

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

August 21, 2008

The Regular Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday, August 21, 2008 in the Battle Creek City Commission Chambers, Battle Creek City Hall, 10 North Division Street, Battle Creek, Michigan.

Roll Call: Present: Comrs. Arnquist, Bolger, Moore, Rae, Segal, Solis and Todd.

Staff Present: County Administrator/Controller Greg Purcell, Asst. County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher, Sheriff Allen Byam and Deputy Clerk/Board Aide Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

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 August 21, 2008 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the July 17, 2008 minutes as presented.”

Comr. Rae stated that it might be a good idea for the minutes to reflect staff present. Chairwoman Segal stated that in the future staff can be listed.

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

Mr. Creighton Burrows, Marengo Township resident, advised that he previously addressed the Board regarding

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a violation of his right to privacy when the Board decided to conduct a county-wide GIS fly over. Mr. Burrows advised that the Vermont Supreme Court recently overturned an illegal drug possession conviction due to a violation of air space and peoples' right to privacy. Mr. Burrows continued that under the Vermont Constitution a person has a reasonable expectation of privacy, and the aerial surveillance in the case violated that person's right to privacy.

Mr. Burrows stated that he is aware that the GIS fly-over was conducted, however, does not believe that the fly-over was approved by the Board at a public meeting. Mr. Burrows continued that it is his understanding that Battle Creek Unlimited paid for the county's portion, which again he does not believe was approved by the Board at a Board meeting. Mr. Burrows stated that the City of Marshall and Marengo Township approved the fly-over, and advised that he will be dealing with those two entities in the courts.

Mr. Gardy Berezonsky, Marengo Township resident, addressed the Second Quarter 2008 Out-of-State Travel Report, inquiring why one employee's expense had been \$150 more than the other employee's expense when both attended the same conference.

CONSENT AGENDA:

Res. 129-2008

"Motion by Comr. Moore, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following August 21, 2008 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolution received from Lake County supporting House Bill No. 5398 {Michigan Vehicle Code Amendment}. (Referred to the Legislative Liaisons)
- (2) Resolution received from St. Joseph County opposing House Bill No. 6112 {Corrections Officers Compulsory Arbitration Act}. (Referred to the Legislative Liaisons, with a copy remitted to Sheriff Allen Byam)

B. Resolutions:

- (1) Second Quarter 2008 Out-of-State Travel Report
- (2) Calhoun County Consolidated Dispatch Center Authority Governing Board Appointment
 - {a} Jase Bolger -- Term Expires December 31, 2008"

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Casino Baseline Study Committee

Chairwoman Segal advised that the Casino Baseline Indicators Report was presented to the Committee this morning, and that the Committee requested Mr. Erickcek provide the presentation tonight.

Mr. Erickcek of the Upjohn Institute presented the Report (ON FILE) advising that the purpose of the Report is to construct some baseline measurements that will enable county stakeholders to have better understanding of the short and long term effects of the casino upon the economic, fiscal and social environment within the county. Mr. Erickcek advised that two comparable counties; e.g., Jackson and Muskegon, were utilized as they are similar in size and social and economic characteristics, and currently do not have casinos. Mr. Erickcek addressed data sources analyzed, analysis assumptions and indicator assumptions.

Mr. Erickcek presented current impact indicators and advised that the next step is to wait and collect the next three years of data on an annual basis as it becomes available to determine the casino's impact. Mr. Erickcek stated that in 2010 he shall come back to report his findings.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

Jail Bed Agreement and Amendment to the County Jail and Justice Center
Development Agreement

County Administrator/Controller Greg Purcell advised that in 1992 the county entered into the Calhoun County Jail and Justice Center Development Agreement with the City of Battle Creek which provided that the City would provide all dispatch services for the Sheriff in exchange for the county providing 30 lock-up jail beds for the City, and that with the consolidation of dispatch services the City will no longer be providing the dispatch services as required by the Agreement. Mr. Purcell stated that an amendment to Agreement has been negotiated which will provide that the City pay 90 percent of the BICE per diem jail bed rate in the future for beds when the City's contribution for dispatch services decreases below the \$1,800,000 threshold of funding currently provided, and will be shared at a rate of 65 percent reduction to the City and 35 percent to the county. Mr. Purcell advised that the current BICE rate is \$64.27 and that it is anticipated that the rate shall increase on an annual or biannual basis. Mr. Purcell advised that the Agreement and the Amendment have not gone before the City Commission yet, however, that the Agreement and Amendment to the Jail and Justice Center Development Agreement was negotiated between the City Attorney and Corporation Counsel. Mr. Purcell recommended approval of the Amendment and the Jail Bed Agreement.

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Res. 130-2008

“Motion by Comr. Rae, supported by Comr. Arnquist, resolved by the Calhoun County Board of Commissioners approve the Jail Bed Agreement between the City of Battle Creek and Calhoun County; and

BE IT FURTHER RESOLVED, that the Calhoun County Board of Commissioners approve the attached Amendment to the County Jail and Justice Center Development Agreement; and

BE IT FINALLY RESOLVED, that the Board Chairwoman is authorized to execute the Jail Bed Agreement and the Amendment to the County Jail and Justice Center Development Agreement on behalf of Calhoun County.”

Comr. Moore questioned the January 1 date set for determining the per diem rate. Mr. Purcell asked the Sheriff if there is any set month in which the rate is approved by BICE. Sheriff Allen Byam responded No. Comr. Moore again inquired why January 1 had been selected. Mr. Purcell responded that the date of January 1 seemed appropriate. Comr. Moore requested that the county time the rate to be paid towards the end of the year.

Mr. Purcell recommended that if the funds increase in jail bed revenue, that ten percent of that increase be reserved for jail capital expenditures.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

July 2008 Financial Statements

Finance Director Mark Stuhldreher reported that activity through July 31 indicates that the revenue and expenditure balances of all funds are within the budget standard and in line with expectations.

Calhoun County Consolidated Dispatch Authority Governing Board Report

Comr. Bolger reported that seven of the nine appointments to the Governing Board have been made; i.e., Kenneth Tsuchiyama, Chris Simmons, Michael Herman, Brent Williams and Dale Peet. Comr. Bolger advised that he has contacted Ms. Sink, President of the County Townships Association, and a meeting shall be scheduled to provide for an appointment prior to September 15. Comr. Bolger stated that once the appointments are made the Governing Board shall determine what must be done to renovate the space. Comr. Bolger advised that the Governing Board anticipates mid-2009 as the date the Center shall start.

CITIZENS' TIME:

Sheriff Byam invited everyone to attend the T.E.A.M. Up for Kids golf outing at the Medalist Golf Club on September 12. Sheriff Byam advised that the funds support the D.A.R.E. Program in eight elementary schools.

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Mr. Burrows stated that he believes it is ridiculous that the Board is moving its meetings all over the county, pointing out that in Marshall there has always been a group of people attending. Mr. Burrows commented that he wishes the people of Calhoun County could see how many people are present at tonight's meeting.

Mr. Berezonsky questioned the payment of \$719.96 to TGI Fridays, MRB Pub for a small equipment purchase by the Sheriff Department, and payment for employee food expenses. Mr. Berezonsky stated that he is tired of his tax dollars being spent on food for employees. Mr. Berezonsky noted payment of \$202.72 within the Circuit Court for coffee filters, coffee and cups, and stated that he does not feel that he should have to buy coffee for the Circuit Court. Mr. Berezonsky also noted expense of \$1,251.05 for replacement of two tires and rewiring of a boat, and questioned what happened to the boat that required its rewiring. Mr. Berezonsky inquired whether there has been a determination of the monies collected for cell phones.

COMMISSIONERS' TIME:

Comr. Rae reported that the County Administrator Search Committee has commenced the process to replace Mr. Purcell and have agreed to request bids for a consultant to assist with the search.

Chairwoman Segal advised that today until 8:00 p.m. is the Eighth Annual fund raiser for Sexual Assault Services and the Child Advocacy Center at KrystalFalls Golfland, and encouraged everyone to attend. Chairwoman Segal further announced that this Saturday in Albion and Battle Creek there are back to school celebrations.

Comr. Bolger advised that the surcharge from E 9-1-1 cell phone usage will be remitted from the state in October. Comr. Bolger advised that the surcharge money is received quarterly.

Comr. Bolger addressed the casino, stating that he does not believe the county should sit back and assume the casino will bring in more businesses, and that he believes the communities should work together with the Tribe and the Convention and Visitors Bureau to market the county's hotel accommodations and restaurants along with the casino.

CLAIMS PAYABLE LISTING:

Res. 131-2008

“Motion by Comr. Rae, 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 \$1,143,872.22 for the week of August 12, 2008.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ADJOURNMENT:

The meeting adjourned at 7:44 p.m. at the call of the Chair.

mlb