

**Kalamazoo Area Building Authority (KABA)
Board Meeting
July 21, 2016**

The KABA meeting was held at the Oshtemo Township Hall. Board Chairperson Deb Everett called the meeting to order at 2:00 p.m.

PRESENT:

Deb Everett, Chair
George Cochran, Treasurer
Jeff Sorenson, Alternate Member
Ann Nieuwenhuis, Member
Barney Martlew, Member

Also present were KABA Building Official Mike Alwine, KABA Interim Operations/HR Director Jannette Poehlman, KABA Attorney Tom King, Bernie Mein from the Homebuilders Association, Oshtemo Township Treasurer Nancy Culp, Oshtemo Township Assessor Kristine Biddle, and KABA Administrative Assistant Erin Feist.

The minutes were drafted on July 29, 2016 by KABA Administrative Assistant Kerrie LeClercq, from an audio recording of the entire meeting.

Approve Agenda

Mr. Main requested that an update on the KABA FOIA Request to Oshtemo Township be added as item I. Mr. Sorenson requested that a Motion to Allow the Board Chair to sign agreements be added under number 5. No formal vote was taken to approve the agenda.

Consent Agenda

Ms. Everett pointed out that the minutes from the July 7, 2016 Board meeting had not been completed and questioned if this constituted a violation of the Open Meetings Act. Mr. Cochran pointed out that the need for a verbatim transcription and the frequent meetings made it difficult to meet the deadline. The Board decided that going forward, summary minutes would be completed for each Board Meeting, and the verbatim transcription could be completed at a later date.

Citizen Comments on Non-Agenda Items – There were no citizen comments.

Status of Latest Supervisor's Meeting – Ms. Nieuwenhuis advised that the necessary changes have been made to the Separation Agreement, a draft has gone to each Township Board, and been signed. Mr. Cochran made a motion to allow the KABA Board Chair to sign on behalf of KABA on both agreements. Mr. Sorenson supported the motion and it passed with a vote of 4 to 1, the nay vote being made by Mr. Martlew.

Operational Decision – Fee Reduction/Alteration - Mr. Alwine presented his proposed changes to KABA's permit fee schedule. After some discussion and related questions, the Board requested that Mr. Alwine present them with a budgetary overview so that they can see the breakdown of the numbers and how the proposed fee schedule would alter KABA's revenue. Ms. Nieuwenhuis suggested that the budget include scenarios both with and without staffing level changes. Mr. Alwine and Mr. Martlew both stressed the need to bring in new member jurisdictions and advised that altering the fee schedule would help to facilitate that goal. Mr. Alwine was also requested to present information comparing KABA's fee schedule to other local jurisdictions and Ms. Nieuwenhuis asked that all such information be made available for the KABA Board Meeting on August 11, 2016.

Operational Decision – Lease and Remodel – Ms. Poehlman presented copies of the proposed alterations needed at KABA's new independent location. Discussion proceeded regarding the need for an interior remodel, and all of the subsequent expenses associated therewith. Several members stressed the extremely tight time frame for the project before KABA will have to relocate. Ultimately, Ms. Nieuwenhuis made a motion to move \$120,000.00 from KABA's General Fund into the Capital Improvements Fund to cover the entirety of expenses associated with the project, as well as to authorize the Building Official to review the bids and select the contractor. Mr. Alwine will forward the bids to all Board members and if a Board member has concerns, a special meeting will be called by the Chair. Any

funds not expended will be transferred back into KABA's General Fund. Mr. Martlew seconded the motion. The motion carried with a 3 to 2 vote, Mr. Sorenson and Ms. Everett both voting nay.

Operational Decision – KABA Website – Ms. Poehlman advised the Board that the requested changes have been made to the website proposal submitted by Creative Group. She stated that if the website is hosted by any company other than Go Daddy, there will be a \$120 hosting fee. Mr. Martlew asked why IT Right is the current host of KABA's website and Ms. Poehlman replied that she will research that issue and report back to the Board. Ms. Nieuwenhuis made a motion to authorize the Interim Operations HR Manager to finalize the website agreement and sign the contract. Mr. Martlew seconded the motion and it passed with a vote of 5 to 0.

Operational Decision – KABA Signage – Ms. Poehlman provided a copy of the alternative signage presented as a bid from SignArt, Inc. Mr. Cochran indicated that KABA does not need to spend the additional funds for an illuminated sign. Mr. Sorenson made a motion to include the signage costs into the \$120,000.00 that is being moved from the General Fund into the Capital Improvements Fund. Ms. Nieuwenhuis seconded the motion and it passed with a vote of 5 to 0.

Operational Decision – Inspector Tablets – Ms. Poehlman and Mr. Alwine explained to the Board that KABA's current supply of Inspector Field Tablets was undependable and that one of the tablets was no longer operating at all. Ms. Poehlman suggested that the Board consider, moving forward, that KABA switch from the current model to Microsoft Surface Pro 4 models. Such a change will be extremely cost effective for the organization and discussion then began regarding the number of tablets that should be purchased immediately. Mr. Sorenson made a motion to purchase 3 Microsoft Surface Pro 4 tablets with the necessary accessories, for a total cost of no more than \$6,000.00. Mr. Cochran supported the motion and it passed with a vote of 5 to 0.

Operational Decision – Petty Cash vs. Credit Card – Ms. Poehlman recommended that, going forward, KABA address their need for the ability to make smaller purchases through credit cards rather than having a petty cash fund. Mr. Cochran made a motion to obtain cards for both Ms. Poehlman and Mr. Alwine with a credit limit of \$2,000.00 from Consumers Credit Union and direct KABA's Attorney to create a formal purchasing policy. Ms. Nieuwenhuis seconded the motion and it carried with a vote of 5 – 0.

Operational Decision – Response to Attorney Letter to Mr. Hellwege Regarding KABA's Petty Cash Fund – Mr. King advised that his firm had received a written reply from Mr. Hellwege, denying all responsibility for the petty cash and suggesting that the Board look to the employees who handled the cash on a regular basis. Mr. Martlew reiterated that he felt ultimate responsibility lay with Mr. Hellwege and that a small claims action should be brought against Mr. Hellwege. Mr. King stated his belief that KABA could not represent itself in a small claims action and Ms. Nieuwenhuis suggested that the matter be researched.

Operational Decision – Checking Account Signatures – Ms. Poehlman requested that the Board authorize her, as Interim Operations/HR Director, to sign KABA checks, as it is extremely difficult to pay bills and inspector invoices on a weekly basis without the ability to sign checks in-house. Mr. Cochran made a motion to add Ms. Poehlman to the signature card at Consumers Credit Union. Ms. Nieuwenhuis supported the motion and it passed with a vote of 5 to 0. Ms. Nieuwenhuis then made a motion to direct Mr. Alwine to review and sign off on all invoices if Ms. Poehlman became the person to sign the check. Mr. Cochran supported the motion and it passed with a vote of 5 to 0.

Operational Decision – Siegfried Crandall Invoice – As the Board has requested information on all charges associated with the recovery of the Share Point files deleted by Mr. Hellwege upon his resignation, they were presented with an invoice from Siegfried Crandall for two hours of time spent by Jon Gibson in retrieving the files and training staff in accessing them. The invoice was for a total of \$240.00. Mr. Sorenson made a motion to accept the invoice for informational purposes. Mr. Cochran seconded the motion, and it passed with a vote of 5 to 0.

Operational Decision – FOIA Request Update – Mr. King reported that Oshtemo Township has responded to the FOIA Request, granting the request and reporting that the request will result in approximately 8,000 pages of documents. The response also stated that Oshtemo Township believes there are three exemptions which apply to their FOIA Response: Attorney/Client Privilege; Communications within public bodies preparatory to final decisions; and any public record that was furnished to Oshtemo Township which was exempt at the time it was furnished. Oshtemo’s estimate for non-paper search costs are approximately \$1,500.00 with a good faith deposit of \$740.85, or, in the event that paper copies are requested, the estimate is approximately \$2,300.00 with a good faith deposit of \$1,159.35. Mr. King recommended to the Board that they pay the \$740.85 immediately to allow the attorneys an opportunity to see what material is there and whether or not Oshtemo’s claims of exemption are valid. Oshtemo Township indicated that they could supply the requested documentation within the 10 day extension deadline from the date of the deposit being made. Ms. Nieuwenhuis made a motion to approve Mr. King’s recommendations and to cut an immediate check for the deposit amount of \$740.85. Mr. Cochran supported the motion and it carried 5 to 0.

Board Member Comments – There were no Board member comments.

KABA Staff Comments – Ms. Feist advised the Board that she has completed the project of moving the Share Point copies involving sensitive and confidential information to a desktop and encrypting them with passcodes. Furthermore, she has print outs of the information if any Board member wishes to review what information was being stored on Share Point by the former Executive Director. She indicated that the information appears to reference both current and prior KABA employees. Not all the names are readily identifiable by current personnel. Mr. Cochran suggested that she forward a list of the names to Board members, who may be able to identify the person whose confidential information was maintained in an unprotected manner on the Share Drive. Ms. Nieuwenhuis also pointed out that an Administrative copy should continue to be maintained, although in a secured manner, because of the possibility of any future litigation involving KABA. Mr. Martlew requested that the record reflect that upon learning that such information was being kept inappropriately, the Board immediately directed KABA staff to remedy the situation and secure the record keeping.

There was no further business and the meeting was adjourned at approximately 3:35 p.m.

Next Meeting – August 11, 2015 at Oshtemo Township at 1:00 p.m.

Drafted: July 29, 2016

Approved: