

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting
Monday, April 9, 2007
1:00 PM

The regular meeting was called to order by Chairman Carr at 1:00 p.m.

The meeting opened with the Pledge of Allegiance. Tara Doolittle from Central Montcalm Community Church in Stanton offered invocation.

Members present at roll call: Commissioners Walker, Petersen, Retzloff, Johansen, Paepke, Baker, Carr, and McCrackin. Members absent at roll call: Commissioner Caris.

Others present: Kristen Millard, Chris Hyzer, John Berchtold, Chuck Cross, Mark Balars, and Shelly Strautz.

Moved by Commissioner Petersen, supported by Commissioner Paepke to approve the March 26, 2007, regular meeting minutes as written. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to approve the agenda with the addition of #3 under New Business entitled *Solid Waste Committee member*. Motion carried.

Public comments were offered. Chuck Cross, Greenville, addressed the board regarding a request he made to Diane Hamlin, Administrative Assistant to the Controller, to have the Board agenda emailed to him, as she does county departments and commissioners. He had with him a response he received from Ms. Hamlin, in which she informed him that the agendas are posted to the county website, therefore she is refusing to email to him. Further, she informed him that if he must have a hard copy of the agenda it will be mailed to him and he must pay for it.

Mr. Cross informed the board that at 10:55 a.m. this morning he checked the website and the agenda was still was not posted. Mr. Cross informed the board that this is not unusual. Many times the Board's page of the website is not updated or current.

Mr. Cross asked why he should have to pay for something that can be emailed to him in 40 seconds or less. Especially when he knows that she already emails the agenda out to others. He would merely need to be added to that group list.

Correspondence was received from the West Michigan Regional Planning Commission regarding the Baldwin Lake beach improvements project. Comments on the project must be received by April 19, 2007. Moved by Commissioner Retzloff, supported by Commissioner Petersen to place the correspondence from the WWRPC on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to approve consent agenda items 2 through 14 and move stated action:

Register of Deeds	Warranty Deed – Johnson Rd. Property	Place on file
ESGR	Statement of Support for Guard/Reserve	Place on file
Controller	Krampe Park Grant Application	Place on file
Kristen Millard	Resolution 2007-10	Place on file
EightCAP, Inc	Minutes, January 26, 2007	Place on file
COA	Minutes, February 22, 2007	Place on file
Planning Commission	Minutes, February 26, 2007	Place on file
Planning Commission	Minutes, March 19, 2007	Place on file
Soldiers Relief Fund	Meeting Notes of March 15, 2007	Place on file
Montcalm Conserv. Dist.	Minutes, March 13, 2007	Place on file
Behavioral Health Board	Minutes, March 6, 2007	Place on file

Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to approve the inter-governmental agreement between the Equalization department and the Register of Deeds office for aerial photography and to place the signed agreement on file. Motion carried with Commissioner Carr voting no.

Moved by Commissioner Johansen, supported by Commissioner Petersen to refer the purchase of Raster Design 2007 to the Finance Committee for consideration. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to adopt the Montcalm County Ordinance No. 5 (Construction Ordinance) amendment as presented. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to allow John Berchtold to sign the "Planning Project – Notice of Intent (NOI)" for the Michigan Community Development Block Grant Program Economic Development Planning Project grant. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Walker to allow the maintenance staff to build the walls in the viewing room. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Paepke to place the April 9, 2007 Economic Development and Physical Resources Committee minutes on file. Motion carried.

At 1:24 p.m. Chairman Carr Jerry McCoy was in attendance with a resolution for federal surplus eligibility. Since 1981 Mr. McCoy has been the contact for Montcalm County. The State of Michigan is requesting revalidation of Mr. McCoy's appointment from the Board of Commissioners. Moved by Commissioner McCrackin, supported by Commissioner Paepke to approve and adopt **RESOLUTION 2007-12:**

WHEREAS, the County of Montcalm, State of Michigan has met all other State and Federal requirements for participation in the Federal Property Assistance Program under Public Law 94-519, and

WHEREAS, it is a requirement that a resolution be adopted by the governing body specifically designating a coordinator as Surplus Property Donee and Custodian, to be responsible for the acceptance and accountability and authorized to sign for surplus property.

NOW THEREFORE, BE IT RESOLVED:

1. That the Governing Body for the County of Montcalm, State of Michigan, hereby designated Jerry W. McCoy, who is the authorized coordinator, as the person responsible or accepting Federal Surplus Property, with the power and full authority to sign for such surplus property.
2. The coordinator named above is to be held responsible for the accountability and will maintain the necessary records for all surplus property obtained for public purposes until relieved from accountability by State and/or Federal authorities.
3. That money is available to pay service charges for surplus property obtained.
4. That the coordinator is further hereby authorized to direct payment of service charges for surplus property to complete all transactions.

Motion carried.

Chairman Carr moved New Business items #3 entitled *Solid Waste Committee member* up on the agenda. Moved by Commissioner Paepke, supported by Commissioner Baker to appoint Mark Rambo, Village of Howard City Manager, to the Solid Waste Planning Commission as a City Representative. Moved by Commissioner Petersen, supported by Commissioner Baker to table this item for the Controller to do research as to whether a Village Manager can fill a City vacancy on the Committee. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to enter into Executive Session at 1:30 p.m. for the purpose of Attorney-Client Privilege. Roll call vote: Ayes: Commissioners Walker, Petersen, Retzloff, Johansen, Paepke, Baker, Carr and McCrackin. Nays: None. Motion carried.

The board returned to open session at 2:24 p.m.

At 2:24 p.m. Lori Wilson, Register of Deeds, was in attendance to discuss employee evaluations and the way the situation has been handled with the board. Ms. Wilson provided the board with several documents explaining why she had not turned employee evaluations in to the Controller's Office since becoming Register of Deeds in 1997. She provided the board with:

- 1976 A.G. Opinion
- Letter to Controller's office regarding evaluations dated February 4, 2000
- Michigan Court of Appeals Co-Employer Decision dated December 23, 2003
- Co-Employer Relationship Article written by Attorney Peter Cohl

Ms. Wilson informed the board that she had never said she wouldn't turn in evaluations, however since she hadn't turned them in for 10 years and the board was now asking for them she would like to know what has suddenly changed. She stated that she had approached John Berchtold with questions that she wanted the board to answer, but she never received a response to her questions.

Ms. Wilson also stated concerns over the lack of communication between the Board, Mr. Berchtold and herself. She explained that she was never invited to discuss employee evaluations with the board or a committee. Instead Employee Evaluations were added to agendas without her knowledge or an invitation extended to her. She has concerns over this taking place, especially since she had asked to be included in discussions and had sent correspondence to both the board and Mr. Berchtold.

Ms. Wilson stated that the board needs to be aware that Mr. Berchtold did not follow through with direction the board gave him. She stated that Mr. Berchtold does half the job of the former Controller for the same pay, therefore he should have the time necessary to do as the board directs him to do. Ms. Wilson stated that she never received the letter regarding evaluations from Mr. Berchtold that the board instructed him to send to her. She feels that Mr. Berchtold has difficulty following through with tasks and has made this whole situation worse than it needs to be. She provided the board with documentation to back up her statements:

- An email to John Berchtold dated December 2, 2006
- Finance Committee minutes dated 12-04-06
- Board of Commissioner minutes dated 12-04-06
- Board of Commissioner minutes dated 02-12-07
- Finance Committee agenda dated 2-26-07
- Letter to the Finance Committee from Lori Wilson dated 2-22-07
- Letter to Lori Wilson from John Berchtold dated 3-1-07
- Hourly Employee Personnel Policy
- Salaried Employee Personnel Policy

She also stated that because of how this situation was handled by Mr. Berchtold she is officially going on record today stating that she will not be turning in employee evaluations until a committee is formed to evaluate the current situation. She feels that in order for the evaluations to even be useful they should be

tied to the union contract. As it stands now, employees receive pay increases whether they get a good or bad evaluation. Something is wrong with the current system.

Since the board gave Ms. Wilson 30 days to turn evaluations in, and that 30 days has elapsed, she is asking the board where to go from here.

Pat White, the county's labor council, was seated in the audience. Chairman Carr asked Mr. White if it is imperative to have the evaluations in each employee's personnel file. Mr. White says that it is critical to have the evaluations in the personnel file to protect management's rights. He stated that if evaluations are in the file, and problems are documented, it eliminates the presumption that performance is satisfactory, as could be assumed if an evaluation is not done at some given time.

Mr. White also stated that all county employees can move between departments therefore, they could be employees of multiple elected officials. In his opinion, that cloud's the co-employer relationship. Mr. White stated that evaluations, regardless of whether they are in the controller's file or the elected officials file, are all public documents subject to FOIA.

Lori Wilson stated that she is asking for open dialog and to be given the ability to have input into the evaluations and how they are done. She does not feel that the checkbox form that is currently being utilized is effective.

Ms. Wilson stated that she does feel evaluations are important, but she wonders why she is being singled out since they are not being done across the board by all county departments. The courts currently do not do evaluations and turn them in but, to her knowledge, the board has not addressed that. She also pointed out that the judges have more employees than any of the elected officials do yet nothing has been said to them. She would like to see a committee formed to review the whole employee evaluation process, as well as how the current situation was handled by the County Controller/Administrator.

Pat White stated that while the judges don't, and probably won't, do employee evaluations, he would like as many done as possible as a protective measure. He stressed the importance that those evaluations that are done, be done as accurately as possible, even if Department Heads do not agree with the process.

Commissioner Johansen stated that 13 decisions were made by the board over the last year regarding employee evaluations. They were place on public agendas, therefore he feels Ms. Wilson was given the necessary notice. He also stated that he feels that the formation of an ad hoc committee would go against the entire committee process that is currently in place. He would like to see this issue go back to the Finance Committee.

Moved by Commissioner Johansen, supported by Commissioner McCrackin that no action be taken on the request by the Register of Deeds to create a committee to look into employee evaluations and how this process was handled, and that this manner be referred to the Finance and Personnel Committee for resolution. Roll call vote: Ayes: Commissioners Johansen, Paepke, McCrackin and Walker. Nays: Commissioners Baker, Carr, Petersen and Retzloff. Motion failed.

Chairman Carr asked if anyone is opposed to having Lori Wilson work with Pat White to develop a new evaluation form. Ms. Wilson stated that she didn't think that was necessary to spend the money to have Pat White work on it with her. She feels that the elected officials can put together a good evaluation form and present that to Mr. White for his review.

Moved by Commissioner Retzloff, supported by Commissioner Baker to allow the Register of Deeds to meet with Pat White, after getting input from the other election officials, in an attempt to develop a county-wide employee evaluation form. The final form will be brought back to the board for final approval. Motion carried.

Moved by Commissioner Baker, supported by Commissioner Retzloff to allow out-of-state travel for the Emergency Services Director for the purpose of screening federal surplus travel trailers in Madison, IN on April 17th and 18th. Motion carried.

Moved by Commissioner Baker, supported by Commissioner Paepke to allow Emergency Services to acquire a surplus travel trailer at no cost, and to pay the State of Michigan any applicable administrative fees up to \$2,700 associated with the acquisition of said surplus travel trailer. Motion carried.

Moved by Commissioner Baker, supported by Commissioner Paepke to allow Emergency Services to purchase a new 2007 Ford Expedition with trailer tow package for a price not to exceed \$23,295.32. Motion carried.

Moved by Commissioner Baker, supported by Commissioner Paepke to approve warrant number 040907 in the amount of \$206,085.94. Motion carried.

Moved by Commissioner Baker, supported by Commissioner Paepke to place the April 9, 2007, Finance and Personnel Committee minutes on file. Motion carried.

John Berchtold presented the board with a report he generated regarding employee evaluations and how the process has been handled. He defended his actions and stated that each time the topic of employee evaluations was discussed it was placed on a public agenda, therefore giving the Elected Officials adequate notice. He requested that the County Clerk place the report in the official record.

Public comments were offered. Chris Hyzer wanted it noted that taxable mileage will be placed on Commissioner's paychecks and non-taxable mileage will continue to be placed on expense checks per the IRS guidelines.

Commissioner Johansen questioned why the website is not being updated timely and asked that the agenda's be posted to the website at the same time they are sent out via email to all users and commissioners. Mr. Berchtold will make sure that the website is updated and current. John Berchtold stated that Ms. Hamlin's response to Mr. Cross regarding charging him for a copy of the agenda was within the guidelines of the Freedom of Information Act.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to adjourn at 3:32 p.m. Motion carried.

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman