

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

March 3, 2016

The County Board of Commissioners met in regular session on Thursday, March 3, 2016 in the Commission Chambers.

Chair Williamson called the meeting to order at 7:10 p.m. Commissioner Cobb provided the Invocation. Commissioner Wagel led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica Kennedy called roll:

COMMISSIONERS PRESENT: Robert Wagel, Annie File, Dwight Dyes, Roseann Marchetti, Bernie Williamson, Robert Ziliak and E. Clark Cobb.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Finance Director Angie Steinman and Clerk/Register Monica Kennedy.

INTRODUCTION OF VISITORS

Visitors introduced themselves.

APPROVAL OF THE AGENDA

Commissioner Cobb moved, seconded by Commissioner File, to approve the March 3, 2016 Cass County Board of Commissioner's Agenda with the addition of Motion M-30-16. Discussion continued regarding the language of M-30-16. Motion carried by voice vote.

PUBLIC COMMENT

CCIEA Union President Tina Butler stated that motion M-30-16 as written was a clear violation of the settlement. The agreement of record state that Ms. Troche's seniority was to be restored for all purposes. Motion M-30-16 stated that the county would pay only 50% of MERS costs for Ms. Troche. If the motion passes as presented, the union would file a motion with MERC to set aside the agreement and to reopen the unfair labor practice.

CONSENT AGENDA

Commissioner Ziliak 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-29-16) A motion to approve Claims dated 2/26/16.

(M-27-16) A motion to reappoint May Myers, Mark Herman, James Sayer and Karen Lehman to the Woodlands Behavioral Healthcare Network Board for terms ending March 31, 2019. These reappointments are the recommendation of the Woodlands Director.

Approval of the February 18, 2016 Regular Meeting Minutes

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Wagel, File, Dyes, Marchetti, Williamson, Ziliak and Cobb.

No (0): None.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners Marchetti, Wagel and Cobb furnished committee reports.

ADMINISTRATOR'S REPORT

Finance Director/Deputy Administrator Angie Steinman provided a written Administrator's Report.

FINANCIAL REPORT

Finance Director Angie Steinman discussed the Financial Report.

NEW BUSINESS

M-30-16

Commissioner Cobb moved, seconded by Commissioner File, to approve the following motion:

Be it known that the Cass County Board of Commissioners holds to the position that the County Settlement Agreement signed by Ms. Debra Troche on January 13, 2016 does not require the County to pay more than the agreed-upon total sum of \$20,000 to and/or on behalf of Ms. Troche.

Furthermore, the Cass County Board of Commissioners holds to the position that the Settlement Agreement, as it pertains to restoration of Ms. Troche's retirement during the approximately 13 months that she did not return to work, places full responsibility for the costs to restore that time on Ms. Troche.

HOWEVER, whereas debate over the terms of the agreement threaten not only to draw both the County and the Union back into litigation, and disrupt efforts to set aside the conflicts of the past;

And whereas the Board of Commissioners is in agreement that it is in the County's best interest to mitigate further expense and continued employee conflict;

And whereas it is the prerogative of the Cass County Board of Commissioners to take action outside of that agreement, without committing to future action, and without suggesting that such action is in compliance with the aforementioned Settlement Agreement, the following motion is made:

Motion M-30-16 calls for Cass County to pay approximately \$900 to MERS on behalf of Ms. Troche – half of what the County would have paid had Ms. Troche returned to work during that period – toward the restoration of approximately 13 months of retirement time.

Payment will be made in accordance with any rules, regulations or restrictions of MERS pension system administrator; and may be subject to state and federal standard deductions and withholdings, wage assignments and/or tax levies. The remaining 50%, and all costs that would have been paid by the employee, remain the responsibility of Ms. Troche.

Should Ms. Troche choose not to invest in the restoration of her time within 30 days of the passage of this motion, the offer of payment of this contribution by the County shall be withdrawn. Motion M-30-16 calls for Cass County to pay approximately \$900 to MERS on behalf of Ms. Troche – half of what the County would have paid had Ms. Troche returned to work during that period – toward the restoration of approximately 13 months of retirement time.

*(*Actual total will be provided by MERS, but estimates approach \$900.)*

Commissioner Wagel moved, seconded by Commissioner Marchetti, to amend the following:

- Delete paragraph 1
- Delete Paragraph 2
- Delete Paragraph 3
- Delete the following in paragraph 7 - The remaining 50%, and all costs that would have been paid by the employee, remain the responsibility of Ms. Troche.
- Change paragraph 8 Motion M-30-16 change \$900 to \$1,900. Delete half of what the County would have paid had Ms. Troche returned to work during that period – toward the restoration of approximately 13 months of retirement time.

Discussion followed. Commissioner Wagel withdrew his motion to amend.

Chair Williamson moved, seconded by Commissioner Marchetti, to amend to \$1,900 instead of \$900, to MERS on behalf of Ms. Troche - remove half of what the county would have paid and to remove any reference of 50% from the motion and to remove half of from last sentence of the last paragraph.

Commissioner Wagel requested a roll call vote.

Yes (7): Commissioners File, Dyes, Marchetti, Williamson, Ziliak, Cobb and Wagel.

No (0): None.

Motion to amend carried by roll call vote.

Commissioner Wagel requested a roll call vote on M-30-16 as amended.

Yes (7): Commissioner Dyes, Marchetti, Williamson, Ziliak, Cobb, Wagel and File.

No (0): None.

The amended motion M-30-16 carried by roll call vote.

AMENDED M-30-16 AS PASSED

Be it known that the Cass County Board of Commissioners holds to the position that the County Settlement Agreement signed by Ms. Debra Troche on January 13, 2016 does not require the County to pay more than the agreed-upon total sum of \$20,000 to and/or on behalf of Ms. Troche.

Furthermore, the Cass County Board of Commissioners holds to the position that the Settlement Agreement, as it pertains to restoration of Ms. Troche's retirement during the approximately 13 months that she did not return to work, places full responsibility for the costs to restore that time on Ms. Troche.

HOWEVER, whereas debate over the terms of the agreement threaten not only to draw both the County and the Union back into litigation, and disrupt efforts to set aside the conflicts of the past;

And whereas the Board of Commissioners is in agreement that it is in the County's best interest to mitigate further expense and continued employee conflict;

And whereas it is the prerogative of the Cass County Board of Commissioners to take action outside of that agreement, without committing to future action, and without suggesting that such action is in compliance with the aforementioned Settlement Agreement, the following motion is made:

Motion M-30-16 calls for Cass County to pay approximately \$1,900 to MERS on behalf of Ms. Troche – what the County would have paid for approximately 13 months of retirement time had Ms. Troche returned to work during that period.

Payment will be made in accordance with any rules, regulations or restrictions of MERS pension system administrator; and may be subject to state and federal standard deductions and withholdings, wage assignments and/or tax levies.

Should Ms. Troche choose not to invest in the restoration of her time within 30 days of the passage of this motion, the offer of payment of this contribution by the County shall be withdrawn.

OLD BUSINESS

There was no old business.

BOARD MEMBER COMMENTS OR ANNOUNCEMENTS

Commisisoner Marchetti provided a comment.

PUBLIC COMMENT

Tina Butler thanked the board on behalf of the union. She went on to state it was time to move forward in a positive direction, to repair and end the division within the county.

ADJOURNMENT

Commissioner File moved, seconded by Commissioner Marchetti, to adjourn. Motion carried by voice vote.

The meeting adjourned at 8:00 p.m.

Approved: _____
Date

Bernie Williamson, Chairperson

Monica Kennedy, Clerk/Register