

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

April 3, 2008

The Regular Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday, April 3, 2008 in the Commissioners' Meeting Room, 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 7:11 p.m.)

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Rae, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the April 3, 2008 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Mr. Robert Bonds, Battle Creek resident, addressed an article published in the Enquirer and News, and explained his rationale for having a vehicle towed which was blocking in employees in his parking lot.

Mr. Richard Logan, Battle Creek resident, encouraged the Board to attempt to get fair taxes for the State of Michigan placed on the November 8 ballot.

Two women thanked the Board for approving the smoking regulation.

ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS:

Property Foreclosure Report

Treasurer Ann Petredean reported that Monday was the last day to pay 2005 property taxes. Ms. Petredean advised that this year the Office foreclosed 144 parcels. Last year 131 parcels were foreclosed. Ms. Petredean stated that of the 144 foreclosures, 69 are homes and 75 are vacant lots. Ms. Petredean advised that the largest parcel is Union Steel in Albion.

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Ms. Petredean advised that on March 1 the Office began the foreclosure process on the 2006 unpaid taxes by forfeiting 2,085 parcels, while last year 1,756 parcels were forfeited; an increase of 330 forfeitures. Currently, the Office is reviewing the title work to ensure that everyone is notified, and then the process of knocking on doors will commence. Ms. Petredean further reported that beginning in May the Office shall contract for the required 30 year title work update, which when completed, the Office shall internally bring up to date to keep from having to pay for another 30 year title search.

Ms. Petredean further reported that the Office is finishing up its settlements and getting ready to market the delinquent tax notes. Ms. Petredean advised that current projections are that delinquencies will be up approximately \$1.3 to \$1.5 Million more than last year, and that this year she shall have to borrow between \$12 to \$12.5 Million. Ms. Petredean stated that Public Act 213 of 2007 requires her to provide quarterly written reports to the Board concerning the investment of funds. Ms. Petredean advised that the investment summary shall be provided tomorrow.

Introduction of Senior Services Manager Carl Gibson

Comr. Solis introduced Carl Gibson. Comr. Solis stated that the county was fortunate to have a group of well qualified candidates and that three rounds of interviews were conducted. Comr. Solis advised that Mr. Gibson was the Senior Program Director at the Center for Long Term Care for the Michigan Public Health Institute in Okemos.

Comr. Arnquist stated that the Board is delighted to have Mr. Gibson and welcomed him to the county.

Mr. Gibson stated that he is here to assist the Board in making any changes the Board desires.

SPECIAL ORDER OF BUSINESS:

Alcohol Awareness Month Proclamation

Comr. Todd read and presented the following proclamation to Substance Abuse Council Executive Director Suzanne Horsfall.

Res. 50-2008

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

WHEREAS, each year about 1,900 persons who are under 21 die in motor vehicle crashes that involve underage drinking; and

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WHEREAS, alcohol is also involved in about 1,600 homicides and 300 suicides each year among persons under 21; and

WHEREAS, alcohol is the most frequently used drug by high school seniors; and

WHEREAS, young people begin drinking, on average, at 13.1 years of age; and

WHEREAS, young people who begin drinking before age 15 are 5 times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students and is a major factor in unprotected sex among youth, increasing their risk of contracting HIV or other transmitted diseases; and

WHEREAS, the typical American young person will see 100,000 beer commercials before he or she turns 18 (that is more than for sneakers, gum, and jeans); and

WHEREAS, 13 percent of all youth, ages 12 -17, had at least one serious problem related to drinking in the past year.

- The Substance Abuse Council and Concerned Marshall Citizens hosted a Town Hall Meeting to Reduce Underage Drinking on March 24th to Kick off the April Alcohol Awareness Month Campaign.
- The Underage Drinking Prevention Forum of the Substance Abuse Council will promote the state motto: Preventing Underage Drinking is Everybody's Business: It's not a Minor problem, and will host a Media Conference on April 2nd at 1:00 PM at the Justice Complex.
- The Substance Abuse Council will present their new underage drinking prevention brochure to the public which highlights the cost of underage drinking in Calhoun County, why the legal drinking age should remain 21 and specific steps that everyone can take to stop underage drinking.
- Local leaders and alcohol free youth throughout the county are invited to be part of the solution by volunteering to teach a lesson on alcohol to 5th grade students throughout the county, during April or May. The Substance Abuse Council will provide training and materials for "Teach-In" presenters upon request.
- The Underage Drinking Prevention Forum will provide schools and organizations in Calhoun County with flyers and check lists for parents, youth and retailers to help ensure a safe, fun and alcohol free spring break, prom and graduation season.
- Calhoun County Sheriff's Department will be offering a Deputy at all proms and will be stepping up

patrol during prom and graduation season which starts in April.

NOW, THEREFORE, the Calhoun County Board of Commissioners hereby proclaim that April 2008 is Alcohol Awareness Month in Calhoun County. We also call upon all citizens, parents, youth, governmental agencies, public and private institutions, businesses and workplaces, hospitals, and schools in Calhoun County to support efforts that will reduce and prevent underage drinking in our community.”

Voice Vote: Motion CARRIED

Ms. Horsfall stated that everyone has a role in the prevention of underage drinking. Sheriff Allen Byam advised that a number of town hall meetings have been conducted which were very successful. Prosecutor John Hallacy stated that this is the time for all adults to step up and talk about the impacts of alcohol.

Sexual Assault Awareness Month Proclamation

Comr. Solis read and presented the following proclamation to Prosecutor Hallacy.

Res. 51-2008

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

WHEREAS, the month of April 2008 has been designated as National Sexual Assault Awareness Month; and

WHEREAS, only 36% of rapes and sexual assaults are reported to law enforcement; and

WHEREAS, among female victims of rape and sexual assault, 67% of the crimes were committed by intimate partners, relatives, friends or acquaintances; and

WHEREAS, one in four girls/women and one in seven boys/men will be sexually assaulted in their lifetime.

NOW, THEREFORE, BE IT RESOLVED, by the Calhoun County Board of Commissioners that April 2008 is recognized as Sexual Assault Awareness Month in Calhoun County. The Calhoun County Board of Commissioners thank and recognize Sexual Assault Services of Calhoun County, the Calhoun County Prosecutor’s Office, the Calhoun County Sheriff’s Department and other Law Enforcement and Service Agencies, who, through their cooperative effort have coordinated the events of Sexual Assault Awareness Month.”

Voice Vote: Motion CARRIED

Child Abuse Prevention Month Proclamation

Chairwoman Segal read and presented the following proclamation to Prosecutor Hallacy.

Res. 52-2008

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

WHEREAS, the month of April 2008 has been designated as National Child Abuse Prevention Month; and

WHEREAS, approximately three million cases of child abuse are reported each year - on average a case of child abuse is reported every 10 seconds; and

WHEREAS, each day in the United States more than three children die as a result of child abuse in the home; and

WHEREAS, most of the children who die from child abuse are under the age of five years old.

NOW, THEREFORE, BE IT RESOLVED, by the Calhoun County Board of Commissioners that April 2008 is recognized as Child Abuse Prevention Month in Calhoun County. The Calhoun County Board of Commissioners thank and recognize the Calhoun County Child Abuse/Neglect Prevention Council, the Calhoun County Prosecutor’s Office, the Calhoun County Sheriff’s Department and other Law Enforcement and Service Agencies, who, through their cooperative effort have coordinated the events of Child Abuse Prevention Month.”

Voice Vote: Motion CARRIED

Prosecutor Hallacy advised that the fund raiser is April 18 at the Burnham Brook Center.

Crime Victims’ Rights Week Proclamation

Comr. Arnquist read and presented the following proclamation to Prosecutor Hallacy.

Res. 53-2008

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

WHEREAS, President Ronald W. Reagan first declared “National Crime Victims’ Rights Week” in 1981 to focus our Nation’s attention on the plight of crime victims; and

WHEREAS, since 1981, America has joined together annually to recognize the needs and rights of crime victims and survivors during National Crime Victims’ Rights Week; and

WHEREAS, the week of April 13-19, 2008 has been designated as National Crime Victims’ Rights Week - with the theme “Justice for Victims - Justice for All;” and

WHEREAS, despite impressive accomplishments in crime victims’ rights and services, there remain many challenges to ensure that all crime victims and survivors are treated with dignity and respect, recognized as key participants within our systems of justice, and afforded services that provide help and hope to them.

NOW, THEREFORE, BE IT RESOLVED, by the Calhoun County Board of Commissioners that April 13-19, 2008 is recognized as Crime Victims’ Rights Week in Calhoun County. The Calhoun County Board of Commissioners thank and recognize those Victims of Crime, members of the Calhoun County Prosecutor’s Office, the Calhoun County Sheriff’s Department and other Law Enforcement and Service Agencies, who, through their cooperative effort in coordinating the events of Crime Victims’ Rights Week, help heighten awareness of the plight of those who are or become a victim of crime.”

Voice Vote: Motion CARRIED

Prosecutor Hallacy advised that a couple of citizens shall be honoring the Cold Case Team this year and that there shall be a ceremony in the Rotunda in Lansing on Wednesday.

CONSENT AGENDA:

Res. 54-2008

“Motion by Comr. Moore, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following April 3, 2008 Consent Agenda as presented:

A. Petitions, Communications, Reports:

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- (1) Order Modifying and Approving the City of Marshall's Streamflow Monitoring Plan received from the United States Federal Energy Regulatory Commission. (Received and placed on file, with a copy remitted to Health Officer Dottie-Kay Bowersox)
- (2) Communication received from The White House thanking the Board of Commissioners for their letter regarding the United States Environmental Protection Agency's proposal to revise the National Ambient Air Quality Standards for ground-level ozone. (Received and placed on file)
- (3) Resolution received from Lake County urging the Legislature to ratify the Great Lakes - St. Lawrence River Basin Water Resources Compact. (Referred to the Legislative Liaisons)

B. Resolutions:

- (1) Emergency Telephone District Board Appointment
 - {a} Mark Burke -- Medical Control Authority Representative
(Replacing Paula Lange)
- (2) Solid Waste Management Planning Advisory Committee Appointment
(Term Expires December 31, 2010)
 - {a} Brandy Cherney – Solid Waste Industry Representative”

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

Drainage Rules and Regulations Amendment

County Administrator/Controller Greg Purcell advised that Agenda Item No. 1 was removed due to some legal issues associated with the upcoming election. Mr. Purcell advised that the item shall be placed on the next Board agenda, and announced that the next Board Meeting is Tuesday, April 15.

Mr. Purcell advised that amendment of the rules and regulations is for compliance with the Clean Water Act.

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Drain Commissioner Blaine Van Sickle advised that the Department of Environmental Quality is in the process of re-writing their rules regarding the permitting process for the Clean Water Act. Mr. Van Sickle advised that the Drain Commissioner's Rules and Regulations currently provide that the minimum treatment volume for storm water is the first one half inch and that he wants the Board to officially approve the rule, advising that the standard will be "grand fathered" in.

Res. 55-2008

"Motion by Comr. Moore, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following amendment to the Calhoun County Drain Commissioner's Rules & Regulations Within The County, by adding the following language to Page 21, under Construction Details and Specifications Section:

A. Water Quality Design

All stormwater management systems proposed for development or redevelopments of one (1) acre or more in size shall be designed so that stormwater is managed based on the following criteria:

1. The minimum treatment volume shall be the first half (½) inch of rainfall on impervious surfaces. Water quality treatment methods shall be designed to achieve a minimum of 80% removal of Total Suspended Solids (TSS) as compared with uncontrolled runoff; and so that discharge concentrations of TSS do not exceed 80 milligrams per liter (mg/l).
2. Detention basins and any other system proposed to discharge stormwater off-site must restrict the peak discharge rate of the post-development 25 year storm whose duration equals the time of concentration, to the peak discharge rate of the pre-development 25 year, 24 hour storm event."

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Resolution Authorizing Appeal of the Michigan Public Service Commission's
Adjustment of the E 9-1-1 Telephone Surcharge

Mr. Purcell advised that the Emergency Telephone District Board has met with the cities, the Area Metropolitan Services Agency (AMSA), the Sheriff Department, and State Representative Nofs regarding appealing the Michigan Public Service Commission's denial of the county's proposed surcharge rate. Mr. Purcell advised that the appeal must be filed by an attorney and that Atty. Mullett has a draft ready to be submitted next week.

Comr. Bolger stated that the county is submitting the appeal based upon new information regarding consolidation of the dispatch centers. Comr. Bolger advised that the cities will be providing support of the

appeal by resolution.

Res. 56-2008

“Motion by Comr. Moore, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize an appeal of the March 11, 2008 Order of the Michigan Public Service Commission denying Calhoun County’s request for a telephone surcharge in the amount of \$.60 cents per telephone line.”

Comr. Rae inquired whether it would make the appeal stronger if AMSA were to also provide a resolution of support. Comr. Bolger discussed the short time frame for submitting the appeal. Comr. Rae stated that he is sure AMSA could conduct a special meeting to support the appeal. Comr. Bolger advised that he will contact AMSA immediately to make that request.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Exception to County Policy No. 305 - County Temporary/Seasonal Employees

Asst. County Administrator Wendee Woods requested an exception to County Policy No. 305 to allow temporary Emergency Services Coordinator Durk Dunham to purchase the county’s health insurance at 100 percent of the premium’s cost.

Res. 57-2008

“Motion by Comr. Rae, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize an exception to County Policy No. 305 - County Temporary/Seasonal Employees to allow Durk Dunham to purchase the county health insurance for a period of up to three (3) months by paying 100 percent of the monthly premiums.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Deputy Health Officer Position Creation

Mr. Purcell advised that the proposed position is a consolidation of a Deputy Health Officer and an Environmental Health Manager position.

Health Officer Dottie-Kay Bowersox advised that the position shall be a non-union, confidential position, and has been approved by the Board of Health. Ms. Bowersox advised that since June 2007 the Environmental Health Manager position has been vacant.

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Res. 58-2008

“Motion by Comr. Moore, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners create a non-union, confidential Deputy Health Officer position, with a salary range of \$58,104 to \$70,626, as recommended by the Board of Health.”

Comr. Todd stated that the position’s job description looks like the responsibilities of the Health Officer, and asked Ms. Bowersox if she is overworked. Ms. Bowersox responded Yes. Comr. Todd inquired whether the Department has anyone in mind that shall be hired. Ms. Bowersox responded no, advising that the position is new. Comr. Todd inquired whether there is anyone within the Department that could assume the position with training. Ms. Bowersox responded No.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Equalization Department Staffing Increase

Mr. Purcell advised that the Department requires some additional assistance. Mr. Purcell pointed out that the position is part time with no benefits. Mr. Purcell requested Mr. Hippensteel also address the policy and procedures manual for the Department.

Deputy Director John Hippensteel advised that the position is a part time Records Clerk that shall answer the phone, assist customers at the front counter, and perform some data input. Mr. Hippensteel advised that there is funding within the Department’s budget to cover the position for 2008, however, that for 2009 the Department shall require funding for the position.

Mr. Hippensteel advised that a manual is being prepared which shall be provided to the employees that he believes shall relieve the animosity. The employees shall be given time to review the policies and procedures, and then the manual will be discussed with them.

Res. 59-2008

“Motion by Comr. Solis, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners approve increase of the staffing level from 4 to 4.5 FTEs within the Equalization Department by adding a permanent, part-time Records Clerk position.”

Comr. Moore stated that in the past there had been discussion regarding “bringing up” people with skills to do the job. Comr. Moore inquired whether there is the potential of sharing the position with the Drain Commissioner’s Office. Mr. Hippensteel responded that he had that discussion with the Drain Commissioner, and that the Drain Commission currently has someone who handles those functions. Mr. Hippensteel stated that

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“That’s something we can look at down the road.”

Chairwoman Segal inquired whether the position shall be an evaluated position. Mr. Hippensteel responded that the phone calls and people coming into the Department shall be tracked.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS’ TIME:

Mr. Creighton Burrows, Battle Creek resident, stated that he takes exception to the E 9-1-1 surcharge being assessed upon each telephone line, pointing out that a lot of people have more than one line and that he believes the county shall be collecting three times as much from every household.

Mr. Burrows objected to the Geographic Information System (GIS) fly-over of the county as it is an invasion of individuals’ right to privacy. Mr. Burrows stated that Calhoun County is a municipal corporation and as such operates as a governmental entity with legal rights and responsibilities to be exercised for the benefit of the public. Mr. Burrows pointed out that a governmental unit’s duty/function, as defined by the Constitution, is for the benefit of the public. Mr. Burrows stated that the proposed GIS system and fly-over does not benefit the public at large. It benefits private developers and the governmental entity itself. Mr. Burrows further pointed out that the GIS system and fly-over does not fit the definition of a governmental duty as it is not essential to maintain the health and safety of the public at large.

Mr. Burrows cited Article IV, Section IV of the U.S. Constitution, . . . The United States shall guarantee to every state in this union a republican form of government. A republican government is one in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated.” Mr. Burrows stated that he chooses to exercise his rights directly by not granting permission to the county to take any pictures of his land. Mr. Burrows pointed out that he cannot trespass on the privacy rights of his neighbors by taking pictures of their possessions and that neither does the county possess that power as the public has not delegated that power to the county.

Mr. Gardy Berezonsky, Marengo Township resident, advised that he attended the last Marshall City Council meeting and offered to work at the Community Compost Center for minimum wage, and was advised that the City already hired someone at \$14 per hour.

Mr. Berezonsky addressed Board addendums, advising that he receives the Board agendas the Thursday before the Board meeting, however, that the addendums are not available until the afternoon of the meeting which does not allow him time to review and research the items to be addressed. Mr. Berezonsky pointed out that it appears that most of the time one department is responsible for necessitating the addendums.

COMMISSIONERS’ TIME:

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Comr. Todd advised that he has known Mr. Bonds for a long time and was very upset when he saw the article published in the paper. Comr. Todd expressed appreciation to Mr. Bonds for advising the Board regarding the parking lot issue.

“Motion by Comr. Rae, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners recognize the outstanding achievement of the Albion High School Basketball Team for making it to the quarter finals.”

Chairwoman Segal inquired whether the recognition could be presented at the next Board meeting or a Board meeting in May.

Comr. Rae withdrew his motion, and Comr. Solis withdrew his support of the motion.

Comr. Moore reported that he attended the meeting of substance abuse prevention and treatment providers to discuss plans for moving forward in Calhoun County. Comr. Moore advised that Kalamazoo Community Mental Health and Substance Abuse Services requires a decision regarding what organization shall be working of the federal programs regarding underage drinking and traffic crashes.

CLAIMS PAYABLE LISTINGS:

Res. 60-2007

“Motion by Comr. Rae, supported by Comr. Arnquist, 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 \$524,828.33 for the week of March 20, 2008; further, approve payment of the list of claims against the county in the total amount of \$552,881.12 for the week of March 25, 2008.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ANNOUNCEMENTS:

Chairwoman Segal announced that the next Board meeting is Tuesday, April 15 in the Marshall County Building at 7:00 p.m.

ADJOURNMENT:

The meeting adjourned at 8:17 p.m. at the call of the Chair.

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mlb