

**MINUTES OF THE CLARE COUNTY  
BOARD OF COMMISSIONERS**

Harrison, Michigan 48625

*fm 10/16/19*  
~~Unapproved minutes~~  
September 18, 2019

Meeting was called to order at 9:03 a.m.

Pledge of Allegiance

**COMMISSIONERS PRESENT**

District 1 Dale Majewski, District 2 Samantha Pitchford, District 3 Leonard Strouse, District 4 Jack Kleinhardt, District 5 Mark Fitzpatrick, District 6 David Hoefling, and District 7 Jeff Haskell.

**COMMISSIONERS ABSENT**

No Commissioners Absent

**OTHERS PRESENT**

Tracy Byard, Jenny Beemer-Fritzingler, Michelle Ambrozaitis, John Wilson, Don Kolander, Pam O'Laughlin, Bethany Law, Valerie Kusiak, Jasen Harris, Liz Bouchey (others present not signed in).

**APPROVAL OF AGENDA**

It was moved by Commissioner Strouse, seconded by Commissioner Majewski, to approve the agenda with the additional item of the Farm Bureau letter in new business. Chairperson Kleinhardt asked for discussion, hearing none motion carried.

**APPROVAL OF MINUTES**

It was moved by Commissioner Majewski, seconded by Commissioner Pitchford to approve the Board of Commissioners Minutes for August 21, 2019. Chairperson Kleinhardt asked for discussion, hearing none motion carried.

It was moved by Commissioner Majewski, seconded by Commissioner Haskell to approve the Special Board of Commissioners Minutes for September 11, 2019. Chairperson Kleinhardt asked for discussion, hearing none motion carried.

It was moved by Commissioner Strouse, seconded by Commissioner Fitzpatrick to approve the Closed Session Minutes for Lee Schunk, Lamar Gunden, and Erma Kleinhardt vs. Clare County Election Commission. Chairperson Kleinhardt asked for discussion, hearing none motion carried.

It was moved by Commissioner Strouse, seconded by Commissioner Fitzpatrick to approve the Closed Session Minutes for Union Negotiations. Chairperson Kleinhardt asked for discussion, hearing none motion carried.

It was moved by Commissioner Strouse, seconded by Commissioner Fitzpatrick to approve the Closed Session Minutes for Karen Moore vs. 55<sup>th</sup> Judicial Circuit Court and 80<sup>th</sup> Judicial District Court. Chairperson Kleinhardt asked for discussion, hearing none motion carried.

It was moved by Commissioner Strouse, seconded by Commissioner Fitzpatrick to approve the Closed Session Minutes for Stephen and Robin Morris vs. Clare County. Chairperson Kleinhardt asked for discussion, hearing none motion carried.

**GENERAL PUBLIC COMMENT**

Bob Brown, Executive Director of Region VII Area Agency on Aging presented an update to the board and supplied information about what the Area Agency on Aging is and the services provided by the organization. A spreadsheet of the fiduciary audit was

**GENERAL PUBLIC COMMENT - continued**

provided showing the amount of money the county invests in dues and the return on that investment.

Pam O'Laughlin of Middle Michigan Development Corporation (MMDC) presented an update on the technology grant with the USDA. It is likely that the grant would be approved thus restoring funding for the MMDC for Clare County's 2020 Budget, as well as providing funding for technology upgrades. MMDC is contracted thru the end of 2019 regardless of the budgetary outcome. Ms. O'Laughlin stated that the MMDC would be flexible with their billing, allowing the County to hold off on payment until the grant funding is disbursed in April of 2020.

Dr. Karen Moore provided a Michigan Indigent Defense Commission (MIDC) update to the commission. The MIDC provides criminal indigent defense. There are four standards currently being implemented, originally there were eight standards. It is unclear when or if the state will move forward with the last four standards. Commissioner Fitzpatrick asked that Dr. Moore provide financial updates to the commission. Administrator Tracy Byard inquired about the determination of indigence. Dr. Moore stated that indigence is a judicial determination. The MIDC could overrule a courts determination of indigence, but that is not the intent of the program. MIDC is responsible for coordinating what attorneys are on the court appointed list, how they get rotated, and who is removed from the list, but the statute states courts determine indigence. The term partial indigence was coined by the Treasury to collect 20% of the fees; however, partial indigence has not been defined by the state. Treasurer Jenny Beemer-Fritzinger asked about the funding for the MIDC. Currently our attorney expenses are coming out of the MIDC fund, but the revenue from attorney fees paid is going into the general fund. Dr. Moore stated that when the court collects attorney fees it goes into the general fund and attorneys are paid out through the state grant. That will not change until the state makes a determination of partial indigence. Collection of those fees cannot be retroactive. Dr. Moore will come back after the MIDC meeting on October 15, 2019.

Valarie Kusiak came to ask questions of the Board of Commissioners regarding the Clare County Road Commission. Administrator Tracy Byard stated in answer to some of the questions that the Board of Commissioners did not receive a raise or wage increase in 2019, the Chairperson of the Board of Commissioners makes \$9,201 per year and the members make \$8,501 per year, and the board members do not receive benefits. Commissioner Strouse referred to a letter received from Clare County Farm Bureau where Farm Bureau encourages a five-member road commission, supports removal of benefits for those elected, encourages the implementation of a safety program and training program, supports use of the handbook, and supports the ability of the County Board of Commissioners to assume the duties of the road commission. Ms. Kusiak states that her group would support the Clare County Board of Commissioners taking over the road commission. She also expressed concerns over the logging and gravel industries located in the county.

Don Kolander of Clare County Parks and Recreation informed the board that he is looking into finding grant money that would fund the Clare County Parks and Recreation. He would like the board to be open to negotiating reinstatement of Parks and Recreation if grant money is found.

**COMMUNICATIONS LIST**

No Discussion

**ADMINISTRATOR'S REPORT**

Administrator Tracy Byard reported that she has been working on the budget. There is roughly an \$800,000 fund balance. The county has a contingency of \$100,000. The board was provided a list displaying each department's original 2020 budget requests, the final budget and the difference between the two amounts. The commission recommended putting an item on the agenda each meeting to discuss the state of the budget.

**COMMUNITY SERVICES DIRECTOR**

Community Service Director Lori Phelps submitted a written report. Director Phelps briefly mentioned that Friday, September 20, 2019 is the Region VII Area Agency on Aging's annual formal dinner at the Hayes Municipal Complex. Open enrollment for Medicare begins in October; Senior Services will be hosting office hours to help seniors with enrollment. As of August 31, 2019 Community Service had 27,672.5 hours of home care, 97,655 meals, and 512 new clients in this fiscal year. Community Services are receiving another \$53,000 of carry over dollars from Area Agency to go toward in home care. The current amount received from waiver is \$212,000 as of August. Community Services will also be receiving \$5,000 to go toward wages. The State has approved Clare County to have plan review inspection authority of all school construction for fiscal year 2020. Another grant for unlicensed contractor to become licensed was received. The Revolving loan for small business startup or expansion is \$100,013. The current amount of mortgage loans owed to the county is \$1,898,598. Community Services will be hosting office hours for Senator Rick Outman on Friday, September 20, 2019 from 10:00 a.m. to 11:00 a.m.

**PUBLIC HEARINGS/SPECIAL PRESENTATIONS**

1. Carl Parks – Drain Resolution Little Tobacco Drain.  
It was moved by Commissioner Majewski, seconded by Commissioner Fitzpatrick to approve to pledge full faith and credit to Little Tobacco Intercounty Drain Note with Budget Resolution #19-17. Chairperson Kleinhardt asked for discussion.

There was discussion regarding the progress, the cost to the citizens, and the overall process.

Roll call vote revealed:

Yeas: (7) being Commissioners Haskell, Strouse, Majewski, Pitchford, Fitzpatrick, Hoefling, and Kleinhardt

Nays: (0)

Absent: (0)

**Motion for Resolution #19-17 carried**

2. Bethany Law – Child Advocacy Center, pole barn lease discussed in 2017.

It was moved by Commissioner Majewski, seconded by Commissioner Hoefling to approve the lease agreement with Northern Michigan Alliance for Children for the building of a pole barn on county property. Chairperson Kleinhardt asked for discussion, hearing none **motion carried**.

**Break 9:57 a.m.**

**Back 10:08 a.m.**

3. FY 2020 Budget Public Hearing:

Public Hearing opened at 9:57 a.m.

Public Hearing closed at 11:05 a.m.

It was moved by Commissioner Hoefling, seconded by Commissioner Haskell to approve Budget Resolution #19-15, a Resolution approving and adopting the County General Appropriation Act for Fiscal Year 2020. Chairperson Kleinhardt asked for discussion.

Commissioner Majewski stated that he had concerns about the fund balance and contingency, stating that he would be a no vote. Commissioner Hoefling requested clarification from Administrator Byard that the 2020 budget is currently balance with a surplus and that the Mid Michigan Development Corporation (MMDC) will not be reinstated if the county is not awarded the technology grant. Administrator Byard confirmed. Commissioner Strouse asked what the county's options are if they do not pass the budget at this meeting. Administrator Byard stated that the county has until

**PUBLIC HEARINGS/SPECIAL PRESENTATIONS - continued**

September 30, 2019 to pass a budget. Chairperson Kleinhardt stated that if we do not pass the budget we will have to move forward with more cuts. Commissioner Fitzpatrick stated that there is no way to cut a significant amount without cutting staff. Commissioner Hoefling suggested using our County Prosecutor, Michelle Ambrozaitis, for county legal issues. Michelle stated that is up to the board, however, union issues could not be handled by the prosecutor as it would be a conflict of interest.

Roll call vote revealed:

Yeas: (5) being Commissioners Haskell, Strouse, Fitzpatrick, Hoefling, and Kleinhardt

Nays: (2) being Commissioners Pitchford and Majewski

Absent: (0)

**Motion for Resolution #19-15 carried**

It was moved by Commissioner Fitzpatrick, seconded by Commissioner Haskell to approve Budget Resolution #19-16, a Resolution establishing Fiscal Year 2020 Compensation. Chairperson Kleinhardt asked for discussion. No discussion.

Roll call vote revealed:

Yeas: (7) being Commissioners Haskell, Strouse, Majewski, Pitchford, Fitzpatrick, Hoefling, and Kleinhardt

Nays: (0)

Absent: (0)

**Motion for Resolution #19-16 carried**

**COMMITTEE REPORTS/CONSENT CALENDAR**

**A. Justice Committee**

**1. Ten 16 Recovery Network**

It was moved by Commissioner Hoefling, seconded by Commissioner Pitchford to approve a Memorandum of Understanding between the County of Clare, on behalf of the Clare County Prosecutor's Office and Ten 16 Recovery Network. Chairperson Kleinhardt asked for discussion.

Prosecuting Attorney Michelle Ambrozaitis introduced Assistant Prosecutor Mark Webb and Investigator Dale Hugo. Ten 16 will provide a substance abuse counselor as a part of this prosecutor led diversion program. Memorandum of understanding was signed and returned to Prosecutor Ambrozaitis. Prosecutor Ambrozaitis will file the original with the Clerk's Office. **Motion carried.**

**2. Amendment #1 to Agreement**

It was moved by Commissioner Fitzpatrick, seconded by Commissioner Majewski to amend the agreement commenced effective October 1, 2018 between the Michigan Supreme Court State Court Administrative Office and the 80<sup>th</sup> District Court- Veterans Treatment Court with the Chairperson Jack Kleinhardt to sign. Chairperson Kleinhardt asked for discussion, hearing none **motion carried.**

**3. EMPG Performance Grant**

It was moved by Commissioner Haskell, seconded by Commissioner Fitzpatrick to approve the Michigan State Police Emergency Management and Homeland Security Division Grant agreement. Chairperson Kleinhardt asked for discussion, hearing none **motion carried.**

**4. 911 Plan Amendment**

It was moved by Commissioner Pitchford seconded by Commissioner Majewski to approve the 911 Plan Amendment with Resolution #19-18. Chairperson Kleinhardt asked for discussion.

**COMMITTEE REPORTS/CONSENT CALENDAR - continued**

Marlana Terrian addressed the board regarding this resolution. This plan has not been updated since 1991. A public hearing needs to be held at least 90 days out from the date of approval. A public hearing was scheduled for the December 18, 2019 Board Meeting at 10:00 a.m. Ms. Terrian will provide the information to the Clerk's Office regarding public notices and disbursement of the tentative 911 plan to applicable public agencies.

Roll call vote revealed:

Yeas: (7) being Commissioners Haskell, Strouse, Majewski, Pitchford, Fitzpatrick, Hoefling, and Kleinhardt

Nays: (0)

Absent: (0)

**Motion for Resolution #19-18 carried**

**B. Health and Human Services Committee**

No Report

**C. Physical Resources and Economic Development Committee**

**1. RFP**

It was moved by Commissioner Majewski, seconded by Commissioner Pitchford to allow Request for Proposals to Complete Subdivision Plats into Ownership Parcels/Shapefiles. Chairperson Kleinhardt asked for discussion.

Marlana Terrian briefly explained the initiative and the development of the GIS layers for Clare County. Treasurer Beemer-Fritzingler explained that there is a need to know the cost because there are grant opportunities and other funding sources available. There are three steps to this process, this being the first step. **Motion carried.**

**D. Finance and Administration Committee**

**1. Statutory Finance Committee**

It was moved by Commissioner Haskell, seconded by Commissioner Strouse to approve Statutory Finance Committee meeting minutes of August 26, 2019 in the amount of \$141,221.51. Chairperson Kleinhardt asked for discussion, hearing none **motion carried.**

**2. Monthly Expenditures**

It was moved by Commissioner Fitzpatrick, seconded by Commissioner Majewski to approve the expenditures for the month of August 2019 in the amount of \$2,338,114.74 with the General Fund Expenditures totaling \$909,789.97. Chairperson Kleinhardt asked for discussion, hearing none **motion carried.**

**3. Department of Treasury Agreement**

It was moved by Commissioner Hoefling, seconded by Commissioner Majewski to approve an agreement with the Department of Treasury for Clare County's audits for FY Years 19, 20 and 21. Chairperson Kleinhardt asked for discussion, hearing none **motion carried.**

**4. Title V Worker**

It was moved by Commissioner Strouse, seconded by Commissioner Haskell to allow Senior Services to hire their Title V worker part-time beginning October 1, 2019. Chairperson Kleinhardt asked for discussion, hearing none **motion carried.**



September 18, 2019

**COMMITTEE REPORTS/CONSENT CALENDAR - continued**

**Finance and Administration Committee – continued**

5. Driver – Medical Transportation

It was moved by Commissioner Majewski, seconded by Commissioner Strouse to allow Senior Services to hire a driver for medical transportation part-time beginning October 1, 2019. Chairperson Kleinhardt asked for discussion. Leonard asked if this money comes out of Director Phelps's budget and not the general fund. Director Phelps replied that yes it comes out of her budget, for which she receives funding. **Motion carried.**

6. Home Health Aids

It was moved by Commissioner Pitchford, seconded by Commissioner Majewski to allow Senior Services to give all home health aides a \$0.50 increase beginning October 1, 2019. Chairperson Kleinhardt asked for discussion.

Director Phelps explained that home health aides are hard to find and keep. Area Agency is giving Senior Services and hourly increase and they want to pass that on to the worker. **Motion carried.**

**CLERK/REGISTER OF DEEDS REPORT**

No Report.

**TREASURER'S REPORT**

Treasurer Jenny Beemer-Fritzinger provided the board with handouts for the Clare County Penal Fine Monies Held in Escrow (\$16,750.24) and Paid Out to Libraries (\$216,381.15), the Annual Report of Balance in Land Sale Proceeds, and a Comparative Balance Sheet. It is recommended not to transfer any foreclosure funds; however, the Board has decided that it is necessary for the 2020 fiscal year.

**CHAIRPERSON'S REPORT**

Chairperson Jack Kleinhardt discussed the status of the State of Michigan budget negotiations.

**VICE CHAIRPERSON'S REPORT**

Vice Chairperson Samantha Pitchford reported that she attended her meetings.

**COMMISSIONER'S REPORT**

Commissioner Dale Majewski reported on his experience at the Governmental Operations Committee Meeting in Lansing where baiting and feeding of deer was discussed. He discussed how it impacts our local communities.

Commissioner Leonard Strouse reported that he attending his meetings. He briefly discussed the road commission sunset period.

Commissioner Jeff Haskell attended a Michigan Works Conference in Kalamazoo. He has also been corresponding with Middle Michigan Development Corporation. He asked the board to reconsider reinstating MMDC into the 2020 fiscal year budget contingent on grant funding.

  
September 18, 2019

**COMMISSIONER'S REPORT - continued**

It was moved by Commissioner Haskell, seconded by Commissioner Strouse to approve the reinstatement of the Middle Michigan Development Corporation in the 2020 Fiscal Year Budget contingent upon funding from the technology grant. Chairperson Kleinhardt asked for discussion. Jim McBride from MMDC stated that he would be willing to hold the county's bill until July of 2020, when the grant funding is fully in place. Commissioner Majewski discussed concerns with the 2020 budget.

Yeas: (4) being Commissioners Haskell, Strouse, Fitzpatrick and Kleinhardt

Nays: (3) being Commissioners Majewski, Hoefling and Pitchford

Absent: (0)

**Motion carried**

Commissioner Mark Fitzpatrick reported that he attended his meetings.

Commissioner David Hoefling reported that he attended his meetings.

**PUBLIC COMMENT**

Treasurer Beemer-Fritzinger asked Administrator Byard if she had talked to the board about the additional appropriations for the Probate Fund and the Child Care Fund.

It was moved by Commissioner Hoefling, seconded by none to allow payment contingent upon DHS working with Texas to complete a home study. The motion died for lack of support.

It was moved by Commissioner Majewski, seconded by Commissioner Haskell to allow the payment of appropriations of \$35,000 for the Probate Fund and \$42,000 for the Child Care Fund to be taken from the fund balance.

Yeas: (6) being Commissioners Haskell, Strouse, Majewski, Pitchford, Fitzpatrick, and Kleinhardt

Nays: (1) being Commissioner Hoefling

Absent: (0)

**Motion carried**

**UNFINISHED BUSINESS**

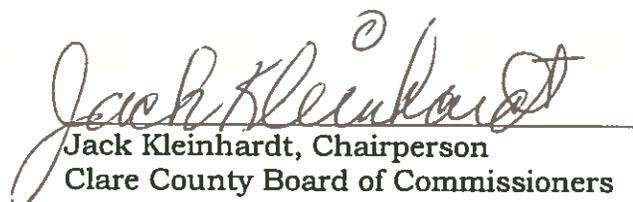
None

**NEW BUSINESS**

None. Farm Bureau letter, inserted by consent into new business, was addressed during public comment in the beginning of the meeting.

Meeting Adjourned at 11:44 a.m.

  
Stacy B. Pechacek, Chief Deputy Clerk  
Clare County Board of Commissioners

  
Jack Kleinhardt, Chairperson  
Clare County Board of Commissioners