

March 24, 2009

APPROVED MINUTES

Proceedings of a regular meeting of the Board of Commissioners in and for the County of Menominee and the State of Michigan were held in Courtroom B, Courthouse, Menominee, Michigan.

Chairman Gary Eichhorn called the meeting to order at 6:00 P.M. followed by the Pledge of Allegiance.

A call of the roll indicated that the following Commissioners were present/absent:

Present: Commissioners Garry Anderson, Gary Eichhorn, James Furlong, Bernie Lang, Dick Peterson,

Chairman Eichhorn called for public comment. There was no public comment.

Com. Furlong moved, Com. Lang supported to approve the agenda. Motion was approved, 5-0.

Com. Lang moved, Com. Peterson supported to approve the February 24, 2009 special meeting and regular meeting board minutes. Motion was approved, 5-0.

There were no presentations.

Department Head/Elected Officials Reports

County Treasurer Diane Lesperance

Tax settlements/WPS

Moved by Com. Furlong, seconded by Com. Lang to approve health/medical leave of absence (*not to exceed twelve (12) weeks*) for Corrections Officer, Jeanne Gerou. Motion approved 5-0.

Moved by Com. Peterson, seconded by Com. Anderson to appoint Pat Anderson to the Delta Menominee Board of Health for the completion of Mr. Gerald Betters' term to expire 12/31/2010. Motion approved 3-2, Com. Furlong and Com. Lang voted nay.

Moved by Com. Anderson seconded by Com. Furlong to approve the bid of Scott & Kathleen Parrette in the amount of \$17,988 for cleaning services (12-month term) of the Courthouse and Health Department Building. Funds to be disbursed from account #101-265-801.00 (B&G – Contractual Services). Motion approved 5-0.

Moved by Com. Peterson, supported by Com. Anderson to approve \$289,198.00 be transferred from the General Fund Acct. #101-000-001.00 to the Child Care Appropriation Acct. # 290-000-699.00 to eliminate the Child Care Fund Deficit. Motion approved 5-0.

Moved by Com. Furlong, supported by Com. Lang to approve payment of Commissioner Per Diems & Expenses as recently submitted. Motion approved 5-0.

Moved by Com. Peterson, supported by Com. Furlong to approve the miscellaneous bills as paid on Feb. 9, 10 & 20 and Mar. 5 & 6 in the total amount of \$293,646.07. Motion approved 4-1, Com. Lang voted nay.

Moved by Com. Anderson to go into closed session to consult with our attorney regarding settlement strategy in connection with the case of *Jason Lauzer, Kathleen McNeely and Michael P. Lyons v Menominee County Board of Commissioners, Gary Eichhorn, Garry Anderson, and Dick Peterson*, Case No. M-09-12727-AW pending in the Menominee County Circuit Court pursuant to Section 8(e) of the Open Meetings Act since discussion in an open meeting will have a detrimental financial effect on the settlement position of the County. Supported by Com. Peterson. Roll call vote 5-0. (*2/3 roll call vote required to go into closed session*). (Admin. Brian Neumeier, Adm. Asst. Sherry Smith, Atty. John Filoramo, Atty Haider Kazim, Clerk Carol Johnson allowed to remain for the closed session) Closed session began at 6:17 P.M.

Board resumed open session at 6:50 p.m.

Moved by Com. Anderson, supported by Com. Peterson to reject plaintiff offer of settlement and to continue negotiations. Motion approved 3-2, Com. Lang and Com. Furlong voted nay.

Moved by Com. Anderson, supported by Com. Peterson to authorize Attorneys to file an appeal by leave of the decisions of Judge Robert Goebel, case no. 09-12747-AW. Motion approved 3-2, Com. Furlong and Com. Lang voted nay.

Moved by Com. Peterson, to go into closed session to consider an attorney-client privileged correspondence dated March 11, 2009, received from our attorney in connection with the case of *Jason Lauzer, Kathleen McNeely and Michael P. Lyons v Menominee County Board of Commissioners, Gary Eichhorn, Garry Anderson, and Dick Peterson*, Case No. M-09-12727-AW pending in the Menominee County Circuit Court pursuant to Section 8(h) of the Open Meetings Act since information subject to attorney-client privilege is exempt from disclosure under Section 13(g) of the Freedom of Information Act. Supported by Com. Anderson. Roll call vote 5-0. (*2/3 roll call vote required to go into closed session*). (Admin. Brian Neumeier, Adm. Asst. Sherry Smith, Atty. John Filoramo, Atty Haider Kazim, Clerk Carol Johnson allowed to remain for closed session) Closed session began at 6:55 P.M.

Board resumed open session at 7:45 P.M.

Moved by Com. Anderson, supported by Com Peterson to release County Administrator contract portion and the Elected Officials salary portion of Atty. David Stoker's opinion. Motion approved 3-2, Com. Furlong and Com. Lang voted nay.

Moved by Com. Lang to release entire opinion of Atty. David Stoker. Motion died for lack of support.

Moved by Com. Anderson, supported by Com. Furlong to place on file Misc. Boards/Committee/Commission Reports. Motion approved 5-0.

Other Matters that may be Properly Presented to Board

Com. Lang stated he has received considerable contact from constituents regarding litigation.

Information Items:

Administrator Brian Neumeier informed the Board that he had received a response from Judy Nerat's office in reference to the E-911 issue..

Com. Eichhorn will attend Pinecrest Board Meetings as able.

Public Comment:

Ruby Ivens	Difficulty hearing at Board meetings
Eileen Behrend	Bailey Fishing Museum
Diane Lesperance	WPS settlement

Motion to adjourn by Com. Furlong, supported by Com. Anderson. Meeting adjourned at 7:55 P.M.

Gary Eichhorn, Chairman

Carol Johnson, Deputy County Clerk