

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

December 20, 2007

The Regular Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday, December 20, 2007 in the Commission Chambers, Calhoun County Building, 315 West Green Street, Marshall, Michigan.

Roll Call: Present: Comrs. Bolger, Moore, Rae, Segal, Solis and Todd. Temporarily Excused: Comr. Arnquist (Arrived at 7:07 p.m.).

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Silent Prayer was observed in memory of Battle Creek City Commissioner Peter Bilbia; followed by the Pledge of Allegiance, led by Comr. Solis.

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Rae, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the December 20, 2007 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Ms. Pearl Gray-McWhorter, Battle Creek resident, advised that earlier in the year she was in Battle Creek Health System and that the care she received there was appalling. Ms. Gray-McWhorter advised that she was released with blood all over her clothes, and presented the Board with pictures of those clothes. Ms. Gray-McWhorter stated that she also had to seek additional medical treatment from her doctor.

Mr. Wayne Cornell, Emmett Township resident, advised that the Road Commission has awarded snow removal services to a company with only four vehicles to handle four townships which is creating problems. Mr. Cornell requested the County Commissioners' resignations.

Substance Abuse Council Director Suzanne Horsfall advised that the Council supports the substance abuse services coordinating agency change. Ms. Horsfall stated that the Council has worked with the Kalamazoo Community Mental Health and Substance Abuse Services Agency before and looks forward to working with the Agency in the future.

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Mr. Creighton Burrows, Marshall resident, addressed the Road Commission's decision to contract snow plowing services, advising that he attended a Road Commission meeting at which it had been claimed that the Road Commission receives more money for primary roads than secondary roads. Mr. Burrows advised that the secondary roads were not plowed on Sunday. Mr. Burrows stated that those not living on the primary roads deserve to be treated the same as those living on primary roads. The safety of all roads should be considered. Mr. Burrows requested the Board review the situation prior to the next big snowfall whereby all the residents receive the services which they have paid for.

Mr. Joe Kukanbaugh expressed support for the transition of the substance abuse services coordinating agency designation.

Mr. Robert Bonds, Battle Creek resident, thanked the Board for pursuing the substance abuse services coordinating agency re-designation, and wished the Board a Merry Christmas.

Mr. Gardy Berezonsky, Marengo Township resident, addressed the proposed appointments to the Solid Waste Management Planning Advisory Committee. Mr. Berezonsky advised that there had not been a quorum present at the last Committee meeting, however, that the meeting was conducted regardless.

Mr. Berezonsky noted within the proposed 2008 Board meeting schedule, that meetings are to be conducted in sites other than the county seat, and questioned whether there had been greater attendance at the meetings conducted away from the county seat.

Mr. Berezonsky addressed the proposed off-road vehicle safety education program grant agreement, and inquired whether the state mandates that children be trained on all terrain vehicles.

ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS:

Sheriff Allen Byam announced that the jail has received the Certificate of Accreditation for Health Services, and expressed his pleasure regarding the achievement. Sheriff Byam thanked his medical and corrections staff for their hard work.

Chairwoman Segal addressed concerns regarding contracting snow removal services, advising that the Board only appoints the Road Commissioners who make the decisions regarding contracts for the Road Commission. Chairwoman Segal further advised that the Board shall be taking action tonight to add two new Road Commissioners whom she hopes shall review the contracting issue.

CONSENT AGENDA:

Res. 204-2007

“Motion by Comr. Moore, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following December 20, 2007 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) 2007 Third Quarter Out-Of-State Travel Report

B. Resolutions:

- (1) Calhoun County Health Board Appointments
(Terms Expire December 31, 2010)

- {a} Kenneth Ponds
- {b} Mahesh Karamchandani

- (2) Solid Waste Management Planning Advisory Committee Appointments
(Terms Expire December 31, 2009)

- {a} John Bomba -- General Public Representative
- {b} Lewis Cooper -- General Public Representative
- {c} Steve Essling – Solid Waste Management Industry Representative
- {d} Marilyn Hennon -- Environmental Interest Representative
- {e} Gene Klisiak – Solid Waste Management Industry Representative
- {f} John LaForge – Solid Waste Management Industry Representative
- {g} Mike Myszka – Industrial Waste Generator Representative
- {h} Arnold Arquette -- General Public Representative”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Road Commissioners Selection Committee

Committee Chairman Solis reported that the Road Commission Workshop voted to expand the Road Commission membership to facilitate improvements. Comr. Solis advised that 24 applicants applied. Comr.

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Solis stated that the Board selected the top 5 candidates. Comr. Solis continued that the Committee interviewed the 5 candidates, who were excellent with great skills. Comr. Solis advised that the Committee chose Hugh Coward with 28 years of experience in road building and construction, and possesses good organizational skills; and Eric Tobin who has an excellent financial background. Comr. Solis stated that the Committee recommends Hugh Coward be appointed to a 6 year term and Eric Tobin be appointed to a 4 year term.

Res. 205-2007

“Motion by Comr. Rae, supported by Comr. Moore, adopt the following, as amended: Resolved by the Calhoun County Board of Commissioners appoint Hugh Coward to the Calhoun County Road Commission Board, with term to expire December 31, 2013, as recommended by the Road Commissioners Selection Committee.”

Comr. Bolger stated that he is bothered by the recommendation as he believes it is “putting the fox in charge of the hen house,” pointing out that Mr. Coward is a union boss and Road Commissioners must negotiate with union staff; further, is the issue of purchasing services and products. Comr. Bolger voiced concern that it would be a mixing of roles to appoint Mr. Coward in the position of Road Commissioner where he would be deciding who gets the work. Comr. Bolger stated that he believes the Board needs to “stand up” for the tax payers and make sure the Road Commission is getting the best persons for the positions.

Comr. Solis stated that he fails to see the conflict and supports Mr. Coward’s appointment.

Comr. Rae stated that he had the opportunity to work with Mr. Coward and he is a honorable man. Comr. Rae stated that the implication that Mr. Coward would not stand up for the tax payers holds no weight. Comr. Rae pointed out that Mr. Coward has run a business and has integrity. Comr. Rae stated that it is the quality of the person that is important, plus skills and experience, and Mr. Coward meets that criteria.

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

Res. 206-2007

“Motion by Comr. Arnquist, supported by Comr. Solis, adopt the following, as amended: Resolved by the Calhoun County Board of Commissioners appoint Eric Tobin to the Calhoun County Road Commission Board, with term to expire December 31, 2011, as recommended by the Road Commissioners Selection Committee.”

Comr. Bolger stated that he is not intending to disparage anyone; however that he represents seven townships and the townships want Road Commission representation by township people because the cities and villages

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receive their own public act monies. Comr. Bolger advised that he agrees with the townships' logic. Comr. Bolger stated that Mr. Tobin is a village resident. Comr. Bolger pointed out that the Board has seen the letters to the editor, and stated that he is left wondering what is going on.

Committee Member Moore advised that Mr. Tobin did not receive a unanimous vote of the Committee. Comr. Moore stated that he also has been advised by all the townships that he represents that Road Commissioners should be representatives from the townships, therefore, he shall oppose the appointment. Comr. Moore stated that Mr. Tobin is a fine man, however, that he must reflect the views of his constituents.

Comr. Solis stated that two factors that determined the need for expansion of the Road Commission was fiscal responsibility and expansion of representation. Comr. Solis stated that he believes that it is ironic that the Board is having this discussion tonight.

Roll call vote: Yes - 5 (Comrs. Segal, Solis, Todd, Arnquist and Rae)
No - 2 (Comrs. Bolger and Moore)
Motion CARRIED

Emergency Telephone District Board

Comr. Bolger reported that the E 9-1-1 surcharge legislation was passed in Lansing and provides the county some control to set the surcharge in the second half of 2008. Comr. Bolger advised that the surcharge rate for the first half of 2008 shall remain as it was, then the county has the ability to set the surcharge rate which will expire February 28, 2009. Comr. Bolger advised that the Emergency Telephone District Board shall meet January 22 and the surcharge will be discussed.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

Off-Road Vehicle Safety Education Program Grant Agreement

County Administrator/Controller Greg Purcell advised that the grant in the amount of \$2,700 is from the Michigan Department of Natural Resources to teach youth to safely use all terrain vehicles.

Sheriff Byam advised that the Sheriff Department has been awarded the grant by the state upon approval of the Department's program curriculum.

Res. 207-2007

“Motion by Comr. Arnquist, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Off-Road Vehicle Safety Education Grant Program Agreement between the Michigan Department of Natural Resources and Calhoun County in the amount of \$2,700 for the period of October 1, 2007 through September 30, 2008; further, authorize the Board Chairwoman to execute said Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Printing Services Bid Award

Administrative Services Director Bradley Wilcox advised that the recommendation represents the third cycle of bidding for the service. Mr. Wilcox stated that the selection of Printlink Palmer was based on pricing, workmanship, equipment, and customer service and delivery. Mr. Wilcox advised that Printlink Palmer provides service across the state, and among the counties served are Kent, Branch and Eaton which all provided favorable references. Mr. Wilcox recommended the bid be awarded to Printlink Palmer.

Res. 208-2007

“Motion by Comr. Todd, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners award the bid {RFP#110-07} to provide printing services to County departments to Printlink Palmer of Battle Creek, Michigan in the estimated amount of \$30,000 annually; further, authorize the Board Chairwoman to execute a three-year {3} Agreement with Printlink Palmer in the estimated amount of \$30,000 annually on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Amendment of County Policy No. 340 - Employee Benefits

Mr. Purcell advised that the amendment is to address Road Commissioner benefits.

Asst. Administrator Wendee Woods advised that there are two changes; e.g., elimination of health, dental, vision and life insurance benefits for Road Commissioners appointed after September 6, 2007, and addition of language throughout to designate eligibility for the deputies to elected officials.

Res. 209-2007

“Motion by Comr. Bolger, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve amendment of County Policy No. 340 - Employee Benefits, as presented by Administration.”

Comr. Moore inquired whether re-appointment is considered a new appointment. Ms. Woods responded No.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Substance Abuse Services Coordinating Agency Designation

Mr. Purcell advised that the resolution presented includes language specifically requesting the state to ensure that all P.A. 2 funds held by the former coordinating agency be turned over immediately to the Kalamazoo Community Mental Health and Substance Abuse Services Agency whereby the funding can be used to provide services to Calhoun County’s residents. Mr. Purcell stated that the last available audit of the Mid-South Substance Abuse Commission showed a fund balance as of September 30, 2006 of \$611,144, and since typical annual expenditures of P.A. 2 money in Calhoun County by Mid-South has been in the range of \$200,000 to \$250,000, there should be a sizeable fund balance available for 2008 services.

Community Action Agency Director Charles Spence advised that the Coordinating Agency conducted a training session with the service providers and placed emphasis on local planning and control, and addressed the mission that the Agency is committed to.

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

WHEREAS, on September 17, 2007 the Board received notice from the Michigan Department of Community Health, Office of Drug Control Policy, of receipt of Calhoun County’s formal resolution (Res. 61-2007) requesting removal of Mid-South Coordinating Agency as its sub-state representative for substance abuse services; and

WHEREAS, the Office of Drug Control Policy has examined the request and determined that it is appropriate for Calhoun County to sever the relationship between Mid-South and the residents of Calhoun County, as represented by the Calhoun County Board of Commissioners; and

WHEREAS, the Board of Commissioners proposes Calhoun County residents receive their substance abuse services through an agreement between Calhoun County and Kalamazoo

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Community Mental Health and Substance Abuse Services, a Michigan Department of Community Health Coordinating Agency designated Regional Coordinating Agency; and

WHEREAS, the Board of Commissioners and Kalamazoo Community Mental Health and Substance Abuse Services are committed to the development of a cooperative working relationship between the County and Kalamazoo Community Mental Health and Substance Abuse Services regarding the provision of substance abuse prevention and treatment services in Calhoun County; and

WHEREAS, the Board of Commissioners is requesting that Kalamazoo Community Mental Health and Substance Abuse Services ensure that prevention and treatment substance abuse services will be provided without interruption throughout Calhoun County for a period beginning January 1, 2008, and

WHEREAS, the Mid-South Coordinating Agency still retains a significant amount of treatment and P.A. 2 funding that was allocated for the purpose of providing services to the residents of Calhoun County.

THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners hereby confirm its authorization of Calhoun County's departure from Mid-South Coordinating Agency as Calhoun County's Coordinating Agency for provision of substance abuse prevention and treatment services; and

BE IT FURTHER RESOLVED, that the Calhoun County Board of Commissioners recommend that the Michigan Department of Community Health, Office of Drug Control Policy, designate Kalamazoo Community Mental Health and Substance Abuse Services as the Coordinating Agency that will assure the provision of prevention and treatment substance abuse services for the residents of Calhoun County commencing January 1, 2008; and

BE IT FURTHER RESOLVED, that the Michigan Department of Community Health, Office of Drug Control Policy provide all necessary forms of assistance to ensure that treatment and P.A. 2 funds held by the Mid-South Coordinating Agency be transferred immediately upon designation to the Kalamazoo Community Mental Health and Substance Abuse Services to be allocated to substance abuse agencies and programs to serve the citizens of Calhoun County."

Comr. Todd inquired what shall be done to ensure that the treatment organizations recoup the funding. Mr. Purcell responded that there has been discussion with the state to provide that assistance. Chairwoman Segal advised that the county has been assured that the treatment providers will "remain whole," and not held responsible due to the change in agency designation.

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Comr. Moore inquired whether the promises made by the state have been put in writing. Chairwoman Segal responded that she is working on it. Chairwoman Segal advised that the issue has been addressed with the state more than once and there are people working to get the issue taken care of.

Comr. Moore expressed thanks to Ervin Brinker for fronting some of the money to the treatment providers.

Chairwoman Segal thanked the treatment providers for going above and beyond during the past few months. Chairwoman Segal advised that the county shall continue to look at funding for those individuals that are under-insured or not insured. Chairwoman Segal thanked Kalamazoo Community Mental Health and Substance Abuse Services Agency Executive Director Jeff Patton for assisting the county in the re-designation process.

Comr. Moore addressed the letter received from the state releasing the county from Mid-South as the coordinating agency and approving Kalamazoo Community Mental Health and Substance Abuse Services Agency as the county's coordinating agency, and questioned whether the resolution should be amended retroactively addressing concern regarding the funding during the three to four month gap.

Chairwoman Segal responded that there are some technical requirements, pointing out that the contracts have an October date. Mr. Purcell advised that originally the resolution had October 1 as the date, however, Mr. Patton recommended the January 1 date to ensure that the state makes the treatment providers "whole" again.

Res. 210-2007

"Motion by Comr. Moore, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve amendment of the final paragraph to the Resolution Designating a New Substance Abuse Coordinating Agency as follows:

BE IT FURTHER RESOLVED, that the Michigan Department of Community Health, Office of Drug Control Policy provide all necessary forms of assistance to ensure that **all prevention** and treatment and P.A. 2 funds held by the Mid-South Coordinating Agency **for use in Calhoun County** be transferred immediately upon designation to the Kalamazoo Community Mental Health and Substance Abuse Services to be allocated to substance abuse agencies and programs to serve the citizens of Calhoun County."

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Res. 210-A-2007

"Motion by Comr. Solis, supported by Comr. Bolger, resolved by the Calhoun County Board of Commissioners adopt the following, as amended:

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WHEREAS, on September 17, 2007 the Board received notice from the Michigan Department of Community Health, Office of Drug Control Policy, of receipt of Calhoun County's formal resolution (Res. 61-2007) requesting removal of Mid-South Coordinating Agency as its sub-state representative for substance abuse services; and

WHEREAS, the Office of Drug Control Policy has examined the request and determined that it is appropriate for Calhoun County to sever the relationship between Mid-South and the residents of Calhoun County, as represented by the Calhoun County Board of Commissioners; and

WHEREAS, the Board of Commissioners proposes Calhoun County residents receive their substance abuse services through an agreement between Calhoun County and Kalamazoo Community Mental Health and Substance Abuse Services, a Michigan Department of Community Health Coordinating Agency designated Regional Coordinating Agency; and

WHEREAS, the Board of Commissioners and Kalamazoo Community Mental Health and Substance Abuse Services are committed to the development of a cooperative working relationship between the County and Kalamazoo Community Mental Health and Substance Abuse Services regarding the provision of substance abuse prevention and treatment services in Calhoun County; and

WHEREAS, the Board of Commissioners is requesting that Kalamazoo Community Mental Health and Substance Abuse Services ensure that prevention and treatment substance abuse services will be provided without interruption throughout Calhoun County for a period beginning January 1, 2008, and

WHEREAS, the Mid-South Coordinating Agency still retains a significant amount of treatment and P.A. 2 funding that was allocated for the purpose of providing services to the residents of Calhoun County.

THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners hereby confirm its authorization of Calhoun County's departure from Mid-South Coordinating Agency as Calhoun County's Coordinating Agency for provision of substance abuse prevention and treatment services; and

BE IT FURTHER RESOLVED, that the Calhoun County Board of Commissioners recommend that the Michigan Department of Community Health, Office of Drug Control Policy, designate Kalamazoo Community Mental Health and Substance Abuse Services as the Coordinating Agency that will assure the provision of prevention and treatment substance abuse services for the residents of Calhoun County commencing January 1, 2008; and

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BE IT FURTHER RESOLVED, that the Michigan Department of Community Health, Office of Drug Control Policy provide all necessary forms of assistance to ensure that all prevention and treatment and P.A. 2 funds held by the Mid-South Coordinating Agency for use in Calhoun County be transferred immediately upon designation to the Kalamazoo Community Mental Health and Substance Abuse Services to be allocated to substance abuse agencies and programs to serve the citizens of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

2008 Board of Commissioners Meeting Schedule

“Motion by Comr. Rae, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2008 Board of Commissioners Meeting Schedule as presented.”

Comr. Moore requested an explanation for changing the meeting dates from the first and third Thursdays in the month of July. Mr. Purcell responded that the change was to avoid a meeting on July 3 prior to the Fourth of July holiday. Comr. Moore stated that he believes the meetings should remain on the first and third Thursdays, pointing out that moving the meetings from the county seat is confusing enough.

Res. 211-2007

“Motion by Comr. Moore, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners amend the proposed 2008 Board of Commissioners Meeting Schedule to provide for the July meetings to be conducted on the first {1st} and third {3rd} Thursday of the month.”

Comr. Arnquist stated that she believes having the July meetings on the second and fourth Thursdays would provide a better “turn out.”

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

Res. 211-A-2007

“Motion by Comr. Rae, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2008 Board of Commissioners Meeting Schedule, as amended.”

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Comr. Bolger voiced concern with “being on the road” and the confusion that it creates, pointing out that the meeting locations have already been published wrong twice.

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

Animal Shelter Agreement Clarification

Mr. Wilcox stated that at a previous Board meeting the Calhoun Animal Shelter had an invoice which the Board removed for payment pending review of payments for court-ordered boarding of dogs resulting from animal abuse cases. Mr. Wilcox advised that in review of the Shelter’s agreement, the agreement did not clearly specify the terms for the court-ordered boarding and was determined by Corporation Counsel that a clarification of the current agreement was required.

Mr. Wilcox advised that after meetings with Administration, the Sheriff Department, the Prosecutor’s Office, the Treasurer’s Office and the Shelter a mutually agreeable clarification was reached. Mr. Wilcox stated that following ten days of holding court-ordered animals the Shelter may bill the county at a rate of \$6 per day. Mr. Wilcox continued that the Shelter shall be compensated for court-ordered boarding provided in July and August at \$12 per day. Mr. Wilcox advised that the July and August invoices in the amount of \$16,800 have been previously paid. Mr. Wilcox continued that the Shelter will waive their request for court-ordered boarding charges for September and October, and starting with November the Shelter shall bill at the rate of \$6 per day for court-ordered animals.

Mr. Wilcox stated that with the clarification of the agreement’s terms the county will be in a position to pursue resolution of other related concerns such as the barriers to expediency in resolving animal abuse cases, restitution of boarding costs by parties convicted in abuse cases, and the consideration of which other agencies may be responsible for the boarding costs resulting from animal abuse cases originating in their jurisdictions.

November 2007 Financial Statements

Finance Director Mark Stuhldreher reported that revenues have exceeded expenditures by \$1,342,885, and are contributing to the General Fund balance.

FY 2008 County Budget Adoption

Mr. Purcell advised that the budget provides for no reduction in services or personnel, and is predicated upon additional jail revenue and exploration of a tether program.

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Res. 212-2007

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

WHEREAS, the Calhoun County Board of Commissioners has examined the fiscal reports for Year 2008 of the various departments, agencies, offices and activities, which it by law must finance or assist in financing; and

WHEREAS, the Board has taken into consideration the fact that there are certain required functions of County Government or operations which must be budgeted at a serviceable level in order to provide statutory and constitutionally required services and programs; and

WHEREAS, the Uniform Budgeting and Accounting Act, MCLA 141.421 et. seq. requires that the Board enact a General Appropriations Act designed to meet all County-funded expenditures; and

WHEREAS, the Board has determined the maximum authorized 2008 millage rate and estimates the property tax revenue generated to be as follows; and

General Operating	5.3779 mills	\$18,101,026
Medical Care Facility	.2482 mills	\$ 831,188
Senior Services	.7452 mills	\$ 2,559,708
Total	6.3713 mills	\$21,491,922

WHEREAS, the Board shall order that money raised by taxation, within statutory and charter limitations, to be paid into the funds of the local unit; and

WHEREAS, no budget transfer to or from the personnel services and fringe benefit account groups nor capital outlay, mailing, copying, data processing and telephone line items shall occur without the approval of the Calhoun County Administrator/Controller.

NOW, THEREFORE, BE IT RESOLVED, that the amounts indicated in the Calhoun County 2008 Budget, as presented on December 20, 2007, are hereby appropriated for the General and other funds of Calhoun County.”

Comr. Bolger inquired whether there were any changes to the budget after the public hearing. Mr. Purcell responded No. Comr. Bolger thanked the Budget Committee. Chairwoman Segal thanked Ms. Kline for assisting in preparing the budget.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2008-2010 Abuse/Neglect Legal Services Agreement

Prosecutor John Hallacy advised that the agreement is for the Prosecutor's Office to represent the Department of Human Services in abuse and neglect cases. Prosecutor Hallacy stated that the Office currently provides this service, however, that the new agreement places some additional responsibilities upon the Office; i.e., reporting requirements.

Res. 213-2007

“Motion by Comr. Moore, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2008-2010 Agreement between the Michigan Department of Human Services (DHS) and Calhoun County for the provision of legal representation services in DHS abuse and neglect cases, Contract No. PROFC-08-13001, in the total amount of \$58,392.90 for the period of January 1, 2008 through December 31, 2010; further, authorize the Board Chairwoman to execute said Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

County Administrator/Controller's Performance Evaluation/Compensation Increase

Comr. Rae advised that the Administrator's Review Workshop adopted a new management tool with ten categories and six to seven sub-categories. Each Commissioner was requested to review the tool and grade Mr. Purcell in each category. Comr. Rae stated that a perfect score is 70, an average score is 39. Comr. Rae advised that the Workshop threw out the highest and the lowest score, and the average score was 58, which on a radiant scale equates to a B+.

Comr. Rae continued that the Workshop's next step was to determine the compensation, and the Workshop recommends Mr. Purcell be given a \$2,500 raise, that the money the county pays to his Deferred Compensation Account be increased by \$1,500 for a total of \$11,000 annually, and that he be allowed to participate in the retiree health insurance credit without waiting the 20 years to be eligible.

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

WHEREAS, the County Administrator's Review Workshop has met and reviewed the performance of the County Administrator for 2006; and

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WHEREAS, the contract with the County Administrator/Controller authorizes an award of not more than Four Percent (4.0%) of base salary in the form of Contingent Compensation.

NOW, THEREFORE, BE IT RESOLVED, that the County Administrator/Controller shall be awarded contingent compensation in the amount of \$2,500 for the evaluation period; and

BE IT FURTHER RESOLVED, that the County Administrator/Controller's employment contract be amended to include an increase in the County's contribution to the County Administrator/Controller's 457 Deferred Compensation Account from Nine Thousand Five Hundred Dollars and 00/100 (\$9,500.00) annually to Eleven Thousand Dollars and 00/100 (\$11,000.00) annually; and

BE IT FINALLY RESOLVED, that the County Administrator/Controller be allowed to participate in the retiree health insurance credit under the conditions provided in the County/Administrator/Controller's Third Amendment to his employment contract."

Comr. Bolger advised that he is a member of the Administrator's Review Workshop, and since making the recommendation has become aware of the numbers. Comr. Bolger inquired whether there is any reason why the salary/benefit increase must be done tonight.

Corporation Counsel Nancy Mullett responded that there is no legal reason.

Res. 214-2007

"Motion by Comr. Bolger, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners table amendment of the County Administrator/Controller's employment agreement until the January 3, 2008 Board of Commissioners Meeting."

Roll call vote: Yes - 2 (Comrs. Bolger and Segal)
No - 5 (Comrs. Arnquist, Moore, Rae, Solis and Todd)
Motion DEFEATED

Comr. Moore voiced concern that there has been no discussion regarding Mr. Purcell's performance and that the methodology for evaluating his performance has been changed. Comr. Moore pointed out that the Board spent money to develop the evaluation instrument, and that there was no discussion regarding changing the instrument. Comr. Moore advised that he received the new instrument with no explanation; further, that there is question as to whether the instrument was developed by the Workshop members or provided from some other

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organization. Comr. Moore advised that his questions were not answered, therefore, he did not complete his evaluation form.

Comr. Moore further voiced concern that there has been no discussion of the goals to be established for the Administrator/Controller. Comr. Moore questioned how the Board can consider compensation without discussion of the evaluations and scores. Comr. Moore further pointed out that there was no 360 review, that only the Commissioners participated, and two of those scores were thrown out. Comr. Moore stated that he does not like the entire process; further, that there has been no calculation of the total compensation for the Board to evaluate. Comr. Moore inquired "How much is the total package?"

Res. 214-A-2007

"Motion by Comr. Moore, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners postpone consideration of amending the County Administrator/Controller's employment agreement until the January 17, 2008 Board of Commissioners Meeting."

Comr. Rae stated that the instrument analyzes the job that was done; further, pointed out that each Commissioner had an opportunity to conclude their thoughts regarding the Administrator/Controller's performance.

Comr. Solis pointed out that there is no policy regarding what evaluation tool must be used. Comr. Solis stated that he believes the evaluation tool was appropriate, and that he cannot see the value in using the 360 evaluation process every year. Comr. Solis pointed out that this time all the Commissioners had the opportunity to participate in the evaluation process, and stated that he believes elimination of the highest and lowest score is appropriate.

Comr. Arnquist stated that she supports the Administrator/Controller and is prepared to move forward with the compensation package tonight.

Comr. Bolger stated that the Board needs actuarial calculations to determine the benefits, and urged the Board to postpone the salary/fringe benefits increase.

Comr. Moore questioned the percentage increase, pointing out that the elected/appointed officials received zero and that the other employees received an increase that equates to zero with the health insurance increases. Comr. Solis responded that he does not know the percentage for the Deferred Compensation Plan.

Comr. Rae advised that the Board has increased the Administrator/Controller's Deferred Compensation Plan twice, and does not know the exact percentage of increase; however, suspects that it is over four percent.

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Comr. Solis addressed Comr. Moore's statement regarding the salary for elected/appointed officials and non-union employees, pointing out that the salary package for the Administrator/Controller is not an attempt to devalue the other employees, however, that the Administrator/Controller is in a separate and distinct position from those other employees; especially from the elected officials who if they don't like the compensation, can refuse to run for the office.

Chairwoman Segal commended Mr. Purcell for the job he has done, and concurred with Commissioner Solis regarding the Administrator/Controller position being unique. Chairwoman Segal stated that she believes in the 360 process, yet likes that all the Commissioners had the opportunity to participate in the evaluation process. Chairwoman Segal advised that because of the questions raised and the important role that the Administrator/Controller plays in the community, she will support the resolution to postpone action.

Roll call vote: Yes - 4 (Comrs. Bolger, Moore, Segal and Arnquist)
No - 3 (Comrs. Rae, Solis and Todd)
Motion CARRIED

CITIZENS' TIME:

Ms. Gray-McWhorter urged the Board to investigate Battle Creek Health Systems. Ms. Gray-McWhorter advised that she went to visit a World War II veteran in the Hospital, however, that a security guard attempted to take the candy and balloons she brought and she was not allowed to visit the veteran.

Mr. Burrows pointed out that the two new Road Commissioners which the Board appointed have not attended a Road Commission meeting during the past year, and questioned how the Board can appoint individuals to the Road Commission Board who do not show interest in the Road Commission prior to their appointment.

Mr. Burrows objected to the Sheriff Department accepting the grant from the Department of Natural Resources, pointing out that there is no public property in Calhoun County for people to ride all-terrain vehicles on. Mr. Burrows further objected to the fact that the grant is considered state money. Mr. Burrows pointed out that the grant is tax payers' money. Mr. Burrows advised that the state was discussing increasing fishing and hunting permit fees, however, now has the money to contract with the Sheriff Department to provide training.

Reverend William Stein advised that he took the pictures of Ms. Gray-McWhorter after she was released from the hospital that were presented tonight; however, that he was not present at the other incident when the security guard did not permit her to visit the veteran.

Rev. Stein addressed the City of Battle Creek's decision to allow Semco Energy to increase their rates for Battle Creek customers. Rev. Stein stated that the City's actions were in violation of law and the City Charter. Rev. Stein stated that Battle Creek residents have been illegally charged increased rates since 2005, and requested the county's intervention.

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Road Commissioner Scott Brown advised that Road Commissioners do not bargain the contracts, that the contracts are handled by a bargaining team and the director. The Road Commission Board does not see the contracts until after their negotiation. Mr. Brown addressed the statement that someone may not be objective because they are a union leader, advising that he is a union leader and has never considered that in considering contracts. Mr. Brown advised that he shall be addressing the snow plowing issue at the next Road Commission meeting.

Mr. Berezonsky addressed the Open Meetings Act in regard to committee minutes. Mr. Berezonsky pointed out that according to the Act minutes are to be available to the public within eight days after the meeting. Mr. Berezonsky advised that he requested the minutes of the Road Commissioners Selection Committee from Committee Chairman Solis who only looked at him, which indicates to him that no minutes of that Committee's meeting were recorded, which is a violation of the Open Meetings Act.

Mr. Berezonsky questioned who shall be liable should a child be injured while receiving all terrain vehicle training.

CLAIMS PAYABLE LISTINGS:

Res. 215-2007

“Motion by Comr. Moore, supported by Comr. Todd, 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 \$728,700.47 for the week of December 4, 2007; further, approve payment of the list of claims against the county in the total amount of \$832,164.84 for the week of December 11, 2007.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ANNOUNCEMENTS:

Chairwoman Segal wished everyone a Merry Christmas, a Happy New Year and a safe holiday season.

ADJOURNMENT:

The meeting adjourned for 2007 at 9:35 p.m. at the call of the Chair.

mlb