

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

January 18, 2018

The County Board of Commissioners met in regular session on Thursday, January 18, 2018 in the Commission Chambers.

Clerk/Register Monica Kennedy called the meeting to order at 7:00 p.m. Commissioner Marchetti provided the Invocation. Commissioner Ziliak led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica Kennedy called roll:

COMMISSIONERS PRESENT: Terry Ausra, Annie File, Michael Grice, Skip Dyes, Roseann Marchetti, Robert Ziliak and E. Clark Cobb.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Administrator Karen L. Folks and Clerk/Register Monica Kennedy.

ORGANIZATIONAL BUSINESS

Clerk/Register Kennedy opened the floor for nominations for Chairperson, a one year term.

Commissioner Dyes nominated Commissioner Marchetti.

Commissioner Ziliak nominated Commissioner Ausra.

Commissioner Ausra nominated Commissioner Ziliak.

Commissioner Marchetti moved to close nominations. Clerk/Register Kennedy closed the floor and distributed papers for a secret ballot vote. The results were as follows:

Commissioner Ausra: three votes

Commissioner Marchetti: three votes

Commissioner Ziliak: one vote

Clerk/Register Kennedy instructed the board to vote again and choose one of the top two candidates: Commissioner Ausra or Commissioner Marchetti. The results were as follows:

Commissioner Ausra: four votes

Commissioner Marchetti: three votes

Clerk/Register Kennedy turned the meeting over to Chair Ausra.

Chair Ausra opened the floor for nominations for Vice Chairperson, a one year term.

Commissioner File nominated Commissioner Cobb.
Commissioner Grice nominated Commissioner Marchetti.

Commissioner Ziliak:	Commissioner Cobb
Commissioner File:	Commissioner Cobb
Commissioner Grice:	Commissioner Marchetti
Commissioner Dyes:	Commissioner Marchetti
Commissioner Ausra:	Commissioner Cobb
Commissioner Marchetti:	Commissioner Marchetti
Commissioner Cobb:	Commissioner Cobb

Commissioner Cobb was elected Vice Chair by roll call vote.

INTRODUCTION OF VISITORS

Visitors introduced themselves.

APPROVAL OF THE AGENDA

Commissioner Cobb moved, seconded by Commissioner Ziliak, to approve the January 18, 2018 Amended Regular Board of Commissioners Meeting Amended Agenda. Commissioner Ziliak stated Item II. Oath of Office should be removed from the agenda. Commissioner Marchetti requested to amend M-8-18 by removing "This term is retroactive to June 15, 2016." from the motion. Motion carried by voice vote.

PRESENTATIONS

None.

RECOGNITIONS

None.

INTRODUCTIONS

None.

CONSENT AGENDA

Commissioner Cobb moved, seconded by Commissioner Marchetti, that the following items be voted on at one time by roll call vote and be considered as a consent agenda by the Board of Commissioners:

(M-1-18) A motion to approve Claims dated December 15, 2017 through January 12, 2018.

(M-2-18) A motion to approve the purchase of a UPS Battery/Preventive Maintenance for the Jail/911 from EDI Power Services at a cost of \$5,400.00 to be paid from line items 101-265-978.075 (\$5,000.00) and 101-265-930.075 (\$400.00).

(M-3-18) A motion to accept amended SAW Grant from the Department of Environmental Quality in the amount of \$136,800.00, with the county match of \$15,200 for a total project cost of \$152,000.00. The funds will be used for the Christiana Creek and Rocky River Watersheds.

(M-4-18) On September 21, 2017 at their regular meeting the Board of Commissioners adopted the FY2018 MSU Work Plan in the amount of \$82,884.00. It is to be paid in four equal installments over the fiscal year. The first payment of \$20,721.00 was paid on November 3, 2017.

A motion to approve payment of the remaining fiscal year quarterly payments in January, April and July of 2018.

(M-5-18) A motion to approve the County Building fire alarms project with work to be performed by Haas Systems, Inc. at a cost of \$6,435.22 to be paid out of line item 101-265-978.075.

(M-6-18) A motion to approve the purchase of five copiers for Central Filing, Equalization, Prosecutor's Office, Information Systems and Jail Booking from U.S. Business Systems, Inc. for a total of \$25,975.74, to be paid out of line item 101-258-975.072. The purchase is budgeted for the FY 2018 Budget.

(M-7-18) A motion to approve the payment of invoice #4 from Denny's Excavating, Inc. in the amount of \$25,508.26. It is part of the Dodd Park Water Trail Project and will be paid from line item 245-244-801.154.

Approval of the December 7, 2017 Special Meeting Minutes, the December 7, 2017 Regular Meeting Minutes and the December 14, 2017 Special Meeting Minutes.

(M-8-18) A motion to appoint Lance Lyons to the Kinexus Board for an unexpired term ending July 31, 2018 and to appoint Administrator Karen Folks to the Economic Development Corporation (EDC) Board for a term ending September 30, 2018. The Kinexus appointment is at the recommendation of Todd Gustafson, Executive Director of Kinexus. The EDC appointment is at the recommendation of the EDC Board, voted on at their June 15, 2016 Meeting.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Ziliak, File, Cobb, Ausra, Marchetti and Dyes.

No (1): Commissioner Grice.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners Dyes, Marchetti, Ziliak, Grice, Cobb and Ausra furnished committee reports.

ADMINISTRATOR'S REPORT

Administrator Karen L. Folks provided a written Administrator's Report.

OLD BUSINESS

None.

NEW BUSINESS

M-11-18

Commissioner Grice moved, seconded by Commissioner Marchetti, that the Board of Commissioners (all seven members) receive notification in writing if/when the Administrator will be out of the office for more than four hours, whether it be for a conference/meeting, vacation, ETO or illness and to include in the notification who will be the contact person for the office. Discussion followed.

Commissioner Grice moved, seconded by Commissioner File, to amend the motion to read: The Board of Commissioners (all seven members) receive notification in writing if/when the Administrator will be out of the office for more than eight hours, whether it be for a conference/meeting, vacation, ETO or illness and to include in the notification who will be the contact person for the office.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners File, Grice, Cobb, Marchetti, Dyes and Ziliak.

No (1): Commissioner Ausra.

Motion M-11-18 carried by roll call vote.

PUBLIC COMMENT

Jefferson Township resident Mark Jamrog offered information regarding property taxes in Jefferson and Ontwa Townships, Cass County.

Robert Benjamin, Milton Township Supervisor, discussed a memo received by most townships in Cass County. He commented on the County Strategic Plan Survey. He then discussed an issue with an icy road in Howard Township that prevented emergency services from reaching a crash. Road Commission Manager Steve Lucas said he would look into it.

Prosecutor Victor Fitz provided details on the Open Meetings Act. He specifically discussed reasons allowing a public body to enter Closed Session as the two Closed Sessions on the January 18, 2018 Regular Board Meeting Agenda were in question.

CLOSED SESSION

M-9-18

Commissioner Grice moved, seconded by Commissioner Marchetti, to postpone Motion M-9-18 due to the information on the Open Meetings Act provided by Prosecutor Fitz. Discussion followed.

The Chair instructed the Clerk to call roll:

Yes (3): Commissioners Grice, Marchetti and Dyes.

No (4): Commissioners Cobb, Ausra, Ziliak and File.

Motion to postpone motion M-9-18 failed by roll call vote.

Commissioner File moved, seconded by Commissioner Ziliak, to enter Closed Session in order to discuss an employee complaint pursuant to MCL 15.268(a). In addition to commissioners, Administrator Folks, Administrative Specialist Jackie Taylor, Attorney Leigh Schultz and Clerk/Register Monica Kennedy joined the closed session. Administrative Specialist Jackie Taylor stated she would not enter Closed Session because she did not have legal counsel present.

The Chair instructed the Clerk to call roll:

Yes (6): Commissioners Cobb, Ausra, Marchetti, Dyes, Ziliak and File.

No (1): Commissioner Grice.

Motion M-9-18 carried by roll call vote.

The meeting entered closed session at 8:30 p.m.

The meeting returned to open session at 8:35 p.m.

M-10-18

Administrator Folks stated the second employee complaint was against Commissioner Dyes. Commissioner Dyes declined to enter Closed Session. The complaint was heard in Open Session:

Administrator Folks accused Commissioner Dyes of gender discrimination, bullying and creating a hostile work environment. She described several examples demonstrating a hostile work environment. She added that other employees in the Administrator's Office also felt bullied by Commissioner Dyes.

Administrator Folks went on to state that Commissioner Marchetti often agreed and sided with Commissioner Dyes. She stated she did not feel Commissioner Marchetti was a bully but instead facilitated Skip's actions.

She closed with eight requests:

1. The bullying behavior to stop immediately.
2. The board to pass a resolution reflecting zero tolerance for a hostile work environment and sexual harassment.
3. Develop and enforce a code of civility and an anti-bullying policy
4. The board to approve the creation and support the enforcement of a policy that would be a prohibition of violence in the workplace.
5. The support of the board requiring Commissioner Dyes (and all commissioners) to make an appointment to meet with Administrator Folks and any staff in the Administrator's Office so that safety precautions are in place.
6. Update and enforce a policy prohibiting discrimination in the workplace.
7. Consider choosing and scheduling training to support the policies by appropriate outside experts.
8. Invite Miss Dowagiac to come before the board to expound upon her anti-bullying platform.

Chair Ausra provided Commissioner Dyes the opportunity to respond to the allegations:

Commissioner Dyes stated he had never hollered at, intimidated or bullied Administrator Folks. He complained of the lack of transparency in the Administrator's Office. He was concerned over the potential for liability and stated the board must protect the county.

Chair Ausra allowed Commissioner Marchetti time to respond.

Commissioner Marchetti expressed concern that Administrator Folks blindsided Commissioners Dyes and Marchetti with allegations. Administrator Folks named Marchetti in her complaint without providing her notice or giving her the opportunity to request a Closed Session. Commissioner Marchetti was offended and embarrassed.

Folks reminded everyone that, by law, retaliation is illegal.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioners File and Ausra offered comments.

ADJOURNMENT

Commissioner Cobb moved, seconded by Commissioner Dyes, to adjourn. Motion carried by voice vote.

The meeting adjourned at 9:30 p.m.

Approved: _____
Date

Robert Ziliak, Chairperson

Monica Kennedy, Clerk/Register