

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

February 2, 2006

The Regular Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday, February 2, 2006 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll Call: Present: Comrs. Bolger, Miller, Moore, Segal, 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. Segal.

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Segal, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the February 2, 2006 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Segal, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the January 5, 2006 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Mr. James Keefer, Battle Creek resident, advised that he was Chairman of the Calhoun County Metropolitan Planning Commission last year, and that through some mis-communication his name for re-appointment consideration had been removed from the Board's agenda. Mr. Keefer stated that at this time he would like his name added as a candidate for appointment when Item 9.B.(15) is considered.

Planning Commission Vice Chairperson Dian Schubel advised that she is present in support of Mr. Keefer's re-appointment. Ms. Schubel stated that she does not know why Mr. Keefer was not re-appointed when three members' terms were up for re-appointment, which concerns her because according to the Planning Commission's bylaws the Board of Commissioners is to appoint based on the recommendation of the Planning Commission.

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Ms. Schubel advised that Mr. Keefer has been the Planning Commission Chairman for the past two years, has had excellent attendance, and took a citizens planner course at the basic and advanced level. Ms. Schubel advised that other members of the Planning Commission are also present in support of Mr. Keefer's re-appointment.

SPECIAL ORDER OF BUSINESS:

"Child Passenger Safety Awareness Week" Proclamation

Chairman Miller read and presented the following proclamation to Battle Creek Transportation Study (B.C.A.T.S.) Executive Director Patricia Karr.

Res. 22-2006

"Motion by Comr. Bolger, supported by Comr. Moore, resolved by the Calhoun County Board of Commissioners approve the following proclamation:

WHEREAS, February 12-18, 2006 has been declared National Child Passenger Safety Awareness Week; and

WHEREAS, even though child passenger protection laws in Michigan and all other states and the District of Columbia require proper restraints and safety belt use for children, many children are still not properly restrained; and

WHEREAS, Michigan has more stringent child restraint laws requiring children to be in child seats until 4 years of age, and buckled up regardless of where they sit in the vehicle until 16 years of age; and

WHEREAS, parents, guardians and care-givers must make sure that children under age 13 always ride in the back seat of vehicles, buckled up or properly installed in child safety seats/booster seats/seat belts, as appropriate, away from front seat air bags.

NOW, THEREFORE, I, Benjamin A. Miller, Chairman of the Calhoun County Board of Commissioners, do hereby proclaim support for National Child Passenger Safety Awareness Week, and urge all citizens to buckle up every child properly in an approved restraint, or seat belt, as applicable, every time a child rides in a vehicle. The Board of Commissioners calls upon all citizens, government agencies, public and private institutions, businesses, hospitals, medical facilities and schools in Calhoun County to observe this week with appropriate resolutions and ceremonies."

Voice Vote: Motion CARRIED

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Ms. Karr stated that this year is B.C.A.T.S.' 16th year promoting the various safety weeks. Ms. Karr advised that B.C.A.T.S. is sending out materials to 65 child care facilities to promote proper restraints.

Black History Month Proclamation

Comr. Todd read and presented the following proclamation to Ms. Dizzy Warren of the National Resource Center for the Healing of Racism, Reverend James Richie of Washington Heights Community Ministries, Pastor Craig Tatum of First Salem Baptist Church, Pastor Creighton Mabry of Abundant Grace Covenant Church, Pastor Geraldine Richardson of Maranatha Original Church of God, Battle Creek Public Schools Superintendent Dr. Charles Coleman, Battle Creek Public Schools Assistant Superintendent Annette Rowan, and Mr. Carl Word of the Urban League of Southwestern Michigan.

Res. 23-2006

“Motion by Comr. Solis, supported by Comr. Segal, resolved by the Calhoun County Board of Commissioners approve the following proclamation:

WHEREAS, February marks the beginning of Black History Month, a celebration that has existed since 1926, which provides a unique opportunity to gain a deeper understanding and knowledge of the diverse contributions of African-Americans to our country and world; and

WHEREAS, in 1926 Dr. Carter Woodson, who was determined to bring Black History into the mainstream public arena, organized the first annual Black History celebration which took place during the second week of February. Dr. Woodson chose this date to coincide with the birthdays of Frederick Douglass and Abraham Lincoln, two men who had greatly impacted the black population; and

WHEREAS, this is a time for all Americans to become more aware of the important role African-Americans maintain in our country's defense and continued development as a great international nation; and

WHEREAS, the Calhoun County Board of Commissioners would like to take this opportunity to recognize the many accomplishments and contributions of African-Americans in Calhoun County.

NOW, THEREFORE, I, Benjamin A. Miller, Chairman of the Calhoun County Board of Commissioners, do hereby proclaim the month of February 2006 as

“BLACK HISTORY MONTH”

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in Calhoun County and urge our citizens to recognize and support the ideals of human dignity and equal opportunity to which this nation is committed and which we celebrate during this month.”

Voice Vote: Motion CARRIED

Community Action Agency’s Youth Build Program Presentation

Community Action Agency (C.A.A.) Director Matt Lynn advised that the Youth Build Program has received no additional funding from the U.S. Department of Housing and Urban Development (H.U.D.), and that in March the Program may have to “fold.” Mr. Lynn stated that the Program provides youth who have dropped out of school an opportunity to explore what their life might become by providing education, job training and job placements; and that without the Program there is a gaping hole in terms of what can be done to support the youth and present them with the skills to be the country’s next generation of leaders. Mr. Lynn requested the Board continue to support the Program as attempts are made to acquire the financial means to keep the Program in operation.

Comr. Moore stated that it had been very disappointing to get the news from H.U.D.

Mr. Lynn stated that C.A.A.’s Program is considered to be urban and is in competition with the larger municipalities; e.g., Detroit, St. Louis, Los Angeles. Mr. Lynn advised that H.U.D. has \$50 Million to fund 250 existing programs, and 375 Youth Build Programs have applied for the funding. The threshold is 94 points and C.A.A.’s program scored 79 points. Mr. Lynn advised that the C.A.A. shall request a hearing and then shall petition legislators to have H.U.D. reopen their books. Mr. Lynn stated that the C.A.A. is hopeful that the community will rise up and take care of its own.

CONSENT AGENDA:

Chairman Miller removed Item B.(15) from the Consent Agenda for separate consideration.

Res. 24-2006

“Motion by Comr. Bolger, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following February 2, 2006 Consent Agenda, as amended, with deletion of Item B.(15) - Metropolitan Planning Commission Appointment for separate consideration:

A. Petitions, Communications, Reports:

- (1) Resolution received from Isabella County encouraging State Legislators to pursue alternatives to reduce soaring energy costs. (Referred to the

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Legislative Liaisons)

- (2) Copy of a communication remitted to Mark and Kevin Klingaman, Tekonsha residents, received from the Michigan Department of Agriculture advising that the Department will conduct a final inspection of their facility on January 26, 2006. (Received and placed on file, with a copy remitted to Environmental Health Director Ted Havens and Drain Commissioner Blaine VanSickle)
- (3) Invitation for a Calhoun County Commission representative to attend the 2005 Excelerator Grant Winners Event on February 1, 2006 received from One Economy Corporation. (Received and placed on file)

B. Resolutions:

- (1) Administrator's Review Workshop Appointments
(Terms Expire December 31, 2006)
 - {a} Gregory Moore, Chairman
 - {b} Jase Bolger
 - {c} Kate Segal
- (2) Area Metropolitan Services Agency Appointment
 - {a} Gregory Moore -- Term Expires December 31, 2006
- (3) Battle Creek Area Transportation Study Policy Committee Appointments
(Terms Expire December 31, 2006)
 - {a} Terris Todd
 - {b} Gregory Moore -- Alternate
- (4) Calhoun County Retirement Committee Appointments
(Terms Expire December 31, 2006)
 - {a} Daniel Strowbridge, Board of Commissioners' Representative
 - {b} Gregory Moore, Alternate
- (5) Calhoun County Security Committee Appointments

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(Terms Expire December 31, 2006)

- {a} Reggie LaGrand, Juvenile Home Director
- {b} Michelle Hill, District Court Administrator
- {c} Michael Boltz, Probate Court Administrator
- {d} Allen Byam, Sheriff
- {e} John Hallacy, Prosecutor
- {f} Ann Rosenbaum-Petredean, Treasurer
- {g} Anne Norlander, County Clerk/Appointed Representative
- {h} Dottie-Kay Bowersox, Health Officer
- {i} Larry Utterback, Emergency Services Coordinator
- {j} Steve Charron, Facilities Manager
- {k} Bradley Wilcox, Administrative Services Director
- {l} Scott Losey, Veterans Affairs Director
- {m} Nancy Mullett, Interim Corporation Counsel
- {n} Rick Ozzello, Court Services Officer

(6) Community Corrections Advisory Board Appointments
(Terms Expire December 31, 2006)

- {a} Daniel Strowbridge, Board of Commissioners' Representative
- {b} Eusebio Solis, Board of Commissioners' Alternate

(7) Defined Benefit Plan Advisory Committee Appointment

- {a} Kathy Ferguson -- Term Expires December 31, 2007

(8) Battle Creek Downtown Development Authority Appointment
(Term Expires December 31, 2006)

- {a} Terris Todd -- Alternate

(9) Employee Recognition and Relations Committee Appointments
(Terms Expire December 31, 2006)

- {a} Kate Segal, Chairperson
- {b} Gregory Moore
- {c} Benjamin Miller

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- (10) "Friends of the Ott" Committee Executive Board Appointment
 - {a} Gregory Moore -- Term Expires December 31, 2006
- (11) Goguac Lake Board Appointment
(Term Expires December 31, 2006)
 - {a} Kate Segal -- County Commission Representative
- (12) Homer Lake Management Board Appointment
 - {a} Eusebio Solis -- Term Expires December 31, 2006
- (13) Legislative Liaisons Appointments
(Terms Expire December 31, 2006)
 - {a} Kate Segal, Chairperson
 - {b} Greg Purcell
 - {c} Wendee Woods -- Alternate
 - {d} Terris Todd
 - {e} Gregory Moore
- (14) Local Emergency Planning Committee Appointment
 - {a} Larry Utterback -- Emergency Management Representative
(Replacing Greg Babcock)
- (15) Mid-South Substance Abuse Commission Appointment
 - {a} Allen Garbrecht -- Term Expires December 31, 2006
- (16) Southwest Michigan Solid Waste Consortium Advisory Committee Appointment
 - {a} Tiffany Seymour -- Term Expires December 31, 2006"

Voice Vote: Motion CARRIED

Metropolitan Planning Commission Appointment

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Res. 25-2006

“Motion by Comr. Segal, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners appoint Alex Cherney to the Metropolitan Planning Commission, with term to expire December 31, 2008.”

Comr. Moore advised that Mr. Keefer’s re-appointment had been removed from a previous Board agenda, and that it has come to his attention the reason why Mr. Keefer was not considered for re-appointment. Comr. Moore stated that his concern is the appointment process and not with Mr. Cherney whom he believes would be an excellent Planning Commission member.

Comr. Moore pointed out that in Section 4 of the Planning Commission’s bylaws approved March 6, 2003 appointments to the Planning Commission are based upon a recommendation provided by the Planning Commission, and although it is the Board of Commissioners’ purview to make the appointments to all of the county’s boards and committees; he does not see in this case why the Board is not re-appointing Mr. Keefer. Comr. Moore further pointed out that the Planning Commission’s bylaws are the only bylaws that provide for a specific additional 80 percent attendance requirement for members to serve.

Comr. Moore again voiced concern regarding the appointment process and the lack of communication. Comr. Moore stated that a letter along with the application form was remitted to the three members whose appointment terms were expiring, however, Mr. Keefer did not receive the letter/application. Comr. Moore stated that he thought that the Board would have telephoned Mr. Keefer to inquire regarding his intent to serve, however, that did not occur.

Comr. Moore stated that there is no county policy requiring individuals to fill out an application, however, that he believes it is a good practice. Comr. Moore stated that Mr. Keefer has the desire to return to the Planning Commission and has attended planning courses at Michigan State University. Comr. Moore questioned the message that the Board is sending; e.g., that after one term in office, after taking the training, irregardless that the other members recommend re-appointment, the Board says “Thanks, but no thanks. We have someone else.”

Res. 25-A-2006

“Substitute Motion by Comr. Moore, supported by Comr. Strowbridge, adopt the following: Resolved by the Calhoun County Board of Commissioners re-appoint James Keefer to the Metropolitan Planning Commission, with term to expire December 31, 2008.”

Chairman Miller stated that he appreciates the uniqueness of the Planning Commission, and that the appointment proposed in no way is a reflection of Mr. Keefer’s service. Chairman Miller advised that he started the practice of requesting applications be submitted for administrative purposes. Chairman Miller further advised that applications were remitted from the Board Office to the three Planning Commission members. Only two applications were received back. Chairman Miller stated that when it was determined that Mr. Keefer did not submit an application only two re-appointments were approved and Mr. Cherney submitted his

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application prior to Mr. Keefer.

Chairman Miller advised that he reserves the right to make the appointments, and requested Board Members reject the substitute resolution and appoint Mr. Cherney.

Comr. Moore stated that the only reason the Board is not re-appointing Mr. Keefer is because his appointment application was not received, however, pointed out that the Planning Commission recommended Mr. Keefer's re-appointment. Comr. Moore stated that he believes Mr. Keefer should be allowed to serve another term.

Chairman Miller advised that it has been the Board's practice to have applicants provide their applications regardless of the recommendation; further, pointed out that board's and commission's bylaws do not bind the Board to anything. Chairman Miller stated that if the Board decides that one additional requirement is the application, then that is the purview of the Board; and that if the Board bends the rules for one, then why have any rules.

Roll call vote on Substitute Resolution 25-A-2006: Yes - 3 (Comrs. Moore, Strowbridge and Bolger)
No - 4 (Comrs. Segal, Solis, Todd and Miller)
Motion DEFEATED

Roll call vote on Original Resolution 25-2006: Yes - 5 (Comrs. Segal, Solis, Todd, Bolger and Miller)
No - 2 (Comrs. Strowbridge and Moore)
Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Senior Millage Medicare Part D Services

Comr. Bolger commended Ms. Schauer, Ms. Stealy and the volunteers for their work in assisting seniors with Medicare Part D. Comr. Bolger advised that should any senior require assistance to contact the Senior Services Department at 781-0846.

Comr. Bolger advised that with Medicare Part D there may be less of a drain on the county's senior millage program, therefore, he has requested the Senior Services Coordinator to seek other areas of assistance; e.g., home heating. Comr. Bolger stated that if anyone has any suggestions or concerns regarding the proposed home heating assistance program, to contact a Commissioner that serves on the Senior Millage Allocation Committee.

Comr. Moore advised that Michigan has the fourth or fifth highest heating bills in the country, and he is glad to hear the proposed use of the senior millage to provide home heating assistance. Comr. Moore advised that money is available through the C. A. A. for those who are struggling with the cost. Comr. Moore stated that the C.A.A. has advised that the home heating assistance funding is holding and should be sufficient through the remainder of the year if the weather holds.

Metropolitan Planning Commission

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Comr. Moore stated that the 2006 budget reduced the amount of funding to \$30,000 for planning services, and that in the past month the county has been in a request for qualifications process searching for a consultant to provide some planning services. Comr. Moore reported that two qualified proposals were received, which have been reviewed and discussed with the Agricultural Preservation Board and the Planning Commission. The recommendation shall be presented at the next Board meeting.

Calhoun County Youth Council

Comr. Segal reported that this Sunday the Council along with the Disabled American Veterans shall be hosting a Super Bowl party at the veterans facility.

UNFINISHED AND OLD BUSINESS -- Health Board Appointment:

Res. 26-2006

“Motion by Comr. Strowbridge, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners appoint Kathryn Foerster to the Calhoun County Board of Health replacing Jean Cook-Hughes, with term to expire December 31, 2006.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

Union Letters of Understanding Updating Retirement Language

Assistant County Administrator Wendee Woods stated that on December 15 the Board approved amendments to the Defined Benefit Pension Plan, and the Letters of Understanding include the new language.

Res. 27-2006

“Motion by Comr. Segal, supported by Comr. Strowbridge, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize the Board Chairman to execute Letters of Understanding updating the Retirement language with AFSCME-County, GELC, IUOE,

MNA, UAW Circuit and UAW District on behalf of the Calhoun County Board of Commissioners.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Housing Rehabilitation Grant Program Discussion

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County Administrator/Controller Greg Purcell advised that the Road Commission will not be performing the Program activities, and that Administration is requesting the C. A. A. to be the county's agent for the Program.

Sheriff Department Lobbyist Services Agreement

Mr. Purcell advised that the request is from the Sheriff to hire consultant services to appeal for an increase in the daily per diem rate with the U.S. Marshals Service and B.I.C.E. Currently the county receives \$51.25 for boarding BICE detainees while some of the other counties; i.e., Chippewa, Monroe and Wayne receive more. Mr. Purcell stated that Mr. Latham and Mr. Redman shall be assisting to ensure that the county's costs are covered.

Res. 28-2006

“Motion by Comr. Bolger, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Agreement between Dykema Gossett PLLC and Calhoun County for the period of February 1, 2006 through April 30, 2006 in the amount of \$4,000 per month for negotiation with the U.S. Marshals Service and the U.S. Bureau of Immigration and Custom Enforcement for higher inmate per diem rates and increase in the number of federal detainees housed at the Calhoun County Correctional Center; further, authorize the Board Chairman to execute the Agreement on behalf of Calhoun County.”

Sheriff Byam advised that the Sheriff Department has been boarding federal detainees under an agreement dating prior to 1997 with only one increase in the per diem rate; further, in the agreement there is no set number of beds that the federal government rents. Sheriff Byam advised that Mr. Summerill has expertise in the area of negotiating per diems.

Sheriff Byam requested the Department be allowed to enter into a three month agreement with Mr. Summerill to attempt to acquire a significant increase in the per diem to offset the higher local inmate population.

Comr. Bolger commended the Sheriff for the proposal and urged the Board to support the agreement.

Comr. Strowbridge advised that he supports the proposed agreement. Comr. Strowbridge stated that he would like, and shall be pushing for, some of the additional revenue to be reserved for a new jail utilization study. Comr. Strowbridge stated that he believes a new study is required as the county pursues policies for the Jail management system.

Comr. Moore advised that he supports the agreement. Comr. Moore noted that a provision of the agreement is the services of Billy Bryan and inquired what Mr. Bryan shall be doing. Sheriff Byam responded that he cannot advise what Mr. Bryan's role shall be; however, advised that Mr. Bryan has previously worked with Mr. Summerill. Sheriff Byam pointed out that within Mr. Summerill's proposal is a provision whereby Dykema Gossett agrees to exclusively represent Calhoun County for the three month time period.

Comr. Moore noted the out-of-scope services, and inquired whether a limit on those services can be established.

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Sheriff Byam advised that Dykema Gossett have an office in Grand Rapids and Lansing, and that he would hope that if there is local work that needs to be done, that the local offices could assist. Sheriff Byam advised that he has not discussed travel with Mr. Summerill, however, shall tomorrow. Chairman Miller advised that all long distance travel must be approved by the Board.

Chairman Miller read the Renewal of Retainer section of the proposal, wherein “it is the parties’ understanding that Calhoun County desires to become a long-term client of Dykema Gossett” and the provision whereby the retainer will automatically renew quarterly unless otherwise stated verbally and in writing by Calhoun County within two weeks of the new quarter period. Interim Corporation Counsel Nancy Mullett advised that Dykema Gossett shall be advised that the retainer is not subject to renewal and shall request that the provision be stricken. Chairman Miller stated that he shall be surprised if Dykema Gossett returns the engagement agreement with the renewal provision deleted.

Chairman Miller pointed out that the agreement is for the retention of a lobbyist, and voiced concern regarding the message that it sends, being that right after laying off staff due to budget constraints, only one month later the county has found money to hire a lobbyist; further stated that rather than to hire a lobbyist, the county could telephone its Congressmen and State Representatives and ask them to assist. Chairman Miller addressed the non-compete clause, pointing out that the clause does not state that the firm is not doing work for other counties. Chairman Miller advised that he does not have a problem with the person or the firm; however, shall not support the agreement.

Comr. Solis advised that he shall support the proposal because he has had discussion with the other Board Members and former Commissioners who indicated that if the Sheriff says he can do it, he will get it done.

Roll call vote: Yes - 6 (Comrs. Todd, Bolger, Moore, Segal, Solis and Strowbridge)
No - 1 (Comr. Miller)
Motion CARRIED

CITIZENS’ TIME:

Mr. Gardy Berezonsky, Marengo Township resident, noted that a good number of the appointees to the committees are county employees, and inquired whether there is payment of per diems. Mr. Berezonsky stated that if those individuals have that much extra time on their hands and if they are not meeting during regular county business hours, then he is opposed to those appointments.

Mr. Jerry Keller, Battle Creek resident, stated that he would like the United States to make all citizens “pull their own weight.”

COMMISSIONERS’ TIME:

Chairman Miller advised Mr. Berezonsky that the Board makes appointments to non-county and county organizations, and that the county committees are conducting county work and meet during county business hours.

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Comr. Segal wished Commissioner Bolger a happy birthday and wished Commissioner Strowbridge a happy birthday on his birthday on February 4. Comr. Segal advised that Sheriff Byam's birthday is February 11, Roselynn Goff's is February 27, and her Father's is February 27 when he shall be sixty. Comr. Segal wished a happy birthday to everyone who is having a birthday in February.

Comr. Todd wished a happy belated birthday to his Grandfather Todd who turned 82 yesterday.

Comr. Strowbridge stated that a couple of years ago he advised that he would reach his 25th Wedding Anniversary, therefore, he shall not be present for the next Board meeting as he shall be home celebrating with his wife.

Comr. Bolger congratulated Commissioner Strowbridge, and wished Commissioner Segal a happy birthday on February 16.

CLAIMS PAYABLE LISTINGS:

Res. 29-2006

“Motion by Comr. Segal, 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 \$1,108,506.69 for the week of January 18, 2006; further, approve payment of the list of claims against the county in the total amount of \$845,134.22 for the week of January 25, 2006.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

RECESS:

The Board recessed at 8:43 p.m. at the call of the Chair.

mlb