

BAY COUNTY APPOINTMENT COMMITTEE
ORGANIZATIONAL MEETING
BAY COUNTY TREASURER VACANCY
JANUARY 14, 2019

IN ACCORDANCE WITH MCL 168.209(2) THE JUDGE OF THE PROBATE COURT, THE COUNTY CLERK AND PROSECUTING ATTORNEY SHALL CONVENE AND APPOINT A SUITABLE PERSON TO FILL A VACANCY WHEN A COUNTYWIDE ELECTED OFFICIAL WAS VACATED PRIOR TO THE EXPIRATION OF THE TERM. THE COUNTY TREASURER, RICHARD BRZESINSKI, HAD ANNOUNCED HIS RETIREMENT EFFECTIVE FEBRUARY 1, 2019, THEREFORE, REQUIRING THE HOLDING OF THESE PROCEEDINGS PURSUANT TO THE OPEN MEETING ACT.

MEMBERS PRESENT BY VIRTUE OF THEIR OFFICE INCLUDE: JAN MINER, PROBATE JUDGE; CYNTHIA A. LUCZAK, COUNTY CLERK AND NANCY BORUSHKO, PROSECUTING ATTORNEY. THE MEETING WAS CALLED TO ORDER AT 8:00 AM AT THE BAY COUNTY BUILDING, 4TH FLOOR COMMISSION CHAMBERS, 515 CENTER AVENUE, BAY CITY MICHIGAN WITH THE FOLLOWING IN ATTENDANCE.

PRESENT: JAN MINER, PROBATE JUDGE
CYNTHIA A. LUCZAK, COUNTY CLERK
NANCY BORUSHKO, PROSECUTING ATTORNEY
CRAIG GOULET, DIRECTOR OF ADMINISTRATIVE SERVICES
BRANDON KRAUSE, REGISTER OF DEEDS
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL
SHAWNA WALRAVEN, ASSISTANT CORPORATION COUNSEL
JAN HISTED, FINANCE OFFICER
TIFFANY JERRY, DIRECTOR PERSONNEL AND EMPLOYEE RELATIONS
HOLLY KUKLA, DEPUTY TREASURER
JULIE COPPENS, ISD MANAGER
MICHELE ZOOK, SECRETARY PERSONNEL & EMPLOYEE RELATIONS
ANDREW NIEDZINSKI, CITY COMMISSIONER

JUDGE MINER STATED THAT THIS ORGANIZATIONAL MEETING WAS CALLED TO DISCUSS A PROCESS AND TIME LINE THAT MEMBERS MAY FOLLOW IN ORDER TO FILL THE VACANCY OF THE BAY COUNTY TREASURER, RICHARD BRZEZINSKI, WHO HAD ANNOUNCED HIS RETIREMENT EFFECTIVE FEBRUARY 1, 2019.

AS TWO (2) MEMBERS CONSTITUTED A QUORUM, IT WAS EMPHASIZED THAT DISCUSSION BETWEEN ANY TWO MEMBERS OF THE COMMITTEE WAS PROHIBITED UNLESS AT AN OPEN PUBLIC MEETING. THIS, AND ALL FUTURE MEETINGS WOULD BE PUBLICALLY ANNOUNCED PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS ACT.

CITIZENS INPUT

JUDGE MINER CALLED FOR CITIZENS INPUT, NO ONE WISHED TO ADDRESS THE BOARD AT THIS TIME.

PROCESS OUTLINED

JUDGE MINER STATED THAT SHE WISHED TO OUTLINE THE PROCESS FOR COMPLETION OF THE REPLACEMENT OF THE TREASURER. JUDGE STATED THAT THEIR STAFF HAD CONFIRMED AVAILABLE DATES OF INTERVIEWS WHICH MAY BE HELD ON JANUARY 28TH FROM 12:00 PM - 2:00 PM AND ON JANUARY 29TH FROM 12:00 PM - 1:30 PM. DISCUSSION OF A TIME FRAME TO ACCEPT APPLICATIONS TO BEGIN TODAY, JANUARY 14, 2019 TO JANUARY 24, 2019 AT 12:00 PM (NOON), TO GIVE ENOUGH TIME TO REVIEW AND CONTACT APPLICANTS FOR INTERVIEWS TO BE HELD ON JANUARY 28TH AND 29TH.

JUDGE MINER REQUESTED THE ASSISTANCE OF THE PERSONNEL DIRECTOR, TIFFANY JERRY FOR COLLECTION OF APPLICATIONS FROM ONE CENTRAL COUNTY OFFICE AS OPPOSED TO POTENTIAL APPLICANTS SENDING RESUMES TO EACH OFFICIAL FOR FINAL CONSIDERATION. SHE WOULD ALSO COLLECT ANY AND ALL OF THE APPLICATIONS THAT MAY BE FILED ON-LINE THROUGH THE COUNTY JOB APPLICATION PORTAL. PERSONAL DIRECTOR, TIFFANY JERRY ASKED IF THE COMMITTEE WANTED THE POSTING ONLINE AS AN EMPLOYMENT APPLICATION? JUDGE MINER STATED THAT SHE WOULD LIKE IT POSTED ON THE WEBSITE.

BAY COUNTY CLERK, CYNTHIA A. LUCZAK STATED THAT THE NOTICE WOULD BE SUBMITTED TO THE BAY COUNTY WEB SITE, THE PINCONNING JOURNAL, AND THE BAY CITY TIMES. LUCZAK CONTINUED THAT SHE WOULD ALSO LIKE TO NOTIFY THE STATE ASSOCIATION OF COUNTY TREASURERS, AS THEY HAVE A PROCESS AND WIDER REACH OF APPLICANTS ACROSS THE STATE. THE CLERK PLANNED TO FORWARD TO THE LOCAL TOWNSHIP/CITY CLERKS FOR POSTING IN THEIR RESPECTIVE JURISDICTIONS.

JOB REQUIREMENTS

JUDGE MINER PRESENTED TO THE COMMISSION A PACKET OF EXAMPLES OF OTHER COUNTIES PRESS RELEASE. JUDGE STATED THAT REQUIREMENTS FOR THE JOB SHOULD BE INCLUDED AND SUBMITTED AS: 18 YEARS OF AGE, MUST BE RESIDENT OF THE STATE OF MICHIGAN, MUST RESIDE IN THE COUNTY OF BAY AND MUST BE REGISTERED TO VOTE IN BAY COUNTY. SHE CONTINUED THAT, DURING THE APPOINTMENT PROCESS FOR THE REGISTER OF DEEDS, THERE WAS A QUESTION IN THE MINUTES AND SOME LEGAL RESEARCH THAT WAS DONE, WHICH INDICATED THAT THE APPOINTEE MUST BE A RESIDENT BECAUSE THE PERSON TAKING THE OFFICE MUST BE REGISTERED TO VOTE IN BAY COUNTY. THERE WAS NO EXCEPTION FOR THE APPOINTEE BECAUSE THEY HOLD THE OFFICE ONCE THEY ARE APPOINTED, ONCE APPROVED PER MCL 168.191.

JUDGE MINER ASKED IF THE COMMISSION WAS IN AGREEMENT WITH THOSE REQUIREMENTS? THE COMMISSION STATED YES.

JUDGE MINER THEN ASKED IF THERE WAS A CONSENSUS TO APPROVE THE POSTING TO THE BAY CITY TIMES, PINCONNING JOURNAL, STATE ASSOCIATION OF TREASURERS AND THE BAY COUNTY WEB SITE? ALL STATED YES.

JUDGE MINER QUESTIONED IF THERE WAS A CONSENSUS FOR THE LANGUAGE OF: 18 YEARS OLD, A RESIDENT OF THE STATE OF MICHIGAN, RESIDENT OF THE COUNTY OF BAY AND REGISTERED TO VOTE IN BAY COUNTY? ALL STATED YES.

JUDGE MINER NEXT STATED THAT IN REGARD TO THE NOTICE OF THE JOB VACANCY, IT WOULD BE INCUMBENT TO INCLUDE THAT THIS WAS AN ELECTED POSITION, IF THE INDIVIDUAL SELECTED DESIRED TO CONTINUE IN THE POSITION BEYOND THE TERM ENDING DECEMBER 31, 2020, THEY WOULD NEED TO FILE THE NECESSARY DOCUMENTS IN 2020 AND RUN FOR OFFICE IN AUGUST 2020 AT THE PRIMARY ELECTION AND THE NOVEMBER 2020 GENERAL ELECTION. SHE WANTED TO MAKE SURE THAT THE PERSON IN THE NOTICE OF VACANCY KNOWS THAT THIS APPOINTMENT ENDS AS OF DECEMBER 31, 2020. THE CANDIDATE WOULD THEN NEED TO FILE FOR OFFICE TO BE REELECTED. THERE WAS A DISCUSSION OF POSSIBLE OTHER REQUIREMENTS BUT NONE WERE ADDED AT THIS TIME.

MEETING DATES

COUNTY CLERK, CYNTHIA A. LUCZAK DID REQUEST FROM TIFFANY JERRY, BAY COUNTY, PERSONNEL DIRECTOR, THAT MEMBERS OF THE COMMITTEE RECEIVE APPLICATIONS PERIODICALLY AND NOT IN ONE LARGE PACKET AT DEADLINE ON JANUARY 24, 2019. JUDGE MINER SECONDED THAT THEY RECEIVE APPLICATION THROUGHOUT THE FILING PERIOD. TIFFANY JERRY, CONFIRMED THAT SHE WOULD PROVIDE THOSE.

JUDGE MINER VERIFIED THAT COUNTY CLERK WOULD BE PREPARING THE PRESS RELEASE AND NOTIFY THE NEWS AGENCIES. CLERK LUCZAK STATED SHE WOULD TAKE CARE OF THE THREE NEWS AGENCIES, AND THAT THE PERSONAL DIRECTOR WOULD UPDATE THE COUNTY WEB SITE.

JUDGE MINER VERIFIED THE NEXT MEETING WAS SET FOR FRIDAY, JANUARY 25, 2019, AT NOON. JUDGE CONTINUED THAT SHE WANTED TO CLARIFY HOW THE PANEL WERE GOING TO SELECT WHO TO INTERVIEW. COUNTY CLERK, CYNTHIA LUCZAK SUPPORTED A MEETING ON JANUARY 25TH, TO DISCUSS WHO TO BRING IN TO INTERVIEW ON JANUARY 28TH AND 29TH. PROSECUTOR NANCY BORUSHKO SUGGESTED THAT THE COMMISSION END THE APPLICATION PROCESS ON THURSDAY, JANUARY 24TH, AT 12:00 PM (NOON). JUDGE MINER SUGGESTED THEN A MEETING WILL BE HELD ON JANUARY 25TH, AT 12:00 PM, TO DISCUSS WHO THEY WILL BE INTERVIEWING. SHE SUGGESTED THAT THEY INTERVIEW BETWEEN 5 - 7 CANDIDATES ON JANUARY 28TH AND JANUARY 29, 2019.

TIFFANY JERRY SUGGESTED THAT THE BOARD COULD SUBMIT A LIST OF WHO THEY

WANTED TO INTERVIEW AND SHE COULD COLLATE A LIST FOR THE BOARD. JUDGE MINER THANKED HER FOR THE OFFER BUT STATED THAT SHE FELT THE PROCESS HAD TO BE HELD DURING AN OPEN MEETING.

COUNTY CLERK LUCZAK SUGGESTED THAT THEY INCLUDE IN THE POSTINGS THAT APPLICANTS MUST BE PREPARED TO INTERVIEW ON JANUARY 28, 2019 AND JANUARY 29, 2019, AND IF CHOSEN, BE PREPARED TO ASSUME THE POSITION ON FEBRUARY 1, 2019.

INTERVIEW PROCESS

JUDGE MINER STATED SHE WOULD LIKE TO DISCUSS THE ACTUAL INTERVIEW PROCESS. SHE WOULD LIKE TO KEEP THE INTERVIEW QUESTIONS PRIVATE IT WOULD NOT BE FAIR TO HAVE THE QUESTIONS IN ADVANCE. JUDGE REQUESTED A CENSUSES OF PEOPLE TO BE INTERVIEWED AND THEY WOULD INTERVIEW THEM ONE AT TIME SO THERE WOULD BE NO UNFAIR ADVANTAGE TO ANYONE.

BACKGROUND CHECK

JUDGE MINER QUESTIONED IF THERE WERE BACKGROUND CHECKS DONE? TIFFANY JERRY STATED THAT THERE WAS A BACKGROUND CHECK RUN PRIOR TO AN OFFER MADE FOR EMPLOYMENT. JUDGE MINER ASKED IF THEY DID NOT RUN IT PRIOR TO INTERVIEW? TIFFANY JERRY STATED THAT THEY HAVE A PROCESS FOR AN EMPLOYEE BUT NOT FOR AN ELECTED OFFICIAL. JUDGE MINER STATED THAT THIS WOULD NOT BE AN ELECTED OFFICIAL, AS IT IS AN APPOINTMENT. THEY MAY BECOME AN ELECTED OFFICIAL IF THEY ARE CHOSEN IN AN ELECTION. TIFFANY CONTINUED THAT THEY COULD RUN A BACKGROUND CHECK IF THAT IS ALLOWABLE THROUGH THE LAW. JUDGE MINER STATED THAT THE PREDECESSOR, TIM QUINN, SEEMED TO THINK SO. JUDGE MINER THEN ASKED CORPORATE COUNSEL, AMBER DAVIS-JOHNSON IF THEY COULD RUN A BACKGROUND CHECK? AMBER DAVIS-JOHNSON STATED THAT IF THE PANEL WANTED TO HAVE A BACKGROUND CHECK DONE, THEY COULD MAKE THE APPOINTMENT CONTINGENT UPON THE SATISFACTORY CRIMINAL BACKGROUND CHECK. PROSECUTOR BORUSHKO STATED THAT SHE WOULD NOT OBJECT TO MAKING IT CONTINGENT AS LONG AS THE APPLICANT WAS NOTIFIED THAT IT WOULD BE DONE, AND THE POSTINGS WOULD REFLECT SUCH. COUNTY CLERK LUCZAK STATED THAT THEY WERE LOOKING TO INTERVIEW BETWEEN 5 -7 PEOPLE, IF WE NOTIFY THEM THE MORNING OF JANUARY 25TH, IT DOES NOT AFFORD THEM MUCH TIME TO GET A BACKGROUND CHECK. FURTHER IT WOULD NOT BE FEASIBLE TO REQUIRE ALL APPLICANTS TO CONDUCT BACKGROUND CHECKS ONLY FINAL CANDIDATES. JUDGE MINER ASKED IF THE BAY COUNTY SHERIFF DEPARTMENT DID THE CHECK FOR THE COUNTY? AND HOW MUCH TIME DOES IT TAKE? AMBER DAVIS- JOHNSON STATED THAT YES THEY DID, AND THAT IT DOES NOT TAKE THAT MUCH TIME.

TIFFANY JERRY INDICATED PERSONS WHO APPLY ONLINE AGREE TO A BACKGROUND CHECK AND THOSE WHO DO NOT APPLY ONLINE MUST BE ADVISED TO AUTHORIZE THE BACKGROUND CHECK. JUDGE MINER FELT THAT IT SHOULD BE STATED THAT THE APPLICANTS SHOULD POTENTIALLY BE SUBJECT TO A BACKGROUND CHECK. SHE STATED THAT EVERY PERSON WHO COMES TO THE COUNTY FOR EMPLOYMENT, WAS POTENTIALLY SUBJECT TO A BACKGROUND CHECK. WHEN FILLING OUT THE APPLICATION YOU ARE ASKED IF YOU HAVE EVER BEEN CONVICTED OF A FELONY, OR A MISDEMEANOR. SHE WOULD FEEL MORE COMFORTABLE THAT THEY KNEW THAT APPLYING FOR A JOB IN BAY COUNTY THAT YOU ARE SUBJECT TO A BACKGROUND CHECK. WE HAVE TO HAVE PEOPLE WITH HIGH MORAL CHARACTER AND THEY HAVE TO REPRESENT THE COUNTY.

COUNTY CLERK LUCZAK STATED THAT THIS POSITION WAS RESPONSIBLE FOR LARGE AMOUNTS OF MONEY, SO SHE AGREED. THEY WILL NEED TO BE BONDED BY THE COUNTY, IN ACCORDANCE WITH STATE LAW.

JUDGE MINER AGAIN REQUESTED THAT IF THERE WERE ANY POTENTIAL CANDIDATES THAT WERE PRESENT, THEY PLEASE MAKE SURE ALL INFORMATION BE SENT TO TIFFANY JERRY, INCLUDING LETTERS OF RECOMMENDATION TO ONE CENTRAL LOCATION.

COUNTY CLERK LUCZAK RECOMMENDED THAT PRIOR TO THE MEETING ON JANUARY 25, 2019, EACH MEMBER SHOULD REVIEW THE INTERVIEW QUESTIONS AND COME TO A CONSENSUS BETWEEN THE THREE OF THEM, FOR WHAT QUESTIONS TO ASK FOR THE INTERVIEWS. JUDGE MINER REQUESTED THE INTERVIEW QUESTIONS BE THE SAME FOR EVERY CANDIDATE SO THERE WILL BE NO NEW OR ADDITIONAL QUESTIONS, SO IT IS FAIR FOR EACH CANDIDATE AND THEY HAVE AN OPPORTUNITY TO RESPOND TO EACH QUESTION.

PROSECUTOR BORUSHKO ASKED TO CLARIFY THE SCHEDULED TIME ON MONDAY, JANUARY 28, 2019 WAS 12:00 PM - 2:00 PM AND ON TUESDAY, JANUARY 29, 2019, SHE NEEDED CLARIFICATION. JUDGE JAN MINER STATED THAT IT WAS FROM 12:00 PM - 1:30 PM BUT MAY BE EXTENDED UNTIL 2:00PM.

PROSECUTOR BORUSHKO REQUESTED, ONCE A DECISION IS MADE, ON WHO WILL BE INTERVIEWED, WILL TIFFANY JERRY BE CONTACTING THOSE INDIVIDUALS AND SET UP THE INTERVIEWS FOR THE FEBRUARY 1, 2019 DEADLINE? TIFFANY JERRY STATED THAT SHE WOULD BE HAPPY TO SET UP THE INTERVIEWS.

COUNTY CLERK LUCZAK ASKED WHAT ELSE NEEDED TO BE DONE FOR THE CANDIDATE TO TAKE OFFICE ON FEBRUARY 1, 2019. AFTER FURTHER CONSIDERATION THE MOST IMMEDIATE ATTENTION WOULD BE ON THE OATH OF OFFICE, SECURING OF A BOND, NOTIFICATION TO BANKS, NEW SIGNATURE CARDS

WITH FINANCIAL INSTITUTIONS, COMPUTER ACCESS, CREATION OF A SIGNATURE PLATE AND TO NOTIFY THE MICHIGAN ASSOCIATION OF COUNTY TREASURERS. COUNTY CLERK LUZAK CONTINUED THAT IF THEY DID NOT HAVE AN APPOINTMENT BY FEBRUARY 1, 2019, WAS IT THE COMMITTEES RESPONSIBILITY TO APPOINT THE DEPUTY CLERK TO THE POSITION? SHE WONDERED IF IT WAS THEIR DUTY TO ACT.

JUDGE JAN MINER STATED THAT SHE WAS UNSURE IF IT WAS THEIR RESPONSIBILITY, BUT THAT SHE DID KNOW THAT STATUTORILY THE DEPUTY COULD ASSUME THE DUTIES OF THE TREASURER IN THE INTERIM UNTIL ONE WAS APPOINTED.

CORPORATION COUNSEL, AMBER DAVIS-JOHNSON STATED THAT SHE WOULD PROVIDE AN ANSWER FOR THE COMMITTEE. HER INCLINATION WOULD BE THAT THE DEPUTY TREASURER WOULD NEED TO BE APPOINTED INTERIM UNTIL THE FINAL SELECTION WAS MADE BECAUSE HER AUTHORITY RUNS FROM THE ACTUAL TREASURER THAT WAS IN OFFICE. AS SOON AS THE TREASURER WAS NOT IN OFFICE THERE WOULD NEED TO BE A TREASURER TO FUNCTION IN THAT CAPACITY.

JUDGE MINER STATED THAT IF CORPORATION COUNSEL COULD GET THAT QUESTION ANSWERED IT WOULD BE APPRECIATED. SHE STATED THAT THERE WAS CASE LAW ON IT, BUT SHE DID NOT KNOW THE ACTUAL PROCESS.

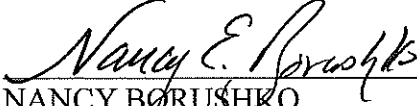
PROSECUTOR NANCY BORUSHKO QUESTIONED IF IT WAS IN THE NOTICE THAT THE PERSON WOULD HAVE TO TAKE OFFICE ON FEBRUARY 1, 2019? JUDGE MINER STATED NO IT WAS NOT. PROSECUTOR BORUSHKO SUGGESTED THAT IT BE ADDED TO THE NOTICE.

COUNTY CLERK LUCZAK ASKED WHAT THE ACTUAL TIME OF DAY THE RETIREMENT WAS EFFECTIVE FOR THE CURRENT TREASURER, SO THE APPOINTEE WOULD BE OFFERED ONE DAY TO TRANSFER THE AUTHORITY OF CURRENT TREASURER. JUDGE MINER STATED THAT IT WAS ON FEBRUARY 1, 2019 AT 5:00 PM.


MEETING WAS ADJOURN AT 8:30 AM.



JAN MINER
PROBATE COURT JUDGE



NANCY BORUSHKO
PROSECUTING ATTORNEY



CYNTHIA A. LUCZAK
BAY COUNTY CLERK