board for a term to expire on December 31, 2016.

Economic Development Corporation (Chairman Appointments) – 3 - six year appointments

Candidates: Daniel Dasho, Tom Farnquist, Kurt Perron and Ralf Wihelms.

Term expires: 3/31/2014.

Chairman Shackleton appointed Daniel Dasho, Kurt Perron and Ralf Wihelms to serve on the EDC Board for a term to expire on March 31, 2020.

Hiawatha Behavioral Health- 1- four year appointment – term expires – 3-31-2014

Current member: Kathy Cairns, *current member* and Tracey Holt

On a roll call vote:

Commissioner Cooper – Kathy Cairns
Commissioner Kinsella – Kathy Cairns
Commissioner McLean – Tracey Holt
Commissioner Postula – Kathy Cairns
Chairman Shackleton – Kathy Cairns

Kathy Cairns was re-appointed to the Hiawatha Behavioral Health Board for a term to expire on March 31, 2018.

EUP Transportation Authority – 1- three year appointment – expires 12/31/2013

Current member: Ted Postula

Candidates: James R. Atkins, Pamela Kildal and Ted Postula *current member*

On a roll call vote:

Commissioner Cooper – Ted Postula
Commissioner Kinsella – Ted Postula
Commissioner McLean – Ted Postula
Commissioner Postula – Ted Postula
Chairman Shackleton – Ted Postula

Commissioner Ted Postula was re-appointed to the E.U.P. Transportation Authority Board for a term to expire on December 31, 2016.

War Memorial Hospital – 1- four year appointment – term expires 12/31/2013

Current member: Ronald Calery – *did not ask to be re-appointed*

Candidates: Richard R. Bennett, Tracey Holt, Holly Kibble, Jeanne McCulligh, David E. Scott and James Traynor

On a roll call vote:

Commissioner Cooper – Holly Kibble
Commissioner Kinsella - David Scott
Commissioner McLean – Jeanne McCulligh
Commissioner Postula - Holly Kibble
Chairman Shackleton – Holly Kibble

Having received the majority of votes, Holly Kibble was appointed to the War Memorial Hospital Board for a term to expire December 31, 2017.

Commissioner Cooper noted that this is not a County Appointment; it is a recommendation from the County Board to the Hospital Board. Chairman Shackleton indicated that historically the hospital does go along with the County and accept the nomination.

Administrator’s Report – For informational purposes only.

Standing Committee Reports:

Personnel/Equalization/Health and Social Services Committee

Commissioner Kinsella – December 9, 2013

Agenda Items

Veteran’s Intern

Veterans’ Counselor Beth Yeack requested approval for the Office to become a US Department of Veterans’ Affairs work-study site. She indicated, once the request is approved it will be possible to hire a work-study student, to work up to 25 hours weekly at minimum wage. This student would be employed by the USDVA and there would be no cost to the County. Ms. Yeack included a job description for the Committee’s review.

It was moved by Commissioner Kinsella, seconded by Commissioner McLean, to approve the

request from the Veterans' Counselor to be approved to hire a work-study student through the US Department of Veterans' Affairs for up to 25 hours per week, the student will be an employee of the USDVA. On a voice vote, the motion carried.

Administrator Evaluation

The Committee reviewed and Performance Evaluation for Chippewa County Administrator worksheet.

It was moved by Commissioner Kinsella, seconded by Commissioner McLean, to have the Personnel Chairman Kinsella hand out the evaluation sheets to the Board and to have the worksheet returned to Chairman Kinsella by February 1, 2014. On a voice vote, the motion carried.

It was moved by Commissioner Kinsella, seconded by Commissioner McLean, to accept the Personnel/Equalization/Health and Social Services Committee Meeting Minutes of December 9, 2013 as presented. On a voice vote, the motion carried.

Finance, Claims and Accounts Committee

Commissioner Cooper – December 12, 2013

Vice Chair – Ted Postula

Agenda Items

OPEB Analysis

The Committee reviewed the updated OPEB Analysis, with regards to the establishment of a Health Care Trust Fund. Chuck Leonhardt answered questions and recommended using MERS to set up the fund.

It was moved by Commissioner Cooper, seconded by Commissioner McLean, to establish the Retiree Health Funding Vehicle with MERS by transferring \$2 million from the DTRF (*Delinquent Tax Refunding Fund*) and \$1,247,516.20 from Fund 296, the Health Care set aside fund, and to make the appropriate budget amendments. A discussion took place consisting of the four groups available, risk factor and moving it from one group to another. On a voice vote, the motion carried.

MMRMA – Net Asset Distribution to Loss Fund

The Committee reviewed a letter from Regional Risk Manager John Katona on the net asset distribution from MMRMA which this year is \$44,776. It was recommended by Mr. Katona that the entire amount be placed in the retention fund as the County still has impending law suits.

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, to request the net asset distribution check of \$44,776.00 be refunded to the County and to make the budget amendments reflecting this transaction. On a voice vote, the motion carried.

Imagesoft Settlement Agreement

The Committee reviewed a settlement agreement that the administration and ImageSoft reached on the project of \$140,000 which was down from the original \$240,000. This change to the Statement

of Work will have only the Prosecutor's office completed, and the amount owing to ImageSoft will be \$15,578.02 The County previously paid \$124,422.33.

It was moved by Commissioner McLean, seconded by Commissioner Kinsella, to approve the ImageSoft Statement of Work settlement as negotiated for signature, and to pay the balance of \$15,578.02 due to ImageSoft to finish the project. A discussion took place with Commissioner Cooper indicating that he believes it's a bad deal all the way around. On a voice vote, the motion carried with Commissioner Cooper voting Nay.

RFB Proposal for Scanner

The Committee reviewed the RFB for a scanner for the ROD requested by Sharon Kennedy and to be paid from Fund 256's Technology Fund.

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, to approve the RFB for release to purchase a Fujitsu fi-6770 scanner, to be purchased with Fund 256 funds. On a voice vote, the motion carried.

Friend of the Court Position

The Committee reviewed a request from Judge Lambros via the Personnel Committee to begin the search for a new Friend of the Court as the current person serving in that position is retiring. A discussion took place on if the position should be filled with an attorney and at what rate of pay; Judge Lambros handed out a new job description to the Committee for review. Judge Lambros also indicated that there would be a probationary period, and this person would not be able to maintain a private practice.

It was moved by Commissioner Cooper, seconded by Commissioner McLean, to approve filling the position with an attorney at a Grade 16 the 2 year level at the 80 hour salary level, which is \$73,205.81. A discussion took place consisting of grade levels, raises for employees, additional responsibilities and benefits that would potentially come to the County. On a voice vote, the motion carried.

FINANCE

Claims and Accounts

The Committee reviewed the bills and payroll presented for approval.

It was moved by Commissioner Cooper, seconded by Commissioner Postula, to recommend the approval of the general claims totaling \$225,878.37, other fund claims of \$348,501.26, payroll of \$637,884.55, and Health Department claims of \$503,748.23 total claims \$1,716,012.41 and voucher H-1 through H-253. On a voice vote, the motion carried.

Budget Amendments

(See attached Exhibit B)

It was moved by Commissioner Cooper, seconded by Commissioner McLean, to approve the budget

amendments as presented.

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, to accept the Finance Claims and Accounts Committee Meeting minutes of December 12, 2013 as presented. On a voice vote, the motion carried.

New Business

- a) Resolution 13-26 – Special Tribute Spencer Nebel

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, to accept Resolution No. 13-26 as follows:

*SPECIAL TRIBUTE
Spencer R. Nebel*

Let It Be Known, that it is with great pride that the Chippewa County Board of Commissioners join together with the employees and residents of Chippewa County, to express their wish of good health and happiness upon his leaving the City of Sault Ste. Marie and as he and his family prepares for the new and exciting experiences that lie ahead.

Spencer R. Nebel has served the citizens of Chippewa County and the City of Sault Ste. Marie in a manner above reproach, and for this we extend our thanks. Spencer R. Nebel has provided outstanding service to thousands of individuals for almost twenty-two years.

Spencer R. Nebel has taken personal pride in his work with Chippewa County and has worked hard to continue the improvements of the City of Sault Ste. Marie Departments and its infrastructure.

Spencer R. Nebel through his productive suggestions, his high performance ideals, his kind friendship, his professionalism, his enthusiasm, and his insight to his fellow workers and citizens place him in the highest of categories.

Spencer R. Nebel has brought recognition to himself, the community and the City of Sault Ste. Marie. The Chippewa County Board of Commissioners, on behalf of the residents of Chippewa County, extends their appreciation to a fellow official, friend and adviser who is thoughtful, caring, involved and dedicated, and who made a favorable impact on the betterment of life and wellbeing in the City of Sault Ste. Marie and Chippewa County.

IN SPECIAL TRIBUTE, therefore upon his leaving the City of Sault Ste. Marie, this document is signed and dedicated to honor Spencer R. Nebel, for his countless contributions to the City of Sault Ste. Marie and Chippewa County, and the

individuals he served so well. For his untiring efforts in improving the welfare of the citizens of the City and County, we join together to extend to Spencer R. Nebel a gracious thank you for a job well done, and wish him continued success in which he so richly deserves.

A roll call vote was taken as follows:

Ayes: Commissioners Cooper, Kinsella, McLean, Postula and Chairman Shackleton

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

b) Resolution 13-27 – Special Tribute to Thelma Bosbous

It was moved by Commissioner Cooper, seconded by Commissioner Postula, to accept Resolution 13-27 as follows:

*SPECIAL TRIBUTE
RESOLUTION
13-27*

Thelma Bosbous

Let It Be Known, that it is with great pride that the Chippewa County Board of Commissioners join together with the employees and residents of Chippewa County, to express their appreciation for Thelma Bosbous upon her retirement.

Thelma Bosbous has served the citizens of Chippewa County through her commitment of her duties, and for this we extend our thanks. Thelma Bosbous has provided exceptional service to numerous individuals for over thirty years.

Thelma Bosbous has taken personal pride in her work with Chippewa County's District Court, Friend of the Court and the Judges she has worked for; and she worked hard to continue the enhancements for Chippewa County's residents.

Thelma Bosbous through her high performance standards, her kind friendship, her effectiveness, her passion, and her insight to her fellow workers and citizens place her in the utmost of respect.

IN SPECIAL TRIBUTE, therefore upon her retirement from Chippewa County,

this document is signed and dedicated to honor Thelma Bosbous, for her countless contributions to Chippewa County, and the individuals she served so well. For her untiring efforts in improving District Court and Friend of the Court service to the citizens of this County, we join together to extend to Thelma Bosbous a gracious thank you for a job well done.

A roll call vote was taken as follows:

Ayes: Commissioners Cooper, Kinsella, McLean, Postula and Chairman Shackleton

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

c) MERS Defined Benefit Adoption Agreement – EDC (*see Exhibit C*)

It was moved by Commissioner Kinsella, seconded by Commissioner McLean, to adopt the MERS Defined Benefit Agreement. On a voice vote, the motion carried.

THE AGREEMENT WAS DECLARED ADOPTED.

d) Resolution 13-28 MERS Retiree Health Funding Vehicle

A discussion took place which included Chairman Shackleton suggesting they establish, next year, a proactive committee for the MERS Retiree Health Funding Vehicle to review, minimally; twice a year, where it's at and what should be done.

It was moved by Commissioner Cooper seconded by Commissioner McLean, to recommend approval of the Retiree Health Funding Vehicle Resolution 13-28 and put 100% of their investment in the MERS Established Market Fund.

Commissioner Kinsella offered an amendment to Commissioner Cooper's motion to appoint a Proactive Committee, by the March 2014 meeting, to review what should be done on a regular basis as suggested by Chairman Shackleton.

Having no support, the motion to amend failed.

MERS Retiree Health Funding Vehicle Uniform Resolution



1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax: 517.703.9707

www.mersofmich.com

WHEREAS, the Municipal Employees' Retirement System ("MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to Defined Benefit and Defined Contribution programs (MERS Plan Document Section 36(2)(a)); and the Municipal Employees Retirement Act of 1984, Section 36(2)(a) as amended by 1996 PA 220, MCL 38.1536(2)(a));

WHEREAS, the Board has previously authorized MERS establishment of a retiree health funding vehicle ("RHFV" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B(4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

WHEREAS, MERS has been determined by the Internal Revenue Service to be a tax qualified "governmental plan" and trust under Section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code Section 501(a) (IRS Letter of Favorable Determination dated June 15, 2005).

WHEREAS, the Board has established a governmental trust under Section 115 of the Internal Revenue Code (the "Trust Fund") to hold the assets of the RHFV, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS duly-appointed Program Administrator;

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 et seq. ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

WHEREAS, a MERS health care trust fund constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the health care trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

WHEREAS, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality and court enrolled in MERS Defined Benefit Plan, Defined Contribution Plan, and Hybrid Plan, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the MERS Annual Meeting as provided under Plan Section 45; MCL 38.1545.

WHEREAS, the Board also acts as investment fiduciary for those participating employers who are non-MERS participating municipalities and courts that have adopted the MERS Health Care Savings Program, Retiree Health Funding Vehicle, 457, or Investment Services Program, and such entities are not accorded membership, representation or voting rights provided to MERS participating municipalities and courts at the MERS Annual Meeting under Plan Section 45; MCL 38.1545.

A roll call vote was taken on the original motion as follows:

Ayes: Commissioners Cooper, Kinsella, McLean, Postula and Chairman Shackleton

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

- e) EUP Regional Planning – Lake Superior /St. Mary’s River Water Trail Development – Letter of Support

It was moved by Commissioner McLean, seconded by Commissioner Kinsella, to approve the letter of support for E.U.P. Planning. On a voice vote, the motion carried.

Commissioner Postula recommended they send a Resolution out to Ron Calery in appreciation of his 34 years of service on the Hospital Board. Commissioner Cooper also noted one should be sent to Earl Kay, as well as, a thank you to all individuals sitting on Boards to show their appreciation.

f) **FY2014 BUDGET**

- Amendment Changes
- Resolution 13-29 FY2014 Budget Resolution

Chairman Shackleton indicated that at this time the Commissioners have an opportunity to offer amendments before they vote on the actual budget.

It was moved by Commissioner Kinsella, seconded by Commissioner McLean, to amend the proposed FY2014 budget and give Kinross Charter Township \$6,000.00 to help maintain the Fairgrounds.

A discussion followed consisting of Kinross Charter Township fund balance, county raises, and precedence.

On a voice vote:

Yeas: Commissioner Kinsella and Commissioner McLean

Nays: Commissioner Cooper, Commissioner Postula and Chairman Shackleton

THE MOTION FAILED

It was moved by Commissioner McLean, seconded by Commissioner Kinsella, to amend the proposed budget and set aside \$15,000.00 for the Veteran’s Memorial. A discussion followed.

On a voice vote:

Yeas: Commissioners Don Cooper, George Kinsella and Don McLean

Nays: Commissioners Ted Postula and Chairman Shackleton

THE MOTION WAS DECLARED ADOPTED

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, that the county give all non-union employees a .25 cents an hour raise, across the Board. A discussion took place.

On a voice vote, the motion carried.

It was moved by Commissioner Postula, seconded by Commissioner Kinsella, to approve Resolution 13-29 as amended. *See attached*

A roll call vote was taken as follows:

Ayes: Commissioner George Kinsella, Don McLean, Ted Postula and Chairman Shackleton.

Nays: Commissioner Don Cooper

THE RESOLUTION WAS DECLARED ADOPTED

g) Resolution 13-30 – Special Tribute MSP Trooper Wilson

It was moved by Commissioner Cooper, seconded by Commissioner Postula, to recommend approval of the following resolution.

**RESOLUTION IN APPRECIATION AND SPECIAL RECOGNITION
OF TROOPER BRENT W. WILSON**

WHEREAS, Trooper Brent W. Wilson was accepted and graduated from the Michigan State Police 111th Recruit School; and he began and ended his career as a Trooper at the Newberry Post; and

WHEREAS, Trooper Brent W. Wilson has worked diligently and tirelessly at upholding and exemplifying the highly professional image of the Michigan State Police; **Trooper Brent W. Wilson's** work ethic, his integrity and his attention to detail have earned him the highest regard by all his fellow Troopers, his peers and his supervisors; and

WHEREAS, Trooper Brent W. Wilson will retire from service with the Michigan State Police, effective November 2, 2013 for over 18 years of service to the Michigan State Police, due to a duty related injury; and

WHEREAS, Trooper Brent W. Wilson, during his career was named the M.A.D.D Trooper of the Year, as well as, being the 2012 MSP Trooper of the Year.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Chippewa County Board of Commissioners respectfully dedicates this document to honor and thank ***Trooper Brent W. Wilson*** for his many years of public service with the State of Michigan and especially for his work in Chippewa County.
2. That the Chippewa County Board of Commissioners extends their best wishes to ***Trooper Brent W. Wilson*** for many years of enjoyment in his retirement.

A roll call vote was taken as follows;

Ayes: Commissioners Cooper, Kinsella, McLean, Postula and Chairman Shackleton

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED

Three items added to the Agenda

The Tribal Lawsuit

Chairman Shackleton noted that the Sault Tribe's Attorney provided a letter requesting the County to dismiss our action regarding 2% money, indicating that they're willing to work with the County, in good faith, negotiating the issues we're concerned with.

It was moved by Commissioner Postula, seconded by Commissioner Kinsella, that the County dismiss the action regarding the Sault Tribe and the 2% money, and will pursue negotiations, talking through the issues, to reach a resolution. A discussion took place.

On a voice vote, the motion carried.

**MMRMA (*Michigan Municipal Risk Management Authority Coverage Proposal*)
Renewal Contract. (*Exhibit D*)**

It was moved by Commissioner Kinsella, seconded by Commissioner McLean, to renew their liability insurance with MMRMA for the FY2014. A discussion took place regarding no bid contracts.

On a voice vote, the motion carried with Commissioner Cooper voting Nay.

911 Dispatch Contract

It was moved by Commissioner McLean, seconded by Commissioner Kinsella, that the Dispatchers contract through the Fraternal Order Police Labor Counsel for 2014-2017 be approved.

On a voice vote, the motion carried.

COMMISSIONERS COMMENTS

Chairman Shackleton together with the rest of the Commissioners wished everyone a very Merry Christmas and a Happy New Year!

Having completed the agenda items, it was moved by Commissioner Kinsella, seconded by Commissioner McLean, that the Board adjourn. On a voice vote, the motion carried and the Board adjourned at 6:30 p.m.

Catherine C. Maleport, Clerk

Scott Shackleton, Chairman