

Menominee County Executive Committee
Minutes of Meeting
February 22, 2016

*******Approved 10.4.16*******

The Executive Committee met on February 22, 2016 at 2:00 PM at the Menominee County Library, Stephenson, MI.

Others present at the meeting were Jan Hafeman; Jerry Piche

Call Meeting to order: Com. Meintz called the meeting to order at 2:00 P.M.

Pledge of allegiance: was recited by all.

Roll Call: All Executive Com. Commissioners are present.

Agenda was approved by Com. Furlong and supported by Com. Nelson to approve the agenda as written. Motion approved 3/0.

Previous Meeting minutes: December 14, 2015 – moved by Com. Furlong and supported by Com. Nelson to approve the minutes of the December 14, 2015 Executive Committee meeting. Motion approved 3/0.

Public Comment: None

Business Items:

- A. Review of Menominee County Bylaws, Board Rules, County Policies and Charters of Standing Committees:** - **Meintz:** I asked Brian to put this on in conjunction partially with the questions we had the last time, and we had a phone call from Stoker at one of our boards' meetings. I'm concerned that we still have no written documentation on some of the actions that happened in previous meetings. We had a phone call, but in the write-up from Stoker, things were not said that he said on the phone and I think we need "preferably use Merkel" for legal advice. **Nelson:** In Stoker's letter from Perrone, it says we had followed our policies and procedures. According to our bylaws, we did not. It was cited that 2/3rd vote is required by state law, but our bylaws require a 4/5th vote. If we're not going to follow our policies and procedures, then I think we should change them. **Furlong:** I'm not a lawyer. To be frank I don't know what the 4/5th means. **Meintz:** I'd like to make a motion to get a legal opinion so we have a legal standing in case this comes up again. I would prefer from Merkel. He didn't want to do this before because there was a raise for him involved. **Furlong:** What exactly are we talking about, that section of the bylaws? **Nelson:** We have a lot of bylaws, but we have nothing in writing that we have to follow them. It created an issue. **Meintz:** It's a matter of, Stoker said on the phone we should be able to do this or that with so many votes. None of that is explained in our written

comment from him. Nothing says (in writing) it was legal action or not. **Nelson:** It was a big bill for what we got out of that. In part we did screw up. It's ok if we change them as long as we don't violate the state laws. **Furlong:** What is the ultimate goal here, to bring up the pay raise issue again? **Nelson:** No I think we should correct this so it doesn't happen again. **Furlong:** I wouldn't mind putting this issue to bed. The pay raises wasn't something that was hidden from the public. **Nelson:** No as far as the raises, we can put that to bed, it's done. We had an opinion from our PA in 2013 that cited our policies/procedures. **Furlong:** When we talk about changing our rules and following policies. Its fine under some circumstances, when it's good for certain people. But it's not fine under other circumstances. I do agree, let's find a rule that we can stick with, something that makes sense, something that everyone can understand and move on from there. But past practice of what we've already done, I'd be opposed to bringing it back to the county board. **Nelson:** I don't disagree with you, we're not bringing it back to the board. The employees have nothing to do with this, they shouldn't be punished for this. It's over, period. I'd like to clear up the policies and procedures. **Meintz:** We just need to have this in writing whether what we did is ok or not ok. We need to maintain consistency within our bylaws and procedures. **Furlong:** I hate dragging this out. I'd like that rule looked at, or simplified. **Nelson:** We should change our bylaws to 2/3 vote. **Furlong:** I recommend that every time we have an agenda put forward, that we send it off to an attorney to have him look at it to be sure everything on it is legal and binding to our bylaws. If we don't have rules, we have anarchy. I would get an opinion on Section 7 in the bylaws. Section 8 in the Personnel Manual, check the part about when the DMG pay will start. (page 7) Everyone has the right to sue. We are the keeper of the taxpayer money. If we can re-coop something from this or any other lawsuit, we should. If we don't ask for recoupment, that opens up the door for following rules. **Nelson:** In a lot of ways, instead of punishing Mr. Eichhorn, we should be thanking him for not putting egg on our face and stopping us from getting a raise before it ever happened. We should have done a little research first. I think we should thank Mr. Eichhorn, in public for what he did for us, because he stopped us from getting pay, when the state is harsh on this subject. I think this saved us a lot in the long run. The case was dismissed without prejudice. **Furlong:** Our lawyer during the disposition should have asked for attorney fees, if he didn't, then shame on him. If it's not done, we should have our attorney go after attorney fees. If it is done, closed, then we don't have a leg to stand on. I'm not proposing we go to small claims court to re-coop the fees. **Nelson:** We made a mistake, it took a private citizen to correct us. We were breaking the law. **Bousley:** the only thing we can do is follow these bylaws/personnel manual moving forward. **Furlong:** Article 7 sections 1 & 2 – to have Merkel look at this and explain this. **Nelson:** get Kandace's opinion that we got from Dan Hass on the start date.

- B. Discussion of Legal payments:** **Meintz:** Section B was passed until discussion of section C. below. With the discussion below, we'll make the payments as invoiced.
- C. Discussion of Legal representation for the County Board:** **Meintz:** After going through some of the expenditures from the case, I was worried about the cost factor. **Furlong:** May I suggest we have Brian talk to other counties on who they use for legal representation. **Bousley:** I try not to use legal unless we absolutely have to. I do go through MAC at times too. They also use stoker. **Meintz:** Eichhorn should have been

asked for retribution right away. I had no idea there would be no standing in court for this. **Furlong:** Stoker has done well for us. And the fact that he works with MAC tells me his reliability and knowledge of Michigan Law. I think we have the best attorney in the state of MI dealing with our labor laws. I think we should keep the same attorney. Brian is doing a good job keeping the costs down. **Meintz:** I thought the bill was awful pricy and perhaps we're being taken advantage of. **Nelson:** Stoker charges us \$175/hr. That's not outrageous. **Furlong:** I would think that Brian should look at other counties and who they are using and bring it back to the board. But we shouldn't change anything until we discuss this again.

Public Comment: None

Commissioner Comment: **Furlong:** Bylaws that were recommended for changes. Discuss this again next time. We didn't have time for this today.

Adjournment: Moved by Com. Furlong supported by Com. Nelson to adjourn the meeting at 3:00 PM. Motion approved 3/0.