



DELTA CONSERVATION DISTRICT

GLADSTONE SERVICE CENTER.

2003 MINNEAPOLIS AVE. GLADSTONE, MI 49837

BOARD MEETING MINUTES

A meeting of the Delta Conservation District Board was called to order at 5:30 p.m. on March 13, 2024, at the Delta County Service Center by Chair Joe Kaplan.

AGENDA

1. **Pledge of Allegiance.**
2. **Roll call:** Brockman, Segorski, VandeWater, and Kaplan all PRESENT. Ross ABSENT.
3. **Staff Present:** Heather LeDuc, District Manager.
4. **Approval of Agenda:** *Segorski motion, VandeWater second to approve agenda as presented. Motion carried.*
5. **Conflict of Interest Disclosures:** none
6. **Public Comment on Agenda Items:** Rory Mattson (Escanaba)- Commented on co-owned dump trailer regarding whether or not finding the certificate of title for
7. **Approval of Minutes:** *Brockman motioned, no second, to approve amended February 14, 2024, meeting minutes. Board voted to approve minutes without a second.*
8. **Treasures Report:** None due to accountants having not finished bank reconciliation.
9. **Standing Committee Reports**
 - a) **Personnel Report:** None.
 - b) **Property and Equipment:** Brockman indicates work is in process of inventorying all District equipment.
 - c) **Records:** Kaplan received additional attorney records from former District council Terry Burkhart.
 - d) **Finance:** none. Updates on accountant's progress under old business.

10. MDARD Report: LeDuc provided Rachael Guth's report.

11. NRCS Report: Mike Van Wyk – Manager of local USDA Field Office and District Conservationist; Mike provided annual reviews including Civil Rights updates including employees and customer polices. A checklist is provided for Board members signature upon review (by next meeting). Other annual reviews included Memorandum of Agreement between NRCS, MDARD, and the Conservation District. There is no agreement yet for this year as it is still under review. The MOA provides details of the relationship between the three agencies. NRCS demographic policies encourages diversity on the board including women and minorities. Occasionally NRCS may share Sensitive information including specific location of projects, landowners names, non-public information has to go through the NRCS FOIA process before it is disclosed. All NRCS policy is based on the 1964 Civil Rights Act and is included for review. NRCS policies require employees to provide equal access to programs.

12. Staff Reports: Manager LeDuc; provided MAEAP and FAP reports. Reviewed possible changes in MAEAP for FY2025 including possible cuts and reorganizing staff positions. Possible cut from \$40,000 to \$26,000 for administration support. MACD is advocating for higher allocations for District. Draft budget from State is expected in June 2024 and encouraging District Board members to advocate for District funding. Tree sale updates, sales approximately \$55,000 in sales. Members of the public are using the kiosk in the District office. The news is covering the tree sale. Heather met with Roger LaBine regarding wild rice restoration possibilities in the District. Will meet with Rachael Guth to review process for MDARD reporting.

13. Commission/Liaison Report: Liaison Commissioner Barron was not present. Commissioner Steve Viau was in attendance to become knowledgeable and is proud to be part of any organization to pass on to the Board.

14. Unfinished Business

a) Attorney General Assistance: The AG is still in process of reviewing past employment contracts on behalf of he District.

b) Accounting firm – Kaplan indicated accountant (Schneider, Larche Haapala & Co). The conversation of the District's QuickBooks from desktop to online is complete. This will streamline District accounting operations. The accounting firm will handle taxes, employee's payroll, reconciling bank accounts, with staff/Directors will have appropriate levels of access for entering bills and running reports.

c) County financial obligation to District: Finalizing the final payment for the District share of Parks revenue from FY 2023 and first quarter of FY 2024 awaits reconciliation from our accountants for basic auditing.

e) Park manager incentive pay: The request and documentation for Mr. Wery's claim for incentive pay has been forwarded to the County for action.

f) Jointly-owned dump trailer with County and Rory Mattson: Kaplan reports that according to District records the co-owned dump trail was sold to Mr. Mattson for \$2000 with \$1000 reimbursed to County Parks and \$1000 to the Conservation District. This does not match what has been previously discussed regarding the dump trailer with the District Board or the County Commission.

In order to transfer legal ownership of the trailer the District would have to go back to the original owner of the trailer to have the Certificate of Title reissued by the Secretary of State and then transferred to the District, otherwise the District will have to pursue a replacement title through the SOS. As the County Commission motioned to sell their ownership interest in the trailer for \$2000, but they have already been reimbursed \$1000 this will need to be revisited with the County. The District's investment in the trailer according to District records is \$3000.

Brockman asked if the trailer was sold in 2022 why is it still on the District's books. Kaplan responded he has turned the issue over to law enforcement for direction. Brockman asked how it was originally purchased. Kaplan responded that the District contributed \$4000 and the County Parks contributed \$2000 in January 2016 for \$6000.

The title the District has (a photocopy) lists the purchase date of 2016 and the purchasers as Rory Mattson/Conservation District and was signed over by the previous owners indicating the intent was to sell the trailer. The trailer was never registered to the District as was the motion the District Board made when the trailer was purchase [December 2015]. The testimony that Mattson had "first rights of refusal" to purchase the trailer is not supported by the County's meeting minutes.

The Conservation District Board in September 2022 motioned to sell excess District equipment including silt curtains, a chimney, stovepipe, "an old dump trailer that nobody was using", and a truck. The only item that was sold was the dump trailer for \$2000 [to Rory Mattson].

g) Email requirements for Board members; tabled until Director Russ Ross returns. Kaplan recommended that all Board members use MACD (Michigan Association of Conservation Districts) email accounts so the District can be compliant with record retention laws concerning email (7-year retention requirement).

15. New Business

- a) Payment of bills.** Manager LeDuc was thanked for sending out bills 4-days ahead of the meeting. LeDuc explained \$500 worth of returns from Amazon and reimbursements for Forester training. *Motioned by Segorski, seconded by Brockman to pay bills as presented. Motion carried.*

b) Allegations of misconduct (by District Chair Kaplan) by Commissioner Barron. Liaison Barron at a County Commissioner's meeting raised concerns that 1) the District was discriminating against the County with participation in District programs, and 2) Chair Kaplan breached confidentiality regarding the District's administration of the Michigan Agricultural Environmental Assurance Program (MAEAP). Commissioner Barron relayed the details of an internal office meeting between Chair Kaplan, Manager LeDuc and a District employee regarding the details of the District's MAEAP program and this was the basis of his allegations.

Kaplan conveyed that the ~~County District (amended)~~ is not discriminating against the County for any lands that the County has agreements with the District. Kaplan provided details of the MAEAP program, how it works, how it protects private property owner's participation in these voluntary programs. Kaplan explained he has not had access to MAEAP files and if he did, he would be bound by confidentiality. Kaplan read an email provided by John Switzer, Conservation Programs Manager at the Bureau of Environment and Sustainability (MDARD) that provided background information on the MAEAP program including confidentiality guidelines the District is bound by law, including FOIA limitations.

16. General Public Comment: Bob VanDamm inquired that as a MAEAP participant would any of the information regarding his agreement with the District obtainable through FOIA and can the Conservation District Board look at the details of his program? Kaplan responded that information provided by landowners is confidential and exempt under FOIA. Additionally, MDARD legal is reviewing the question of who within the District can have access to MAEAP programs. Preliminary guidance indicates that files are limited to staff and fiduciaries such as Board member, however, no personal information would be released to a third party without permission of the property owner. This standard applies to both the District and the Natural Resources Conservation District.

Tina Vanderlinden commented that when she worked for the District that everything [concerning landowners' information] was private.

Rory Mattson: Cautioned the board and the public that the USDA/NRCS is separate from the Forest Assistance Program and MAEAP (District administered programs) and he didn't believe that the manager or the board or anyone else, if you get ahold of MDARD, can pull a forest management plan once it is enrolled in the Qualified Forest Program. He deferred to the Forester but said only the landowner can access their forest management plan once it is enrolled in QFP.

Manager LeDuc: Provided clarification that under her tenure that no landowner program files have been shared with the public or a third party.

Kelli VanGinhoven: Recommended the District request to be placed on the next County Commission meeting agenda to address Commissioner Barron’s allegations. Requested a response during Board member’s comments.

Commissioner Viau: Conveyed he communicated with the County Administrator a request to permit all parties involved in MAEAP to be allowed to address the Board of Commissioners and that the Board receive this information early enough to read and process. By doing so this will improve transparency and accountability.

17. Board member comments: **VandeWater** is pleased the tree sale is going well and appreciates the direction that Manager LeDuc is heading with the staff. **Segorski** found the actions and accusations by Commissioner Barron troubling. He’s concerned with the deceitful manner in which a County Commissioner would “dream up such a false narrative”. Segorski feels Robert Barron has become the County Commissioner’s bully, trying to pick a fight with the Conservation District. Segorski questions what has angered Robert Barron so much that he strikes out at those around him, especially the District Board. Segorski will say no more about this unless it continues. **Kaplan** addressed VanGinHoven’s request by stating that the County’s business is the County’s business and if the Commission wants to be addressed they can seek input by putting the District on the agenda. Otherwise, if there is a need it can be expressed during public comment. Kaplan feels “the air has been cleared” regarding Commissioner Barron’s allegations against the District.

18. Adjourned: *Brockman motioned, Segorski second to adjourn at 6:45pm.*

These draft minutes submitted by Chair Kaplan. Complete meeting recording available on the District’s YouTube channel (<https://youtu.be/iGa1PCEQPSM?feature=shared>) or through the District’s website at [Board Meetings \(deltacd.org\)](https://www.deltacd.org/board-meetings.html) (<https://www.deltacd.org/board-meetings.html>).

Amended Meeting (*New Business (b)*) approved on April 12, 2024



Glenn VandeWater, Secretary