

**CALHOUN COUNTY**  
**PROCEEDINGS OF THE**  
**BOARD OF COMMISSIONERS**

January 5, 2006

The Organizational Session of the Calhoun County Board of Commissioners convened at 7:05 p.m., Thursday, January 5, 2006 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll Call: Present: Comrs. Bolger, Miller, Moore, Segal (via. telephone), Solis, Strowbridge and Todd.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Personal Prayer was observed; followed by the Pledge of Allegiance, led by Comr. Moore.

SPECIAL ORDER OF BUSINESS:

Election of Vice Chairperson

Comr. Solis nominated Comr. Kate Segal. Chairman Miller inquired if there were any further nominations. No other nominations were offered.

Res. 1-2006

“Motion by Comr. Solis, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners close nominations for the Office of Vice Chairperson of the Calhoun County Board of Commissioners for 2006 and unanimously elect Katherine Segal Vice Chairperson of the Board of Commissioners for 2006.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Adoption on Board Rules

Res. 2-2006

“Motion by Comr. Strowbridge, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners adopt the 2006 Board Rules as presented.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

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APPROVAL OF AGENDA/ADDENDUM:

Res. 3-2006

“Motion by Comr. Strowbridge, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the January 5, 2006 agenda and addendum, as amended, with deletion of Item 9.B. (1){c} Appointment of James Keefer to the Metropolitan Planning Commission and Item 12.A. (1) - Union Letters of Understanding for Defined Benefit Pension Plan Enhancements.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

Res. 4-2006

“Motion by Comr. Strowbridge, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the December 1, 2005 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Mr. Gardy Berezonsky, Marengo Township resident, inquired whether the Board's rules only apply to the Board.

Mr. Berezonsky stated that at the December 15 Board Meeting he advised that the Sheriff is in violation of the Michigan Constitution as he took an Oath of Office declaring that his office would be at the county seat. Mr. Berezonsky stated that this is his second notice of the violation.

Mr. Berezonsky addressed the County Administrator/Controller's Office comprised of three employees, with a salary and fringe benefits budget of \$225,488; an automobile allowance of \$10,800, which he presumes is for two employees; and an employee travel budget of \$3,150. Mr. Berezonsky questioned the accountability of taxpayers' monies for such travel as the employees do not have to fill out travel expenditure vouchers and are automatically issued a monthly check for their travel. Mr. Berezonsky further questioned the need for the travel with all the technology available; e.g., conference calling, e-mails. Mr. Berezonsky stated that he would like to know where those employees are driving and requested more accountability within the county budget.

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CONSENT AGENDA:

Comr. Bolger requested Item B.3. - Medical Examiner Re-appointment be removed from the Consent Agenda for separate consideration.

Res. 5-2006

“Motion by Comr. Bolger, supported by Comr. Strowbridge, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following January 5, 2006 Consent Agenda, as amended, with deletion of Item B.(3) - Medical Examiner Re-Appointment for separate consideration:

A. Petitions, Communications, Reports:

- (1) Notice of a public hearing scheduled for December 20, 2005 regarding granting Industrial Facilities Exemption Certificates to Kraft Foods North America, Inc. received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director Richard Gruber)
- (2) Resolution received from Ottawa County opposing House Bill No. 5124 {Access to All Electronic Records}. (Received and placed on file)
- (3) Invitation received from the Michigan Department of Transportation to attend the Marshall Transportation Service Center’s January 31, 2006 Meeting regarding MDOT’s Five Year Projects Plan. (Received and placed on file, with a copy remitted to Road Commission Managing Director Dennis Randolph)
- (4) Resolutions received from St. Joseph County {1} requesting the Governor and Legislature develop tax incentives to keep Michigan competitive and to partner in the County’s vision of a four-lane U.S. 131 highway, and {2} recommending legislation be adopted requiring the State to pay all of its approved invoices and obligations in a timely manner. (Referred to the Legislative Liaisons)
- (5) Copy of a communication remitted to Rod Puff, Ceresco resident, received from the Michigan Department of Agriculture requesting Mr. Puff provide soil tests. (Received and placed on file, with a copy

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remitted to Environmental Health Director Ted Havens, Manure Management Specialist Natalie Rector and Drain Commissioner Blaine VanSickle)

- (6) Resolutions received from Gratiot County { 1 } opposing any reduction of Cooperative Reimbursement Program funding, and { 2 } recommending the State adopt legislation requiring the State to pay all of its approved invoices and obligations in a timely manner. (Referred to the Legislative Liaisons)

**B. Resolutions:**

- (1) Metropolitan Planning Commission Appointments  
(Terms Expire December 31, 2008)

- { a } Clarence Millard
- { b } Dian Schubel

- (2) Solid Waste Management Planning Advisory Committee Appointments  
(Terms Expire December 31, 2007)

- { a } Marilyn Hennon - Environmental Interest Representative
- { b } Arnold Arquette - General Public Representative
- { c } John Bomba - General Public Representative
- { d } Lewis Cooper - General Public Representative
- { e } Michael Myszka - Industrial Waste Generator Representative
- { f } Steve Essling - Solid Waste Industry Representative
- { g } Eugene Klisiak - Solid Waste Industry Representative
- { h } John Laforge - Solid Waste Industry Representative"

Voice Vote: Motion CARRIED

Calhoun County Medical Examiner Re-appointment

Comr. Bolger questioned the re-appointment. County Administrator/Controller Greg Purcell stated that there had been some issues last year regarding liability insurance, and advised that the county can include the doctor under the county's liability insurance coverage with the Michigan Municipal Risk Management Authority. Mr. Purcell advised that he has requested Corporate Counsel prepare the new Medical Examiner Services Agreement for the January 19 Board Meeting. Mr. Purcell recommended the re-appointment be approved

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contingent upon the Board's approval of the new agreement with Dr. Ismailoglu.

Comr. Bolger inquired whether the re-appointment can be rescinded if the new agreement is not approved. Mr. Purcell responded Yes.

Comr. Strowbridge inquired whether the county went through the bid process for the services previously. Mr. Purcell responded no, and advised that the doctor has been in the position for more than five years. Comr. Strowbridge inquired whether the county advertised for someone when the appointment and agreement expired. Mr. Purcell responded no, and advised that he has received no contact from doctors interested in the Medical Examiner appointment.

Res. 6-2006

“Motion by Comr. Bolger, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners re-appoint Dr. Mehmet B. Ismailoglu with term to expire December 31, 2009, contingent upon approval of the Medical Examiner Services Agreement at the January 19, 2006 Board of Commissioners Meeting.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Calhoun County Youth Council

Comr. Segal reported that the Council has entered into a partnership with the veterans facility in Battle Creek and did some caroling for the veterans. The Council is looking for more projects to do in the Spring.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

Adoption of New County Policy No. 231 - Social Security Number Privacy

Mr. Purcell stated that the policy is required to comply with the Michigan Social Security Number Privacy Act.

Human Resource Coordinator Jennifer Buciencki advised that in March of last year the Michigan Legislature adopted the Act to protect individuals social security numbers.

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Res. 7-2006

“Motion by Comr. Bolger, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners adopt new County Policy No. 231 - Social Security Number Privacy Policy.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Community Emergency Response Training Grant Agreement

Mr. Purcell advised that the grant is in the amount of \$248,230.02.

Emergency Management Coordinator Larry Utterback advised that the grant is to provide training to first responders in the county. Mr. Utterback further advised that there has been an on-going Community Emergency Response Training Program and that some good goals have been established. Mr. Utterback stated that through the assistance of Mr. Wilcox, some of the equipment expenditures were reduced and the state will allow the county to purchase some additional items with the savings.

Res. 8-2006

“Motion by Comr. Solis, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Agreement between Calhoun County and the Michigan State Police Emergency Management Division for community emergency response training funding in the amount of \$248,230.02; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County.”

Comr. Moore voiced concern regarding the cost of the backpacks and contents at \$228 each, pointing out that the same exact backpacks with contents can be purchased for \$57 each. Comr. Moore advised that he contacted Mr. Utterback requesting an explanation and was advised that the state requires that the backpacks be American made. Comr. Moore addressed the state’s requirement, stating that he believes the requirement is a grievous waste of taxpayers’ funds.

Mr. Utterback concurred and advised Commissioner Moore that he contacted that state to advise that those backpacks could be provided by the State Police and is awaiting a response which he shall forward to him.

Comr. Bolger inquired how individuals have been advised of the training program. Mr. Utterback responded that there were a number of public services announcements on the radio stations prior to the end of the last year,

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also distribution of brochures.

Comr. Todd suggested Mr. Utterback contact Pastor Hess to get an announcement on the WFRN Gospel station.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Equalization Director Appointment

Mr. Purcell introduced David Lee, and advised that upon completion of the interview process the selection committee recommends the appointment of Mr. Lee.

Mr. Lee advised that he is currently working for the State Tax Commission and has been employed by the Commission for 5 ½ years. Mr. Lee continued that prior to working with the Tax Commission he was the City Assessor for Portage for 5 years, and prior to that had been a property appraiser for the Kalamazoo City Assessor's Office.

Mr. Purcell advised that Mr. Lee can commence work on January 30. Mr. Purcell thanked Ms. Cortright for her efforts. Mr. Purcell stated that he believes Mr. Lee will be an excellent asset to the Department.

Res. 9-2006

“Motion by Comr. Moore, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners appoint David C. Lee Equalization Director for Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS' TIME:

Mr. Berezonsky again addressed the travel allowances provided to the County Administrator/Controller's Office; pointing out that if it is permissible for Comr. Segal to sit home and conduct Board business, he believes that Mr. Purcell could conduct business via other ways rather than driving all over the place.

Battle Creek City Assessor Judy Mudge thanked the Board for hiring a full-time Equalization Director to provide some guidance to the local assessors. Ms. Mudge stated that she looks forward to working with Mr. Lee.

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COMMISSIONERS' TIME:

Comr. Strowbridge stated that he is befuddled with what "went down" tonight and believes that the Board set a bad precedent by allowing any member of the Board to conduct county Board business without being present. Comr. Strowbridge stated that he does not believe telecommunication should be considered as being present.

Comr. Strowbridge inquired whether it is permissible for the Board Chairman to participate in Board business from his home, whether he can conduct Board business while on vacation in Florida, or whether any Board Member could simply stay home for all the Board meetings and conduct the county's business over the telephone. Comr. Strowbridge again stated that he believes allowing a Commissioner to conduct Board business over the telephone is a bad precedent.

Comr. Moore echoed Commissioner Strowbridge's concern; further, pointed out that previously another Board Member could have done the same during his absence, however, was not afforded that opportunity. Comr. Moore stated that he believes the Board should have a legal ruling regarding what is considered present.

Comr. Moore expressed his sorrow for the passing of Angela Wiseley, stating that she will be missed by hundreds of people for all the work she did. Comr. Moore requested everyone pray for her husband and young children.

Comr. Solis requested Corporate Counsel provide clarification of her ruling allowing Commissioner Segal the option of conducting Board business via teleconferencing.

Interim Corporate Counsel Nancy Mullett responded that the opinion allowing for the teleconferencing vote is based upon the Open Meetings Act which allows for vote by telecommunications provided the vote can be heard by the public. Ms. Mullett pointed out that the Board's Rules do not prohibit such. Ms. Mullett offered to address the issue in a formal opinion whereby the Board can base its decision and address the issue within the Board Rules.

Comr. Solis stated that he does not understand the problem that it poses as it was not as if Commissioner Segal did not have a significant event in her life that prohibited her attendance. Comr. Solis pointed out that Commissioner Segal arrived home with her child only two hours ago, and he believes it is appropriate for her to participate in the meeting via telecommunications.

Comr. Segal stated that Commissioner Solis is correct, that she was just discharged from the hospital two hours

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ago after giving birth to a lovely baby girl. Comr. Segal thanked her fellow colleagues for allowing her to join them by phone whereby she could represent her constituents.

Comr. Strowbridge stated that his comments regarding present, or not present was in no way directed at Commissioner Segal, however, that his concern is the precedent that it set. Comr. Strowbridge recommended the issue be addressed in the Board Rules whereby present means physically present.

Comr. Moore requested Corporate Counsel provide a formal legal opinion regarding the issue of present versus physical presence.

Comr. Bolger stated that he hopes that the Board shall address this issue. Comr. Bolger stated that he has not been happy with how the Board has been operating during the past year, and advised that his vote for Commissioner Segal as Vice Chairperson was in an effort for the Board to work together. Comr. Bolger stated that the county needs good government which includes cooperation, and that he hopes this year will be a new year of cooperation and compromise.

Chairman Miller requested Corporate Counsel address the issue regarding county offices being required to be located at the county seat.

Ms. Mullett stated that this is an issue that has been raised since the time when the Justice Center was built. Ms. Mullett advised that state law cases do allow for the Sheriff to conduct business at the Justice Center because he also has an office in Marshall in the Road Patrol Division. Ms. Mullett advised that she shall update that opinion and provide it at the next Board meeting.

Comr. Bolger congratulated Commissioner Segal upon her appointment as Board Vice Chairperson and upon the birth of her daughter.

Comr. Bolger stated that Angela Wiseley was passionate, caring, and persistent in her efforts for the seniors of Calhoun County. Comr. Bolger advised that when he learned of the loss he spoke with former Commissioners who stated that it is incumbent upon this Board to share just how special Angela was.

Chairman Miller congratulated Commissioner Segal on the birth of her daughter Elise Mae, who weighs 7 pounds 9 ounces and is 19.5 inches long.

Comr. Moore advised that he learned of Angela Wiseley's passing when a reporter contacted him for his comments, and he was speechless for a moment. Comr. Moore stated that everyone has said wonderful things about her. Comr. Moore stated that Angela shall be greatly missed, and advised that his thoughts and prayers

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are with her family.

CLAIMS PAYABLE LISTINGS:

Res. 10-2006

“Motion by Comr. Solis, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the county in the total amount of \$804,486.28 for the week of December 15, 2005; further, approve payment of the list of claims against the county in the total amount of \$659,856.02 for the week of December 21, 2005.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

RECESS:

The meeting recessed at 8:04 p.m at the call of the Chair.

mlb