

June 9, 2009

The Regular meeting of the Otsego County Board of Commissioners was held in the County Building at 225 West Main Street, Room 100. The meeting was called to order at 9:30 a.m. by Chairman Glasser. Invocation by Chairman Glasser, followed by the Pledge of Allegiance led by Commissioner Bates.

Roll call:

Present: Bates, Beachnau, Brown, Glasser, Harkness, Hyde, Johnson, Liss.

Excused: Backenstose.

The regular minutes of May 26, 2009 with attachments were approved as presented.

The agenda was amended to add under new business item G) OCR-09-21 Rudi Edel recognition.

Consent Agenda:

Motion to approve the budget calendar as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the family medical leave act policy update as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the FY 2009 Contingency/Commissioners fund budget amendment as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion to adopt OCR-09-18 2009/2010 CEDS Project list as presented.

Roll Call Vote:

Ayes: Bates, Beachnau, Brown, Glasser, Harkness, Hyde, Johnson, Liss.

Nays: None.

Excused: Backenstose.

Motion carried/Resolution adopted. (see attached)

Motion to adopt OCR-09-19 Trail Study Support as presented.

Roll Call Vote:

Ayes: Bates, Beachnau, Brown, Glasser, Harkness, Hyde, Johnson, Liss.

Nays: None.

Excused: Backenstose.

Motion carried/Resolution adopted. (see attached)

Motion to adopt OCR-09-20 Broadband Support as presented.

Roll Call Vote:

Ayes: Bates, Beachnau, Brown, Glasser, Harkness, Hyde, Johnson, Liss.

Nays: None.

Excused: Backenstose.

Motion carried/Resolution adopted. (see attached)

Administrator's Report:

John Burt reported on the Courthouse lawn; Court Street property closing; County infrastructure meeting June 15th at 8:30 a.m. in room 212; Justice and Public safety meeting June 16th at 10:00 a.m. room 100; Recycling Committee; Weapons policy.

Motion by Commissioner Harkness, to adopt the recycling survey as presented and distribute the recycling survey to the citizens of Otsego County. Ayes: Unanimous. Motion carried.

Department Head Reports:

Suzy DeFeyter gave her report to the Board.

Joe Ferrigan gave his report to the Board.

Elizabeth Haus reported on the Village; Village election to be held in September; Elkland Center mortgage paid off.

New Business:

Motion by Commissioner Hyde, to approve the June 2, 2009 Warrant in the amount of \$1,246,531.20 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Brown, to approve the June 9, 2009 Warrant in the amount of \$215,382.05 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Bates, to rescind section 17, including 17.1 and 17.2 from the Board bylaws. Motion tabled.

Motion by Commissioner Beachnau, to approve the update to the County Commissioner Compensation policy. Ayes: Unanimous. Motion carried. (see attached)

Motion to amend Board Bylaws was removed from the table. Ayes: Unanimous. Motion carried.

Motion by Commissioner Johnson, to approve the update to the Otsego County Violence Free Work Place Policy, and to exempt Kyle Legel and the Sheriff's Department from the Otsego County Violence Free Work Place Policy and the Otsego County Weapons Policy as it relates to carrying a firearms with a concealed weapons permit. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Harkness, to approve the Government Payment Service contract renewal. A motion to amend above motion by Harkness to add “to the cardholder” in the last sentence paragraph 4 after the word fees. Vote on amendment-Unanimous. Vote on amended motion-Unanimous.

Motion by Commissioner Harkness, to approve the Otsego County 2009 Master Plan. Ayes: Unanimous. Motion carried.

Motion by Commissioner Liss, to adopt OCR-09-21 Recognizing Rudi Edel.

Roll Call Vote:

Ayes: Bates, Beachnau, Brown, Glasser, Harkness, Hyde, Johnson, Liss.

Nays: None.

Excused: Backenstose.

Motion carried/Resolution adopted. (see attached)

Public Comment:

Mary Jergenson reported that her office is closing, but will working out of her home.

Board Remarks:

Commissioner Harkness: Health Department meeting.

Commissioner Hyde: Wreath at the Memorial Day ceremony needs to be replaced.

Commissioner Johnson: Attended Heath Department meeting.
Parks and Recreation meeting.

Commissioner Bates: Veteran’s Day Ceremony.
City Council Meeting.

Commission Glasser: Bagley Township meeting.
Attended the graduation of the Leadership program.
Lake Restoration.

Meeting adjourned at 11:16 a.m. at the call of the Chair.

Kenneth R. Glasser, Chairman

Susan I. DeFeyter, Otsego County Clerk

RESOLUTION NO. OCR 09-21
COMMENDATION IN HONOR OF RUDI EDEL
OTSEGO COUNTY BOARD OF COMMISSIONERS
June 9, 2009

- WHEREAS,** Rudi Edel has served the Otsego County Justice System for over 35 years including Serving as a Sheriff's Deputy, a Magistrate, and as the Court Administrator; and
- WHEREAS,** Rudi also served as a Police Officer for the City of Detroit; and
- WHEREAS,** Rudi graduated 4th academically, and 2nd in marksmanship, from the Metropolitan Police Academy; and
- WHEREAS,** Rudi served as the Clerk of the Dover Township Board; and
- WHEREAS,** Rudi has devoted much of his time to working with youth through the 4-H Challenge Group, and the Sea Cadets; and
- WHEREAS,** Rudi has given back not only to the local community through his service with the Gaylord Rotary Club, but has also completed eleven mission trips to the Dominican Republic; and
- WHEREAS,** Rudi is the epitome of having a 'Can Do' attitude always willing to lend his efforts to worthwhile projects; and
- WHEREAS,** Rudi has a passion for a variety of hobbies including blacksmithing, scuba diving, enjoying the Pigeon River Country State Forest, and teaching Polish cooking classes; and
- WHEREAS,** although Rudi will continue to contribute in a variety of ways, he will still be missed by his colleagues and friends on a daily basis; now, therefore, be it
- RESOLVED,** that Rudi Edel will be remembered fondly for the giving of his time, energy and talents; and be it, further
- RESOLVED,** that the Otsego County Board of Commissioners honor and recognize Rudi Edel for his outstanding service to our community, and wish him much health and happiness in his retirement as he spends time enjoying his wife Sandi, their four children, three grandchildren, and his many hobbies.



FISCAL YEAR 2010 BUDGET CALENDAR

2009

- June 9 Board approves calendar
- July 24 Finance Director prepares budget packets for distribution to departments. Management Team members also asked to complete narratives, strategic plans, staff justification forms, and equipment request lists using designated format.
- August 14 Departments submit completed budget requests, narratives, strategic plans, staff justification forms, and equipment lists to the Finance Director.
- August 19 - August 21 Administration staff conduct initial review of department budgets with department heads and elected officials as necessary.
- August 28 Departmental budgets submitted to Board of Commissioners.
- August 28 Component Units Budgets Due to Finance Director
(Parks, Library, U Ctr, EMS, Road Cmsn, Cmsn on Aging, Bus, Sportsplex, M-TEC)
- September 2 Budget & Finance Cmt Meeting, Budget Workshop – 1:30 p.m., Room 212
- September 9 Budget & Finance Cmt Meeting, Budget Workshop – 1:30 p.m., Room 212
- September 16 Budget & Finance Cmt Meeting, Budget Workshop – 1:30 p.m., Room 212
- September 23 Budget & Finance Cmt Meeting, Budget Workshop – 1:30 p.m., Room 212
- September 30 Budget & Finance Cmt Meeting, Budget Workshop – 1:30 p.m., Room 212
- October 7 Budget & Finance Cmt Meeting, Budget Workshop – 1:30 p.m., Room 212
- October 14 Budget & Finance Cmt Meeting, Budget Workshop – 1:30 p.m., Room 212
- October 21 Budget & Finance Cmt Meeting, Budget Workshop – 1:30 p.m., Room 212
- November 7&11 Public Hearing notices published in Gaylord Herald Times
- November 24 Board holds Truth-in-Taxation hearing and Public Hearing on the Budget. Adopts General Appropriations Act resolution.

All Budget Work Sessions will be conducted in Room 212 of the downtown Courthouse, 225 West Main, Gaylord, MI 49735. In compliance with the Americans with Disabilities Act, persons requiring assistance to fully participate in the meeting should contact the County Administrator's office 12 hours prior to the meeting.

FAMILY MEDICAL LEAVE ACT
June 9, 2009

This addition to the leave of absence policy is incorporated into the existing leave of absence policy pursuant to the implementing regulations for the federal Family Medical Leave Act of 1993 (FMLA).

This policy is not meant to be all-inclusive and merely highlights the provisions of the FMLA, which are subject to detailed and specific implementing regulations. This Policy is not meant to conflict with either the FMLA or its implementing regulations, the statute and the regulation control.

Employees are entitled up to 12 weeks unpaid job protected leave for certain family and medical reasons if they have worked for at least 1 year and for 1,250 hours over the previous 12 months.

Reasons for taking FMLA Leave are:

To care for the employee's child after birth or placement for adoption by state supervised foster care,

To care for the employee's spouse, son or daughter or parent who has a serious health condition; or

For a serious health condition that makes the employee unable to perform the employee's job.

"Any qualifying exigency" arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active military duty status in support of a contingency operation.

Furthermore, up to twenty six (26) weeks in a single twelve month period for the following qualifying event:

- (a) An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active military duty. The eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.

The employee is required to provide advance leave notice and medical certification should an employee desire to use FMLA. FMLA leave may be denied if the notice and certification requirements are not met. The requirements are as follows:

The employee must ordinarily provide 30 days advance notice when the leave is "foreseeable."

If 30 days notice is not practical, taking into account all facts and circumstances in the individual case, then notice must be given within 1 or 2 business days of when the need for leave becomes known to the employee.

Leave requests must be in writing and must set forth the reasons, anticipated duration, and anticipated start of the leave with medical certification attached. The County may require an employee to obtain a second medical opinion at County expense from a health care provider mutually agreed upon by the employer and employee.

Medical treatment must be scheduled so as to minimize loss of work time. Appointments scheduled during work hours must have written verification from the provider of the health care service that such provider does not offer appointment hours which do not conflict with the employees shift hours and does not offer Saturday hours.

Benefits of FMLA leave include:

For the duration of FMLA leave, health insurance coverage will be maintained.

Employees will be returned to their original or equivalent position upon return from FMLA leave.

Employees paid for time off, such as personal leave and vacation time, will be charged for FMLA leave pursuant to the statutory option granted to the employer.

Accrued benefit time, no matter when earned, will be charged for FMLA leave time taken.

The FMLA does not require that an employee actually ask for FMLA leave in order for the employer be permitted to charge paid time off programs if the purpose for the leave program is a purpose contemplated by the law.

Because FMLA leave time is otherwise unpaid, benefit time on family and medical leave does not accrue except as may be required under applicable collective bargaining agreements.

FMLA leave will be based on a calendar year.

Absences permitted by the FMLA will not be counted under the policy as absence incidents.

Notice of Employer Expectations and Obligations of Employee:

Paid and unpaid leave pursuant to the FMLA will be counted against the employee's FMLA leave entitlement.

An employee must furnish to the employer medical certification of necessity for the leave within 15 days of any request for FMLA leave. If the medical certification is found to be incomplete or insufficient, the employee will be notified, in writing, of the additional information necessary and allowed seven calendar days cure the deficiency. In the case of foreseeable leave, failure to provide medical certification will cause the leave to be denied until the required certification is provided. When the need for FMLA leave is not foreseeable, certification must be provided at least 15 days after the employee gives notice of the need for the leave or as soon as practical under the facts and circumstances requiring the leave.

The employer requires the exhaustion of all paid leave prior to taking unpaid leave.

If the employee has an obligation to pay part of that employee's health care premiums as of the time of the FMLA leave, the employee must make provisions with the Payroll Department to continue such payments during the leave. Payments shall be made each pay period. Failure of the employee to make the required payments shall result in loss of coverage to the paid to date.

Upon return to work, the employee will be required to submit a fitness for duty certificate on the same basis as exists under current return from medical absences.

If an employee is designated as a "key employee", the employee will be so advised at the time a FMLA leave is requested. Upon determination by the employer that substantial and grievous economic injury to the operations of the employer will occur, reinstatement of such key employee may be denied. Adverse effects on health care entitlement may also occur.

A non-key employee will be reinstated to the same or an equivalent job upon return from leave.

Should an employee on FMLA leave decide not to return to work, the employer is entitled to recover its share of health plan premiums paid by the employer during such period of FMLA leave subject to certain exceptions.

The Human Resource Director will provide an employee requesting FMLA leave with written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these objectives. The employee will be provided with a Family Medical Leave Fact Sheet and the required forms for medical certifications. The Human Resource Director will answer all questions regarding FMLA leave rights, duties, and obligation of the employee.

Please see the back of the handbook or the Human Resource Director for request forms for FMLA leave.



OTSEGO COUNTY BUDGET AMENDMENT

FUND/DEPARTMENT: General Fund/Commissioners

As provided for in the Uniform Budget and Accounting Act of 1978, as amended, and consistent with Otsego County Policy, the Administrator and Finance Director are hereby authorized to record the following adjustments to the budget.

Fund Type: General Special Revenue Debt Service Capital Project Business-Type (Enterprise or Internal Svc)

REVENUE Transfer dollars from contingency for advertising expense.

Account Number	Decrease	Increase
-	\$	\$
-	\$	\$
-	\$	\$
-	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
101-101-930.300 Advertising	\$1,120	\$
101-941-999.990 Contingency	\$	\$1,120
-	\$	\$
-	\$	\$
-	\$	\$
-	\$	\$
Total	\$1,120	\$1,120

Rachel Arusch
Department Head Signature

6-1-09
Date

Finance Department
Entered:
By:

Administrator's Signature

Date

Board Approval Date (If necessary)

Budget Adjustment #

Posting Number

RESOLUTION NO. OCR 09-18

A RESOLUTION OF CONCURRENCE WITH THE 2009/2010 NORTHEAST MICHIGAN COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDs) PROJECT LIST

Otsego County Board of Commissioners

June 9, 2009

WHEREAS, Otsego County desires to improve the county economy; and

WHEREAS, The Otsego County Board of Commissioners actively supports and currently participates in the economic development district activities of the Northeast Michigan Council of Governments (NEMCOG); and

WHEREAS, The Northeast Michigan Council of Governments' Regional Economic Development Advisory Committee (REDAC) has reviewed and adopted the 2009/2010 Comprehensive Economic Development Strategy (CEDs) Project List; and

WHEREAS, Concurrence with the CEDs Project List by each county in the Region – Alcona, Alpena, Cheboygan, Crawford, Montmorency, Oscoda, Otsego and Presque Isle – does not preclude any community from developing their own CEDs and allows them to retain eligibility for U.S. Economic Development Administration (EDA) funds; now, therefore, be it

RESOLVED, That Otsego County hereby adopts the 2009/2010 CEDs Project List, because it does reflect the economic interests and concerns of the county, and; be it, further

RESOLVED, That Otsego County requests continued designation by the Economic Development Administration as a Redevelopment Area eligible for EDA grants, loans and other programs under the Public Works and Economic Development Act of 1965, as amended.

RESOLUTION NO. OCR 09-19
Supporting Participation in the Partnerships for
Change Sustainable Communities, First Steps Program:
Trailside Community Enhancement Project
OTSEGO COUNTY BOARD OF COMMISSIONERS
June 9, 2009

WHEREAS, the County of Otsego is committed to the growth of trailside businesses; and

WHEREAS, recreational trails are good for our community's economic and physical health; and

WHEREAS, regional collaboration among trailside communities will benefit all trailside communities; and

WHEREAS, the Village of Mackinaw City is eligible to submit an application for Partnerships for Change – First Steps grant program to produce a sustainable partnership of vital trailside communities; and now, therefore, be it

RESOLVED that, the Otsego County Board of Commissioners agrees to participate in the Trailside Community Enhancement Project and supports the Village of Mackinaw City's grant application with \$200 in matching funding, and with a representative to attend the appropriate meetings and provide trailside assets to create an asset map; and be it, further

RESOLVED that the citizens and business owners of the County of Otsego will be kept fully informed of the process and given ample opportunity to provide input into the process.

OCR 09-20
Resolution in Support of
Northern Michigan Broadband Cooperative
Otsego County Board of Commissioners
June 9, 2009

WHEREAS, the Otsego County Board of Commissioners support the mission of the Northern Michigan Broadband Cooperative (NMBC) to bring broadband network services to homes, institutions and businesses in the 21 county region of northern Lower Michigan, including: Alcona, Antrim, Alpena, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Iosco, Leelanau, Manistee, Missaukee, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford; and

WHEREAS, the purpose of the NMBC is to facilitate the provision of reliable broadband and telecommunications services throughout Northern Michigan at affordable rates for all users but particularly education, government services, economic development and commerce, health care and emergency services; and

WHEREAS, the small businesses that are typical of our rural area are increasingly reliant on high-speed communications to maintain or improve their competitive position. Educational, medical and emergency services also need high-speed communications to improve the quality and range of services they offer; now, therefore, be it

RESOLVED, by extending high-speed broadband access to all our citizens will enable them to participate fully in the economy of the future, reduce commuting, save resources and enable residents of rural northern Lower Michigan to lead more productive and richer lives.

County Commissioner's Compensation

SALARY

The Board of Commissioners will, from time to time, establish the annual salary for the Commissioners to be paid through the County payroll process.

BENEFITS

Each Commissioner is eligible for full family health, dental, and vision insurance with payment of 50% of illustrated rate to be paid by bi-weekly via pre-tax payroll deduction. If the Commissioner elects not to receive health insurance, he/she is eligible to participate in the Health Insurance Opt Out Program which provides a \$2,000 annual stipend paid on a quarterly basis. The stipend is subject to normal payroll taxes.

PER DIEM

A Commissioner and/or other authorized persons may be compensated with Per Diem pay at the rate established by the Board of Commissioners for the following circumstances:

~~Attending Board of Commissioner's meetings~~

Attending meetings of committees to which that Commissioner has been appointed.

Attending township meetings in the township(s) that the Commissioner represents.

Attending meetings the Board Chairperson requests that Commissioner to attend on behalf of the County.

Performing duties directly related to their district that requires County representation.

Substituting for another Commissioner to maintain County representation.

Attending committee meetings of which he/she is not a member when that particular committee Chairperson requests his/her presence for a special purpose.

Performing activities directly related to a committee those particular Commissioner chairs.

Commissioners are not eligible for Per Diem for teleconference meetings.

DEFINITIONS, INCLUSIONS, AND EXCLUSIONS

A meeting that includes a luncheon or dinner and consists of 5 or more hours of the Commissioner's time is considered a full day.

A meeting or business that does not exceed 4 hours in time is considered one-half day. All meetings that exceed 4 hours is considered a full day.

Chairperson of the Board - may be compensated for attending any and all meetings pertaining to County business and for all services rendered to the County while serving as Board Chairperson.

It is understood that a County Commissioner will not always be compensated Per Diem pay for duties and services he/she might do as a representative of the County, but that he/she accepts this as a part of a Commissioner's responsibility.

Per Diem is determined from time to time by the Board of Commissioners. Per Diem will be paid in half day increments with a maximum of a full days Per Diem set by the Board of Commissioners; except after a Commissioner has attended a full day's meeting and is scheduled for an evening meeting, then an additional half day Per Diem compensation may be paid.

If compensated from another agency (private or governmental), a Commissioner is not entitled to be paid a Per Diem allowance for this County.

The County Administrator shall review all claims for Per Diem compensation prior to payment. Per Diem is paid bi-weekly through the normal payroll process.

Full-time employees shall not receive Per Diem.

VIOLENCE FREE WORK PLACE POLICY

June 9, 2009

It is Otsego County's policy to provide a workplace that is safe and free from all threatening and intimidating conduct. Therefore, Otsego County will not tolerate violence or threats of violence of any form in the workplace, at work-related functions, or outside of work if it affects the workplace. This policy applies to Otsego County employees, clients, customers, guests, vendors, and persons doing business with Otsego County.

It will be a violation of this policy for any individual to engage in any conduct, verbal or physical, which intimidates, endangers, or creates the perception of intent to harm persons or property. Examples include but are not limited to:

- Physical assaults or threats of physical assault, whether made in person or by other means (i.e., in writing, by phone, fax, or e-mail).
- Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of a co-worker.
- Possession of firearms or any other lethal weapon by a County employee on County property, in a vehicle being used on County business, in any County owned or leased parking facility, or at a work-related function.
- Any other conduct or acts which management believes represents an imminent or potential danger to work place safety/security.

Anyone with questions or complaints about workplace behaviors which fall under this policy may discuss them with a supervisor or the Human Resources Director. Otsego County will promptly and thoroughly investigate any reported occurrences or threats of violence. Violations of this policy will result in disciplinary action, up to and including immediate termination of employees. Where such actions involve non-employees, Otsego County will take action appropriate for the circumstances. Where appropriate and/or necessary, Otsego County will also take whatever legal actions are available and necessary to stop the conduct and protect Otsego County employees and property.