

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

August 17, 2006

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, August 17, 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 Chairman Miller.

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Bolger, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the August 17, 2006 agenda and addendum, as amended, with deletion of Item 4. (1) -- Approval of Minutes to place the tabled minutes under Unfinished and Old Business as Item 9.A.”

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 126-2006

“Motion by Comr. Bolger, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following August 17, 2006 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolution received from Mecosta County requesting the Legislature pass legislation to allow counties to impose a fee of up to \$25 for filing personal protection orders. (Referred to the Legislative Liaisons)
- (2) Second Quarter Hiring Freeze Waiver Report
- (3) Out-of-State Travel Report”

**Board of Commissioners
August 17, 2006**

Voice Vote: Motion CARRIED

UNFINISHED AND OLD BUSINESS -- Approval of Minutes:

Res. 127-2006

“Motion by Comr. Moore, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners remove from table the May 18, 2006, June 15, 2006 and July 20, 2006 minutes.”

Voice Vote: Motion CARRIED

Res. 127-A-2006

“Motion by Comr. Bolger, supported by Comr. Moore, adopt the following as amended: Resolved by the Calhoun County Board of Commissioners approve the May 18, 2006, June 15, 2006 and July 20, 2006 minutes as corrected.”

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

Inter-Fund Loan to the Calhoun County Land Bank Authority

County Administrator/Controller Greg Purcell advised that the Treasurer is requesting temporary loan of \$50,000 from the Land Re-Utilization Fund to provide working capital to the Land Bank Authority. The loan shall be paid back in twelve months.

Treasurer Ann Petredean advised that the Calhoun County Land Bank Authority was approved by the Michigan Land Bank Fast Track Authority late last month, and that by the end of next week she hopes to have the names for formal creation of the Land Bank.

Ms. Petredean advised that the Treasurer’s Office has completed the foreclosures and the sale is September 13. Ms. Petredean advised that if anyone wants to view the properties for sale, to go to the county website, Treasurer’s Office, which has a link to the property listings.

Ms. Petredean stated that the Land Bank has the ability to purchase certain properties before the sale to hold, rehabilitate, transfer to adjacent property owners, or to market viable properties. Ms. Petredean stated that it

**Board of Commissioners
August 17, 2006**

is her feeling that the Land Bank Authority should purchase some of the viable properties to determine the best use of those properties.

Ms. Petredean advised that it is her intent that the Authority purchase a parcel on the Albion College grounds. The parcel is a right of way and Albion College has advised that it would like to own the parcel and will pay the taxes. Ms. Petredean continued that there is another house on Austin Avenue in Albion which is a duplex. The owner of the other side of the duplex would like to own the other half which contains the heating and cooling system and has advised that she will maintain it at a high level. Ms. Petredean further advised that there is a property in Battle Creek that is a driveway with access to two properties, and that she cannot see selling a driveway to someone and having them hold the other homeowner hostage.

Ms. Petredean advised that she is down to a staff of five and is not in a position to get into the remodeling business, however, is fortunate to have some wonderful organizations in the county that can remodel some of the other properties. Ms. Petredean stated that she would like to give them the homes so that they can fix them up and get some good tenants for them.

Res. 128-2006

“Motion by Comr. Bolger, supported by Comr. Segal, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, Public Act 123 of 1999 drastically changed the way delinquent taxes are collected and disposed of, and has allowed County Treasurers to administer the entire process themselves with concurrence of the Board of Commissioners; and

WHEREAS, on December 16, 2004, the Calhoun County Board of Commissioners approved that Calhoun County would be an “opt-in” County and that the Calhoun County Treasurer would be designated the “Foreclosing Governmental Unit” beginning with the 2005 forfeitures; and

WHEREAS, the Board of Commissioners realized the importance that tax reverted properties be disposed of in a coordinated manner that will foster economic growth and eliminate blight within viable neighborhoods, by approving the formation of the Calhoun County Land Bank Authority; and

WHEREAS, the Calhoun County Land Bank Authority has certain powers and duties under the Land Bank Fast Track Act of 2003, of which includes the ability to purchase certain properties from the County Treasurer for the minimum bid amount so that it may remove these properties from the auction process and dispose of them in a more systematic process; and

**Board of Commissioners
August 17, 2006**

WHEREAS, the Calhoun County Land Bank Authority has no funding mechanism in place to purchase tax foreclosed properties, and that there are properties currently held by the County Treasurer that should be removed from the auction process.

THEREFORE, BE IT RESOLVED, that the Calhoun County Treasurer is authorized to transfer \$50,000 from the Land Re-Utilization Fund (Fund 518) to the Calhoun County Land Bank Authority (Fund 519) and that said transfer is considered a loan with the expectation that it be paid back with a lump sum payment within 12 months of transfer. Also, if payment is made within 12 months, the loan is considered interest free.”

Comr. Moore inquired whether the properties shall be sold or given to the organizations. Ms. Petredean responded “Given.” Comr. Moore inquired who shall pay back the Delinquent Tax Fund. Ms. Petredean responded “The Land Bank.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Department of Human Services Office Space Lease Agreement

Mr. Purcell stated that the lease is for one year for office space in the Toeller Building currently occupied by the Department of Human Services.

Administrative Services Director Bradley Wilcox advised that the Department’s current lease expires September 30 and the State has requested a one year lease to allow for analysis of office space requirements and negotiation of a new long term lease.

Res. 129-2006

“Motion by Comr. Solis, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the one { 1 } year Lease Agreement {Rental Agreement #2524-2005 } between Calhoun County and the State of Michigan for the Department of Human Service’s office space of 40,547 square feet located within the Toeller Building, 190 East Michigan Avenue, Battle Creek, Michigan for an amount estimated at \$546,420; further, authorize the Board Chairman to execute said Lease Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Michigan Works Service Center Office Space Lease Agreement

Mr. Wilcox advised that the Department negotiated a ten year lease with Michigan Works that will make the Albion Human Services Building solvent.

**Board of Commissioners
August 17, 2006**

Comr. Todd inquired whether maintenance of the building has any budgetary impact upon the county. Mr. Wilcox responded that maintenance is provided for within a full service lease. Mr. Wilcox advised that the maintenance staff is “floated” between the buildings. Mr. Wilcox stated that as the buildings are filled with more tenants, the Department may have to increase the staff.

Comr. Solis inquired whether the Department is in negotiations with potential tenants. Mr. Wilcox responded Yes.

Res. 130-2006

“Motion by Comr. Bolger, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the ten {10} year Office Space Lease Agreement between Calhoun County and the Michigan Works Service Center for lease of 2,600 square feet of office space within the Albion Human Services Building commencing October 1, 2006 through September 30, 2016; further, authorize the Board Chairman to execute said Lease Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Prosecutor’s FY 2007 Title IV-D Cooperative Reimbursement Program Grant Agreement

Mr. Purcell advised that the grant is 66 percent funded by the Michigan Family Independence Agency.

Prosecutor John Hallacy that the Agreement is for the Office’s annual Title IV-D Cooperative Reimbursement Program and funds seven staff members including one Assistant Prosecuting Attorney, one Investigator and five paralegals. Prosecutor Hallacy advised that the Program which pursues parents that do not pay their child support has been very successful with \$1.5 Million in collections for the children of Calhoun County.

Prosecutor Hallacy advised that this could be the last year for this grant as there has been discussion through the Prosecuting Attorneys Association and the Friend of the Court Association regarding how to handle the state deficit. Prosecutor Hallacy advised that Ohio and Pennsylvania have gone to a new system which is completely different and if Michigan goes to the new system, a complete overhaul of the system shall be required; further, advised that at the end of October 2007 the Federal Government will no longer allow the Office to use the state incentive monies currently used for match.

Res. 131-2006

“Motion by Comr. Bolger, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2007 Title IV-D Cooperative Reimbursement Grant Agreement {Contract No. CSPA-07-13002} between the Michigan

**Board of Commissioners
August 17, 2006**

Department of Human Services and Calhoun County for the Calhoun County Prosecutor's Office in the amount of \$539,942 for the period of October 1, 2006 through September 30, 2007; further, authorize the Board Chairman to execute said Grant Agreement on behalf of Calhoun County."

Comr. Segal inquired whether the Office received the state supplement. Prosecutor Hallacy responded yes, pointing out that the supplement used to be much more.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2007 Crime Victim Rights Grant Agreement

Mr. Purcell stated that the grant is in the amount of \$133,200 and that the county pays the wages and fringe benefits for the four employees serving under the grant.

Prosecutor Hallacy advised that the four employees include the Program Director, two advocates and a clerical position.

Res. 132-2006

"Motion by Comr. Bolger, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2007 Crime Victim Rights Grant Agreement between the Michigan Department of Community Health and Calhoun County for the Calhoun County Prosecutor's Office in the amount of \$133,200 for the period of October 1, 2006 through September 30, 2007; further, authorize the Board Chairman to execute said Grant Agreement on behalf of Calhoun County."

Comr. Solis inquired whether the Agreement has a provision for the county to opt out should the county have to make cuts within the Victim Services Unit. Prosecutor Hallacy responded "That would not be my choice." Comr. Solis again inquired whether the county would be able to get out of the Agreement. Mr. Purcell responded that there is a termination clause. Prosecutor Hallacy stated that he would never terminate the Agreement, and that to think about terminating victims' services is a slap in the face to the victims.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Government Payment Services Credit/Debit Card Services Agreement

Mr. Purcell advised that the Agreement with Government Payment Services, Inc. is to allow the Circuit Court Clerk's Division to accept payments via credit/debit card for fines and costs ordered by the Circuit Court.

Circuit Court Clerk Fiscal Officer Bruce Huepenbecker advised that this is a new service for the Circuit Court

Board of Commissioners
August 17, 2006

which is already working within the District Court and the Sheriff Department. Mr. Huepenbecker stated that payment by credit/debit cards speeds up collections and saves the individuals time in the office making payments. Mr. Huepenbecker advised that the service is free to the Court, that the only cost to the Court is the installation of a phone. The defendants pay the five to eight percent interest.

Mr. Purcell inquired what other courts in the state are using the service. Mr. Huepenbecker advised that there are over 100 different courts throughout Michigan using the service.

Res. 133-2006

“Motion by Comr. Strowbridge, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Agreement {No. MI080806CALHOUNCOCIRCTCLERK01 } between the Calhoun County Circuit Court Clerk and Government Payment Service, Inc. for the purpose of processing by credit/debit card payment of fines and costs ordered by the Circuit Court; further, authorize the Calhoun County Clerk to execute said Agreement on behalf of Calhoun County.”

Comr. Moore inquired whether a lower rate could be negotiated since the District Court and Sheriff Department are also utilizing the service. Mr. Huepenbecker responded that the Circuit Court is not being charged a fee; further, that the Circuit Court is getting a comparable rate with the other departments. Comr. Moore voiced concern regarding the fee, and stated that the county must watch those fees to acquire the lowest even if the fees are not paid by the county.

Comr. Solis advised that he has the same concern as the fees appear to be a little high. Comr. Solis inquired what steps the Court shall do to notify the customers of the new service. Mr. Huepenbecker responded that the Court will explain the service over the phone; further, there will be signage in the Court office. Comr. Solis stated that it has been his experience that the fees/fines not only affect the defendant, but their families, and he believes the fee is too high. Mr. Huepenbecker stated that the service provides the defendant with another option to pay the fee/fines, that the defendants can still pay by regular means.

Comr. Segal inquired whether there was a request for proposals issued for the service. Mr. Huepenbecker responded No. Mr. Huepenbecker stated that not too many companies provide this service.

Comr. Segal stated that in the future the courts and Sheriff Department using the service should get together on contracts such as with Government Payment Service because the fee is high for people that do not have money and all of the contracts should be consistent.

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

**Board of Commissioners
August 17, 2006**

Calhoun County Farmland Preservation Program Ordinance Amendment

Planning Consultant Jennifer Bomba stated that the public hearing was conducted at the August 3 Board Meeting to amend two items of the ordinance; e.g., general township representation on the Agricultural Preservation Board, and language added for the use of a state certified appraiser for determining property development rights. Ms. Bomba advised that there were no public comments received at the hearing, and that the Planning Office received no written comments.

Res. 134-2006

“Motion by Comr. Moore, supported by Comr. Strowbridge, adopt the following: Resolved by the Calhoun County Board of Commissioners amend the Calhoun County Farmland Preservation Program Ordinance, as recommended by the Calhoun County Planning Department and the Calhoun County Agricultural Preservation Board to provide for general township representation on the Calhoun County Agricultural Preservation Board and to allow for the use of a state certified appraiser when determining the value of development rights.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

July Financial Statements

Interim Finance Director Pam Kline reported that the statements reflect a net decrease in the General Fund totaling \$2,331,079. Ms. Kline advised that activity should be at the targeted level of 58.33 percent of budget, however, currently revenues are below at 47.04 percent and expenditures are closer to target at 53.18 percent. Ms. Kline stated that the revenue shortage is attributed to property tax collections.

Western Michigan Business Review County Supplement Announcement

Mr. Purcell advised that Calhoun County is featured in the supplement, which is the largest supplement Western Michigan Business Review has published. Mr. Purcell stated that he believes the supplement shows off the county in a very positive way.

CITIZENS' TIME:

Mr. Gardy Berezonsky, Marengo Township resident, addressed the use of answering machines questioning whether the county is opposed to serving people.

COMMISSIONERS' TIME:

Chairman Miller reminded everyone of the Sixth Annual Sexual Assault Golf Outing. Chairman Miller advised that Corporation Counsel has tickets for sale.

Board of Commissioners
August 17, 2006

Chairman Miller addressed the results of the Juvenile Home softball game at the Calhoun County employees picnic, advising that he promised the Director that he would be publically embarrassed.

CLAIMS PAYABLE LISTINGS:

Res. 135-2006

“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 \$180,318.60 for the week of August 2, 2006; further, approve payment of the list of claims against the county in the total amount of \$1,045,772.51 for the week of August 8, 2006.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ANNOUNCEMENTS:

Prosecutor Hallacy strongly urged people to buy tickets to attend the Sexual Assault Golf Outing. Prosecutor Hallacy announced that tomorrow night is the Annual Family Candle Light Vigil commencing at 6:30 p.m. at the Upton Avenue Original Church of God.

Prosecutor Hallacy further announced that on August 23 from 5:30 p.m. to 7:30 p.m. the Advocates will be having an Open House in the St. Philip Tiger Room.

Prosecutor Hallacy advised that a man with great eating capability is Nick Schirripa who accompanied him in eating as many reubens as possible within five minutes to raise money for the Child Advocacy Center. Prosecutor Hallacy advised that Mr. Schirripa has challenged him for next year.

Prosecutor Hallacy advised that there was an article within the Shopper today advising that Fran Smith has been honored by the Prosecuting Attorneys Association. Prosecutor Hallacy stated that Fran first received the award in 2003, and advised that this year at the annual conference the award was named in Fran’s honor as the Fran Smith Staff Achievement Award. Prosecutor Hallacy further advised that Fran’s portrait has been placed in the Prosecutor’s Heritage Hall at the Grand Hotel.

Comr. Todd thanked the staff and leadership of Safe Place in Battle Creek for allowing him to serve tables at the recent celebrity dinner. Comr. Segal advised that they raised \$180 for singing I’m A Little Teapot.

RECESS:

The Regular Session of the Board recessed at 8:05 p.m. at the call of the Chair to reconvene in Special Session

**Board of Commissioners
August 17, 2006**

to discuss 2007 budget priorities. The Special Session of the Board reconvened in Administrative Conference Room No. 3-700 at 8:15 p.m.

mlb