

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS  
ELECTED OFFICIALS MEETING  
May 6, 2015**

The Elected Officials meeting with the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson Pete Redmond at 8:00 a.m.

Roll called and a quorum present.

**Commissioners Present:** Commissioners Chris Brown, Bruce Gauthier, Pete Redmond, Cal Gouine, Tony Matelski, John Wallace and Sue Allor

**Elected Officials Present:** Judge Scott Pavlich, Prosecutor Daryl Vizina, Judge Maria Barton, Judge Bob Butts, Clerk/Register of Deeds Mary Ellen Tryban, Treasurer Linda Cronan, Sheriff Dale Clarmont

Administrator Jeff Lawson present by phone.

**Absent:** None

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

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

**CITIZENS COMMENTS** – None

**ROUNDTABLE DISCUSSION**

Sheriff Dale Clarmont stated that the community service/community corrections program through the Sheriff's Department is being formulated and information for legal counsel is being prepared for review by May 18. Sheriff Clarmont intends on presenting the program to the Board of Commissioners at the May 26, 2015 Committee of the Whole Meeting. Sheriff Clarmont stated that he intends to kick off the program in the first part of June pending Board of Commissioner approval. Sheriff Clarmont stated the Jail Administrator and a Deputy have been presenting information about the program around the community and it seems to be well received. Sheriff Clarmont stated that he presumes there will be minimum startup costs and will be self-sufficient in a short period of time. Sheriff Clarmont also stated that he has been reviewing inmate food services. He stated that the jail is currently in contract and there are no issues currently but that the cost of the inmate meals has him looking into modifying the marine storage areas of the jail into a kitchen and contracting out with a service provider to provide meals in-house. Sheriff Clarmont stated that the initial cost estimates have shown that providing inmate meals in-house would pay for itself in three years and create substantial savings to the taxpayer overall. Sheriff Clarmont hopes to present information on a kitchen remodel to the Board of Commissioners before the end of the year. Sheriff Clarmont stated that the jail inmate count has been down slightly due to the efforts of the courts and prosecutor's office but that he expects things to pick up as summer approaches.

Treasurer Linda Cronan stated that she is considering implementing remote capture of check deposits which means checks would be scanned to the bank by her staff prior to a physical bank deposit. She stated this allows for checks that may not clear to be caught right away and that her office has the equipment to begin remote capture. Treasurer Cronan stated that citizens who call in to make payments will soon have the option of a once a month payment plan direct withdrawal from their checking accounts. Treasurer Cronan stated there will be changes in the foreclosure sale process at the auction as to who can bid, anyone with delinquent county taxes will not be able to bid, and summer taxes will have to be paid up front. Treasurer Cronan stated that her

## ELECTED OFFICIALS MEETING – May 5, 2015

staff would like to increase hours per work week to 40 hours from 37.5 hours per week and that she will provide justification and most likely funding from the foreclosure or homestead audit fund for the increase in hours if she decides to pursue the request. Commission Brown asked Treasurer Cronan for information on how much funding her office self generates versus what her office uses from the general fund. Treasurer Cronan stated she is compiling that information. Treasurer Cronan stated that her office processed \$50 million last year.

Clerk/Register of Deeds Mary Ellen Tryban stated that the concealed pistol license process is going to change for her office this year with the elimination of the County Gun Board statewide in November 2015. Clerk Tryban stated the office already has the software to print concealed pistol licenses with passport quality photos taken in-house with the purchase of camera equipment. She stated that the software will also be compatible for her office to provide a passport photo service available to citizens for a fee.

Judge Maria Barton stated that with County Gun Boards being abolished it will put additional work on District Court whenever anyone is charged with a crime to determine whether they have a CPL. Judge Barton stated that if the person has a CPL, District Court will now have to prepare an order to notify the Clerk to suspend the CPL and also identify and notify the issuing county. Judge Barton stated that she sees this as an issue for District Court because of the potential strain on time and personnel. Judge Barton also noted that the process for setting bond conditions is changing as bond conditions can now only be set at first appearance or arraignment. Judge Barton also stated that currently bond conditions are preset based on the charge before arraignment and that magistrates will no longer be able to preset the bond conditions so there will be people sitting in jail if they are arrested on or right before a weekend. Paper work will have to be done before Monday morning. Commissioner Redmond stated that if there is additional money needed for program budgets that a report should be submitted to the Administrator because the 2016 budget process is beginning soon.

Judge Bob Butts stated that his office along with Community Mediation Services, Legal Services of Northern Michigan and the Cheboygan County Bar Association have reinstated an in pro per divorce clinic. He stated that this has been successful in four counties including Otsego County. There will be four clinics available to people who can't afford attorneys in a divorce proceeding to assist them in filling out paperwork, referrals to community mediation services and how to be prepared for court. Judge Butts also stated that he is currently President-Elect of the Michigan Probate Judges Association and will be named President later this year. He stated he will be bringing the association's convention to Cheboygan County this year at the UAW Center.

Judge Scott Pavlich stated that he does not see anything out of the ordinary regarding financial issues for Circuit Court in the foreseeable future. Judge Pavlich stated that having jury selection at the Armory for the Chesapeake case worked out very well. He thanked Sheriff Clarmont for his assistance in arranging use of the Armory. He said the Drug Court program overall is doing well and he will be reporting in more detail to the board soon.

Prosecutor Daryl Vizina stated that he does not have anything unique to report regarding financial issues. Prosecutor Vizina stated that there is a buildup of criminal jury trials anticipated because of the Chesapeake case.

Commissioner Wallace stated that he has received some citizen questions regarding how penal fines are assessed and collected for local libraries. Judge Pavlich stated that his understanding is court fines that are assessed go to the library and court costs that are assessed go to the County. Judge Pavlich stated that Circuit Court does not assess many fines. Judge Barton stated that she has a fines and costs list that is available to the public and does not know the breakdown without looking at the list. Judge Barton stated that her annual report shows how much money goes to the libraries each year. Judge Barton stated that the amount of penal fines that may be

## ELECTED OFFICIALS MEETING – May 5, 2015

assessed is not controlled by the judges but is determinable based on the number of cases that are filed, the number of convictions, or whether or not the people who are assessed the fines actually pay the fines. Treasurer Cronan related how the library fund is calculated and allocated through the State of Michigan.

Commissioner Redmond asked if the elected officials had any other concerns they would like to address.

Prosecutor Vizina asked if there is a board policy regarding how to get on the agenda. He stated that he asked because he has recently filed several blue sheets to address financial issues within his office with Administrator Lawson and that he was advised by Administrator Lawson two weeks ago that he would not be put on the agenda and that he was advised by Finance Director Kortz yesterday that he would not be placed on the May 12 agenda. Prosecutor Vizina wanted to know the procedure for an elected official to get a budget issue in front of the Board of Commissioners. Commissioner Redmond stated that he does not know that there is a written policy, but said it is his understanding that matters to go before the Board are reviewed by administrative staff and the Board Chair makes the final decision as to what would be on the agenda at a particular meeting. Prosecutor Vizina stated that it is his opinion that as an elected official he should be able to address the Board whenever he needs to and he would like clarification regarding this procedure.

Commissioner Redmond stated that he is aware that Prosecutor Vizina is concerned about the compensation for three of his employees – Chief Assistant Prosecutor Tony Damiano, Assistant Prosecuting Attorney Aaron Gauthier and Office Manager Kim Barker. Commissioner Redmond stated that the time frame is quickly approaching when all employees' wages and salaries will be looked at relative to the upcoming year. He said that he is not saying the aforementioned employees don't deserve to be looked at, but at this time he does not see that it is the correct time to act on a salary adjustment. Prosecutor Vizina stated that he hasn't even had the opportunity to present his issue to the Board. Prosecutor Vizina related the Board approved a January 14, 2014 salary increase and title change for Assistant County Administrator/Finance Director Kari Kortz changed her salary from \$60,000 to \$71,000. He stated that the reasons that the Board gave for the increase were comparables and increased workload through an increase from 35 to 40 hour work week. Prosecutor Vizina stated that Ms. Kortz's contract states that she is a salaried employee that does not receive compensation based on an hourly rate. Prosecutor Vizina stated that in February 2014 he presented his annual report to the Board wherein he made claims regarding losing two prosecuting attorney positions and a clerical position in his office. He stated that Administrator Lawson had asked him not to address employee salary and wage issues during his annual report as the timing wasn't right and money was tight. Prosecutor Vizina stated that in August 2014 Administrator Lawson received a \$10,000 raise and that on December 9, 2014 Community Development Director Steve Schnell received a raise and on March 10, 2015 two new road deputies in the Sheriff's Department were given raises and on March 26, 2015 Assistant Administrator/Finance Director Kari Kortz was given a second raise. Prosecutor Vizina stated that he is addressing this issue now because he has been waiting a while for an opportunity to present it to the Board and now he is being told that he has to wait until January 1, 2016. Prosecutor Vizina stated that the reasons being given for the raises are comparables, increased workload, other job opportunities and qualifications, ability, skill and experience. Prosecutor Vizina states that precedent is being set by the Board regarding the reasons for raises and he believes that the reasons for raises are present in his office. He stated that he has lost two prosecuting attorneys in one year, that his Chief Assistant Prosecutor's salary is below the bottom of the comparable counties ranges and he has decades of experience, that his Assistant Prosecutor's salary is at the middle of a comparable range as one of only two prosecutors and that his Office Manager with 30 years of experience makes \$1.25 less than the next lowest paid office manager of an elected official in the county building. Prosecutor Vizina stated that this is not about who got raises but rather is concerned for his employees as it would be a major hit to

## ELECTED OFFICIALS MEETING – May 5, 2015

his office, law enforcement and public safety if he were to lose three employees - the two assistant prosecutors and Office Manager.

Commissioner Redmond asked that if Prosecutor Vizina was to present his case to the Board on May 12 whether he would be looking for an immediate answer regarding raises. Prosecutor Vizina stated that his request would be for an immediate answer because others were recently granted raises immediately after consideration. Commissioner Redmond stated that he doesn't disagree that the prosecutor's employee's compensation needs to be looked at, but not at this time. Judge Barton stated that there seems to be an inner circle of people associated with the Board whose needs are addressed when requested. Judge Barton stated that there is a lot of angst in the building right now. She asked if anyone has looked into the job opportunities those who received raises claimed to have had. Commissioner Redmond stated that those who got raises are key employees; employees that are department heads. Prosecutor Vizina stated that his employees are key for his office and they are licensed attorneys.

Judge Bob Butts stated that he has presented comparables and longevity information for 14 years and that his employees are still near the bottom comparably. Judge Butts stated that he would appreciate a commitment this year from the Board to look at comparables and longevity. He stated that he feels that he gives comparable and longevity information to administration and then a Salary and Wage Resolution is developed without his input to determine if it's adequate or fair and that is what is presented to the Board. Commissioner Redmond stated that he has spoken with several Board members and they will make that commitment.

Commissioner Redmond stated that he knows that there was a three-year period where employees received zero wage increases and this caused the county to lose ground with regard to comparables. Commissioner Redmond stated that the board will look at these matters. Commissioner Redmond told Prosecutor Vizina that he would put him on the agenda for May 12 but warned he is not sure that timing is right. Prosecutor Vizina asked why. Commissioner Redmond stated that it is because the Board is so close to looking at all employees. Prosecutor Vizina stated that it was close to looking at all employees three weeks ago when Assistant County Administrator/Finance Director received her second raise in just over one year. Prosecutor Vizina stated that he doesn't understand how if he presented his request it would be faced by a closed minded board. Commissioner Redmond said that he doesn't disagree that his staff might be due a raise and if there is a motion and it fails at that time he would still think the needs of his employees would still be evaluated. Prosecutor Vizina stated that he is asking for an open minded consideration and that if the information that he presents on May 12 has merit that the Board should act on it. Prosecutor Vizina stated he has been asking for this issue to be given consideration since February 2014.

Commissioner Gauthier said he thinks the prosecutor should be on the agenda and that the employees should still be reviewed if a motion fails.

Commissioner Gouine stated that there is a lot of unrest in all of the departments and perhaps we should have a full time Human Resources Director. Commissioner Redmond stated that a Human Resources Director position had been considered at the last Planning Session meeting and it was decided that the County Administrator and the Assistant County Administrator/Finance Director would serve that role.

Judge Scott Pavlich echoed what Prosecutor Vizina stated about encountering difficulty with getting on the Board agenda. Judge Pavlich stated that it took him 3 months to get on the agenda on one occasion and he was only put on the agenda after he stated he would present his issue during Public Comment. Judge Pavlich also agreed with what Judge Barton stated regarding when the employees went for three years without a raise, the employees accepted that and morale was maintained whereas today, the morale in this building is at an all-time low. He said the perception is that those who work closely with the Board of Commissioners are the ones

## ELECTED OFFICIALS MEETING – May 5, 2015

who get the raises and he can see why that is being said. Judge Pavlich stated that he is frustrated with the restricted flow of communication between the elected officials and the Board of Commissioners. Commissioner Redmond stated that it appears some headway is being made. Administrator Lawson stated that all salaries will be reviewed starting in June or July. Administrator Lawson stated that most important to him is the morale in the building and that he has appreciation for all of the employees.

Commissioner Matelski asked Prosecutor Vizina if they would be having this discussion if Administrator Lawson, Assistant County Administrator/Finance Director Kortz, Community Development Director Schnell, and the Sheriffs Deputies had not received raises. Prosecutor Vizina said probably not but the precedent has been set for how to receive raises. He reiterated that he has been trying to ask for consideration for valuable employees for two years.

Commissioner Brown stated that he doesn't think the Board should wait for another employer to take an employee before the needs of that employee are considered. Commissioner Brown stated that all elected officials are responsible for their own employees and that Administrator Lawson and Assistant Administrator/Finance Director Kortz are the Board's two employees and how the Board treats their employees is no different than an elected official being responsible for their employees. Commissioner Brown stated that it is the Board's prerogative to deal with Administrator Lawson and Assistant Administrator/Finance Director Kortz. Commissioner Brown said that moving forward there should be good transparency and access to the Board.

Commissioner Gauthier clarified that the administrative staff compiles the agenda and the Chairperson has the final approval of the agenda.

Commissioner Allor stated that she understands that the issues are communication and perceptions. She said it is up to everyone present to resolve those issues.

Commissioner Wallace stated that Cheboygan County is work in progress. He said the Board views the Administrator and the Assistant Administrator/Finance Director as Board employees and the elected officials as co-employers.

Treasurer Cronan stated that elected officials are being told that the Assistant Administrator/Finance Director is also Human Resources and there is no clarification on what her specific duties are. She said that if an employee has a complaint traditional to a human resources department there is no clear direction on who to bring the complaint to. Treasurer Cronan stated that she has been told for 30 years that her employees have special qualities that she needs and that if she had to replace a staff member that she would get 50-100 applicants and none of those applicants are going to be able to come in the office and do the job that her employees do. Treasurer Cronan wants her employees valued for the experience they have in their jobs. She said no one has asked her to make a presentation on Wage and Salary of her employees. Commissioner Redmond asked and Administrator Lawson confirmed the need to clarify what duties the County Administrator is responsible for and what duties the Assistant Administrator/Finance Director is responsible for and distribute that to the departments.

Judge Pavlich complimented Prosecutor Vizina and his staff. He stated that he has been all around Northern Michigan and he really appreciates working with Mr. Vizina, Mr. Damiano and Mr. Gauthier.

Judge Barton stated that she is appreciative that the Board is going to look at comparables and consider a fair wage based on experience compared to where everyone else sits. She echoed what Judge Pavlich said regarding Prosecutor Vizina's office. Stating that she worked with Mr. Damiano for 17 years and he is a steady worker with a solid and legally sound work product and that he should be at the high end of any comparable data. Judge Barton said that Mr. Gauthier

## ELECTED OFFICIALS MEETING – May 5, 2015

works primarily in the District Court and that she has traveled all throughout Northern Michigan and doesn't think there is a finer lawyer than Mr. Gauthier. Judge Barton stated that it would be a travesty to Cheboygan County to lose Mr. Gauthier to another employer because of his dissatisfaction in compensation.

Clerk/Register of Deeds Tryban stated that she would like the opportunity to address the wages of her Chief Deputy Clerk/Register of Deeds and that of her Chief Deputy Register of Deeds.

Judge Barton stated that she has taken on an additional program through the Sobriety Court and it has directly impacted her employees. She said that she has a probation officer working weekends and not being additionally compensated for it and that there are other District Court employees that are taking on additional work that are not being additionally compensated. Commissioner Redmond stated that there are facets with every department that are taking place that the Board is not aware of. Judge Barton stated that the Board of Commissioners needs to trust the elected officials to know people are taking on additional responsibilities.

Sheriff Clarmont stated that the number one issue is it should be understood that the administration works for the elected officials also and that his number one concern is elected official access to the Board of Commissioners. Sheriff Clarmont stated that it is incumbent for elected officials to be able to address any issue with the Board of Commissioners. Sheriff Clarmont stated that he has heard a lot about comparables and it appears that there are several counties that Cheboygan County could be compared to. Sheriff Clarmont stated that he would like the Board to look at that. He stated that Cheboygan County is in a tri-county agreement for most things and with other Sheriff's Departments in the tri-county agreement that is all they use. He would like to take a look at that before negotiations regarding personnel. He said that everything comes back to communications. The Sheriff complimented Prosecutor Vizina and his staff, stating you could not get a better Prosecutor's Office. They are professional people that have the skills that make things happen and they are very accessible to his deputies. Sheriff Clarmont stated that any issues with compensation need to be addressed right away. He noted also that he had the contractual authority, and authority as a co-employer with the Board of Commissioners, to increase the wages of the two new deputies previously mentioned and he stated that he had access to the Board of Commissioners to do that.

Commissioner Redmond read from the 2015 Rules of Order for the Cheboygan County Board of Commissioners regarding the agenda procedure. Sheriff Clarmont reiterated that an elected official should never be blocked from the agenda.

Judge Pavlich thanked the Board for taking time to meet in this fashion. Commissioner Redmond thanked the elected officials.

Commissioner Brown stated that he is open to communicate regarding anyone's concerns at any time. Scott Swanson from the Straitsland Resorter stated that he disagrees because he is concerned with transparency when discussions are not taking place in a public fashion.

### **CITIZENS COMMENTS**

Stephen Sweet, ex-director for the Veteran Services Department, currently working for The Lord's Kitchen, stated that he left his position for medical reasons. Mr. Sweet commented that certain people in the county building, Administrator Lawson excluded, that made his job difficult. Mr. Sweet stated that he has been approached by veterans who say that the new Veteran Services Director is disrespectful towards veterans because she sanitizes the office after veterans leave the office. Mr. Sweet stated that the county is quickly losing their veterans services and someone needs to step in and help. Mr. Sweet stated that when you have county employees that consistently undermine the authority that other employees have that its wrong. Commissioner

**ELECTED OFFICIALS MEETING – May 5, 2015**

Redmond stated that he would take the information under advisement and confirmed that Administrator Lawson heard everything that was said.

**Motion** by Commissioner Wallace, seconded by Commissioner Matelski, to adjourn to the call of the Chair. Motion carried with 7 yes, 0 no and 0 absent. Meeting adjourned at 10:02 A.M.

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Mary Ellen Tryban  
Clerk/Register of Deeds

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Pete Redmond  
Chairperson