

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
FINANCE/BUSINESS MEETING
February 14, 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.

Commissioner Matelski requested the removal from the Consent Agenda and placement under New Business of the Monthly Finance Claims and the MERS Resolution 12-5 Change in Benefits for POLC Command and Non-Command. Commissioner Allor requested Budget Adjustments be removed from the Consent Agenda and placed under New Business. Chairperson Socha requested the Straits Regional Ride 2013 MDOT Annual Application be removed from the Consent Agenda and placed under New Business.

Motion by Commissioner Matelski, seconded by Commissioner Allor, to approve the agenda as amended. 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 (Moved to New Business)~~
- B. ~~Budget Adjustments (Moved to New Business)~~
- C. Investment Report
- D. Michigan Works On the Job Training – County Clerk’s Office to be reimbursed through this Michigan Works program a total of \$5,935.50 for training the new hire in that department
- E. Top O Michigan Outboard Racing Club Request of Waiver of “No Wake” Ordinance on August 11th & 12th, 2012
- F. ~~Straits Regional Ride 2012 MDOT Annual Application (Moved to New Business, but was addressed following Administrator’s Report)~~
- G. NCMC Intern Agreement – Community Development Office to have unpaid intern for GIS work
- H. ~~MERS Resolution 12-05 Change in Benefit for POLC Command and Non-Command (Moved to New Business)~~
- I. Correspondence
 - 1. MAC Worker’s Compensation – CCE 911
 - 2. MAC Worker’s Compensation – Cheboygan County
- J. Minutes:
 - 1. Organization/Finance/Business Meeting of January 10, 2012 and Committee of the Whole Meeting of January 24, 2012
 - 2. Health Board – December 20, 2011
 - 3. North Country Community Mental Health Board – December 15, 2011
 - 4. C.C.E. 9-1-1: Board Minutes of 12/21/11; Director’s Report; and Monthly Finance Report December 2011; Detailed Financial Reports Available in County Clerk’s Office
 - 5. Michigan Northern Counties Association – December 5, 2011
 - 6. NMSAS Board of Directors – November 7, 2011
 - 7. NLEA – September 15, 2011 and November 10, 2011
 - 8. LEPC – November 7, 2011
 - 9. Cheboygan Fair Board – December 15, 2011 and January 9, 2012
 - 10. Department of Public Works – January 17, 2012
 - 11. Board Appointments & Procedures – February 7, 2012
 - 12. Cheboygan County Road Commission – January 5, 2012 and January 19, 2012
 - 13. Cheboygan City Council – December 31, 2011 and January 10, 2012

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14. Planning Commission Meeting – December 21, 2011, January 14, 2012 and January 18, 2012
15. ZBA – December 28, 2011

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

CITIZENS COMMENTS – None

SCHEDULED VISITORS – None

FINANCE DIRECTOR'S REPORT - Finance Director Kari Kortz presented the Budget to Actual Semi-annual Report which shows all of the budget adjustments made throughout the year. Ms. Kortz said the original budget was \$10,415,000 for 2011 with an amended budget of \$10,846,000, a difference of \$431,000 net adjustments. She explained this is not all out of fund balance as sometimes additional revenues come. She said as of right now it appears we may not have had to use any savings or the original \$189,000 that was budgeted. Discussion held on revenue sharing, counties have statutory revenue while townships have a mixture of constitutional revenue sharing and statutory revenue sharing.

ADMINISTRATOR'S REPORT – Administrator Lawson asked if there were any questions in regards to his written report, which included information regarding Cheboygan Trailblazers' request to construct a storage building at the fairgrounds, the Humane Society building project, the Fair Board's financial concerns and county's explanation of Maximus, the Doris Reid building and Northstar Management proposed new agreement including addition, and the cost analysis for the purchase of seven tablets for use by the commissioners. He noted a potential cost savings of approximately \$5,000 over three years replace the current paper packet copies with an electronic format. Commissioner Matelski asked if the Doris Reid Center agreement is reached if the county would not pay rent for office space in that building. Mr. Lawson said the county would not pay rent as they are now. He said the big surprise was the half million dollar addition that has been talked about. Chairperson Socha said she has heard other counties have had problems with Northstar and we should talk with those counties before moving ahead on any agreement. They have a history of not taking care of what they have. Mr. Lawson said Northstar admitted to deferring maintenance. Lengthy discussion held. Mr. Lawson said if we do enter into a new contract we would reposition it to the benefit of the county. Commissioner Redmond said District #4 Health is stuck in the middle, but they are not looking to relocate anywhere. In regards to the Humane Society, Mr. Lawson stated that with the Humane Society donating over \$150,000 for the project they would be look at a long term agreement for use of the building. Commissioner Redmond said the proposed trail groomer building at the fairgrounds would be used to store the groomer, but also would be utilized during fair week rather than the fair board spending \$1500 for a tent. The building will be designed by UDA and will be heated. Administrator Lawson said there have been discussions on curb to curb service for Straits Area Services clients at a cost of approximately \$138,000. Straits Regional Ride and our partners and the other counties will be working with Straits Area Services in this matter. Rik Rambo, Associate Director of Straits Area Services was in audience.

Chairperson Socha said the Straits Regional Ride agenda item would be heard at this point. Straits Regional Ride Director Mike Couture reviewed the general information for the 2013 MDOT Annual Applications. He said the estimated State Funds are \$269,789, Federal Funds \$118,712, and \$355,950 in contracts, fare box and local funds, totaling \$744,451.

Motion by Commissioner Redmond, seconded by Commissioner Matelski, to approve the documentation relative to the 2013 MDOT Annual Application, which includes Resolution 12-06 FY2013 Resolution of Intent and authorize the Chairperson to sign all documentation. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

COMMITTEE REPORTS

Commissioner Redmond presented recommendations from the Board Appointments & Procedures meeting of February 7, 2012.

Motion by Commissioner Redmond, seconded by Commissioner Matelski, to reappoint Charles Freese, Charles Ostwald and Stuart Bartlett to 3-year terms on the Cheboygan County Planning Commission

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commencing December 16, 2011 through December 15, 2014; to reappoint Charles Freese to the Cheboygan County Zoning Board of Appeals for a 3-year term commencing January 1, 2012 through December 31, 2014; to appoint Matthew Friday to the Cheboygan County Economic Development Corporation/Brownfield Redevelopment Authority to fill the balance of a term commencing January 1, 2012 through September 30, 2013; to appoint James Granger to the Northern Lakes Economic Alliance Board for a 3-year term commencing January 1, 2012 to December 31, 2014; and to appoint William G. Thompson to the Construction Code Board of Appeals for a 2-year term commencing January 1, 2012 through December 31, 2013. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Redmond said the Board of Appointments & Procedures Committee have started the process relative to elected officials' compensation and are seeking information from comparable counties.

Commissioner Redmond reported attending the District A#4 Health Board meeting and noted he was elected Chairperson of District #4 Health. He also attended a Waterways Meeting, a Straits Regional Ride meeting and the Fair Board Meeting. He asked the Board for a consensus on the options the fair board has for entertainment the first Saturday of the fair. They are looking at a Donkey Race, which costs between \$3,000 to \$4,000, or cage fighting which would be a split the profits event. Lengthy discussion on the message that cage fighting sends. Scott Swanson of the Straitsland Resorter said he has attended numerous cage fighting events as well as other type of martial arts events and stated the cage fighters are trained fighters.

Motion by Commissioner Redmond, seconded by Commissioner Gouine, to allow the Fair Board to pursue a cage fighting event to be held on the Saturday before Fair Week. A roll call vote was taken. Motion failed with 3 yes, 4 no, and 0 absent.

Commissioner Horrocks said he was appointed to the Pigeon River Equine Committee and will be meeting with State Representative Greg MacMaster regarding horses in the Pigeon River forest. He also reported attending the Cheboygan City Council meeting.

Commissioner Wallace reported attending the CCE 9-1-1 Board of Directors meeting and the jail utilization committee meeting.

Commissioner Allor reported attending meetings of the District #4 Health Board, Cheboygan County Council on Aging, North Country Community Mental Health, Forest Township, Village of Wolverine and a broadband meeting. She said Wolverine Village President Ralph Ochs told her about a House Bill that would impact funding on village and city roads. She said Steve, Schnell, Jeff Lawson, Jane McGinnis and Matt Hellens also attended the broadband meeting. Discussion at that meeting focused on this county becoming a broadband county, however this is in the very early stages.

Commissioner Gouine said Greg Elliott of Sangster & Elliott was not aware that the County had an Economic Development Corporation.

Commissioner Matelski attended two Planning Commission meetings, two Road Commissioner meetings, three township meetings, MSUE meeting, a Board Appointments & Procedures Committee meeting, and a ZBA meeting.

Commissioner Socha attended the Planning Commission, ZBA, Airport and Beaugrand Township meetings. She said so far 2012 has been relatively quiet.

OLD BUSINESS – None

NEW BUSINESS

Community Development Director Steve Schnell presented a proposed data agreement with Maps inDeed, a company shares GIS, Tax Parcel, Deeds and other County data via the internet. They provide a means of collecting, manipulating, and commoditizing this data, as well as an exchange that allows government entities to manage and distribute their geospatial and property data in real time, online

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and with their assigned terms for pricing and access. He said this partnership would provide additional revenue to the County from our GIS data. Maps inDeed formats the data so large companies can easily import to their national databases and have access to customer that we would not have access to. Mr. Schnell said this company has created data agreements with other counties in Michigan. Administrator Lawson said this company is basically a brokering company. Chairperson Socha referred to the minutes of the CCE Board of Directors where they voted against releasing GIS data to the Michigan State Police. She said progressive surrounding counties are not included in the list from Maps inDeed, and actually the list of counties seems to be the lesser progressive ones for the most part. Lengthy discussion was held. Mr. Schnell said this same opportunity may not be available in six months.

Motion by Commissioner Redmond, seconded by Commissioner Wallace, to table the Maps inDeed Agreement until the September Finance/Business Meeting. Motion carried with 7 yes, 0 no and 0 absent.

Community Development Director Steve Schnell presented Resolution 12-04 establishing policy for enhanced access to public records. He said the Enhanced Access to Public Records Act authorizes public bodies, including counties, to adopt policies which guide how public records are available by digital means. This policy brings us into compliance with this act and allows for these records to be provided for an appropriate fee, which is already provided in our existing fee schedule. This policy was drafted by our legal counsel and has been provided for review for all of our elected officials. We have not received any concerns about this policy from those elected officials. The enhanced access policy states that information that is available for public inspection by digital means shall be provided "enhanced access" to those public records. It means that if we can provide public information online or other digital means, that we will provide that information online or other digital means and may charge a reasonable fee to do so. On the other hand, if public information is not available to be provided through enhanced access, we are not necessarily required to create enhanced access to those documents. State law requires some policy be in place when providing enhanced access. The policy meets that requirement without requiring us to make any changes to our current methods of online or digital information delivery. The policy also states clearly that providing this data to the public does not transfer ownership of that data. For future transfers of data and a waiver of fees between the County and other governmental entities we will have an intergovernmental agreement for use between the county and those entities.

Motion by Commissioner Redmond, seconded by Commissioner Horrocks, to adopt the following resolution:

Resolution 12-04

ESTABLISHING POLICY FOR
ENHANCED ACCESS TO PUBLIC RECORDS

Recitals

- A. The Enhanced Access to Public Records Act, Act 462 of the Public Acts of 1996, MCL 15.441, et seq, (the Act) authorizes a public body, including a county, to adopt an enhanced access policy that complies with the Act.
- B. The Cheboygan County Board of Commissioners believes that making a public record immediately availability for public inspection, purchase, or copying by digital means constitutes a valuable public service.
- C. The Cheboygan County Board of Commissioners, therefore, desire to establish the following enhanced access policy that complies with the Act.

Resolution

NOW THEREFORE, BE IT RESOLVED that the Cheboygan County Board of Commissioners hereby establishes the following enhanced access policy.

Section 1. Definitions. As used in this policy,

"Elected official" means the Cheboygan County Clerk/Register of Deeds, Drain Commissioner, Prosecuting Attorney, Sheriff, County Surveyor and Treasurer.

"Enhanced access" means a public record's immediate availability for public inspection, purchase, or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.

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"Geographical information system" means an informational unit or network capable of producing customized maps based on a digital representation of geographical data.

"Operating expenses" includes, but is not limited to, a public body's direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, system development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.

"Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility.

"Public body" means any of the following:

- i. A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof.
- ii. An agency, board, commission, or council in the legislative branch of the state government.
- iii. A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.
- iv. Any other body which is created by state or local authority or which is primarily funded by or through state or local authority.
- v. The judiciary, including the office of the county clerk and employees thereof when acting in the capacity of clerk to the circuit court, is not included in the definition of public body.

"Public record" means a writing prepared, owned, used, in the possession of, or retained by Cheboygan County and its departments and elected officials in the performance of an official function, from the time it is created. Public record, however, does not include computer software.

"Reasonable fee" means a charge calculated to enable Cheboygan County to recover over time only those operating expenses directly related to its provision of enhanced access under this policy.

"Software" means a set of statements or instructions that when incorporated in a machine-usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.

"Third party" means a person who requests a geographical information system or output from a geographical information system under this policy. However, third party does not include a person for whom a fee authorized under this policy is waived in accordance with an intergovernmental agreement described in Section 4 of this policy.

Section 2. Enhanced Access.

- (1) Except as provided in subsection (2) below, a person or public body shall have enhanced access to public records not exempt from disclosure under Section 13 of the Freedom of Information Act, being MCL 15.243, including access to a geographical information system and access to public records generated by a geographical information system, which are maintained within any department of Cheboygan County and within the office of any elected official of Cheboygan County who joins in this policy and which are capable of public inspection, purchase, or copying by digital means under the terms and conditions of this policy.
- (2) Enhanced access, however, shall not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or where the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

Section 3. Fees.

Except as provided in Section 4 of this policy, the Cheboygan County Board of Commissioners shall by a separate resolution adopted from time to time establish a reasonable fee to be paid by a person or public body for Cheboygan County providing enhanced access to public records, including access to a geographical information system and access to public records generated by a geographical information system, pursuant to this policy.

Section 4. Waiver of Fees.

The fee provided in Section 3 above shall be waived for a public body which has access to a geographical information system and access to public records generated by a geographical information system when such access

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is for the official use of that public body and when that public body has entered into a written intergovernmental agreement with Cheboygan County that contains all of the following:

- (i) A statement specifying that the public body receiving access to or output from the system without charge is prohibited from providing access to the system's output to a third party unless that public body does both of the following:
 - (A) Collects from the third party a fee described in Section 3 of this policy, or waives that fee for another public body in accordance with the written terms of an intergovernmental agreement that complies with the requirements of this Section.
 - (B) Conveys to Cheboygan County that portion of any fee collected under Section 3 of this policy that is directly attributable to the operating expenses of Cheboygan County in furnishing the output from the system to the third party.
- (ii) A statement specifying the public purpose for which access to or output from the system is being provided.
- (iii) A statement specifying the portion of any fee collected under Section 3 of this policy and collected from a third party that the receiving public body shall convey to Cheboygan County.

Section 5. Prohibition against Ownership Interest or Compensation from Sold Information.

No employee or department head of Cheboygan County and no elected official of Cheboygan County who joins in this policy shall have an ownership interest in, or accept compensation from (except compensation accepted from a public body pursuant to this policy), a person who sells information that is obtained from a public record of Cheboygan County.

Discussion held. A roll call vote was taken. Commissioner Wallace passed and then voted yes at the end. Motion carried with 7 yes, 0 no and 0 absent.

Sheriff Dale Clarmont presented a 2012 vehicle proposal to purchase two vehicles. He said he the past the State bid was the most economically, however, this year Fernelius has bid within approximately 1% of the state bid. He noted one vehicle is a SUV and the other a patrol vehicle. He said since he has not spent all of the \$50,000 set aside for vehicle purchase he plans to purchase a third vehicle late this year using the balance of the money set aside and drug forfeiture money.

Motion by Commissioner Matelski, seconded by Commissioner Wallace, to allow the purchase of two (2) 2013 Ford Police Inceptor vehicles from Fernelius Auto Group, Cheboygan from the approved 2012 Budget line item 101-301-907.66 and 101-301-970.01. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Lawson said when the third vehicle is purchased, the vehicle coming out of the fleet could be used by the Airport Authority.

Sheriff Clarmont said the Michigan State Police notified his department that two more troopers assigned up here from the Gaylord post will be eliminated. Chairperson Socha said cutting law enforcement results in an increase in crime rates. Sheriff Clarmont said overtime budgeted for this year may have to be looked at closely due to the reduction in State Trooper patrol. He said the greatest deterrent to crime is visibility.

Commissioner Matelski had requested the removal of Monthly Finance Claims for discussion. He commented on the article in the Tribune regarding \$15,000 given by Judge Butts. Commissioner Matelski asked where this money came from. Finance Director Kortz said the \$15,000 comes from the County's Child Care Fund in this case it is a 100% grant given to the county from the state to provide funding to programs to keep children out of the Child Care program. Discussion held on why there are not contracts for these entities. Ms. Kortz said these expenditures fall under the purchasing policy of the prepaid list, which allows finance to pay those bills automatically, but can be removed from that list if the board desires.

Motion by Commissioner Matelski, seconded by Commissioner Allor, to amend the prepaid list for child care expenditures, excluding basic grant awards. Discussion held. Ms. Kortz said this action will create

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some grumbling as this will delay payment. Administrator Lawson suggested reviewing the grant documents relative to this money and then bring back recommendations as to whether contracts are necessary. Chairperson Socha said also check with civil counsel. Bryan Graham said he will review a memo he wrote awhile back regarding probate court expenditures. Motion carried with 6 yes, 1 no (Commissioner Horrocks) and 0 absent.

Motion by Commissioner Matelski, seconded by Commissioner Wallace, to approve the Monthly Finance Claims – Finance = \$77,777.68. Prepaids = \$993,627.06. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Allor had several questions on the Budget Adjustments regarding Raise/Lower Revenues and Expenditures. Ms. Kortz said most of these are beginning of the year adjustments that are normal procedure.

Motion by Commissioner Allor, seconded by Commissioner Gouine, to approve the following Budget Adjustments: Inter-department Budget Transfer for Fund 292 Childcare in the amount of \$18,100 from 292-160-810.55 Court Ordered Services to 292-661-700.00 Expenditure Control – State. Raise/Lower Revenues and Expenditures: Fund 101 total budget increase of \$46,774.19; Fund 215 total budget increase of \$604.00; Fund 226 total budget increase of \$93.00; Fund 249 total budget increase of \$482.00; Fund 267 total budget **decrease** of \$22,173.98; Fund 276 total budget increase of \$2,722.00; Fund 292 total budget **decrease** of \$94.00; Fund 509 total budget increase of \$429.00; Fund 561 total budget increase of \$107.00; Fund 588 total budget increase of \$5,167.00 - **Total budget increase of \$34,110.21**. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

The 2011-2014 POLC Command and Non-Command contracts identify that employees shall pay 3% of their income each year toward their retirement plan. The previous contracts required employees within this division to pay 3.5% of income each year. This contract revision requires a resolution be approved by the Commission and submitted to MERS for implementation. The effective date is listed as 1-1-11 to correspond with the contract start date.

Motion by Commissioner Redmond, seconded by Commissioner Horrocks, to adopt Resolution 12-05 MERS Resolution Change in Benefit for POLC Command and Non-Command and authorize the Chairperson to sign, noting the change is effective January 1, 2011. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS – None

BOARD MEMBER COMMENTS – Chairperson Socha advised those who plan to attend the MAC Conference to talk with Kathy Morrow. She also noted that the March Committee of the Whole Meeting may be cancelled.

Commissioner Wallace noted that not all of the NMSAS Board of Directors were in favor of increasing reimbursement rates for services as reflect in the minutes of the November 7, 2011 NMSAS Board of Directors meeting.

Commissioner Horrocks thank Administrator Lawson and Community Development Director Schnell for the work put into the Maps inDeed proposal even though the matter was tabled.

Motion by Commissioner Redmond, seconded by Commissioner Wallace, to adjourn to the call of the Chair. Meeting adjourned at 12:50 p.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson