

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
ORGANIZATIONAL/FINANCE/BUSINESS MEETING
January 10, 2012**

The regular meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson Linda Socha at 9:30 a.m.

Roll called and a quorum present.

Present: Commissioners Linda Socha, Don Horrocks, Pete Redmond, Cal Gouine, Tony Matelski, John Wallace, and Sue Allor

Absent: None

Commissioner Wallace gave the invocation and led the Pledge of Allegiance.

Chairperson Socha said the Organizational Meeting which has been held the first working day of the new year will be held today in conjunction with the regular Finance/Business Meeting. She said she was elected chair for a two year term last January, however, the Vice-Chair term was only one year. She requested nominations for that position.

Commissioner Matelski nominated Pete Redmond for Vice-Chair, Commissioner Horrocks seconded the nomination.

Motion by Commissioner Matelski, seconded by Commissioner Wallace, to close nominations and cast a unanimous ballot for Pete Redmond for Board Vice-Chair. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Chairperson Socha read the County's Mission and Vision Statements which were changed slightly at the Board's Planning Session last year. She read both statements for the record. Cheboygan County Mission Statement: CHEBOYGAN COUNTY OFFICIALS AND STAFF EFFICIENTLY PROVIDE PUBLIC SERVICES WITH PRIDE IN AN ETHICAL AND COURTEOUS MANNER THROUGH RESPONSIBLE MANAGEMENT OF COUNTY RESOURCES. Cheboygan County Vision Statement: THE COUNTY OF CHEBOYGAN WILL STRENGTHEN ITS POSITION AS A DIVERSE, FAMILY-ORIENTED COMMUNITY WHILE PROMOTING A HIGHER QUALITY OF LIFE, A SAFE ENVIRONMENT, BALANCED GROWTH AND POSITIVE INTERACTION WITH ALL CITIZENS.

Motion by Commissioner Horrocks, seconded by Commissioner Allor the Cheboygan County Mission and Vision Statements as presented and read. Motion carried with 7 yes, 0 no and 0 absent.

Chairperson Socha said the 2012 Committee Appointments would remain the same as last year.

A proposed 2012 Meeting Calendar was presented. Chairperson Socha pointed out that the December Committee of the Whole meeting would be held on a Wednesday due to the Christmas holiday according to Board Rules, however the past several years this meeting has been cancelled. She also noted that the March and September Committee of the Whole meetings conflict with MAC Conferences. The consensus was to leave those on the 4th Tuesday. Commissioner Wallace pointed out that the annual Tri-County CCE 911 meeting will be on May 16th this year.

Motion by Commissioner Wallace, seconded by Commissioner Horrocks to adopt the 2012 Calendar of Board Meetings as presented. Motion carried with 7 yes, 0 no and 0 absent. The Clerk will post the meeting schedule.

Chairperson Socha advised that the 2012 Board Rules presented were the same as the 2011 rules. She read Section 5.0 Agenda for Regular Meetings: "The county clerk in conjunction with the administrator, after first reviewing pending matters and requests, shall prepare a draft of the agenda of business for all regularly scheduled commission meetings. Anyone desiring to place a matter on the agenda shall notify the clerk of such item

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by 12:00 noon on the Tuesday preceding the next regular meeting of the board. Documentation and information necessary for board action requests must be submitted by the above deadline. No item shall be placed on a board agenda unless the administrator has first reviewed the item, has sufficient information for recommendation to the board including finance director concurrence, and has made the determination as to the item being Business meeting or Committee of the Whole format. The chairperson of the board shall review and add or delete items as he/she considers proper. The board, except upon the consent of a majority of the members present, shall not consider items not received by the clerk of the board by the stated deadline.” Chairperson Socha directed the Administration Office to send copies of the 2012 Board Rules to all department heads so they understand the format of the two monthly meetings and are aware of the deadline in place for putting matters on the agenda.

Motion by Commissioner Matelski, seconded by Commissioner Redmond, to adopt the 2012 Rules of Order for the Cheboygan County Board of Commissioners. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Redmond, seconded by Commissioner Horrocks, to reappoint Honorable Robert Butts, Honorable Scott L. Pavlich, and Honorable Maria Barton to the Community Corrections Advisory Board for one year terms expiring January 2013. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Redmond, seconded by Commissioner Matelski, to approve the agenda as presented. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Matelski, seconded by Commissioner Gouine, to approve the consent agenda as follows:

- A. Approve Monthly Finance Claims – Finance = \$40,093.60 – Prepaids = \$762,646.80
- B. Budget Adjustments: Major Equipment/Building Improvements Inter-budget Transfer Totaling \$11,000 for gasoline purchase; Various 2011 Inter-budget Transfers Totaling \$3,425 for fringe miscalculations, and Maintenance 2012 Inter-budget Transfer in the amount of \$6,330; and 2011 Raise Revenues & Expenditures General Fund – Dept. 600 in the amount of \$538.85 and 2011 Raise Revenues & Expenditures Jail Commissary – Fund 595 in the amount of \$76.05, and 2012 Raise Revenue & Expenditures General Fund – Dept. 229 Prosecutor in amount of \$11,100, Lower Revenues & Expenditures General Fund – Dept. 412 Community Development in the amount of \$10,124.67, Lower Revenues & Expenditures County Road Commission – Fund 201 in the amount of \$673,000, and Raise Revenues & Expenditures Straits Regional Ride – Fund 588 by \$249,892.72
- C. Correspondence:
 - 1. Letter from Albert Township, Montmorency County Regarding Comprehensive and Recreation Plans
 - 2. Letter from Top of Michigan Trails Council Regarding Completion of North Eastern State Trail
- D. Minutes:
 - 1. Finance/Business Meeting of December 13, 2011
 - 2. Health Board – November 15, 2011
 - 3. North Country Community Mental Health Board – November 17, 2011
 - 4. C.C.E. 9-1-1: Board Minutes of 9/21/11; Director's Report; and Board of Directors Planning Session Notes of 10/19/11; Detailed Financial Reports Available in County Clerk's Office
 - 5. Cheboygan County Economic Development Corporation – October 20, 2011
 - 6. Cheboygan Conservation District – October 25, 2011
 - 7. NLEA Minutes – September 15, 2011
 - 8. Cheboygan County Road Commission – December 1, 2011
 - 9. Cheboygan City Council – November 22, 2011
 - 10. Planning Commission Meeting – November 16, 2011 and December 7, 2011
 - 11. ZBA – November 23, 2011

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS – Cheboygan County Road Commission Chair Ken Paquet addressed the Board stating going forward, the recent changes made at the Road Commission he believes will prove to be positive and in the best interest of Cheboygan County. Mr. Paquet introduced the new Road Commission Manager Mike Roper and said he has asked Mr. Roper to periodically update the Board of Commissioners on matters pertaining to the Road Commission. Mr. Roper said his 32 years of experience at the Otsego County Road Commission has familiarized him with the territory and he very

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much is in favor of open communications with all governmental units. Mr. Roper noted that is the rest areas and State Street Bridge are from the Road Commission that will be a problem as currently six employees work those positions in the summer and then are used for snowplowing in the winter. Chairperson Socha agreed that communications are very important.

SCHEDULED VISITORS – None

FINANCE DIRECTOR'S REPORT - Finance Director Kari Kortz presented the revenue and expenditures report for the General Fund for the month ended November 30, 2011. She reported total year-to-date revenue of \$9,780,291.10 versus \$10,790,624.91 last year at that time. Ms. Kortz reported expenditures year-to-date of \$8,870,144.76, or 82.44% of budget, compared to \$9,228,142.64 last year as of the end November. She also advised that an unadjusted revenue report as of the end of December showed \$10.2 million in revenue and \$9.6 million in expenditures, however it will be another month or two before these figures are firm, and the \$600,000 revenue over expenditure is sure to decrease.

ADMINISTRATOR'S REPORT – Administrator Lawson asked if there were any questions in regards to his written report, which included information regarding Straits Regional Ride transporting Straits Area Services clients, the Doris Reid Building, the Health Insurance Cooperative and Position Vacancy Fillings. Chairperson Socha asked about the Human Resources position. Administrator Lawson said that was the first vacancy to occur and reported the duties have been repositioned between the administrative office and fiancé department. He said the Maintenance Department currently has a temp filling in for one person on medical leave. He said a staff meeting has be scheduled for next Wednesday which he plans to discuss the directive relative to staff position vacancies being reviewed for consolidation consideration by administrative staff prior to filling a vacancy,. He said in March we will know if fund balance was needed last year. The mission is to work toward eliminating the need to use fund balance reserves. Chairperson Socha voiced concern with putting more work on finance, administration and maintenance and said it is important to monitor these situations. Administrator Lawson said relative to the Doris Reid Building we are waiting for a proposal from the Health Department and North Star to retain the building. He said if a need for the space becomes apparent it would be advantageous to take that building back. Some discussion held on Straits Area Services use of Straits Regional Ride. Mr. Lawson advised a letter has been received from a snowmobile organization for permission to construct a building at the fairgrounds. He said this will be discussed with the Fair Board first. He also said the County Road Commission has asked the county's policy on opt out for a single person as they currently have this situation and the motion approved in 2008 specifically states two person or full family. He said he will have civil counsel assist in clarifying that policy.

COMMITTEE REPORTS

Commissioner Horrocks attended the Cheboygan City Council meeting.

Commissioner Wallace reported attending a NMSAS meeting and a CCE 911 Board of Directors Meeting. He said CCE is in the process of negotiating for tower properties. Chairperson Socha said that CCE 911 Board of Directors appreciates Kari Kortz's financial services.

Commissioner Redmond attended the District #4 Health Board meeting, a contract negotiation session for District #4 Health, a Benton Township meeting, the LEPC meeting and Fair Board meeting. He said he believes District #4 Health has reached a tentative contract agreement; and reported Benton Township is moving forward with building a new fire hall at a cost of between \$600,.000 and \$800.000 with UDA as engineer.

Commissioner Allor reported attending township meetings in Ellis, Forest and Walker. She said North Country Community Mental Health Finance Committee recommended a COLA increase of 3% overall and one group an increase of 4%. She said District #4 Health passed a balanced budget and agreed to restart the Day One program which existed in 1992 and focused on child abuse and neglect issues in four counties that received a Kellogg grant, not in Cheboygan County though. She said Home Health reports indicated decreasing revenues with fewer referrals from Cheboygan Memorial Hospital and doctors. She

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reported unemployment changes were discussed at the NEMCSA meeting. She said the County Building Christmas luncheon was very nice and thanked those involved in planning that event.

Commissioner Gouine reported attending the Fair Board meeting.

Commissioner Matelski attended two Planning Commission meetings, two Road Commissioner meetings, three township meetings, the MTA meeting, one port meeting, a Board Appointments & Procedures Committee meeting, and a ZBA meeting. He said the Koehler Township Board discussed increasing salaries, but did not do so; they also discussed the Inland Lakes School millage error.

Commissioner Socha reported attending the Beaugrand and Hebron Township meetings, the airport meeting, planning commission and the MTA Christmas party. She commented on how nice the County Building Christmas luncheon was. She said MSP Lt. Mike Hosh, formerly of SANE and Emergency Management Coordinator for District 7, now is the exercise coordinator for LEPC. He reiterated the importance of holding training exercises and winter weather drills. She said there definitely will be exercises this year, most likely two. Lt. Hosh plans also to hold a refresher course utilizing the state's E-Team on coordinating various resources in an emergency. Commissioner Socha said any potential winter weather emergency mostly like would occur in all three CCE 911 counties resulting in a lot of calls for 911 to handle to activate EOC. The computer program code system Greg Williams has been working on would send messages until they are answered. This would take the burden off of EOC's. Upkeep for this program would be approximately \$31,000 annually for all three counties.

OLD BUSINESS – None

NEW BUSINESS

Community Development Director Steve Schnell said the USDA has advised that the Cheboygan County Sense of Place project can be extended 6 months from June 2012 to December 2012. He requested the approval of the grant deadline extension 6 months and also changing the contract with Northern Lights Creative Marketing termination date to November 9, 2012.

Motion by Commissioner Allor, seconded by Commissioner Horrocks, to authorize staff to request a grant deadline extension of 6 months and approve the amendment to the "Sense of Place" contract with Northern Lights Creative Marketing, changing the termination date to November 9, 2012, and authorize the Chairperson to sign. Motion carried with 7 yes 0 no and 0 absent.

PA Office Manager Kim Barker presented a Freedom of Information Policy for the Prosecutor's Office designating Daryl Vizina as the FOIA Coordinator.

Motion by Commissioner Redmond, seconded by Commissioner Wallace, to approve the Prosecutor's FOIA Policy, the designation of Daryl Vizina as FOIA Coordinator for the Prosecutor's Office and authorize the Chairperson to sign. A roll call vote was taken. Motion carried with 7 yes 0 no and 0 absent.

Motion by Commissioner Matelski, seconded by Commissioner Allor, to approve the Agreement for Recycling Services between Cheboygan County and Community Memorial Hospital, d./b/a Cheboygan Memorial Hospital, and authorize the Chairperson to sign. Motion carried with 7 yes 0 no and 0 absent.

Chairperson Socha suggested tabling the Agreement for Services between the Cheboygan County Drug Court and the Salvation Army since the Judge is unable to be here.

Motion by Commissioner Matelski, seconded by Commissioner Horrocks, to table the Agreement for Services between the Cheboygan County Drug Court and the Salvation Army until the Committee of the Whole Meeting on January 24, 2012. Motion carried with 7 yes 0 no and 0 absent.

At the last meeting, Commissioner Allor had requested a resolution supporting a statutory exemption for Storm Water Runoff from Logging Roads be drafted. Similar resolutions have been approved in other counties.

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Motion by Commissioner Matelski, seconded by Commissioner Allor to adopt the following resolution:

**RESOLUTION # 12-01
RESOLUTION SUPPORTING A STATUTORY EXEMPTION
FOR STORM WATER RUNOFF FROM LOGGING ROADS**

WHEREAS, on August 17, 2010 the United States Court of Appeals for the Ninth Circuit held that a National Pollution Discharge Elimination System (NPDES) permit is required for storm water runoff from logging roads; and

WHEREAS, the Clean Water Act (CWA) requires a national Pollution Discharge Elimination System (NPDES) permit for the discharge of any pollutant to any navigable water (AKA “water of the U.S.”) from any point source. Since 1973, rules promulgated by the Environmental Protection Agency (EPA) have distinguished between point source and non-point source pollution in the CWA. Non-point source pollution, which is not defined in the CWA, includes any source of water pollution not characterized as a point source discharge; and

WHEREAS, included in CWA rules are the so-called Silvicultural Rule found at 40 C.F.R. 122.27(b)(1), which has remained substantially in its current form since 1976. The Silvicultural Rule specifically defines timber “harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff” to be “non point source silvicultural activities,” and thus, excluded from NPDES permitting requirements; and

WHEREAS, the Ninth Circuit disagreed with the Silvicultural Rule, holding that storm water runoff that is collected and channeled in a system of ditches and culverts before being discharged into streams and rivers constitutes a point source, and that EPA lacks authority to promulgate a rule to the contrary. The Ninth Circuit stated that Congress has a history of providing specific statutory exemptions for certain categories of discharges. The Court went on to say that federal courts have invalidated EPA regulations that provided similar regulatory exemptions; and

WHEREAS, the Court’s decision has potentially sweeping implications. If broadly read, this opinion would require NPDES permits for every road in the country that is served by ditches or culverts that eventually discharge to natural surface waters and that is not already regulated by the CWA; and

WHEREAS, the Court’s opinion also leaves many critical questions unanswered. Even if the opinion were limited to logging roads, what constitutes a logging road? Contrary to the Court’s assumptions of fact, many forest roads, including the roads at issue in this case, are not dedicated just to logging. They are used for a variety of purposes, both public and private, beyond just logging. If this is the case, who is responsible for obtaining these required permits? The Court did not address whether the permit obligation rests with the owner of the roads or every entity that transports logs on the roads, or even those using the roads to access the forest for recreation. This Adopted Policy is consistent with current NACo policy that states that storm water from all roads, cutters, and ditches should not be considered a “water of the U.S.” under the CWA; and

WHEREAS, if rural county owned roads, such as logging or forest, require federal NPDES permits, this will be an unfunded mandate and preemption on county governments.

BE IT RESOLVED, the Cheboygan County Board of Commissioners supports legislation that enacts into law the Silvicultural Rule.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to Governor Snyder, State Representatives MacMaster and Foster, State Senator Walker, U.S. Senators Levin and Stabenow who we urge to join us in supporting legislation that enacts into law the Silvicultural Rule.

Discussion held. A roll call vote was taken. Motion carried with 7 yes 0 no and 0 absent.

County Treasurer Linda Cronan presented the annual resolution to borrow against anticipated Delinquent Real Property Taxes and the resolution of Agency. These resolutions appoint the County Treasurer as the agent for this fund and authorize the treasurer to borrow necessary funds to pay or all delinquent real property taxes that are due and payable to the County, School Districts, Intermediate School District, City, Townships, Special Assessment Districts or any other political unit for which delinquent tax payments are due. She explained that the Agent Fee for the Treasurer is included in the salary amount approved by the Board of Commissioners and this fee is deposited into the general fund to offset the salary. However, this will not apply after she is no longer treasurer.

Motion by Commissioner Redmond, seconded by Commissioner Matelski, to adopt Cheboygan County Resolution 12-02 establishing that the County Treasurer acts as agent for the Delinquent Tax Revolving

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Fund Pursuant to Section 87c of Act 206. (Copy of the entire Resolution is on file in the County Clerk's Office). A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Matelski, seconded by Commissioner Wallace to adopt Cheboygan County Resolution 12-03 establishing the Cheboygan County Delinquent Tax Revolving Fund pursuant to Section 87b of Act 206. (Copy of the entire Resolution is on file in the County Clerk's Office). A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Clerk Mary Ellen Tryban, as the Remonumentation Grant Administrator, presented the annual remonumentation contracts for 2012. The contracts with Granger & Associates and Fullford Surveying & Mapping are basically the same that have been approved since 2005 at which time they were reviewed by Civil Counsel. The amount of the 2012 Remonumentation Grant is \$41,530. The Peer Group, which meets twice annually, is composed of the following members for 2012: Ronald Brand, Carl Kiiskila, Brian Fullford and Alan Granger. These agreements were reviewed by Civil Counsel Bryan Graham last year.

Motion by Commissioner Wallace, seconded by Commissioner Horrocks, to approve the Professional Service Agreement between Cheboygan County and Granger and Associates for Remonumentation beginning January 1, 2012 and authorize the Chair to sign; to approve the Professional Service Agreement between Cheboygan County and Fullford Surveying & Mapping for Remonumentation beginning January 1, 2012 and authorize the Chair to sign; to approve the individual Remonumentation Peer Group Services Agreements between Cheboygan County and Ronald Brand, Carl Kiiskila, Brian Fullford and Alan Granger for the period beginning January 1, 2012 and ending December 31, 2012, and authorize the Chairperson to sign; and approve the Administrative Staff Services Agreement between Cheboygan County and Granger & Associates, Inc. for the period beginning January 1, 2012 and ending December 31, 2012, and authorize the Chairperson to sign. Motion carried with 7 yes, 0 no and 0 absent.

Maintenance Director Tim Mason said the Recycling Department would like to purchase diesel fuel from Cheboygan Area Schools for the new truck.

Motion by Commissioner Horrocks, seconded by Commissioner Redmond, to approve the Fuel Provision Contract between the Cheboygan Area Schools Board of Education and Cheboygan County for purchase of fuel for Cheboygan County recycling trucks. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS – None

BOARD MEMBER COMMENTS – Commissioner asked to be excused from the January 24, 2012 meeting.

Commissioner Wallace said he asked for a report from NEMAH on the status of previous mortgages, etc.

Commissioner Socha noted that in the December 19, 2011 NACO News there was an article regarding changes to the Prescription Drug Card program which included a reimburse back to the counties participating in this program, or the county can opt to not take the reimbursement then participants using the cards would receive a better discount. She requested the Administrator to look into this program change. She also reported she had information on pipeline for planning and zoning personnel. She also had information from the October MTA magazine on a flood insurance rewrite that passed the US House that would give authority to temporarily suspend mandatory flood insurance for those in flood hazard areas, and provide a phase in of flood insurance rates for newly mapped areas and local governments may request an extension of twelve months with the opportunity to receive up to two extension. She pointed an article in Capitol Currents regarding legislation that formalizes an option for local government to hire private building inspectors since the amount of building has declined rather than turn the duties over to the state.

Commissioner Matelski said it's good that Commissioner Allor's no votes are at least acknowledged now in the minutes from North Country Community Mental Health.

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Motion by Commissioner Matelski, seconded by Commissioner Redmond, to adjourn to the call of the Chair. Meeting adjourned at 11:59 a.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson