

Bad Axe, Michigan  
Tuesday, August 13, 2019

The regular board meeting of the Huron County Board of Commissioners was held on Tuesday, August 13, 2019, commencing at 9:30 a.m. in the Board of Commissioners office, Third Floor, Huron County Building, Bad Axe, Michigan.

**PRAYER AND PLEDGE:** The meeting was called to order by Chairman Khoury with The Lord's Prayer and Pledge to the Flag of the United States of America.

**ROLL CALL:** Commissioners present: Chairman Khoury, Mary Babcock, Mike Meissner, John Bodis, Todd Talaski, and Steve Vaughan. Ron Wruble was excused.

**AGENDA:** The agenda was reviewed. Motion by Vaughan, seconded by Bodis to approve the agenda. Motion carried. Agenda approved.

**APPROVAL OF MINUTES:** **Motion** by Babcock, seconded by Bodis to approve the Regular Board minutes of July 23, 2019. Motion carried.

**COMMUNICATIONS:**

- An invitation to an open house on August 30<sup>th</sup> from 1-5 p.m. at Huron Behavioral Health honoring Suzanne Prich who is retiring.
- From the Michigan Association of Counties their copy of the MAC policy platform proposals for 2019-2020.
- A letter from Valerie McCollum, Lake Township Supervisor, in regards to the new MOA's in Michigan's Thumb and a copy of their resolution #2019-13 in regards to this proposal.
- From the Hillsdale County Board of Commissioners their resolution #19-083, Gladwin County Board of Commissioners their resolution #2019-015 and Charlevoix County Board of Commissioners their resolution opposing the Trial Court Funding Commission Interim Report dated April 8, 2019.
- A letter from Sue Thelen of the Air Quality Division of the DEQ enclosing their monthly Pending New Source Review Application Report.
- The Huron County Farm Bureau is inviting the Board of Commissioners to attend their 100th annual meeting to be held on Thursday, August 22nd at the Huron County Fairgrounds in the Farm Bureau Building, reception begins at 5:00 pm, dinner at 6:00 pm.
- From the Livingston County Board of Commissioners their resolution #2019-07-104 opposing legislation to prevent county commissioner candidates from disclosing their party affiliation on ballots provided to Michigan voters.
- From the National Guard Bureau they have made available for public review and comment a Draft United States Air Force F-35A Operational Bedoon Air National Guard Environmental Impact Statement.
- A letter from Holly Fate who attended the Mental Health First Aid Class at Huron Behavioral Health thanking the Board for making this class possible.

**ANNOUNCEMENTS:** None at this time.

**PUBLIC COMMENT:** (Limit of 3 minutes per person):

- Cliff Stuehmer offered to play a demonstration of what the jets will sound like as they fly over and the noise level they will make.

- Terry Ross said it sounds like there is no response to the Board from Col. Southworth on a demonstration. The Air Force wants our input. Alpena is a larger area than the thumb, why not use the larger area for their training.

**9:43 a.m.**

**CONSENT ACTIONS: Motion** by Bodis, seconded by Talaski to approve the resolutions on the Consent Actions. Motion carried. Resolutions adopted:

**CA RESOLUTION BY AGENCIES COMMITTEE: #19-86C**

*WE, the AGENCIES COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, the Huron County Board of Commissioners has received MDOT Agreement No. 2017-0066/P12, a Project Authorization for FY 2020 Section 5311 Operating/Job Access and Reverse Commute Program, between the Michigan Department of Transportation and the Huron County Board of Commissioners to be used for public transit in Huron County throughout the year; and*

*WHEREAS, authorization is required by the Board of Commissioners for signature to said contract; now*

*THEREFORE, BE IT RESOLVED that Sami Khoury, Chairman of the Board of Commissioners, be authorized to sign MDOT Agreement No. 2017-0066/P12 on behalf of the County of Huron.*

**CA RESOLUTION BY FINANCE COMMITTEE: #19-87C**

*WE, the FINANCE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, there is a need to purchase 10 new handheld radios for the Jail to replace broken or out of service units; and*

*WHEREAS, Anderson Radio, Inc. has submitted a bid in the amount of \$3,740 for 10 handheld radios plus \$385 for a rack charger, for a total cost of \$4,125; now*

*THEREFORE, BE IT RESOLVED that the Huron County Sheriff's Office be authorized to purchase 10 handheld radios and a rack charger at a total cost of \$4,125 from Anderson Radio, Inc., to be taken from line 595-351-749.*

**CA RESOLUTION BY FINANCE COMMITTEE: #19-88C**

*WE, the FINANCE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, the Huron County Council on Aging, at their August 9, 2019 meeting, approved a motion to provide additional funding in the amount of \$15,171.92 to the Human Development Commission (HDC) by increasing the appropriation to the Human Development Commission from the Older Citizens Fund 296 budget; and*

*WHEREAS, this funding will allow HDC to continue to provide home delivered meals and homemaking services; and*

*WHEREAS, there is a need to amend the 2019 Older Citizens Fund 296 budget for this increase in expenditures; now*

*THEREFORE, BE IT RESOLVED that the Huron County Board of Commissioners authorizes the aforementioned appropriation increase to the Human Development Commission in the amount of \$15,171.92 from the 2019 Older Citizens Fund 296 budget; and*

*BE IT FURTHER RESOLVED that the Huron County Board of Commissioners authorizes the Huron County Treasurer to issue payment in the amount of \$15,171.92 to the Human Development Commission upon written request through September 30, 2019; and*

*BE IT FURTHER RESOLVED to amend the 2019 Older Citizens Fund 296 budget as follows:*

296-673.01-965.05

Human Development Commission

\$15,171.92

296-890-965

Contingency

(\$15,171.92)

**CA RESOLUTION BY LEGISLATIVE COMMITTEE: #19-89C**

*WE, the LEGISLATIVE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, the County Clerks in Michigan have a constitutional stake in the trial court funding question, but were excluded from participation in the Trial Court Funding Commission. The County Clerks have a unique relationship with the courts and a perspective that should be heard when making recommendations for substantial changes; and*

*WHEREAS, the goal of Public Act 65 of 2017 was to create a Trial Court Funding Commission to “review and recommend changes to the trial court funding system in light of People v. Cunningham”; and*

*WHEREAS, the vast majority of the Interim Report deals with the consolidation of all local court staff and operations under state control, but does not solve the funding problems that Cunningham created (simply moving collections of fines and costs and payment of court salaries/benefits to the state does not mitigate the fact that we will still not be funded adequately); and*

*WHEREAS, centralized control of our court process does not necessarily serve the best interest of the public. The County Clerks believe that local judges and citizens are better served by local custodial control. It has been proven to be a more responsive method of serving their needs; and*

*WHEREAS, research of other state-funded court systems has shown that state funding creates a culture of complacency that tolerates delay. Accountability is removed from the local level and placed in the hands of bureaucrats in state government who are less connected to the people; and*

*WHEREAS, we are concerned that transferring funding to state control would tether the judicial branch to the short term whims of the legislative and executive branches even more than they exist already. In the event of a lack of state funding (government shutdown) this process would also force the shutdown of the court system, resulting in constitutional violation of due process; and*

*WHEREAS, it is critical to note that the finding of 46th Circuit Trial Court v. County of Crawford, 2006:143 states directly: “In order for the judicial branch to carry out its constitutional responsibilities as envisioned by the Constitution of 1963, art3, SS 2, the judiciary cannot be totally beholden to legislative determinations regarding its budgets.” and;*

*WHEREAS, this Interim Report recommends altering the Michigan Constitution to provide that circuit court clerks are employed by the court and under the supervision of state government rather than the County Clerk; and*

*WHEREAS, County Clerks serve a critical role in the judicial system. They are constitutionally mandated to ensure the integrity of the records and protecting the best interests of our citizens. Removing County Clerks from the picture would serve as substantial disruption to the purpose that we serve; now*

*THEREFORE, BE IT RESOLVED the Huron County Board of Commissioners are opposed to the Trial Court Funding Commission Interim Report dated April 8, 2019. We believe that it is imperative to maintain local control and accountability because that is how our constituents are best served. We strongly oppose this Interim Report and possible pending legislation and encourage the other 82 Michigan counties to join us; and*

*BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Gretchen Whitmer, Senator Dan Lauwers, Representative Phil Green, the Michigan Association of Counties and the other 82 Michigan Counties.*

**CA RESOLUTION BY PERSONNEL COMMITTEE: #19-90C**

*WE, the PERSONNEL COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, there is a need to hire a casual employee to assist with destroying files in the Probate Court Office; and*

*WHEREAS, Grace F. Trost has applied for said position in the Probate Court office; and*

*WHEREAS, Probate Judge David L. Clabuesch has recommended to the Personnel Committee that Grace F. Trost be hired to fill said position at a rate of \$10.60 per hour; now*

*THEREFORE, BE IT RESOLVED that Grace F. Trost shall be employed effective August 13, 2019 as a casual employee to assist in the Probate Court Office, in accordance with the pay, terms, and conditions of the Huron County Employee Handbook as established periodically by the Huron County Board of Commissioners.*

**CA RESOLUTION BY PERSONNEL COMMITTEE: #19-91C**

*WE, the PERSONNEL COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, there is a need to hire a full time employee to fill the position of Civil Process in the Huron County Sheriff's Office to fill a vacancy due to a termination; and*

*WHEREAS, Randy Smaglinski, a current full time corrections officer, has applied for said position in the Huron County Sheriff's Office; and*

*WHEREAS, Sheriff Kelly J. Hanson has recommended to the Personnel Committee that Randy Smaglinski be hired to fill said position at Grade 140, Step 5 with a salary of \$39,744; now*

*THEREFORE, BE IT RESOLVED that Randy Smaglinski shall be employed (transferred) effective August 10, 2019, to fill the above referenced position, in accordance with the pay, terms, and conditions of the POAM Sheriff's Office General Bargaining Unit collective bargaining agreement, as negotiated periodically by the Huron County Board of Commissioners and subject to the Huron County Office of the Sheriff Policy and Procedures book.*

**CA RESOLUTION BY PERSONNEL COMMITTEE: #19-92C**

*WE, the PERSONNEL COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, there is a need to hire a full time employee to fill the position of Corrections Officer in the Huron County Sheriff's Office to fill a vacancy due to an intradepartmental transfer; and*

*WHEREAS, Erik Raymond, a current part time corrections officer, has applied for said position in the Huron County Sheriff's Office; and*

*WHEREAS, Sheriff Kelly J. Hanson has recommended to the Personnel Committee that Erik Raymond be hired to fill said position at Grade 150, Step 1 with a salary of \$38,962; now*

*THEREFORE, BE IT RESOLVED that Erik Raymond shall be employed effective August 10, 2019, as a full time employee to fill the above referenced position, in accordance with the pay, terms, and conditions of the POAM Sheriff's Office General Bargaining Unit collective bargaining agreement, as negotiated periodically by the Huron County Board of Commissioners and subject to the Huron County Office of the Sheriff Policy and Procedures book.*

**CA RESOLUTION BY PERSONNEL COMMITTEE: #19-93C**

*WE, the PERSONNEL COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, there is need to hire a part time employee to fill the position of part time Deputy Sheriff in the Huron County Sheriff's Office to serve in the capacity(s) designated by the Sheriff including, but not limited to, Corrections Officer, Transport, Work Crew, etc.; and*

*WHEREAS, Corbin Swartzendruber has applied for said position in the Huron County Sheriff's Office; and*

*WHEREAS, Sheriff Kelly J. Hanson has recommended to the Personnel Committee that Corbin Swartzendruber be hired to fill said position at the rate(s) in accordance with those established per Resolution No. 18-65 (see attached), that being a rate of \$12.50 per hour while in training, increasing to \$15.00 per hour upon completion of training; now*

*THEREFORE, BE IT RESOLVED that Corbin Swartzendruber shall be employed effective August 10, 2019, as a part time employee to fill the above referenced position, in accordance with the pay, terms, and conditions of the Huron County Sheriff's Office Policy and Procedures Book.*

**CA RESOLUTION BY SAFETY COMMITTEE: #19-94C**

*WE, the SAFETY COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:*

*WHEREAS, the Huron County Board of Commission having entered into an enabling resolution to create the Huron County Community Mental Health Authority pursuant to Section 100 et seq. and Section 205 of the Mental Health Code, 1974 PA 258, as amended (MCL330.1100 et seq; MCL330.1205); and*

*WHEREAS, Huron County Community Mental Health Authority is a community mental health authority of the county of Huron, organized under the terms of Section 204(a) of the Michigan Mental Health Code (the Code), (MCL330.1204[a]); and*

*WHEREAS, Section 116(b) of the Code (MCL330.1116 [b]) requires that the Department of Community Health shift primary responsibility for the direct delivery of public mental health services from the state to a community mental health services program whenever the community mental health services program has demonstrated a willingness and capacity to provide an adequate and appropriate system of mental health services for the citizens of that service area; and*

*WHEREAS, Huron County Community Mental Health Authority has demonstrated such willingness and capacity to provide community mental health services for over the past 40 years and is properly certified as a community mental health services program under the terms of Section 232(a) of the Code (MCL330.1232[a]); and*

*WHEREAS, Section 202(1) of the Code (MCL330.1202[1]) requires that the state shall financially support, in accordance with chapter 3, community mental health services programs that have been established and that are administered according to the provisions of this chapter; and*

*WHEREAS, there are also established in the state entities known as Prepaid Inpatient Health Plans (PIHPs), which receive Medicaid funds and distribute them to Community Mental Health Services Programs and other Medicaid providers; and*

*WHEREAS, Appropriations Bill Public Act 207 of 2018, Article X, Part 2 Provisions Concerning Appropriations, General Sections, Behavioral Health Services, Section 928 (1) states, "Each PIHP shall provide, from internal resources, local funds to be used as a bona fide part of the state match required under the Medicaid program in order to increase capitation rates for PIHPs. These funds shall not include either state funds received by a CMHSP for services provided to non-Medicaid recipients or the state matching portion of the Medicaid capitation payments made to a PIHP. "; and;*

*WHEREAS, Huron County Community Mental Health is not a state designated PIHP; and*

*WHEREAS, the county of Huron has a strong desire to keep local funding at the local level to meet the financial liability of the county pursuant to Section 302(1) of the Code (MCL330.1301[1]) and to respond to the behavioral health needs in this county; now*

*THEREFORE, BE IT RESOLVED that the Huron County Board of Commissioners strongly supports the withholding of local Huron County funding from the PIHP for the purposes of increasing the*

*Medicaid capitation rate of the PIHP and strongly supports the use of local county funds for local community mental health services as provided for under the Michigan Constitution and Michigan Mental Health Code; and*

*BE IT FURTHER RESOLVED, that the Huron County Board of Commissioners strongly urges its State Senate and House of Representatives members to eliminate similar language mentioned above in future State funding appropriations; and*

*BE IT FURTHER RESOLVED, that the State Senate and House of Representatives ensure that the current level of Medicaid funding is not negatively impacted by the removal of Section 928; and*

*BE IT FURTHER RESOLVED that copies of this resolution be provided to Governor Gretchen Whitmer, Senator Dan Lauwers (25<sup>th</sup> District), Representative Phil Green (84<sup>th</sup> District), Michigan Department of Health and Human Services Director Robert Gordon, Behavioral Health and Developmental Disabilities Administration Deputy Director Dr. George Mellos, and the Michigan Association of Counties.*

**NEW BUSINESS:** None at this time.

**ELECTION:** Chairman Khoury calls for the election of 1 vacancy for a 1-year term to the Huron County Mental Health Services Board. There was 1 candidate that applied for this position. **Motion** by Vaughan, seconded by Bodis to cast a unanimous ballot for Johnnie Craig Colton to the Huron County Mental Health Board for a 1-year term. Motion carried.

Chairman Khoury calls for the election of 1 vacancy for a 2-year term to the Huron County Mental Health Services Board. There was 1 candidate that applied for this position. **Motion** by Vaughan, seconded by Bodis to cast a unanimous ballot for Mary E. Babcock to the Huron County Mental Health Board for a 2-year term. Roll call vote: Ayes – Talaski, Vaughan, Bodis, Meissner and Khoury. Nays – None. Absent – Wruble. Abstain – Babcock. Motion carried.

**APPOINTMENTS:** None at this time.

**MOTIONS:**

**Motion** by Talaski, seconded by Vaughan to approve the Family Medical Leave Request as submitted by Karen A. Jensen. Motion carried.

**REPORTS:**

**Khoury** attended: July 23 – regular board meeting. Aug. 3 – Bay Port fish sandwich parade. Aug. 6 – Sebewaing Township meeting.

**Meissner** attended: July 23 – regular board meeting. July 29 – Paris Township Board meeting. Aug. 1 – Ubyl Village Council. Aug. 5 – Grant Township Board.

**Bodis** attended: July 23 – Finance Committee meeting; regular board meeting; Personnel Committee meeting; Finance Committee meeting with Auditors. July 24 – Road Commissioners Board meeting; Medical Care Authority Board meeting; MDHHS Board meeting; Huron Behavioral Health Board meeting. July 29 – HBH Recipient Rights Advisory Committee meeting. Aug. 8 – HBH Strategic Planning Committee meeting – cancelled; meeting with CEO, Suzanne Prch; HBH Quality Council meeting.

**Babcock** attended: July 23 – Finance Committee meeting; regular board meeting; Personnel Committee meeting; Finance Committee meeting with the Auditors. July 27 – presented certificate at Port Austin History Center Dedication of Ed’s Barber Shop. July 29 – Lamp Show at Fair. July 30 – Swine Show at the fair. July 31 – Feeder show at the fair. Aug. 2 – Junior Livestock Auction at the fair. Aug. 5 – TRIAD meeting in Caseville. Aug. 6 – EDC meeting. Aug. 12 – Village of Kinde meeting and Village of Port Austin meeting.

**APPROVAL OF BILLS:** **Motion** by Babcock, seconded Bodis to approve monthly bills as submitted. Motion carried.

Health Department	\$169,208.97
Board Bills Approved	79,446.46
Paid Without Presentation	<u>582,518.89</u>
Total	\$831,174.32

**FINAL PUBLIC COMMENT:** (Limit of 3 minutes per person):

- Cliff Stuehmer insists the Board to listen to his demonstration of the noise the jets will make.
- Terry Ross read portions of the resolutions from Lake Township and Otsego County.
- Michaela Klusman, District Liaison for State Senator Dan Lauwers, introduced herself.

- Linda Main explained to the Board the tickets she received because of her lawn being overgrown and a mobile home on the property being unsafe. Ms. Main explained her health issues and the discussions she has had with Jeff Smith, B & Z Director.
- Jeff Smith, B & Z Director, said in regards to Linda Main they have complaints filed on her back to 2018. The files may have to be reviewed. A meeting will be conducted after this meeting with Ms. Main, Mr. Smith and Chairman Khoury.

**FINAL BOARD COMMENT:**

- Commissioner Vaughan said there is a lot of noise made by different things and the military has already made concessions by avoiding the shoreline.
- Commissioner Meissner said he heard the demonstration by Mr. Stumer at the Paris Township meeting.
- Commissioner Bodis stated the Board has no authority
- Chairman Khoury asked Mr. Stuehmer to play his noise demonstration for the Board.

**10:00 a.m.**

Recess

**10:06 a.m.**

Demonstration presented by Cliff Stuehmer.

- Chairman Khoury stated the demonstration may not be accurate.
- Commissioner Vaughan said he has a PA system that is just as loud.

**10:18 a.m.**

Meeting adjourned.

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Sami Khoury, Chairman  
Board of Commissioners

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Lori Neal-Wonsowicz  
Huron County Clerk