

**OFFICIAL MINUTES OF THE
MACOMB COUNTY COMMISSION
FULL BOARD MEETING
August 15, 2013**

The Macomb County Commission met at 7:06 p.m. on Thursday, August 15, 2013 on the 9th Floor of the County Administration Building, in the Commissioners' Board Room, Mount Clemens. Chair Flynn called the meeting to order.

ROLL CALL

NAME	DISTRICT	PRESENT	NOT PRESENT
Michael Boyle	10	X	
Don Brown	7		X
James Carabelli	6	X	
David Flynn	4	X	
Veronica Klinefelt	3	X	
Robert Mijac	5	X	
Fred Miller	9	X	
Toni Mocerri	1	X	
Joe Sabatini	13	X	
Marvin Sauger	2	X	
Bob Smith	12	X	
Kathy Tocco	11	X	
Kathy Vosburg	8	X	

INVOCATION

Commissioner Vosburg gave the invocation.

AGENDA

MOTION

A motion was made by Commissioner Tocco, to approve the agenda, **AS AMENDED TO INCLUDE #14** (Proclamation), **#15** (FOIA request) and **#17A** (Executive session to discuss confidential memo from independent counsel), supported by Commissioner Miller. **THE MOTION CARRIED.**

MINUTES

MOTION

A motion was made by Commissioner Carabelli, to approve the minutes dated July 25 (FB) and August 8, 2013 (Special), supported by Commissioner Vosburg. **THE MOTION CARRIED.**

PUBLIC PARTICIPATION

None

PRESENTATION OF TRIBUTE TO JOSEPH PIERCE BY COMMISSIONER MILLER

CORRESPONDENCE FROM THE EXECUTIVE

None

REPORT BY COUNTY MEDICAL EXAMINER DANIEL SPITZ, M.D.

Dr. Spitz did not appear. Stephen Rabaut, Attorney for Dr. Spitz, spoke on his behalf and was questioned by the Commission.

MOTION

R13-191 A motion was made by Commissioner Carabelli to receive and file the report, supported by Commissioner Vosburg.

THE MOTION CARRIED.

COMMITTEE REPORTS

INFRASTRUCTURE COMMITTEE MEETING – August 13, 2013

The clerk read the recommendation from the Infrastructure Committee and a motion was made by Chair Carabelli, supported by Vice-Chair Smith, to adopt the committee recommendation.

R13-192 Approve a request from Shelby Township for two easements for underground crossings of the Macomb Orchard Trail for sanitary sewer and stormwater sewer connections for a detached condominium project on the north side of the Trail and Dequindre Road.

THE MOTION CARRIED.

BOARD CHAIR REPORT

Chair Flynn gave his report.

MOTION

R13-193 A motion was made by Commissioner Carabelli, to receive and file the Board Chair report, supported by Commissioner Tocco.

THE MOTION CARRIED.

RESOLUTION

Adopt a resolution supporting the Human Services Board's Management of the Martha T. Berry Medical Care Facility (offered by Board Chair, referred from 08/08/13 FB Meeting)

MOTION

A motion was made by Commissioner Carabelli to postpone the resolution to the next Full Board Meeting (Wednesday), supported by Commissioner Sabatini.

A roll call vote was taken.

Voting Yes were: Sabatini, Smith, Vosburg and Carabelli. There were 4 Yes votes.

Voting No were: Miller, Mocerri, Sauger, Boyle, Klinefelt, Mijac, Tocco and Flynn. There were 8 Yes votes.

THE MOTION FAILED.

MOTION

A motion was made by Commissioner Smith to postpone this item to #17B on the Agenda, supported by Commissioner Carabelli.

A roll call vote was taken with a 2/3 vote required:

Voting Yes were: Smith, Vosburg, Boyle, Carabelli, Klinefelt, Mijac, Tocco, Flynn, Sauger and Sabatini. There were 10 Yes votes.

Voting No were: Miller and Mocerri. There were 2 No votes.

THE MOTION CARRIED.

PROCLAMATION

MOTION

A motion was made by Commissioner Vosburg to adopt the following Proclamation, supported by Commissioner Carabelli.

R13-194 Proclaiming September 11-17, 2013 as Patriot Week and September 17th as Constitution Day in Macomb County (offered by Vosburg)

THE MOTION CARRIED. (Record Miller & Mocerri NO votes)

CORRESPONDENCE REGARDING FOIA REQUEST FOR ELECTRONIC COPIES OF DOCUMENTS RELATED TO MACOMB COUNTY 2014-2016 BUDGET

Chair Flynn spoke about the request that was submitted and the current status.

MOTION

R13-195 A motion was made by Commissioner Klinefelt, to receive and file, supported by Commissioner Tocco. **THE MOTION CARRIED.**

NEW BUSINESS

None

PUBLIC PARTICIPATION

None

EXECUTIVE SESSION TO DISCUSS CONFIDENTIAL MEMO FROM INDEPENDENT COUNSEL

MOTION

A motion was made by Commissioner Mocerri to enter executive session, supported by Commissioner Sabatini.

A roll call vote was taken with $\frac{2}{3}$ required.

Voting Yes were: Miller, Mocerri, Sabatini, Sauger, Smith, Vosburg, Boyle, Carabelli, Klinefelt, Mijac, Tocco and Flynn. There were 12 Yes votes. There were 0 No votes.

THE MOTION CARRIED.

The Commission entered an executive session at 8:43 p.m. with it ending at 9:50 p.m.

MOTION

R13-196 A motion was made by Commissioner Mocerri, to adopt a resolution supporting the Human Services Board's Management of the Martha T. Berry Medical Care Facility (offered by Board Chair, referred from 08/08/13 FB Meeting), supported by Commissioner Miller.

A roll call vote was taken:

Voting Yes were: Miller, Mocerri, Sauger, Smith, Boyle, Klinefelt, Tocco and Flynn. There were 8 Yes votes.

Voting No were: Sabatini, Vosburg and Carabelli. There were 3 No votes.

THE MOTION CARRIED.

MOTION TO SUSPEND THE RULES

A motion was made by Commissioner Vosburg to suspend the rules to make a motion, supported by Commissioner Sabatini.

A roll call vote was taken with a unanimous Yes vote.

THE MOTION TO SUSPEND THE RULES CARRIED.

MOTION

R13-197 A motion was made by Commissioner Vosburg authorizing the Board Chair to take actions he may deem necessary to enforce the Board's subpoena of the Medical Examiner, which may include, without limitation, independent counsel or corporation counsel to file a lawsuit compelling compliance, supported by Commissioner Sabatini.

THE MOTION CARRIED.

ROLL CALL

NAME	DISTRICT	PRESENT	NOT PRESENT
Michael Boyle	10	X	
Don Brown	7		X
James Carabelli	6	X	
David Flynn	4	X	
Veronica Klinefelt	3	X	
Robert Mijac	5		X
Fred Miller	9	X	
Toni Mocerri	1	X	
Joe Sabatini	13	X	
Marvin Sauger	2	X	
Bob Smith	12	X	
Kathy Tocco	11	X	
Kathy Vosburg	8	X	

ADJOURNMENT

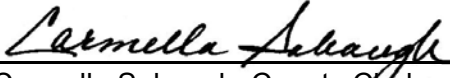
MOTION

A motion was made by Commissioner Sabatini, to adjourn, supported by Commissioner Smith.
THE MOTION CARRIED.

Chair Flynn adjourned the meeting at 9:56 p.m., until the call of the Chair.



David Flynn, Chair



Carmella Sabaugh, County Clerk