

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

October 16, 2008

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, October 16, 2008 in the Battle Creek City Commission Chambers, Battle Creek City Hall, 10 North Division Street, Battle Creek, Michigan.

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

Staff Present: Asst. County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher, Sheriff Allen Byam, Corporation Counsel Nancy Mullett, Juvenile Home Asst. Director Pablo Lerma, Equalization Director David Jager, Equalization Deputy Director John Hippensteel, Interim County Administrator Don Gilmer 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. Rae.

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Rae, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the October 16, 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 September 18, 2008 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

County Clerk-Register Candidate John La Pietra reminded everyone that on the third Thursday of the month the Green Party encourages the observance of Dark Earth Hour when all lights and non-essential electrical appliances should be turned off to cut back on energy consumption.

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Mr. Jeff Andert of Psychological Consultants of Michigan, P.C. advised that a year ago service providers discussed the new substance abuse services coordinating agency re-designation and at that time addressed concern regarding the administrative costs associated with the re-designation. Mr. Andert addressed his letter remitted to the Board regarding reimbursement for administrative costs and requested the Board's assistance.

Mr. Joseph Kuchenbuch of Psychological Consultants of Michigan, P.C. stated that he has concern regarding the coordinating agency's administrative rules, which do not cover court-ordered assessments after drunk driving. Mr. Kuchenbuch advised that Psychological Associates is using block grant funding to conduct those assessments. Mr. Kuchenbuch stated that the agency's administrative rules do not allow accessing of state funding for those assessments, and that he is concerned that grants under the supervision of Kalamazoo Community Mental Health and Substance Abuse Services cannot access state funding for patients who have third party insurance. Only those with no insurance are eligible. Mr. Kuchenbuch continued that the service providers were not given notification regarding the funding rules and have continued to see those clients under the assumption that they would be eligible for that state funding.

Mr. Kuchenbuch stated that he contacted Kalamazoo Community Mental Health and Substance Abuse Services and was advised that the Board of Commissioners can direct Kalamazoo Community Mental Health and Substance Abuse Services to use those funds. Mr. Kuchenbuch advised that Psychological Consultants have 131 clients that would have qualified for state funding if they did not have third party insurance. Mr. Kuchenbuch requested any assistance the Board can provide to direct the Community Action Agency to review the Public Act 2 budget to assist the clients with third party insurance.

ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS:

Sheriff Allen Byam announced that the Department received the second largest C.O.P.S. grant in the country; further, that this week the Michigan Sheriffs Association honored the Department for Correctional Officer Training Achievements and for Compliance with State Administrative Rules and Regulations.

SPECIAL ORDER OF BUSINESS:

National Business Women's Week Proclamation

Chairwoman Segal read and presented the following proclamation to Albion Chapter Business and Professional Women's Association President Barbara Frederick.

Res. 161-2008

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

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WHEREAS, working women constitute 66 million of the nation's work force and strive to serve their communities, their states and their nation in professional, civic and cultural capacities; and

WHEREAS, women-owned businesses account for 28 percent of all U.S. business, generating \$1.15 Trillion in sales; and

WHEREAS, the major goals of Business and Professional Women/USA and Business and Professional Women/MI are to promote equality for all women and to help create better conditions for working women through the study of social, educational, economic and political problems; all of us are proud of their leadership in these many fields of endeavor; and

WHEREAS, for 80 years Business and Professional Women/USA and Business and Professional Women/MI have been spotlighting the achievements and contributions of working women during National Business Women's Week.

THEREFORE, WE, the Calhoun County Board of Commissioners, do hereby proclaim October 20 through October 24, 2008

NATIONAL BUSINESS WOMEN'S WEEK

in Calhoun County and urge the citizens of Calhoun County, all civic and fraternal groups, all educational associations, all news media and other community organizations to join this salute to working women and encourage and promote the celebration of the achievements of all business and professional women as they contribute to our economic, civic and cultural purposes."

Voice Vote: Motion CARRIED

Ms. Frederick thanked the Board for recognizing National Business Women's Week, and advised that tomorrow evening is the organization's celebration of 80 years.

"Lights on Afterschool Day" Proclamation

Comr. Todd read into the record the following proclamation, and advised that he will make sure that the proclamation is delivered to the appropriate party.

Res. 162-2008

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

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WHEREAS, “*Lights on Afterschool Day*” is a national celebration of afterschool programs; and

WHEREAS, afterschool programs support working families by ensuring that children are safe and productive when the regular school day ends. More than 28 million children in the United States have parents who work outside the home and 14.3 million children have no place to go after school; and

WHEREAS, afterschool programs make our communities stronger by involving students, parents, business leaders and volunteers and provide children the opportunity to discover hidden talents as they grow academically and socially.

THEREFORE, WE, THE CALHOUN COUNTY BOARD OF COMMISSIONERS, join with our school systems in celebrating Lights On Afterschool programs and support their Rally to assist in sending the message that afterschool programs are the key to children’s success and inspiration toward a brighter future, and hereby proclaim **October 16, 2008** as “*Lights on Afterschool Day.*”

Voice Vote: Motion CARRIED

Special Tribute to CityLinC Ministries

Chairwoman Segal advised that she shall present the resolution to the Ministry at their Open House on Monday.

Res. 163-2008

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

WHEREAS, **CityLinC** began 40 years ago, in 1968, under the name Battle Creek Area Youth For Christ, supported by the Salvation Army, Family Altar Chapel, and Trinity Reformed Church; and

WHEREAS, in 1973, Battle Creek Area Youth For Christ was given a grant by the Albert & Louise Miller Foundation to begin its Youth Guidance Division, a program for youth 12 to 17 years of age. The Youth Guidance program included ministry at the Calhoun County Juvenile Home, summer camping experiences, and weekly neighborhood meetings. As a result, Youth Guidance clubs thrived in Albion, Athens, Marshall and Battle Creek; and

WHEREAS, in 1982, Youth Guidance Foster Care was founded, and to this day, is touching the

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lives of many children and youth in crisis situations. Through Youth Guidance Foster Care, Calhoun County has become a place of refuge for children from all across Michigan; and

WHEREAS, in 1999, Battle Creek Area Youth For Christ changed its name to CityLinC Ministries, which described the connection CityLinC wished to make to its community. Reflecting its faith-based foundation, LinC is the acronym for “Living in Christ” which creatively describes the “LinC” our ministry intends to be; and

WHEREAS, today, CityLinC continues to “LinC” to the needs of children, youth, and families most at-risk in Calhoun County. The Teen Pregnancy Center offers free pregnancy testing, support, and encouragement to young women who are making life-changing decisions. A Personal Counseling Center offers professional faith-based counseling at affordable rates, and CityLinC’s Ministry Network brings churches and pastors of Calhoun County together with one common commitment – to be a LinC to their communities.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners congratulate CityLinC and encourage everyone to join with **CityLinC in celebrating its 40th Birthday** this month, October 2008, and attend CityLinC’s Birthday Open House Reception to be held at Burnham Brook in Battle Creek on Monday, October 20 from 5 pm until 8 pm.”

Voice Vote: Motion CARRIED

2008 Apportionment Report

Res. 164-2008

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

WHEREAS, Michigan Compiled Law 211.36 requires each Township Clerk to submit to the County Clerk on or before September 30 each year a statement which sets forth the amount of money to be raised in the Township by taxation; and

WHEREAS, Michigan Compiled Law 211.37 requires the County Board of Commissioners to hold an apportionment session and approve an Apportionment Report in October of each year; and

WHEREAS, at the annual apportionment session, the County Board of Commissioners must examine documents and records submitted to the Board that show the amount of money to be raised by ad valorem levies in each Township for school, highway, drain, Township, and other

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purposes and authorize and require the correction of any defects or omissions with regard to those levies; and

WHEREAS, the action of the County Board of Commissioners concerning the spread of these levies is final, except in situations where a change is made to the equalization of the County through an equalization appeal to the Michigan Tax Tribunal; and

WHEREAS, the Apportionment Report approved by the County Board of Commissioners for 2008 will be the official authorization for approximately 50 taxing authorities within the county to levy property taxes in 2008; and

WHEREAS, the Calhoun County Equalization Department has prepared an Apportionment Report for consideration by the County Board of Commissioners; and

WHEREAS, the proposed Apportionment Report, if approved, will provide final authorization for the levy of property taxes upon which taxing authorities depend to provide educational, health, economic development, public safety, and other services which are important to the well-being of the county's economy and Calhoun County residents.

NOW, THEREFORE, BE IT RESOLVED, that the attached 2008 Apportionment Report (ATTACHMENT A) showing the millage levies apportioned to various taxing authorities in Calhoun County for the year 2008 is hereby approved in accordance with Michigan Compiled Law 211.37; and

BE IT FURTHER RESOLVED, that the Calhoun County Board of Commissioners, under the authority of Michigan Compiled Law 211.37 directs that the millage rates specified in the attached 2008 Apportionment Report for Township, school, highway, drain, and all other purposes as authorized by law shall be spread against the taxable value of properties on the proper assessment rolls of the Cities and Townships in the county."

Comr. Rae inquired whether valuations are increasing. Equalization Director David Jager responded that some areas are up and some are down, and pointed out that even with the assessments going down the rates could go up because they are spread.

Roll call vote: Yes - 6 (Comrs. Bolger, Moore, Rae, Segal, Solis and Todd)
Excused - 1 (Comr. Arnquist)
Motion CARRIED

CONSENT AGENDA:

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Res. 165-2008

“Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners remove Item. 9.B. (2) - Department of Human Services Governing Board Appointment from the October 16, 2008 Consent Agenda.”

Voice Vote: Motion CARRIED

Res. 165-A-2008

“Motion by Comr. Rae, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following October 16, 2008 Consent Agenda, as amended, with the deletion of Item B.(2) - Department of Human Services Governing Board Appointment:

A. Petitions, Communications, Reports:

- (1) Resolution received from Montcalm County opposing House Bill No. 6070 and supporting House Bill No. 5892 {Emergency 9-1-1 Service Enabling Act}. (Referred to the Legislative Liaisons, with a copy remitted to Emergency Telephone District Board Chairman Allen Byam)
- (2) Resolution received from Lenawee County requesting the State of Michigan adopt legislation that will provide protection to owners of low capacity wells that may be impacted by another low capacity well. (Referred to the Legislative Liaisons, with a copy remitted to Health Officer James Rutherford)
- (3) 2008 Industrial Facility Exemption Certificates Status Report received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Jager)
- (4) 2008 Neighborhood Enterprise Zone Status Report received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Jager)
- (5) Notice of a public hearing scheduled for October 21, 2008 regarding a proposed amendment to the Battle Creek Tax Increment Finance Authority’s Tax Increment Financing and Development Plans received from Battle Creek City. (Received and placed on file, with a copy remitted to Treasurer Ann Petredean and Equalization Director David Jager)

B. Resolutions:

- (1) County of Calhoun Hospital Finance Authority Appointment
(Term Expires January 1, 2009)
 - {a} Don Gilmer – Replacing Greg Purcell”

Voice Vote: Motion CARRIED

Res. 165-B-2008

“Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners table an appointment to the Department of Human Services Governing Board until the November 6, 2008 Board of Commissioners Meeting.”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

County Administrator Search Committee

Committee Chairman Rae reported that the Committee has been working to locate a replacement for Mr. Purcell. The Committee met with the consultant last week and agreed regarding the qualifications package to be put out, with a salary range between \$91,000 to \$110,000. Comr. Rae further advised that the Committee also adopted a time table and anticipate to be in the final stages by November.

Budget Committee

Committee Member Rae reported that the Committee met this morning and is committed to a balanced budget. Comr. Rae advised that at the meeting the Committee also discussed where the county is regarding an information system for the Finance Department. Comr. Rae stated that this issue is on-going and that he shall keep the Board apprised.

Comr. Rae further reported that the Committee discussed the lack of infrastructure at the Marshall site, and that due to the lack of infrastructure, the energy conservation company chose the Fort Custer site. Comr. Rae advised that the Michigan Economic Development Corporation is set up to assist communities that have lost jobs, which Marshall has, and would be a good candidate for seeking funding assistance through the U.S. Commerce Department; however to do so, there must be an economic development plan in place. Comr. Rae advised that the county would be a funnel for those monies and would partner with Marshall City and Marshall Township. Comr. Rae advised that the Committee would like to proceed and has met with some of the representatives of the City and Township, and everyone wants to work together to prepare such a plan.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

FY 2008-2009 Highway Safety Grant Application

Interim County Administrator Don Gilmer stated that the request is for authorization for the Sheriff Department to apply for a grant from the Office of Highway Safety Planning in the amount of \$44,000.

Sheriff Byam advised that the grant funds three programs; e.g., Click it or Ticket, You Drink & Drive You Lose, and Youth Alcohol Enforcement. Sheriff Byam pointed out that the Department works with the Albion Department of Public Safety and the Marshall Police Department; further, that no match is required.

Res. 166-2008

“Motion by Comr. Solis, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2008-2009 Highway Safety Grant Application in the amount of \$44,000 for the period commencing October 1, 2008 through September 30, 2009, and authorize the Office of the Sheriff to electronically submit said Application to the Michigan Office of Highway Safety Planning on behalf of Calhoun County.”

Roll call vote: Yes - 6 (Comrs. Bolger, Moore, Rae, Segal, Solis and Todd)
Excused - 1 (Comr. Arnquist)
Motion CARRIED

Battle Creek City Renaissance Zone Designation

Mr. Gilmer recommended the Board designate the energy conservation property site within the Fort Custer Industrial Park in Battle Creek a renaissance zone and waive the taxes for new investments to the property for a period of 15 years.

Res. 167-2008

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

WHEREAS, the City of Battle Creek desires to expand economic activity, and increase the number of jobs and income available to residents of the area; and

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WHEREAS, certain areas within Calhoun County have suffered from depressed economic activity for some time, including low incomes, lack of employment opportunities, and depressed business expansion; and

WHEREAS, the designation of selected areas as a Renaissance Zone will help attract new business, increase economic development, and expand business and employment opportunities throughout Calhoun County for years to come; and

WHEREAS, the County, local citizens, and local businesses are committed to improving the area, should a Renaissance Zone be designated; and

WHEREAS, the commitment extends to making new investments and marketing of the area to other investors; and

WHEREAS, should the area be designated a Renaissance Zone, persons or property within that Zone will be exempt from various taxes levied by the state, county and local units of government as provided under the Renaissance Zone Act, which will provide a stimulus to develop the area; and

WHEREAS, the state government, under the Act, will reimburse local schools, community colleges, intermediate school districts, and public libraries for any revenue lost due to the exemption provided by the Act; and

WHEREAS, we estimate that any tax revenue lost, would be a small fraction of the benefits the designation of a Renaissance Zone will bring the community. This is particularly true given that the area proposed for the new development will likely occur in the Fort Custer TIFA District where little or no taxes would be collected anyway.

NOW, THEREFORE, BE IT RESOLVED, that Calhoun County supports the City of Battle Creek in their economic endeavors and agrees that the land depicted in the attached aerial map (ATTACHMENT B), shall be included in the Renaissance Zone with various state, local and county taxes being waived for new investment on the property for a period of 15 years beginning December 31, 2008 through December 31, 2022 tax year.”

Roll call vote: Yes - 6 (Comrs. Moore, Rae, Segal, Solis, Todd and Bolger)

Excused - 1 (Comr. Arnquist)

Motion CARRIED

September 2008 Financial Statements

Mr. Gilmer advised Board members to contact the Finance Department if they have any questions regarding the report.

Amendment to the Final E 9-1-1 Plan

Sheriff Byam advised that the amended Plan describes how services and the system shall be implemented. Sheriff Byam stated that with the creation of the Consolidated Dispatch Center and appointment of the Governing Board the Plan must be amended to recognize that Board and its authority. Sheriff Byam advised that the Emergency Telephone District Board worked with Corporation Counsel in amending the Plan, and thanked Ms. Mullett for her assistance. Sheriff Byam advised that the Emergency Telephone District Board recommends approval of the amended Plan.

Res. 168-2008

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

WHEREAS, the Board of Commissioners adopted Calhoun County’s first E-911 Plan on April 7, 1992, enabling Calhoun County to establish 9-1-1 as the universal number for emergency services; and

WHEREAS, Calhoun County’s E-911 Plan was subsequently amended on February 7, 2008, to address changes in legislation and to provide financial support to local Public Safety Answering Points; and

WHEREAS, Calhoun County currently has twenty-nine emergency response agencies including nineteen fire departments, eight police agencies, four ambulance agencies, and one Hazardous Materials team; and

WHEREAS, these public safety agencies, together with three primary Public Safety Answering Points, have historically provided emergency response services to Calhoun County’s 137,999 residents; and

WHEREAS, the Emergency Telephone District Board has recommended that the dispatch services be consolidated into one primary service answering point; and

WHEREAS, on July 17, 2008, the Calhoun County Board of Commissioners created the Calhoun County Consolidated Dispatch Center Authority; and

WHEREAS, this updated E-911 Plan provides for changes in policy and procedure relative to the consolidated dispatch services.

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NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners hereby adopt the Calhoun County Amended E-911 Plan as attached hereto and made a part thereof. (ATTACHMENT C)”

Comr. Bolger requested Corporation Counsel address the process for amendment. Corporation Counsel Nancy Mullett advised that after approval of the amended Plan the Clerk has five days to send the Plan out to the cities and townships. Within 45 days the public safety agencies designated in the Plan must file a notice of intent to function as a PSAP or secondary PSAP. Ms. Mullett continued that after the 45 day time period a public hearing shall be conducted which the Clerk must notice twice. The public hearing is scheduled for the second meeting in December. Ms. Mullett stated that after the public hearing the Board shall be requested to approve the Final Plan.

Roll call vote: Yes - 6 (Comrs. Rae, Segal, Solis, Todd, Bolger and Moore)
Excused - 1 (Comr. Arnquist)
Motion CARRIED

Consolidated Dispatch Center Construction Budget Amendment

Mr. Gilmer advised that the budget amendment shall provide funding for the architectural and engineering phase of the construction of the Dispatch Center.

Res. 169-2008

“Motion by Comr. Bolger, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners approve a budget amendment in the amount of \$60,000 to the E 9-1-1 Fund to facilitate the construction of the Calhoun County Consolidated Dispatch Center.”

Comr. Bolger advised that during the planning process there had been discussion of turning the project over to Motorola, however it would have been more expensive; therefore, the construction shall be managed in-house.

Roll call vote: Yes - 6 (Comrs. Segal, Solis, Todd, Bolger, Moore and Rae)
Excused - 1 (Comr. Arnquist)
Motion CARRIED

Governor's Discretionary Grant Award to the Juvenile Home

Mr. Gilmer announced that the Juvenile Home received a Governor's discretionary grant award in the amount of \$47,500 to enhance the curriculum. Mr. Gilmer advised that no match is required.

CITIZENS' TIME:

Ms. Pearl Gray-McWhorter, Battle Creek resident, advised that this Summer the Electrical and Pipefitters Union was prepared to put her house back together, however, when they attempted to acquire the permit Battle Creek City denied their request. Ms. Gray-McWhorter stated that now the City has sent her a notice that she must pay a \$500 fine or spend time in jail because she has no plumbing in her house. Ms. Gray-McWhorter stated that she has 30 days to get plumbing installed or the City will throw her into the street, and requested that the Board assist her in making the City let the Union put her house back together.

Substance Abuse Council Director Suzanne Horsfall congratulated the Juvenile Home for receiving the Governor's Discretionary Grant Award and the Sheriff for receiving the C.O.P.S. grant.

Mr. La Pietra encouraged everyone to vote on election day and to visit his website.

COMMISSIONERS' TIME:

Comr. Moore reported that he attended the Community Action Agency Board Meeting on Monday, and believes the Board sent a clear message to correct the situation regarding Kalamazoo Community Mental Health and Substance Abuse Services and the service providers. Comr. Moore stated that this is not the type of service that was expected and believes that the arrangement with Kalamazoo Community Mental Health and Substance Abuse Services needs to be reiterated.

Comr. Todd reported that the Downtown Development Association at their last meeting approved financial support to Accessvision to video important meetings for the public to access through the internet. Comr. Todd advised Board members that they shall see the announcement in the near future.

Comr. Todd announced that Saturday, October 18 the Battle Creek N.A.A.C.P. is having their Youth Olympics Kick-Off Rally at the Urban League Building from 10:00 a.m. until 12:00 p.m.

Comr. Todd expressed his appreciation to Enquirer and News Reporter Darby Prater for her article regarding him in the newspaper, however, requested in the future that the paper use the other photo he provided.

CLAIMS PAYABLE LISTING:

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Res. 170-2008

“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 \$2,613,242.10 for the two {2}weeks ending October 7, 2008.”

Roll call vote: Yes - 6 (Comrs. Solis, Todd, Bolger, Moore, Rae and Segal)
Excused - 1 (Comr. Arnquist)
Motion CARRIED

ADJOURNMENT:

The meeting adjourned at 8:10 p.m. at the call of the Chair.

mlb