

**CHIPPEWA COUNTY
BOARD OF COMMISSIONERS**

Regular Session
July 14, 2014

The Chippewa County Board of Commissioners met in regular session on Monday, July 14, 2014 at 2:00 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: Jim and Michelle Traynor, Scott Brand, Emil Mattson, David Martin, CCHD, Ailene Bitnar, Undersheriff Mike Bitnar, Tom Farnquist, Jenny Pierce, Jillian Sadler, Jamie Ojala, Deputy Administrator Kelly Church, Administrator Jim German and Cathy Maleport, Clerk.

ADDITIONS AND DELETIONS TO THE AGENDA

It was moved by Commissioner McLean, seconded by Commissioner Kinsella, to approve the agenda, as presented. On a voice vote, the motion carried.

CORRESPONDENCE RECEIVED IN THE CLERK'S OFFICE

It was moved by Commissioner Postula, seconded by Commissioner McLean, 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 Kinsella, seconded by Commissioner McLean, to approve the following meeting minutes:

- Public Hearing – June 9, 2014
- Regular Meeting -June 9, 2014

A discussion followed; Commissioner Cooper asked if the action the Board took with the contract between Chippewa County and the Sault Tribe of Chippewa Indians was signed, Jim German, the Administrator, responded indicating that it had not been signed yet. Commissioner Kinsella noted that he did see in the paper that the Tribal Board meeting scheduled for August was moved to July and that it was his understanding that they're going to address that issue at that meeting.

On a voice vote, the motion carried.

PUBLIC COMMENTS

- Commissioner George Kinsella first welcomed everybody to the meeting and explained a private e-mail that was shared between county commissioners only, about a year ago, during the budget process re: a revenue shortfall.

Old Business

Mr. Emil Mattson began with thanking Commissioner Cooper and Commissioner Kinsella stating that they have always helped him whenever he had a problem. He went on to say, that being said, "I believe a lot of you guys are corrupt. One reason being is that when he asked two and a half years ago, during his campaign for Sheriff, what was going to be done and you all sat mute, except for the two of you." Mr Mattson then said, "I filed a lawsuit and the big deal is, that you guys paid his attorney fees. It was a campaign related issue; yet you still paid for his attorney fees and you're now garnishing my wages."

Other comments made by Mr. Mattson are as follows:

- The best part of it, is that is illegal too.
- I will show that in the Federal Appeals Court, I have no problem doing that and I'm going to do it real soon.
- What I don't like is the fact that I got offered \$2,000.00 by a Chippewa County Commissioner and I would have \$28,000.00 in legal fees wiped clean, as long as I stopped going after your Sheriff, Robert Savoie.
- I got news for everybody in this room; I'm not stopping until everybody's gone. I will do everything that I can possible, to bring everybody I can down, in county government.
- Now you're holding a criminal investigation, brought up on me, in reference to my letter of intent to sue.
- I'm going to file a lawsuit on Chippewa County because of this criminal investigation. That will come soon. I'm in the process of speaking with an attorney from Troy, MI and if I have to, I'll name each and every one of you individually, plus Chippewa County, in that lawsuit. I will not name Don Cooper and George Kinsella in that lawsuit.
- I've asked you, Mr. Shackleton, several times, to e-mail me. All I wanted was a response.
- Now detective Mark Schroeder told me that anything and everything about me is his business now, because of Chippewa County; he can meet with my attorney, we can go from there.

- You all will be getting a letter from my attorney; I will see you all in court.

Chairman Shackleton called upon Attorney Gregory Grant to speak on behalf of the county as there were a number of legal issues that Mr. Mattson alluded to.

Mr. Grant stated, that as Mr. Shackleton pointed out, the county has asked him to be here today to respond to Mr. Mattson's allegations. In summary, and attempting to respond to all of Mr. Mattson's allegations, he communicated the following: As Mr. Mattson described, he did run in the last election against the Sheriff, Robert Savoie. He did lose that election, further noting, that he believed, the percentage of votes were 83% to 17%. Mr. Mattson, subsequently, and what we believe is in a retaliatory fashion, then began to threaten to sue Sheriff Savoie, as well as, the Chippewa County Sheriff's Dept. as a result of what he believed was an illegal background check, performed on him, by someone within the Sheriff's Dept. There was no evidence or truth to those allegations other than Mr. Mattson had a document that he would not produce to us. Regardless of that, Mr. Mattson, then filed a defamation lawsuit against Sheriff Savoie, and has claimed now, that the County, illegally paid for Sheriff Savoie's attorney fees and costs in that case, and that simply is not true.

He further explained, In August of 2012, Mr. Mattson sent an e-mail to Mr. German indicating he was going to sue the Chippewa County Sheriff's Dept. He subsequently filed in November of 2012 a law suit against Sheriff Savoie, naming Sheriff Savoie as a defendant in a lawsuit. As a result, of that e-mail and lawsuit the matter was turned over by the County to its insurer, the insurer looked at the matter, determined that there could be county exposure, determined that the Sheriff is a County employee and found insurance coverage for Sheriff Savoie, in the defense of that case.

In November of 2013, we filed a motion to have the case dismissed; the court granted our motion and dismissed the case with prejudice, which means Mr. Mattson can never file that case again. In February of 2014, we filed a motion for sanctions against Mr. Mattson, asking the court to determine the case, against the Sheriff, to be frivolous under Michigan Court Rules and Michigan statutory law. The court agreed, granted our motion for sanctions and ordered Mr. Mattson to pay all of the costs and attorney fees that have occurred in order to defend Sheriff Savoie, to the tune of \$27,835. A judgment was entered in that amount, against Mr. Mattson. He went on to say, that it's important to know about sanctions in this state, that they are very rarely given, it's very rarely determined that a law suit is frivolous. In this case, Judge Carmody, sitting by assignment, agreed and did enter the Judgment for those sanctions and they have been attempting to collect those funds from Mr. Mattson since.

The month after Mr. Mattson filed the lawsuit, December 5, 2012, we sent him a letter asking him to dismiss the case and we would not pursue sanctions and attorney fees against him, if he would agree to do so. We gave him the chance to do so, and he did not, so we pursued a pretrial motion to dismiss. Mr. Mattson has indicated that the County illegally paid for the Sheriff's legal fees; that is simply not true. No law has been violated at any level, state, local, or federal. This was an insurance issue, the insurer found coverage in this case, determined that the Sheriff should be covered, as a result of Mr. Mattson's allegations, that he was going to sue the Sheriff and the Sheriff's Department; coverage was found. He further noted that it's also important to point out here that the county is not going to pay the Sheriff's

legal fees in this case, Mr. Mattson has been ordered to pay every dime of attorney fees to a tune of \$27,835.00. Mr. Mattson, in further retaliation, after his lawsuit was dismissed and after sanctions were issued, continued to threaten Mr. German, the Sheriff and the County. He has indicated that he will file, or has filed a criminal complaint against the Sheriff and Mr. German with the State Attorney General's Office of and the US Attorney Generals Office.

Mr. Grant went on to say, "I'm very confident to stand here today and state neither Mr. German nor Sheriff Savoie has done nothing wrong whatsoever, no laws have been violated. Mr. Mattson wants to site the campaign finance act, as a basis for those violations and there is simply nothing in the campaign Finance act that anything wrong has occurred here, and certainly nothing criminal in nature." Mr. Mattson also touched on the fact of a resolution of these issues, in the form of compromise. Mr. German does have a right, as the administrator, to attempt to negotiate settlements on various issues. Mr. German does not have the authority to enter into settlement agreements with anyone that has to be voted on by the County Commissioners. At this point the County Commissioner has not voted on any resolution. My understanding, at this point, is these e-mails Mr. Mattson has been sending have been determined to be threatening in nature, and has brought them some concern. I am confident in saying that there is no evidence of any wrong doing by anyone at the county level. If Mr. Mattson wishes to pursue this, then the county too, will again, have its day in court, and they will prove it.

b) Approve NorthCare Network Intergovernmental Contract & One Appointment needed

Chairman Shackleton called upon Mr. German to speak on behalf of the NorthCare Network.

Mr. German indicated that contract is basically an intergovernmental agreement over SUD *substance abuse disorder* and that it has the counties coming together to administrate those substance abuse dollars.

Chairman Shackleton noted that they have two actions; they need to approve the contract and the Chair has an opportunity to make an appointment.

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to approve the NorthCare Network intergovernmental contract. On a voice vote, the motion carried.

Chairman Shackleton noted that often a chair appointment is not an advertised appointment and that the appointment is at the discretion of the chair. He further noted that, Mr. Moore has expressed interest in the position and he knows that he is very knowledgeable in that area. He appointed Jim Moore.

Commissioner Cooper moved that they advertise for the position as outlined in the bylaws, this was seconded by Commissioner McLean. A discussion followed which included that the committee is meeting next week; and that they would be without representation unless an appointment is made. Commissioner McLean indicated that he would like to see them have representation there and possibly as a solution to this, they could proceed with soliciting people who are interested through the normal process, but in the interim, ask Jim Moore to represent them at the upcoming meeting.

Noting, that they still have the original motion on the floor, Chairman Shackleton called upon Commissioner Cooper, and asked him if he would be comfortable with his motion to reflect, in the interim, make a temporary appointment, Jim Moore, to represent us as at the first meeting. Having no objection, a voice vote was taken, and the motion carried.

Administrator's Report – Given for informational purposes only.

Standing Committee Reports:

Personnel/Equalization/Health and Social Services Committee

Commissioner Kinsella – July 29, 2014

Agenda Items

Administrative Assistant/Information Technology Hire

Administrator German notified the Committee that Danielle MacDowell had been hired to fill the position of Administrative Assistant/Information Technology effective June 30, 2014 so that training could be provided. Mr. German also noted that this is a confidential position.

It was moved by Commissioner Kinsella, seconded by Commissioner McLean, to hire Danielle MacDowell as the new Administrative Assistant/Information Technology Technician effective June 30, 2014 at a grade level 7. 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 July 29, 2014, as presented. On a voice vote, the motion carried.

Finance, Claims and Accounts Committee

Commissioner Cooper – July 10, 2014

Agenda Items

Health Department – 2% Funding Request – EUP Hospice Services

The Committee received and reviewed the 2% Funding request from the Chippewa County Health Department for EUP Hospice Services project, which is requesting \$29,612 to provide sufficient revenue to I Hospice to provide for certified services and to free up operational funds for the Hospice House.

It was moved by Commissioner McLean, seconded by Commissioner Kinsella, to approve the Chippewa County Health Department 2% Funding Request for EUP Hospice Services.

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

Health Department – Medical Examiner Facility Use Agreement

The Committee received documentation from the Health Department, with regards to a Medical Examiner Facility Use Agreement with Spectrum Health, who provides autopsies that require a forensic pathologist, as well as, all child deaths and unique death cases for Chippewa County. The service fees will be \$982.00 for each autopsy ordered by the designated County Medical Examiner. A discussion followed with regards to if this was a renewal or a new contract. The information will be forwarded to the full Board for consideration once the additional information is obtained.

***Note: The CCHD has been working with Spectrum Health for approximately the last ten years, this is the first time a contract has been sent to the Health Department, nor does the County have a previous contract on file, the previous amount paid to Spectrum is \$873.60.*

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, to approve the Medical Examiner Facility Use Agreement contract with Spectrum Health to provide autopsies designated by the County Medical Examiner in the amount of \$982.00, which is subject to an annual 3% increase on the effective date of the agreement.

On a voice vote, the motion carried.

Re-Issue RFB for 3 – Sonicwall NSA-2600 UTM Firewalls

The Committee reviewed a memo from Brian Bartlett, explaining the need to re-issue the RFB for three Sonicwall NSA-2600 UTM Firewalls, which was budgeted for in 2014.

It was moved by Commissioner Cooper, seconded by Commissioner Postula, to approve the re-release for the three Sonicwall NSA-2600 UTM Firewalls. On a voice vote, the motion carried.

Sheriff's Department – Replace matrix per Budget & Quote provided \$20,960.00

The Committee received and reviewed budget information and the quotes provided to purchase and replace the Matrix of the Simplex system, which is the brain box in the Chippewa County Jail at the replacement cost of \$20,960.00.

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, to approve the purchase of the Matrix for the Simplex system in the Chippewa County Jail, at a cost not to exceed \$20,960.00 from SimplexGrinnell. On a voice vote, the motion carried.

Annex Proceeds Allocation

The Committee discussed the use of the "Annex sale proceeds for the \$206,630.14 received from MMRMA and \$92,500 from the signed purchase agreement and the need to establish a Courthouse Maintenance fund.

It was moved by Commissioner Cooper, seconded by Commissioner Postula, to approve the establishment of a Courthouse Maintenance Fund, with the proceeds of the monies received from MMRMA in the amount of \$206,630 and the sales proceeds of \$92,500 and to prioritize a list of items that need to be addressed. A discussion followed regarding a long term plan. On a voice vote, the motion carried.

Animal Shelter – Personnel Request

The Committee reviewed the motion from the Personnel regarding a request from the Animal Shelter Manager Holly Henderson to allow one part-time shelter employee with six years of service be approved to work over the 29 hours per week, and to be offered health care on January 1, 2015. Discussion followed with regards to the Affordable Health Care Act and the waiver being sought, including offering full-time to this part-time employee, and the wage breakdown difference.

It was moved by Commissioner Cooper, seconded by Commissioner McLean, to allow Holly to hire this one part-time employee, with six-years of service, full time starting January 1, 2015. A discussion followed which included that this would be only an \$1800.00 difference. On a voice vote, the motion carried.

	Wages	Soc Sec/Med	Health	Retire	STD/LTD	Unempl	W/C	
Grade 6 - 1 year full - time	\$28,412.80	\$2,173.58	13,872.58	\$997.29	\$360.00	\$28.41	\$772.29	\$46,616.95
Grade 6 - 1 year Health Only @ 78 hours	28,006.68	\$2,142.51	\$13,872.58	\$0.00	\$0.00	\$28.01	\$761.25	\$44,811.03

Notes:

- Current Wage \$13.02
- Full Time wage @ 1 year - \$13.66
- Part-time wages in 2015 @13.81

Difference	\$1,805.92
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Out of State Travel Request – Prosecuting Attorney Office

The Committee reviewed an out-of-state travel request for Assistant Prosecutor James Robinson to attend a Witness Training Course in South Carolina, at no cost to the County.

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, to approve the out of state travel for Prosecutor James Robinson, to travel to South Carolina, for Expert Witness Training Course at no cost 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 \$279,674.14, other fund claims of \$1,375,892.90, payroll of \$448,426.16 and Health Department claims of \$481,125.47 and total claims of \$2,585,118.67 and vouchers H-1 through H-313. On a voice vote, the motion carried.

**Budget
Amendments**

Revenue	Original	Amended	Change	
101-000-506.981	\$ -	\$ 8,380.00	\$ 8,380.00	USDA Grant for Vehicle
232-000-401.200	\$ 45,000.00	\$ 73,000.00	\$ 28,000.00	Additional Revenue

Expenditures

101-132-729.000	\$ 1,500.00	\$ 3,000.00	\$ 1,500.00	Juvenile more cases
101-132-806.000	\$ 750.00	\$ 3,250.00	\$ 3,250.00	Juvenile more cases
101-132-807.000	\$ 11,000.00	\$ 36,000.00	\$ 25,000.00	Juvenile more cases
101-340-704.000	\$ 49,214.36	\$ 22,214.36	\$ (27,000.00)	SANE replaced by Tri-dent
101-340-715.000	\$ 34,177.00	\$ 16,177.00	\$ (18,000.00)	SANE replaced by Tri-dent
101-878-701.000	\$ 5,000.00	\$ 20,000.00	\$ 15,000.00	Additional Legal expenses
101-981-701.000	\$ 54,920.00	\$ 63,300.00	\$ 8,380.00	Sheriff Vehicle USDA grant
232-000-704.600	\$ 4,500.00	\$ 19,500.00	\$ 15,000.00	Additional wages = revenue
232-000-727.200	\$ 3,650.00	\$ 13,650.00	\$ 10,000.00	Additional wages = revenue
232-000-860.200	\$ 0.00	\$ 3,000.00	\$ 3,000.00	Additional wages = revenue

It was moved by Commissioner Cooper, seconded by Commissioner Kinsella, to approve the budget amendments as presented. On a voice vote, the motion carried.

It was moved by Commissioner Cooper, seconded by Commissioner Postula, that the Finance Claims and Accounts minutes of July 10, 2014 be approved as presented. On a voice vote, the motion carried.

New Business

- (a) Resolution 14-14 Resolution Supporting CLM EUP Community Corrections

It was moved by Commissioner McLean, seconded by Commissioner Cooper, to accept Resolution No. 14 -14 as follows:

RESOLUTION NO: 14-14

Resolution To Support

Community Corrections Contract for FY2014 through 2016

Whereas, the CLM EUP Community Corrections consisting of the Counties of Chippewa, Luce and Mackinac, has submitted a three-year contract with the Michigan Department of Corrections, Office of Community Corrections and;

Whereas, the Chippewa County Board of Commissioners has recommended and reiterates its continued support for the fiscal years 2014 through 2016; and

NOW THEREFORE BE IT RESOLVED that the Chippewa County Board of Commissioners supports the contract its goals and objectives for fiscal years 2014 through 2016, and respectively supports the CLM EUP Community Corrections contract with the Michigan Department of Corrections, Office of Community Corrections.

A roll call vote was taken as follows:

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

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

COMMISSIONERS COMMENTS

Commissioner Cooper questioned why Mr. Mattson was put on the agenda, going against what we normally do, and treating it like public comments. He also indicated that the attorney stated Jim German has the ability to negotiate for the County and that it was his understanding that he is an employee of this Board, and this Board, gave him direction.

Chairman Shackleton indicated that Mr. Mattson asked to be on the agenda, and that they honored his request. There's pending lawsuits and talk about a whole lot more lawsuits; in situations like that, you would have your attorney, speak for you.

Regarding specifically the talk about a settlement, it was his belief that Mr. Mattson suggested that there could possibly be a settlement, Mr. German said, let me negotiate the best deal I can, with you, and then I will take it to the Board to see if they would approve it. That is what he did, and there was no interest in that.

Responding to Mr. Mattson's direct question because of a pending lawsuit and threatening more lawsuits, he was advised not to engage in that sort of question. Evidenced by the insurance company and our attorney, we've done everything right. I'm sure I didn't reply.

Commissioner McLean agreed with Chairman Shackleton in that anything that we could have said, as Commissioners, might muddy the water relative to a lawsuit.

Having completed the agenda items, it was moved by Commissioner Postula, seconded by Commissioner Kinsella, that the Board adjourn. On a voice vote, the motion carried and the Board adjourned at 2:58 p.m.

Respectfully submitted,

Catherine C. Maleport, Clerk

Scott Shackleton, Chairman