

TUSCOLA COUNTY BOARD OF COMMISSIONERS
September 16, 2021

Commissioner Bardwell called the regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building, 125 W Lincoln Street in the City of Caro, Michigan, on the 16th day of September 2021, to order at 8:00 o'clock local time.

Prayer – Commissioner Young

Pledge of Allegiance – Commissioner Vaughan

Roll Call – Clerk Fetting

Commissioners Present In-Person:

- District 1 – Thomas Young (excused at 1:26 p.m.)
- District 2 – Thomas Bardwell
- District 3 – Kim Vaughan (excused at 12:32 p.m.)
- District 4 – Douglas DuRussel
- District 5 – Daniel Grimshaw (arrived at 8:06 a.m.)

Commissioner Absent:

None

Others Present In-Person:

Clerk Jodi Fetting, Clayette Zechmeister, Eean Lee, Cindy McKinney-Volz, Eric Morris, Gene Pierce, Bob Baxter, Steve Anderson, Mike Miller, Jeff Kudara

Also Present Virtual:

Tracy Violet, Mike Miller, Steve Anderson, Matt Brown, Heidi Chicilli, Echo Torrez, Treasurer Ashley Bennett, Sandra Nielsen, Mary Drier, Mark Haney, Kim Brinkman, Barry Lapp, Dara Hood, Kelly Lindsey, Paul Featherston, Cindy McKinney-Volz, Mike Slade, Sheila Long

At 8:11 a.m., there were a total of 20 participants attending the meeting virtually.

Adoption of Agenda -
2021-M-192

Motion by Young, seconded by DuRussel to adopt the agenda as presented.
Motion Carried.

Action on Previous Meeting Minutes -
2021-M-193

Motion by DuRussel, seconded by Young to adopt the meeting minutes from the August 26, 2021 Regular meeting. Motion Carried.

Brief Public Comment Period for Agenda Items Only – None

*Consent Agenda Resolution -
2021-M-194*

Motion by Vaughan, seconded by DuRussel that the Consent Agenda Resolution with Item D removed and Minutes from the September 13, 2021 Committee of the Whole Meeting be adopted. Motion Carried.

CONSENT AGENDA

- Agenda Reference:** A
- Entity Proposing:** COMMITTEE OF THE WHOLE 9/13/21
- Description of Matter:** Move to approve the two bids for fire suppression for the Michigan State Police, Caro Post. Bid one for exterior fire suppression modifications from Champagne & Marx Excavating Inc., in the amount of \$116,392.00 and bid two from Winner Fire Protection, LLC for interior fire suppression modifications in the amount of \$39,760.00. Total project cost of \$156,152.00. Also, all appropriate signatures are authorized.
- Agenda Reference:** B
- Entity Proposing:** COMMITTEE OF THE WHOLE 9/13/21
- Description of Matter:** Move that per the September 8, 2021 request from Sandra Nielsen, Central Dispatch Director, that Pablo Lopez be hired to fill a vacant full-time dispatcher position, pending favorable background, physical and drug screening.
- Agenda Reference:** C
- Entity Proposing:** COMMITTEE OF THE WHOLE 9/13/21
- Description of Matter:** Move that per the recommendation from Billy Putman, Tuscola County Republican Party Chair, that Doug Lagos be appointed as the Republican Party Representative for the Board of Canvassers to fill the vacancy due to the resignation of Judy Neblock with a term that expires October 31, 2024.

- Agenda Reference:** D (Removed and added to the agenda)
- Entity Proposing:** COMMITTEE OF THE WHOLE 9/13/21
- Description of Matter:** ~~Move to grant the September 2, 2021 appeal from Amy Grace Gierhart, Chief Judge to submit un-redacted Michigan Indigent Defense Council (MIDC) attorney invoices for January 2021 and July 2021. Original determination regarding the original FOIA request dated August 25, 2021 was a partial denial with some redaction.~~

Consent Agenda Item D (matter added) –

-Clayette Zechmeister reviewed the timeline of the FOIA requests that have been received from Judge Gierhart. The Judge has filed an appeal as to the information that has been redacted on the Michigan Indigent Defense Council (MIDC) billing statements. Board discussed if the response deadline should be extended 10-days that would be allowable due to the appeal being filed. Board discussed the information that was redacted in the second FOIA request.

2021-M-195

Motion by Grimshaw, seconded by DuRussel to grant the September 2, 2021 appeal from Amy Grace Gierhart, Chief Judge, to submit unredacted Michigan Indigent Defense Council (MIDC) attorney invoices for January 2021 and July 2021. Original determination regarding the original FOIA request dated August 25, 2021 was a partial denial with some redaction. Roll Call Vote: Grimshaw – yes; Young – yes; Vaughan – no; DuRussel – yes; Bardwell – no. Motion Carried.

New Business -

-Audit Extension with Gabridge & Company – Clayette Zechmeister reviewed the history of contracting with this firm since 2018. The proposed costs are still less than what the county paid to have the audit completed in 2017.

2021-M-196

Motion by Young, seconded by Grimshaw to approve the three-year proposed Tuscola County audit extension with Gabridge & Company; audit year 2021 for \$38,000.00, audit year 2022 for \$39,000.00 and audit year 2023 for \$40,000.00. Also, all authorized signatures be approved. Motion Carried.

-Animal Control Operation Updates – Clayette Zechmeister reviewed the report submitted by Director Leigh Nacy.

-Closed Session - Written Legal Opinion, Building Codes –
2021-M-197

Motion by DuRussel, seconded by Vaughan that the Board meet in Closed Session under Section 8(h) of the Open Meetings Act to discuss the contents of a written legal memorandum from its attorney, which is exempted from disclosure under Section 13(1) (g) of the Freedom of Information Act, with Eric Morris with Braun Kendrick, Clayette Zechmeister, Jodi Fetting and Eean Lee to be allowed to attend the closed session at 9:08 a.m. Roll Call Vote: Vaughan – yes; DuRussel – yes; Grimshaw – yes; Young – yes; Bardwell – yes. Motion Carried.

Recessed for Closed Session at 9:08 a.m.

Reconvened from Closed Session at 9:57 a.m.

At 9:57 a.m., there were a total of 19 participants attending the meeting virtually.

Recessed at 9:57 a.m.

Reconvened at 10:10 a.m.

At 10:11 a.m., there were a total of 19 participants attending the meeting virtually.

2021-M-200

Motion by Vaughan, seconded by Young to approve the Professional Services Agreement with SAFEbuilt Michigan, LLC to provide Building Official services, building and trades permitting and inspection services, plan review services and such other services as are outlined in the proposed agreement presented to the Board on this date. Further moved that Chairman Bardwell is authorized and directed to sign such agreement on behalf of the County. Roll Call Vote: Young – yes; Vaughan – yes; DuRussel – yes; Grimshaw – yes; Bardwell – yes. Motion Carried.

Old Business (continued below) -

-SAFEbuilt Contract -

2021-M-201

Motion by Grimshaw, seconded by Young to require an annual report provided by SAFEbuilt, LLC to the county board to be presented at the first Commissioner meeting in October starting in 2022. Roll Call Vote: Vaughan – no; DuRussel – yes; Grimshaw – yes; Young – yes; Bardwell – no. Motion Carried.

-Matter of what details should be included in the Building Codes annual report should be added to the next regular Committee of the Whole meeting.

New Business (continued from above) -

-Closed Session - Labor Negotiations -

2021-M-202

Motion by Young, seconded by Vaughan that the Board meet in Closed Session, pursuant to Section 8(c) of the Open Meetings Act, in order to discuss strategy connected with the negotiation of new collective bargaining agreements with Eric Morris with Braun Kendrick, Clayette Zechmeister, Jodi Fetting, Shelly Lutz and Eean Lee to be allowed to attend the closed session at 10:25 a.m. Roll Call Vote: DuRussel – yes; Grimshaw – yes; Young – yes; Vaughan – yes; Bardwell – yes. Motion Carried.

Recessed for Closed Session at 10:26 a.m.

Reconvened from Closed Session at 11:21 a.m.

At 11:21 a.m., there were a total of 18 participants attending the meeting virtually.

-Commissioner Grimshaw recommends that Eric Morris be in contact with Elected Officials and Department Heads as to gain their input on labor negotiations.

2021-M-205

Motion by Grimshaw, seconded by DuRussel to authorize Eric Morris and Clayette Zechmeister to communicate to the Elected Officials that are co-employers to prepare for labor negotiations and what issues they would like to provide input on and provide suggestions for. Motion Carried.

Old Business (continued from above) -

-SAFEbuilt Contract

2021-M-206

Motion by Grimshaw, seconded by DuRussel to have Eric Morris create an agreement that gives South Central Michigan Construction Code Inspectors (SCMCCI) until October 31, 2021 to vacate office space at no cost to them. Motion Carried.

New Business (continued from above) -

-Tuscola Intermediate School District School Plan Reviews – Gene Pierce addressed the Board as the application process is pending and he needed to know the company name to place on the application.

2021-M-207

Motion by Young, seconded by Vaughan that SAFEbuilt be approved for the administration and enforcement for plan review and inspection of school buildings for Tuscola ISD, Akron-Fairgrove Schools, Caro Community Schools, Cass City Public Schools, Kingston Community Schools, Mayville Community Schools, Millington Community Schools, Reese Public Schools, Vassar Public Schools and Unionville-Sebewaing Area Schools. Also, authorizing documents are approved for signature. Annual approval of this inspection work is a requirement of the State. Roll Call Vote: Grimshaw – yes; Young – yes; Vaughan – yes; DuRussel – yes; Bardwell – yes. Motion Carried.

Old Business (continued from above) -

-Building Codes Transition from South Central Michigan Construction Code Inspections (SCMCCI) to SAFEbuilt next steps (continued from above):

- Outstanding Permits
- Official Notifications to Contractors and Citizens
- Office Hours/Location
- Permit Payment Processing

-Board discussed the transition period with Kelly and Paul from SAFEbuilt and how projects will be assigned during the next two weeks. If it is a project that can be completed before the end of September, SCMCCI will complete that request otherwise it will be forwarded to SAFEbuilt for processing. Until an office for SAFEbuilt is established in Caro, contacting Paul or Tim via email will be the most efficient.

Paul – pfeatherston@safebuilt.com

Tim – tgardner@safebuilt.com

New Business (continued from above) -

-Closed Session - Security (Exempt from Disclosure)

2021-M-208

Motion by Young, seconded by DuRussel that the Board meet in Closed Session under Section 8(h) of the Open Meetings Act to consider material exempt from discussion or disclosure by state or federal statute specifically, records and information of measures desired to protect the security and safety of County employees, officials and visitors as well as County property which are exempt from public disclosure under Section 13(y) of the Freedom of Information Act.” Also, Clayette Zechmeister, Jodi Fetting, Steve Anderson, Undersheriff Robert Baxter, Mike Miller and Eean Lee are authorized to attend at 11:50 a.m. Roll Call Vote: Young – yes; Vaughan – yes; DuRussel – yes; Grimshaw – yes; Bardwell – yes. Motion Carried.

Recessed for Closed Session at 11:50 a.m.

Reconvened from Closed Session at 12:30 p.m.

At 12:30 p.m., there were a total of 15 participants attending the meeting virtually.

Commissioner Vaughan excused at 12:32 p.m.

Recessed at 12:32 p.m.

Reconvened at 12:40 p.m.

At 12:40 p.m., there were a total of 15 participants attending the meeting virtually.

-2021/2022 Tuscola County Indigent Defense Grant with Michigan Indigent Defense Commission (MIDC) – Clayette Zechmeister explained the Grantee information needs to be changed from Clayette’s name to Thomas Bardwell’s name. She also stated the grant request includes no pay increases. Request needs to be completed by September 30, 2021. Board discussed the bottom line of Indigent Defense versus the Prosecutor’s Office budget and the difference between the two.

2021-M-211

Motion by Grimshaw, seconded by Young to approve the October 1, 2021 to September 30, 2022 Grant agreement between Tuscola County and the Michigan Indigent Defense Commission (MIDC) with a total authorized budget of \$1,501,036.04. State Grant Portion is \$1,249,564.16 and Local Share Contribution is \$251,471.88. Also, all authorized signatures be approved after the Grantee information is changed from Clayette Zechmeister to Thomas Bardwell. Roll Call Vote: Grimshaw – yes; Young – yes; Vaughan – absent; DuRussel – yes; Bardwell – yes. Motion Carried.

-Clayette will provide the matters that caused the increase in the MIDC budget at the September 22, 2021 Committee of the Whole meeting.

Old Business (continued from above) -

-Open Meetings Act (OMA) Resolution -

2021-M-212

Motion by Young, seconded by Grimshaw to approve Resolution #2021-13 titled “Resolution to Exempt Certain Counties from the Recently Updated Open Meetings Act (OMA)” and forward to all Michigan Senators, all Michigan Representatives, all Michigan Counties, Michigan Township Association, all Tuscola County Cities and Townships, Gene Pierce, Tuscola Intermediate School District Superintendent and all Superintendents within Tuscola County. Roll Call Vote: Young – yes; Vaughan – absent; DuRussel – yes; Grimshaw – yes; Bardwell – yes. Motion Carried.

Correspondence/Resolutions -

-Quality Assurance Assessment of Medical Examiner Services

-Grand Traverse County Resolution 87-2021 in Support of Vaccine Awareness and Medical Autonomy.

COMMISSIONER LIAISON COMMITTEE REPORTS

GRIMSHAW – No Report

Behavioral Health Systems Board

Recycling Advisory

Local Units of Government

Jail Planning Committee

MI Renewable Energy Coalition (MREC)

DURUSSEL – No Report

Board of Health
Community Corrections Advisory Board
Dept. of Human Services/Medical Care Facility Liaison
Genesee Shiawassee Thumb Works
Local Emergency Planning Committee (LEPC)
MAC Judiciary Committee
MEMS All Hazard
Local Units of Government Activity Report

BARDWELL

Behavioral Health Systems Board
Caro DDA/TIFA – Met at POET yesterday.
Economic Development Corp/Brownfield Redevelopment
MAC 7th District
MAC Workers Comp Board – Report of dividend amount should be forthcoming.
MAC Finance Committee
TRIAD
Local Units of Government Activity Report

YOUNG

Board of Public Works
County Road Commission Liaison
Dispatch Authority Board – Meets next Tuesday.
Genesee Shiawassee Thumb Works
Great Start Collaborative
Human Services Collaborative Council (HSCC)
Jail Planning Committee
MAC Agricultural/Tourism Committee
Region VI Economic Development Planning
Saginaw Bay Coastal Initiative
Senior Services Advisory Council
Tuscola 2020
Local Units of Government Activity Report

VAUGHAN - absent

Board of Health
County Planning Commission
Economic Development Corp/Brownfield Redevelopment
MAC Environmental Regulatory
Mid-Michigan Mosquito Control Advisory Committee
NACO-Energy, Environment & Land Use
Parks and Recreation Commission
Tuscola County Fair Board Liaison
Local Units of Government Activity Report

Other Business as Necessary –

-Van Buren County wants a copy of Resolution 2021-13.

-Courthouse Mask requirement – Judge Gierhart has issued requirement that anyone in the public area in the courthouse should be masked. Board discussed who has the guidance of placing the rules on the courthouse building whether it would be the Chief Judge or the Board of Commissioners. Clerk Fetting referenced Court Rule 8.110 Chief Judge Rule. Board would like input from County Legal Counsel. Matter to be placed on the next Committee of the Whole meeting.

Commissioner Young excused at 1:26 p.m.

-Health Director Update – Clayette updated the Board that she has been in communication with Mr. Gonzales. Clayette provided to Mr. Gonzales the job posting, Tip MacGuire's Professional Summary and Amanda Ertman's Professional Summary. Mr. Gonzales is going to review this information and review his recommendations that were made. Clayette has reached out to Ms. Ertman to discuss the recommendations that were made by the State of Michigan. Board reiterated their support of selecting Amanda as the Health Officer for Tuscola County. Matter to be placed on the next Committee of the Whole agenda for an update.

At 1:51 p.m., there were a total of 21 participants attending the meeting virtually.

Extended Public Comment -

-Cindy McKinney-Volz and Sheila Long discussed with the Board the mask requirement that has been issued by the Chief Judge. Discussion of what is defined as the public area of the courthouse.

2021-M-213

Motion by DuRussel, seconded by Grimshaw to adjourn the meeting at 1:58 p.m.
Motion Carried.

Meeting adjourned at 1:58 p.m.

Jodi Fetting
Tuscola County Clerk