

THE BENZIE COUNTY BOARD OF COMMISSIONERS
January 27, 2012

The Benzie County Board of Commissioners met in a special meeting on Friday, January 27, 2012, in the Commissioners Room, Government Center, Beulah, Michigan, 49617 at 10:00 a.m.

This is special meeting scheduled to meet with Attorney Peter Cohl regarding personnel manual and other issues.

Present were: Commissioners Damm, Halliday, Kelley, Roper, Stobie Tanner and Walterhouse
Absent: None

The pledge of allegiance was given with invocation by Commissioner Kelley.

Motion by Roper, seconded by Stobie, to approve the agenda as amended adding DHS Board appointee complaint; Building Official Comp time; Information Updates. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Motion carried.

10:09 a.m. Public Input

Craig Johnson has asked to participate with the personnel policy discussions.

10:12 a.m. Public Input closed

Richard Figura, Attorney, discusses the issues with the DHS appointee, Ken Masters, and the complaint filed against him. This is a complaint that needs to be acted on. Mr. Figura feels that there is nothing in the petition that amounts to any kind of incompetence, official misconduct or negligence; it was not official misconduct; there is nothing to authorize removal of your appointee; there is this general allegation of intimidation by Mr. Masters; someone should go back to see what is intimidation they are claiming; no basis for proceeding with removal hearing; you can use anyone to do this. Mr. Figura sees no intimidation in the complaint.

Comm Roper feels that we need to go through the process.

He would suggest two options: Based on what we have seen so far, you can say, we are sorry but there is no basis for instituting proceedings on this individual, after consulting with our attorney, we do not find any misconduct for dismissal; or designate someone to meet with them for further information before you make a final decision.

Chris Olson says it is important to listen to them.

Motion by Tanner, seconded by Roper, authorizing Mr. Figura to prepare a letter for step 1; then if we are further enlightened, we can take the next step. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Motion carried.

Personnel Manual

Part time benefit: Mr. Olson feels the part time benefits questions is mute due to Jackie Randall now being at 35 hours per week with the Sheriff.

Mr. Cohl gives some background information regarding the preparation of the current personnel manual; there were three meetings with the board regarding the policy, some lengthy; you made your decision and numerous drafts were made; August 16, 2011 the policy was adopted. You will never satisfy everyone; you spent a lot of time and effort on this manual.

Chairman Tanner says this is the decision we made; we need to decide if we are going to do anything different for Jackie.

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Comm Roper suggests leave it alone.

Chief Deputy Vacation: Mr. Olson says there is an issue that has been talked about being the different between TPOAM and Chief Deputies; recommends that chief deputies are like their elected official and subject to the duties in the office; his recommendation is to work it out between the official and chief deputy for five additional days.

Comm Roper says leave it to the call of the elected.

Linda Wilson suggests putting the chief deputies back to salary.

Peter Cohl suggests to leave it alone and consider other options later; do not carve things out. You have the sole discretion to decide what to give.

Peter can draft language, any employee is promoted within they keep the same benefit; if someone is hired off the street, then they have these benefits.

11:11 a.m. Recess

11:17 a.m. Reconvene

Tammy Bowers, Chief Deputy Clerk, discusses her concerns with the personal policy and all union contracts being different; increasing workers comp from 60 days to 365 days to match the other contracts.

Mr. Cohl says that it should be a minimum of 12 weeks under the FMLA. You should extend it beyond the 60 days.

Motion by Roper, seconded by Kelley, to amend the Personnel Policy Manual of August 16, 2011, Section 12.7 to provide that county pay the premium for health, dental, vision and life insurance shall be for up to 365 days. Roll call. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Waltherhouse Nays: None Motion carried.

Letter to be sent to all department heads regarding this change.

Emergency Management Coordinator Position: Mr. Olson asks to increase these hours from 16 to 24 per week; most of his duties are with the grant paperwork; Sheriff Heckman agrees that 24 hours is what is needed; the additional 8 hour funding can come from the grant. Mr. Olson says that the Emergency Management Coordinator position is truly not a salary position.

Motion by Roper, seconded by Stobie, to enter closed session to discuss a legal opinion of counsel dated December 16, 2011 addressed to Mr. Olson and the FLSA, to include Peter Cohl, Chris Olson. Roll call. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Waltherhouse Nays: None Motion carried.

Motion by Roper, seconded by Stobie, to enter closed session to discuss contract negotiations regarding COAM, POAM, POLC, TPOAM, to include Attorney Cohl, Chris Olson and Elected Officials. Roll call. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Waltherhouse Nays: None Motion carried.

12:57 p.m. Re-enter open session

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Peter wants to know what you want us to do regarding the dispatch union; he will provide the information to Dave Stoker.

Building Official Comp Time: Motion by Kelley, seconded by Stobie, to enter closed session to discuss opinion from counsel dated October 11, 2010 regarding comp time to include Peter Cohl and Chris Olson. Roll call. Ayes: Damm, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: Halliday Motion carried.

1:10 p.m. Re-Enter Open Session

Motion by Roper, seconded by Stobie, to direct the County Administrator to negotiate an Agreement with the Emergency Management Coordinator to increase 16 hours to 24 hours per week contingent upon the following: 1) he will not be scheduled to work more than 16 hours on EMS; 2) any overtime that is alleged to be owed be determined by the county administrator and 3) to sign a Release of Claims Agreement as prepared by Counsel for the County. Roll call. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Motion carried.

Motion by Roper, seconded by Walterhouse, based upon legal counsel's advice we will deny Mr. Haugen's request for comp time and the County Administrator to relate same to Mr. Haugen in writing. Roll call. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Motion carried.

Ambulance OT for Part Time Employees: Mr. Olson feels this whole ambulance operations need to be reviewed and brought back to you.

Motion by Tanner, seconded by Roper, to set up an advisory committee of Mark Roper, Roland Halliday, Frank Walterhouse, Chris Olson and Craig Johnson to work out a wage scale and other ambulance issues the EMS department. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Motion carried.

Job Descriptions: Motion by Stobie, seconded by Kelley, to task the County Administrator with updating job descriptions for all county jobs. Ayes: Damm, Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Motion carried.

1:41 p.m. Public Input

Linda Wilson presents the board with Land Bank Authority Priorities & Policies – information only.

1:43 p.m. Public Input Closed

Motion by Kelley, seconded by Halliday, to adjourn at 1:45 p.m. until February 7, 2012, or the call of the chair. Motion carried. Ayes: Damm, Halliday, Kelley, Roper, Stobie Tanner and Walterhouse Nays: None

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1. Authorized Mr. Figura to prepare a letter for step 1; then if we are further enlightened, we can take the next step regarding the DHS Board Member issue.
2. Amended the Personnel Policy Manual of August 16, 2011, Section 12.7 to provide that county pay the premium for health, dental, vision and life insurance shall be for up to 365 days.
3. Entered closed session to discuss a legal opinion of counsel dated December 16, 2011 addressed to Mr. Olson and the FLSA, to include Peter Cohl, Chris Olson.
4. Entered closed session to discuss contract negotiations regarding COAM, POAM, POLC, TPOAM, to include Attorney Cohl, Chris Olson and Elected Officials.
5. Entered closed session to discuss opinion from counsel dated October 11, 2010 regarding comp time to include Peter Cohl and Chris Olson.
6. Directed the County Administrator to negotiate an Agreement with the Emergency Management Coordinator to increase 16 hours to 24 hours per week contingent upon the following: 1) he will not be scheduled to work more than 16 hours on EMS; 2) any overtime that is alleged to be owed be determined by the county administrator and 3) to sign a Release of Claims Agreement as prepared by Counsel for the County.
7. Denied Mr. Haugen's request for comp time and the County Administrator to relate same to Mr. Haugen in writing.
8. Authorized to set up an advisory committee of Mark Roper, Roland Halliday, Frank Walterhouse, Chris Olson and Craig Johnson to work out a wage scale and the need to equalization employees with the EMS department.
9. Tasked the County Administrator with updating job descriptions for all county jobs