

At the regular meeting of the Shiawassee County Board of Commissioners held on Thursday, June 13, 2019 in the Commissioner Chambers, Surbeck Building, Corunna, Michigan:

The meeting was called to order by Chairman Root at 5:00 p.m.

Pledge of Allegiance was recited.

Invocation was offered by Commissioner Garber.

Roll Call found Commissioners: Webster, Holzhausen, McMaster, Garber, Marks, Plowman and Chairman Root present.

It was moved by Commissioner Garber, seconded by Commissioner Webster to approve the minutes of the May 16, 2019, Board of Commissioners meeting. Motion carried.

It was moved by Commissioner Plowman, seconded by Commissioner Holzhausen to approve the bills listed on the Invoice Edit Report dated May 17, 2019 in the amount of \$2,727,348.06, Invoice Edit Report dated April 18, 2019 in the amount of \$465,527.64, Invoice Edit report dated May 21, 2019 in the amount of \$2,333,484.19, Invoice Edit Report dated May 28, 2019 in the amount of \$406,942.31, Invoice Edit Report dated May 30, 2019 in the amount of \$209,918.26, Invoice Edit Report dated May 30, 2019 in the amount of \$516,029.58, Invoice Edit Report dated June 6, 2019 in the amount of \$476,720.17, Invoice Edit Report dated June 6, 2019 in the amount of \$549,104.44, Invoice Edit Report dated June 7, 2019 in the amount of \$3,088.71, Invoice Edit Report dated June 13, 2019 in the amount of \$8,297.50, Invoice Edit Report dated June 13, 2019 in the amount of \$125,859.55 and Wire Transfer for BCBS in the amount of \$174,248.00 and Wire Transfer for SunLife in the amount of \$4,372.59 and to authorize that warrants be drawn from the treasury for same. Motion carried with the following roll call vote of 6 yeas: Commissioners Holzhausen, McMaster, Garber, Marks, Plowman and Chairman Root. 1 nay: Commissioner Webster.

Caroline Wilson, County Clerk – Circuit Court 2018 Report and Vital Record fees.

Ann Arwin, Corunna – Emergency Manager.

It was moved by Commissioner Marks, seconded by Commissioner Plowman to approve the minutes of the June 12, 2019, Committee of the Whole meeting. Motion carried.

It was moved by Commissioner McMaster, seconded by Commissioner Holzhausen to approve a request for amendment to the Shiawassee County Zoning Map for property located in Section 18 of New Haven Township, (A portion of Parcel ID #003-18-100-004-07) from R-1A, One-Family Rural Residential to M-1, Light Industrial and authorize the Board Chair to execute all necessary documents. (Ordinance #19-06-01). Motion carried with the following roll call vote of 7 yeas: Commissioners McMaster, Garber, Marks, Plowman, Webster, Holzhausen and Chairman Root. 0 nays.

Ordinance No. _____

ORDINANCE OF
THE COUNTY OF SHIAWASSEE

At a regular meeting of the Shiawassee County Board of Commissioners held at 5:00 P.M. on June 13, 2019, in the Commissioner's Chambers located on the 1st Floor of the Surbeck Building, 201 N Shiawassee St., Corunna, Michigan, at which time the following members were present:

Commissioner _____ moved, supported by Commissioner _____, to adopt the following to amend the Shiawassee County Zoning Ordinance.

PREAMBLE: The Shiawassee County Zoning Ordinance (“Ordinance”) as adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Public Act 183 of 1943 (as amended and replaced by Public Act 110 of 2006, as also amended), may be amended following the procedures outlined in said Ordinance and in compliance with Public Act 110 of 2006, as amended.

WHEREAS: Nathan Hemenway filed a petition and paid all applicable fees to rezone a parcel of land from R-1A, One-Family Rural Residential to M-1, Light Industrial; a portion of said parcel of land being located in Section 18 of New Haven Township (Parcel Id.# 003-18-100-004-07) and legally described as follows:

A Portion of 003-18-100-004-07: Part of the Northwest ¼ of Section 18, T8N-R3E, New Haven Township, Shiawassee County, Michigan, described as beginning at a point that is S00°00’00”W on the West line of said Section 18 a distance of 1952.16 feet from the Northwest corner of said Section 18; thence N89°42’00”E 419.70 feet; thence S00°22’22”W 210.00 feet; thence N89°55’29”E 211.42 feet; thence S68°43’00”W 239.00 feet; thence S02°09’00”E 74.50 feet; thence S55°33’00”W 497.00 feet to the West line of said Section 18; thence N00°00’00”E 649.84 feet to the point of beginning.

WHEREAS: The Shiawassee County Planning Commission held a duly advertised and noticed public hearing on April 24, 2019 considering the request; and

WHEREAS: Upon reviewing the request, reviewing conditions offered by the applicant, accepting comment at the public hearing, and deliberating the findings of fact as set forth in Article 19, Section 19.5 of the Ordinance, the Shiawassee County Planning Commission recommended approval of the request to the Shiawassee County Board of Commissioners;

THEREFORE BE IT RESOLVED: The Shiawassee County Board of Commissioners, having considered the recommendation and findings of the Shiawassee County Planning Commission and having reviewed the request of the applicant, ordains to amend the official Zoning Map (Article 2, Section 2.1.2) of the Ordinance by changing the zoning designation of the above referenced property from R-1A, One-Family Rural Residential to M-1, Light Industrial. With the

following conditions, as offered by the applicant. The applicant shall exclude Surface Mining, Billboards, Commercial Garages, Food Service Establishments, Light Repair Services, Heavy Repair Services, Sexually Oriented Businesses, Asphalt and Concrete Batching Facilities, and Junk Yards from the allowable uses on the subject property.

THOSE VOTING AYE:

THOSE VOTING NAY:

THOSE ABSENT:

Amendment # _____ to the Shiawassee County Ordinance and Map was adopted.

Jeremy R. Root, Chairperson
Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and Official Zoning Map is a true and correct copy of that recorded in the official minutes of the June 13, 2019 Shiawassee County Board of Commissioners meeting.

Caroline Wilson, Clerk
Shiawassee County, Michigan

I, Caroline Wilson, Clerk of the aforesaid County, hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and the Official Zoning Map is a true and correct copy of that recorded in the official minutes of the June 13, 2019 Shiawassee County Board of Commissioners meeting.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this _____ day of _____, 2019.

It was moved by Commissioner McMaster, seconded by Commissioner Plowman to adopt Resolution #19-06-07 the Shiawassee County Policy on Enhanced Access to Public Records, and authorize the Board Chair and County Clerk to sign all necessary documents. Motion carried with the following roll call vote of 7 yeas: Commissioners Garber, Marks, Plowman, Webster, Holzhausen, McMaster and Chairman Root. 0 nays.

**SHIAWASSEE COUNTY BOARD OF COMMISSIONERS
RESOLUTION #19-06-07
POLICY ON ENHANCED ACCESS TO PUBLIC RECORDS**

WHEREAS Shiawassee County desires to adopt a policy for enhanced access to public records pursuant to Section 3(5) of the “Enhanced Access to Public Records Act,” being Public Act 462 of 1996, MCL 15.441 *et seq.*, as amended, in order to:

- Establish definitions and operational provisions for enhanced access to public records;
- Authorize a fee schedule and establish conditions for its waiver; and
- Set forth a disclaimer as to all express and implied warranties regarding access to or the use of public records for which enhanced access is provided;

THEREFORE be it resolved that the Shiawassee County Board of Commissioners does hereby adopt the attached “Shiawassee County Policy on Enhanced Access to Public Records.”

APPROVED BY THE BOARD OF COMMISSIONERS OF SHIAWASSEE COUNTY,
MICHIGAN THIS 13TH DAY OF JUNE, 2019.

Jeremy R. Root, Chairman
Shiawassee County Board of Commissioners

ATTEST:

Caroline Wilson, County Clerk, and
Secretary of the Board of Commissioners

SHIAWASSEE COUNTY POLICY ON ENHANCED ACCESS TO PUBLIC RECORDS

PURPOSE :

This Policy is adopted pursuant to the authority of Section 3 (5) of the "Enhanced Access to Public Records Act," Act 462 of the Public Acts of 1996, MCL 15.441 et. seg., as amended.

The purpose of the Policy includes the following:

1. Establishing definitions and operational provisions for a policy on enhanced access to public records.
2. Authorizing the establishment of a fee schedule and to establish conditions for its waiver.
3. Setting forth a disclaimer as to all express and implied warranties regarding access to or the use of public records for which enhanced access is provided.

2. AUTHORITY.

Shiawassee County Board of Commissioners.

3. RESPONSIBILITIES.

The Shiawassee County Board Chair will have the responsibility of implementing and overseeing this policy.

DEFINITIONS

- A. "Enhanced access" means a public record's immediate availability for public inspection, purchase or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.
- B. "Geographical Information System" means an informational unit or network capable of producing customized maps based upon a digital representation of geographical data.
- C. "Operating expenses" include, but are not limited to, direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, system development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.
- D. "Person" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, MCL 15.232, as amended.
- E. "Public Body" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, 15 .232, as amended.
- F. "Public Record" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, MCL 15.232, as amended.

- G. "Reasonable fee" means a charge calculated to enable Shiawassee County to recover over time only those operating expenses directly related to the public body's provision of enhanced access.
- H. "Software" means that term as defined in Section 2 of the Enhanced Access to Public Records Act, Act NO. 462 of the Public Acts of 1996, MCL 15.442, as amended.

OPERATIONAL PROVISIONS

- A. Pursuant to the provisions of the Enhanced Access to Public Records Act, Shiawassee County may provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure.
- B. This policy does not require Shiawassee County to provide enhanced access to any specific public record, if the public record is not available through the Shiawassee County enhanced access system.
- C. The Shiawassee County Board Chair shall determine which public records may be made available through enhanced access.
- D. Principles and policies to be considered in determining which public records shall be made available through enhanced access include, but are not limited to the following :
 - 1. Management principles applied to public record and information resources will be consistent with those applied to other Shiawassee County resources, and will be consistent with the requirements of law.
 - 2. Elected officials, department heads, agencies, boards, commissions, councils and other Shiawassee County public bodies legally responsible for the creation, preparation, custody, control, maintenance, preservation, guardianship, retention, possession or use of public records will continue to have the responsibility, authority and accountability for the management of public record information, consistent with county policies therefore, including this Policy and the Shiawassee County Freedom of Information Act Policy.
 - 3. Information resource investments will be driven by legal and programmatic principles and by principles of sound financial management.
 - 4. The Shiawassee County Board of Commissioners will ensure that the ownership of information products and County - created intellectual property is protected, maintained and enhanced.

FEES

- A. It is the policy of Shiawassee County to charge a reasonable fee for providing enhanced access to a public record pursuant to this Policy.

- B. It is the policy of Shiawassee County to charge a reasonable fee for providing access to:
1. A geographical information system
 2. Output from a geographical information system, including maps produced by the Shiawassee County Drain Office.
 3. All other public records to which Shiawassee County provide enhanced access.
- C. Except as otherwise provided by act or statute, the Shiawassee County Board of Commissioners shall set and charge reasonable fee(s) for enhanced access to selected public record(s) or for access to a geographical information system or the output from a geographical information system.
- D. Shiawassee County may furnish access or enhanced access without charge or at a reduced charge in accordance with a written agreement if the Shiawassee County Board of Commissioners determines that a waiver or reduction of fees is in the public interest because access or enhanced access can be considered as primarily benefiting the general public. Examples may include, but are not limited to, instances when:
1. Release of the information for no cost or at a reduced cost is critical to public health, safety or welfare
 2. The information is required to meet legal, programmatic or Shiawassee County Governmental Objectives
 3. The information explains the rights, entitlement and/or obligations of individuals
 4. The cost of administering the fees would exceed the revenue to be collected
 5. The reasonable fee established would sufficiently limit the number of users to compromise achieving program or other Shiawassee County governmental objectives.
- E. The Shiawassee County Board Chair or his/her designee may enter into agreements with other public bodies to provide enhanced access to public records, to provide enhanced access to a geographical information system, or to obtain output from a geographical information system, at a reduced fee or at no fee, in accordance with Section 3 of the Enhanced Access to Public Records Act.

DISCLAIMER OF ALL WARRANTIES

- A. Recipients of access or enhanced access to Shiawassee county records, to any Shiawassee County geographical information system or to any output from any Shiawassee County geographical information system receive access and all public records and information

"AS IS". Shiawassee County, the Shiawassee County Board of Commissioners, and its officers, officials, employees, and agents make no warranties of any kind, whether express or implied, including but not limited to warranties of accuracy, ownership, title, fitness for a particular purpose, or as to a recipient's right to use such public records or information. Recipients are solely responsible for investigating, responding to, litigating and settling all claims with regard to the use or access to all such enhanced public records, information and systems, and agree as a condition of seeking and obtaining enhanced access to such enhanced public records information and systems to protect, indemnify, and hold Shiawassee County harmless against any and all such claims, including the payment of any damages, costs, or attorneys' fees .

- B. Except for the County Board of Commissioners, by resolution adopted by a majority of those elected and serving, no officer, official, employee, agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of Shiawassee County or one of its public bodies.

8. SEVERABILITY.

If any provision of this Policy is held to be in conflict with any applicable statute or rule of Law or is otherwise held to be unenforceable for any reason whatsoever, such circumstance shall not have the effect of rendering any other provision or provisions of this Policy invalid, inoperative, or unenforceable to any extent whatsoever.

Caroline Wilson, Clerk
Shiawassee County

Jeremy Root, Chairman
Board of Commissioners
Shiawassee County

It was moved by Commissioner McMaster, seconded by Commissioner Holzhausen to approve a Farmland PA 116 Agreement for Robert Birchmeier for property located in Hazelton Township Parcel #004-12-200-015-01. Motion carried with the following roll call vote of 7 yeas: Commissioners: Marks, Plowman, Webster, Holzhausen, McMaster, Garber and Chairman Root. 0 nays.

It was moved by Commissioner McMaster, seconded by Commissioner Holzhausen to approve the minutes of June 10, 2019, Economic and Physical Development Committee meeting. Motion carried.

It was moved by Commissioner Plowman, seconded by Commissioner Webster to authorize an increase to the Board of Canvassers compensation when canvassing all types of Shiawassee County Special/Primary/General elections from \$45 per day to \$45 per ½ day (up to 4 hours) and \$75 per full day, to be effective immediately upon approval and to be paid out of the Election Budget, line item #101-262-725.005. Motion carried with the following roll call vote of 4 yeas: Commissioners Plowman, Webster, Holzhausen and Garber. 2 nays: Commissioner Marks and Chairman Root. 1 abstention; Commission McMaster.

It was moved by Commissioner Plowman, seconded by Commissioner Holzhausen to approve up to \$25,000 for the purchase and installation of a replacement “chiller unit” to repair the air conditioning in the Circuit Courthouse. Motion carried with the following roll call vote of 5 yeas: Commissioners Webster, Holzhausen, McMaster, Garber and Plowman. 2 nays: Commissioner Marks and Chairman Root.

It was moved by Commissioner Plowman, seconded by Commissioner Webster to approve the payment of Shiawassee Conservation District invoice #2423 in the amount of \$22,317.64 to cover the cost of its spring electronic waste recycling event conducted on May 4 from the Waste Management Fund, line item #230-230-700.000. Motion carried with the following roll call vote of 5 yeas: Commissioners Holzhausen, Garber, Marks, Plowman and Webster. 2 nays: Commissioner McMaster and Chairman Root.

It was moved by Commissioner Plowman, seconded by Commissioner Holzhausen to approve the I.T. contract with Shiawassee RESD in the amount of \$118,500 per year for two years. Motion carried with the following roll call vote of 7 yeas: Commissioners McMaster, Garber, Marks, Plowman, Webster, Holzhausen and Chairman Root.

It was moved by Commissioner Plowman, seconded by Commissioner Webster to approve the revised Budget Calendar for Fiscal Year 2020 to allow time for Department Heads and their deputy administrators to receive specific BS&A budgeting training prior to submitting their budgetary requests. Motion carried.

It was moved by Commissioner Plowman, seconded by Commissioner Garber to approve the minutes of June 10, 2019, Finance and Administration Committee meeting. Motion carried.

It was moved by Commissioner Webster, seconded by Commissioner Plowman to authorize the Friend of the Court to hire an Administrative Assistant at Circuit Court Salary Grade 3, to fill a vacancy. Motion carried with the following roll call vote of 7 yeas: Commissioners Garber, Marks, Plowman, Webster, Holzhausen, McMaster and Chairman Root. 0 nays.

It was moved by Commissioner Webster, seconded by Commissioner Plowman to authorize the Circuit Court to enter into a contract for Mental Health Court services with Shiawassee Health & Wellness and authorize the Board Chair to execute the Boards approval of the contract. Motion carried with the following roll call vote of 7 yeas: Commissioner Marks, Plowman, Webster, Holzhausen, McMaster, Garber and Chairman Root. 0 nays.

It was moved by Commissioner Webster, seconded by Commissioner Garber to authorize the Animal Control Field Officer to move from Step 4 (\$18.90/hr) to Step 5 (\$19.64/hr) on AFSCME Pay Grade 5. Motion carried with the following roll call vote of 5 yeas: Commissioners Plowman, Holzhausen, McMaster, Garber and Marks. 2 nays; Commissioner Webster and Chairman Root.

It was moved by Commissioner Webster, seconded by Commissioner Plowman to approve the minutes of June 11, 2019, Public Safety and Courts Committee meeting. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Holzhausen to authorize the Health Department to sign a grant agreement with the Michigan Primary Care Association for the Perry Public Schools Mental Health Program in the amount of \$100,000 for a

period of 6/1/19 – 9/30/20. Motion carried with the following roll call vote of 7 yeas: Commissioners Webster, Holzhausen, McMaster, Garber, Marks, Plowman and Chairman Root. 0 nays.

It was moved by Commissioner Garber, seconded by Commissioner Holzhausen to approve the minutes of June 11, 2019, Health and Human Services Committee meeting. Motion carried.

It was moved by Commissioner Webster, seconded by Commissioner Plowman to add to the agenda the Clerk's Vital Records office to hire a part-time employee to work 20 to 30 hours per week with pro-rated benefits per the AFSCME contract (Article 43), at a Grade 3, starting at \$14.77 per hr., to be paid out of the Clerk Wages line item #101-215-703.000. (CPL revenue funds will be used to help pay for the employee's wages.) Motion failed with the following roll call vote of 3 yeas: Commissioners McMaster, Plowman and Webster. 4 nays: Commissioners Holzhausen, Garber, Marks and Chairman Root.

Meeting adjourned at 5:50 p.m.

 /s/ [Caroline D. Wilson]
Caroline D. Wilson, County Clerk