

# **COMMITTEE OF THE WHOLE**

Tuesday ~ March 9, 2010  
Menominee County Courthouse - Courtroom B  
Menominee, MI 49858

## **MINUTES APPROVED ~ APRIL 13, 2010**

The meeting was called to order at 6:00 p.m. (CST) by Chairman, Gary Eichhorn

The Pledge of Allegiance was recited.

Roll call was taken with the following in attendance:

Present: Commissioners Furlong, Anderson, Lang, & Eichhorn  
Excused:

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**Public Comment:** None

**Department Head Reports/Comments:** None

**Approval of the Agenda:** Com. Anderson, would like to amend the agenda to include: Clerks/Treasurers office personnel. Eichhorn: under personnel? Support by Lang to amend the agenda. Motion carried, 4-0. Lang moved to approve the amended agenda, support by Anderson. Motion carried, 4-0.

**Approval of the Previous Meeting Minutes:** Moved by Com. Furlong, seconded by Com. Anderson to approve the previous meeting minutes of February 9, 2010. Motion carried, 4-0.

**Presentations:** Tony Radjenovich, MERS Representative – Retirement Benefits.- Tony went into detail on how the Retirement System works for Menominee County. Defined Benefits vs. Defined Contributions.

Sheriff Kenny Marks - 9-1-1 Emergency Response Road Patrol Millage ~ Sheriff Marks presented a PowerPoint presentation providing information for the Road Patrol Millage.

Brian Bousley – Regional Guide Book – Cindy Boyle available for questions ~ Mr. Bousley explained that the county used to advertise in the regional guide book for Menominee County. We haven't in the past few years. He asks the board if they would like to place an ad in the magazine. Cost of a full page to advertise is \$1,500. It is the consensus of the committee to bring this before the board for a vote.

### **Agenda Items:**

#### **1. Personnel Items:**

- a. District Court ~ Appointment of Magistrate ~ Judge Barstow has appointed the new magistrate to the District Court, Eichhorn: I don't have a problem approving it, but I'd like to know where the person is starting on the pay scale. Furlong: I recommend we move it forward with the stipulation that we're provided with the starting pay scale.
- b. Clerk/Treasurer's office personnel changes ~ Marc Kleiman we discussed at a personnel committee meeting making a change in the job descriptions for the General Ledger (GL) person. We made a list of duties for the person handling the GL in both the Clerk's office and the Treasurers office and have come to an agreement. Diane Lesperance: We have a breakdown of what the pay differences would be considering specific factors. Furlong suggests to have each office provided job duties and pay for each position.

2. **Building and Grounds/ Parks Items:**

- a. Resolution 2010-05 ~ Support of DNR Grant for Shakey Lakes Bath House ~ Mr. Bousley discusses a grant that the parks and rec. committee is applying for at Shakey Lakes Park. Lang: What are the local matches that we'll need? Bousley: We only have to match 25% but we have a little over \$90,000 in the fund balance that we would put toward the cost. Committee members concur to move to the board.
- b. Land Donation from the Minne Family ~ We were offered a donation of a piece of property near Chappy Rapids by the Minne Family. It's a small parcel of land and there are no restrictions on it. Furlong: if we do sell the land, we should use the money for something "in honor" of the Minne Family. Eichhorn: Anyone disagree? Lets move it forward.
- c. Building Inspector – Mr. Bousley has been talking with the City to try our building inspector position. They want to receive all revenue from that. I proposed to give them what we have in the budget and WE receive all revenues. We're waiting for an answer back. In the mean time, we have a building inspector provided by the state for 90 days. During this time any revenue taken in is given to the state. Anderson: Brian, move forward if you can't come up with an agreement. I feel we'll eventually have a full time inspector again. Lang: So that'll cover the soil and sedimentation too? Bousley: No that's something that we still need to work out. Consensus is to have Brian to continue to work with the City on this and see what arrangements can be made.

3. **Miscellaneous Items:**

- a. Appointment of Audrey Jerzyk, Parks & Rec. Committee: This should be a three year appt. instead of a two year appt. Eichhorn: So we just need to make a correction? Furlong: How does this become a three year appt.? In the by-laws is says "after the first appt. it's a three year term". Dan looked at it and said it should be a three year appt.
- b. Billing Statement from attorney Filoramo; Conversation with Gary Anderson: Furlong: I brought this up originally. It's not about the \$15, it's about one commissioner not sharing knowledge with the other commissioners. The point was, lets share the info. we gain so we all can make an informed decision.
- c. Commissioner Committee Assignments: Bousley: We should fill the vacant positions due to Peterson's recall. Eichhorn: we're going to have an election in May. I don't know if at this point if it'll upset the apple cart. I think they're all covered and can function without for now. Lang: If that is true, that we have so many un-necessary committee assignments, maybe we should reconsider some of these assignments. Furlong: if it's important enough to have us on all of these committees, then we should appoint on an interim basis between now and the election. Eichhorn: I don't disagree, but we do have at least one member representing each committee except the MTA and Fair board. Anderson: I would go along with filling this on a temp. basis. Eichhorn: OK we'll make appointments at the next meeting.
- d. GIS ~ We still have not come to a decision on what we're going to do with this. We had the presentation, but nothing more was said about it. Anderson: This is an opportunity to save us some money. I say you go ahead and try this and see if it'll work for us. Bousley: I have two concerns. Any new info. of data that we put into it will need to be manpowered. Who will do that? And, anything we do add to this, it will cost us later down the road. Lang: I'm on the CUPPAD commission. We pay them \$9000 per year to help us in the county. They provide overlapping layers of GIS info. I don't know the cost to the county through CUPPAD, but I'd like to find that out. Property owners out at the mining area. Can it produce a list of all property owners (name, address) around a certain area? Bousley: Peggy and I did meet with

CUPPAD a while ago. If we have CUPPAD do the layers, it would cost us quite a lot of money...each parcel will cost. Furlong: I was quite impressed with the presentation we had. Anderson: It's not going to cost us anything and we're not tied to anything. So we can try to see if it will work out.

**4. Finance Items:**

- a. Superior State Administrators, INC: Superior 125 Plan contract ~ Bousley states we tabled this at the last CB meeting. I'm going to ask to table this again. I'm still working with Jan Stage to get more information.
- b. Courthouse Cleaning Service Contract ~ The current contract expires on April 21<sup>st</sup>. We will have the bids by the CB meeting.
- c. Household Hazardous Waste Collection: Eichhorn: We did discuss this to be held in Stephenson this year. Bousley: Is this something that we want to do, I understand it is budgeted. Eichhorn: Clarify it and move it on for the next meeting?
- d. Commissioner Per Diems/Expenses: - Com. Anderson recommends to move this item to the board for approval.
- e. Miscellaneous Bills – Lang: I'm not contesting this, just curious. Time Warner Cable – There are two different billings on the same day. Smith explains the accounts - 203 acct is for the C.H. internet, and the 301 is for the Sheriff Dept. Cable TV consensus is to move forward to the board for approval.

**Other Items Members may wish to present:** Com. Furlong: I have another matter involving the software that was installed on the Administrative Asst. computer. Have you had any opportunity to look at this? Bousley: I spoke with Mr. Erdman and talked to Mr. Hass about it. Dan and I are supposed to meet with the owner of UES (Jeff) to find out what we can. Their problem is, since it was paid for by a private party, they have some confidentiality issues. Since this on county property, we need to find out what's going on here. Furlong: Did we find out how many computers this software was on? Bousley: That's a question for them as well. There were only certain things they would tell me. Furlong: It's a gov. computer and we have a computer company that came in and installed software on one or more of our computers. Now they can't tell us anything about what they did or where the software is at or what the software does and who has access to the software because they have a confidentiality agreement with a private citizen. I would conceive the fact that the county has the right to monitor its computers and monitor its employee uses on the computer. Now we have a private individual paying the county bill. So now the county, the taxpayers, the government body is cut off of access to the information because we didn't pay for it. I think there's something wrong here. First and foremost, do we have a computer use policy to disseminate among all county employees? Bousley: We have looked for one and found one (Ms. Wormwood found one) but there is no date, no approval or signature. So essentially the county does not have a policy right now. Furlong: So if we don't have a county policy, then my question is. why would we be installing this type of software on county employee computers if we don't have a policy to reprimand or correct wrong doing what are we looking for. What is the purpose of the software on a county computer? I'm inclined to believe the county needs an investigation to why this software is on this computer. How many computers are involved? What the software does, who has access to it, whether it be here in the county or access from somewhere else. I'm not so sure that possibly a law hasn't been broken as far as targeting one or more employees and not the whole bunch. I would hope the county board would concur and agrees an investigation needs to be made to find out what exactly is going on. Anderson: I think that's what's going on. Eichhorn: I think that's what going on. Brian is looking into it. Personally I don't think it needs to be blown out any further than you and Penny have made it. Furlong: I'm not trying to blow out anything. Eichhorn: You're attacking an individual, granted he works for us at no charge, what is was, you'll have to ask him. Bousley: What Mike told me was at the time he felt there was a leak of information and he felt that he needed to put this program on Sherry's computer and so he did. Lang: I agree with James, we should have an investigation to determine if there are any criminal charges or at

the very least if there was some ethical standards violated here. We have a private citizen who paid for a spy program and has access to it. No one else did, at least as far as I know. Now UES says that we can't tell you who has access to it or what information has been garnered from this spy program. Not only do we need an investigation, I think we need a court order to force UES to release this information. You might be right Gary there's nothing to this at all. Eichhorn: We should let Dan and Brian look into it. Anderson: I think that's exactly what's going on. Dan is looking into it. Furlong: According to the paper, Dan is obviously aware of it, and he's not looking into it. He was quoted in the paper as saying he knows about it but no one has asked for a formal investigation. There's a big difference into looking into something and investigating it. I would like to have the County Board come to a consensus and have Dan Hass investigate this matter. Lang: Or the Sheriff, or the State Police, or even MSU. He was an employee of MSU when this software was installed. Eichhorn: I don't disagree with looking at it, but I think we should have Dan and Brian look at it. Lang: Not just look into it, we need to have some kind of formal investigation and get some answers. Eichhorn: Brian do you think this can be ready by the next COW meeting? Lang: Why was only one computer bugged? I understand once it's in the computer, there's no way of knowing it there, so how do we know that we don't have other computers bugged without benefit of a county policy. I would think all county employees are pretty leery about their computers right now. Eichhorn: you know all that about computers? Lang: what did you want to know Gary? Anderson: I think we should move on. Lang: Because you're uncomfortable, we should move on? I think this should be discussed. Eichhorn: I think it's pretty much discussed, where else do you want to go with it? Furlong: I would like to request Dan Hass's office for a formal investigation. Not just look into it and see what's going on. We have government computers, there's an ability to access information from government computers remotely. Who has access to this information, I don't know. Who can access remotely, I don't know. Does anyone else know? Eichhorn: I think if they're allowed to go and investigate it we'll see if there's a problem. I think they can come back and we need to request a subpoena we certainly can. But lets get some information and not run off half cocked again, cause that's what you're doing, running off half cocked. Furlong: I'm not running off half cocked. We don't have a county wide computer use policy, but yet we have a county wide spy system to monitor our employees. I think that's wrong. We could have a situation here. First we don't have a policy and secondly we think it could be on one computer but we don't know how many computers it's actually on. Now I'm not one to be a conspiracy theorist, but there's something absolutely wrong here! I think the consensus of the board should be for a formal investigation. Let's find out if there have been any laws broken. Bousley: One thing that needs to be done, since we do not know who is accessing, I think it does need to be removed. UES can remove it. They put it on, they should be able to remove it. How I understand it, whoever has access to it, they can access it remotely from any computer, as long as you have a password. Lang: Supposedly the only one who has access to it is Erdman and he doesn't work for the county. No elected official or county employee has access to it as far as I can see and UES refuses to divulge that info. to us. Bousley: We don't even know if Mike has that password or if UES would do that tracking. Eichhorn: Instead of speculating on this, none of us is a computer genius, which I'm not, I'm a one finger typer, so it's way over my head. Let's allow him to do it and if we're not satisfied lets go after em. Does that seem fair? Lang: I think we need to request a formal investigation. Eichhorn: OK, Who wants a formal investigation? Lang and Furlong respond "I do". Who doesn't, Anderson and Eichhorn respond. Eichhorn: Ok, then it's a dead issue. Furlong: No it's not a dead issue, I'll be up here requesting a formal investigation by noon tomorrow. Eichhorn: OK

**Correspondence:** None

**Public Comment:** None

**Adjournment:** Moved by Comm. Anderson, supported by Comm. Lang to adjourn this meeting at 8:15 pm. Motion carried, 4-0.