

1. A Regular Meeting of the Monroe County Board of Commissioners was held in the City of Monroe on Tuesday, January 26, 2010, the meeting was called to order by Chairman Sisk at 7:00 p.m. Roll call by Clerk as follows:

PRESENT

ABSENT

Henry Lievens	Jerry Oley
Dale Zorn	John Fowler
Albert Potratz	Connie Velliquette
Floreine Mentel	LaMar Frederick
William Sisk	

A quorum being present, the Board proceeded to transact business.

2. Commissioner Floreine Mentel led the Pledge of Allegiance.
3. Vickie Koczman, Deputy Clerk, Monroe County Board of Commissioners led the Opening Prayer.
4. Motion by Commissioner Potratz to approve the Agenda for the Tuesday, January 26, 2010, Regular Meeting as presented. Supported by Commissioner Fowler. Roll call by Clerk as follows:

AYES

NAYS

ABSENT

Henry Lievens	Jerry Oley
Dale Zorn	John Fowler
Albert Potratz	Connie Velliquette
Floreine Mentel	LaMar Frederick
William Sisk	

Motion carried.

5. Motion by Commissioner Frederick to approve the Minutes for the Tuesday, January 12, 2010, Special Meeting and waive the reading of the minutes. Supported by Commissioner Velliquette.

Motion carried.

6. Resolutions, Special Tributes & Presentations –

Resolution In Support Of The Recommendations Contained In The Final Report Of The Legislative Commission On Statutory Mandates Read:

WHEREAS the electorate of the State of Michigan passed an amendment in November 1978 to the State’s Constitution that required the State to fund mandates imposed on local units of government (referred to as the “Headlee Amendment”); and

WHEREAS the Headlee Amendment (Article IX, Section 29) states:

“The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18” and;

WHEREAS the Headlee Amendment became effective on December 23, 1978; and

WHEREAS the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS the LCSM worked with the Citizens Research Council (issued an analysis of other state’s statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan.

WHEREAS the LCSM issued a report in June 2009 entitled “Interim Report of the Legislative Commission on Statutory Mandates” that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS the LCSM has completed its report in December 2009 entitled “Final Report of the Legislative Commission on Statutory Mandates” that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
 - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
 - Require the Court of Appeals to rule on the above within six months of the filing.
 - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide

the services until such time as the State complies with the Headlee Amendment.

WHEREAS the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW THEREFORE BE IT RESOLVED that the Monroe County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

BE IT FURTHER RESOLVED that on this 26th day of January, 2010, the Monroe County Board of Commissioners approves the release of this resolution to be distributed to the Governor, Legislators, Supreme Court and local units of government legislative boards and executives located within Monroe County.

Motion by Commissioner Mentel to adopt the Resolution in Support of the Recommendations Contained in the Final Report of the Legislative Commission on Statutory Mandates. Supported by Commissioner Frederick. Roll call by Clerk as follows:

AYES	NAYS	ABSENT
Henry Lievens	Jerry Oley	
Dale Zorn	John Fowler	
Albert Potratz	Connie Velliquette	
Floreine Mentel	LaMar Frederick	
William Sisk		

Motion carried.

7. The following items were listed on the Consent Agenda:

A. Finance Committee Report (01/12/10)

1. The Finance Committee Recommends To The Full Board For Royce Maniko, Administrator/Chief Financial Officer To Contact Comparable Counties To See If They Have A Similar General Fund Contingency And Unreserved Fund Balance Policy In Place And Report His Findings.

B. Finance Committee Report (01/26/10)

1. The Finance Committee Recommends To The Full Board To Approve The 01/27/10 Accounts Payable Current Claims Report In The Amount Of \$571,739.81.
2. The Finance Committee Recommends To The Full Board To Execute An Engagement Letter Between The County Of Monroe And Rehmann Robson, Certified Public Accountants To Conduct The 2009 Audit.

C. Approval Of Non-Claims Against The County

1. Check Register Dated 01/15/10 In The Amount Of \$1,203,613.19.
2. Check Register Dated 01/22/10 In The Amount Of \$1,169,070.30.

Motion by Commissioner Velliquette to approve the Consent Agenda as presented. Supported by Vice-Chairman Zorn. Roll call by Clerk as follows:

AYES	NAYS	ABSENT
Henry Lievens	Jerry Oley	
Dale Zorn	John Fowler	
Albert Potratz	Connie Velliquette	
Floreine Mentel	LaMar Frederick	
William Sisk		

Motion carried.

8. Letter From Sande Pierce, Continuum Of Care Coordinator, Monroe County Network On Homelessness Read Requesting Approval For MCOP, Family Counseling And Shelter Services And United Way To Submit A Collaborative Michigan State Housing Development Authority Grant Application To Address The Needs Of Homeless Individuals.

Motion by Commissioner Oley to approve MCOP, Family Counseling and Shelter Services and United Way to submit a collaborative Michigan State Housing Development Grant Application for a total of \$77,400. Supported by Commissioner Mentel. Roll call by Clerk as follows:

AYES	NAYS	ABSENT
Henry Lievens	Jerry Oley	
Dale Zorn	John Fowler	
Albert Potratz	Connie Velliquette	
Floreine Mentel	LaMar Frederick	
William Sisk		

Motion carried.

9. Letter From Chairman Sisk Read Requesting Confirmation To Maintain The Same Board Committee Assignments.

Motion by Vice-Chairman Zorn to confirm maintaining the same board committee assignments as in 2009. Supported by Commissioner Mentel. Roll call by Clerk as follows:

AYES

NAYS

ABSENT

Henry Lievens	Jerry Oley
Dale Zorn	John Fowler
Albert Potratz	Connie Velliquette
Floreine Mentel	LaMar Frederick
William Sisk	

Motion carried.

10. Motion by Commissioner Oley to confirm the appointment of Commissioner Lievens and Commissioner Velliquette to the Retiree Health Care Board. Supported by Commissioner Potratz. Roll call by Clerk as follows:

AYES

NAYS

ABSENT

Henry Lievens	Jerry Oley
Dale Zorn	John Fowler
Albert Potratz	Connie Velliquette
Floreine Mentel	LaMar Frederick
William Sisk	

Motion carried.

11. Discussion Of Proposed By-Law Amendments And Proposed Public Comment Policy.

Chairman Sisk stated he has not received any proposed by-law changes from the Board, legal counsel nor staff, the proposed Public Comment Policy was brought up last year, has fielded several citizen complaints, this Board has bent over backwards to provide two citizen times, has only had one complaint that a citizen was not given the opportunity to speak and apologized to that citizen, the Monroe Evening News' articles have done a disservice to the Board; this evening is the first time the Board has debated the proposed policy and most townships only offer one citizens time.

Commissioner Frederick noted cutting the amount of time a citizen has to speak will not stop unacceptable language and stated the Board was elected to serve; Board members are public officials, not public servants and is uncomfortable reigning in the right of a citizen to speak his peace.

Chairman Sisk stated he does not want to limit the amount of time a citizen has to speak.

Commissioner Frederick stated he does not have problem with eliminating the first citizens time.

Commissioner Lievens stated there is a need to maintain decorum and you can't underestimate public input.

Vice-Chairman Zorn stated the Board allows citizens to participate while a topic is being deliberated; most municipalities do not, is uncomfortable setting a time limit and it's the Chairman's responsibility to know when to move on.

Commissioner Potratz stated the right to speak is important and supports the elimination of the first citizens' time.

Commissioner Mentel urged the Board not to take away a citizens' right to speak and noted she is against setting a time limit.

Commissioner Oley stated citizens have a right to speak, some citizen comments are not flattering, against setting a time limit, very rare that citizens speak, the proposal is toward one or two people that may not be liked and suggested listening to the meeting tapes to see how many citizens have utilized profanity, most citizens speak their peace and go about their business, suggested leaving two citizens time on the agenda and taking citizens freedom away is absurd.

Commissioner Lievens stated citizens' time is important and he is against setting a time limit.

Commissioner Velliquette stated she is against setting a time limit and appreciates their opinion.

Chairman Sisk stated what he is hearing is that eliminating the first citizens time is acceptable and not setting a time limit is not acceptable.

Bob Stammer, Bedford Township stated it is not right to set a time limit, one citizens time is acceptable to him and suggested implementing a Citizens Code of Conduct.

Chairman Sisk stated the Board has an obligation to listen.

Commissioner Lievens stated having one citizens time at the end of the agenda will give citizens that have to drive a distance ample time to attend/speak.

Gloria Rafko, City of Monroe stated many people have difficulties speaking in public; it may take more than five minutes for them to address the Board.

Jan Jay, Exeter Township stated the proposal is a form of making it difficult for citizens to speak.

Motion by Commissioner Oley to maintain Citizens Time as is exists. Supported by Commissioner Mentel.

Vice-Chairman stated he would take the challenge to see how many times profanity has been used during citizens' time.

Commissioner Potratz stated he does not want to see a citizen take over a meeting however everyone has the right to speak.

Roll call by Clerk as follows:

AYES

NAYS

ABSENT

Henry Lievens
Floreine Mentel
Jerry Oley
Connie Velliquette

Dale Zorn
Albert Potratz
William Sisk

John Fowler
LaMar Frederick

Motion failed.

12. Motion by Commissioner Frederick to amend Section 3.5 – Order of Business for Regular Meeting of the Board’s by-laws to reflect one Citizens Time at the end of the agenda and review the issue again in six months. Supported by Commissioner Fowler. Roll call by Clerk as follows:

AYES

NAYS

ABSENT

Dale Zorn
Albert Potratz
William Sisk

John Fowler
LaMar Frederick

Henry Lievens
Floreine Mentel
Jerry Oley
Connie Velliquette

Motion carried.

13. Discussion Of Purchase Of Universal Time And 2010 Voluntary Early Retirement Program.

Chairman Sisk suggested empanelling a working group comprised of Commissioner Oley, Frank Spreeman, Director, Human Resources, Royce Maniko, Administrator/Chief Financial Officer, Dan Stefanski, Drain Commissioner, Michelle Marcero, Administrator, 1st District Court, Dave LaMontaine, Sheriff’s Office and himself to review the proposal/set parameters and bring back their recommendation within 30 days.

Commissioner Lievens stated he is concerned with the timeline.

Commissioner Oley questioned if 30 days is enough time and if an actuary study will need to be conducted.

Chairman Sisk stated it is necessary to have an actuarial study done on the proposal with a cost to the county

Commissioner Oley questioned why elected officials are included and noted he has concerns with the proposal.

Chairman Sisk stated in haste, all employees were included.

Commissioner Oley stated with all the money issues, he still wants to be fair and reasonable; do the right thing.

Chairman Sisk stated the county pays unemployment for laid off employees and the proposal is a tool to salvage vulnerable employees. He also stated the employees that

will be captured in the proposal are in a better position to live off 60% of their current income and because we are going to have financial issues this year, we need to act soon.

Commissioner Lievens stated because there is a possibility of more lay-offs this year, the proposal is an opportunity/better solution.

Commissioner Velliquette stated she prefers the working groups' recommendations be presented at the first meeting in February rather than the second meeting.

Vice-Chairman Zorn questioned if an actuary study has already been done.

Chairman Sisk stated there is a cost for every proposed scenario.

Commissioner Oley questioned the cost of the actuarial study.

Chairman Sisk stated there are three groups that will need to be evaluated; General, Central Dispatch and the Sheriff's Office.

Frank Spreeman, Director, Human Resources stated there will be a cost of \$2,000 per group or \$6,000 and noted the actuary is already looking at the proposal and anticipates their report being completed in approximately three weeks.

Motion by Commissioner Lievens to authorize Chairman Sisk to empanel a working group to review the Purchase of Universal Time and Voluntary Early Retirement proposal and bring back their recommendation within 30 days. Supported by Commissioner Fowler. Roll call by Clerk as follows:

AYES	NAYS	ABSENT
Henry Lievens	Jerry Oley	
Dale Zorn	John Fowler	
Albert Potratz	Connie Velliquette	
Floreine Mentel	LaMar Frederick	
William Sisk		

Motion carried.

14. Old Business –

- A. Updated Report – Day Report Program Space Analysis (Referred To Physical Resources Committee.)
- B. Retiree Health Care Board Appointments – One Active Employee, One Citizen At Large, One Retiree And Two Board Members.

Staff reported the Retiree Health Care Board opted to interview nine active employees and will be making a recommendation to the County Board, will be making a recommendation to the County Board for the retiree position and opted to place an advertisement in the Monroe Evening News and county's web site for the citizen at large position.

C. Identify County Service Priorities.

Service priorities will be discussed in a workshop setting.

D. Consideration Of Offering A Retiree Health Care Buy-Out.

Chairman Sisk stated a Retiree Health Care buy-out was proposed last year by Commissioner Lievens.

Commissioner Lievens stated he is working on the proposal with Human Resources.

15. Citizens Time –

Jan Jay, Exeter Township spoke regarding the meetings being longer now that the Board has proposed eliminating one citizens time.

Dan Stefanski, Drain Commissioner spoke regarding a grant that has been applied for to place fish stairs on the River Raisin dams which will allow fish to migrate up the river.

16. Administrator's Report –

Royce Maniko, Administrator/Chief Financial Officer reported the following:

Monroe County was selected to receive an Energy Efficient Block Grant in the amount of \$612,543, the Health Department vaccinated approximately 14,000 citizens for the H1N1 flu, Standard & Poor's has affirmed the County's general obligation bond rating of AA- has been assigned to the Swiss Drain bond issue and the Board will hold a Workshop on Saturday, February 6th from 10:00 a.m. - noon.

17. Members Time –

Commissioner Frederick noted Bedford Township is happy with the AA- bond rating and noted 2010 will be the first year that a Road Commissioner will be elected.

Commissioner Oley announced there will be another addition to his family.

Commissioner Mentel spoke regarding several meetings she has attended regarding mental health, health care, foster care, tourism and Extension.

Chairman Sisk thanked the Board for their professionalism.

18. Motion by Commissioner Potratz to adjourn. Supported by Commissioner Lievens.

Motion carried.

19. The meeting was adjourned at 8:51 p.m.

William Sisk, Chairman

Sharon D. Lemasters, Monroe County Clerk