

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

January 8, 2009

The Organizational Session of the Calhoun County Board of Commissioners convened at 7:03 p.m., Thursday, January 8, 2009 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll Call: Present: Comrs. Camp, Gerow, Haadsma, Rae, Rocho, Solis and Todd.

Staff Present: Clerk-Register Anne Norlander, Asst. County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher, Sheriff Allen Byam, Interim County Administrator Don Gilmer, Veterans Services Officer Jude Lonergan, Road Commissioner Scott Brown, Senior Services Manager Carl Gibson, Interim Corporation Counsel Duane Triemstra and Deputy Clerk/Board Aide Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

SPECIAL ORDER OF BUSINESS:

Clerk-Register Anne Norlander swore the Commissioners into office.

Clerk Norlander stated that the first order of business is election of the Chairperson, and advised that MCL 46.3 provides the opportunity for the Board to adopt a resolution making the term of the Chairperson a one-year term, and that absent a resolution, the term of the Chairperson is automatically a two-year term.

Res. 1-2009

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

WHEREAS, MCL 46.3 provides that the chairperson of a county board of commissioners shall be elected each odd numbered year for a two-year {2} term, unless the county board of commissioners provides by resolution that the chairperson shall be elected annually for a one-year {1} term; and

WHEREAS, the Calhoun County Board of Commissioners desires to elect its chairperson annually for a one-year {1} term for the calendar year 2009.

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NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners does hereby determine that the election for its chairperson shall be done annually for a one-year {1} term for the calendar year 2009.”

Comr. Solis advised that he shall oppose the resolution.

Comr. Haadsma stated that he believes the Board requires some flexibility and time to determine how well Board members shall work together under whomever the Chairperson is. Comr. Haadsma pointed out that the Board is in a unique circumstance with Commissioner Solis leaving the Board and with all the new Commissioners coming onto the Board. Comr. Haadsma advised that he discussed the term with the Interim Corporation Counsel who advised that the Kalamazoo County Board Chairman has a one-year appointment term.

Comr. Rocho concurred with Commissioner Haadsma.

Comr. Rae pointed out that historically in Calhoun County the term for the Board Chairperson has been two years to provide for continuity on the Board, and that he believes that the two year term has worked successfully for many years.

Roll call vote: Yes - 3 (Comrs. Camp, Haadsma and Rocho)
No - 4 (Comrs. Gerow, Rae, Solis and Todd)
Motion DEFEATED

Election of Chairperson

Comr. Todd nominated Commissioner Mike Rae.

Comr. Haadsma nominated Commissioner Terris Todd.

Clerk Norlander inquired if there were any further nominations. No other nominations were offered.

Res. 2-2009

“Motion by Comr. Camp, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners close nominations for the Office of Chairperson of the Calhoun County Board of Commissioners for 2009 and 2010.”

Voice Vote: Motion CARRIED

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Res. 2-A-2009

“Motion by Comr. Todd, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners elect Mike Rae Chairman of the Calhoun County Board of Commissioners for 2009 and 2010.”

Roll call vote for Mike Rae: 6 (Comrs. Gerow, Rae, Rocho, Solis, Todd and Camp)

Roll call vote for Terris Todd: 1 (Comr. Haadsma)

Motion CARRIED Electing Mike Rae

Chairman Rae stated that he is honored and humbled to have been elected Chairman, and promised to justify the Board’s trust and to work hard to assist the county in growing and flourishing. Chairman Rae stated that he is confident that working together the Board will make Calhoun County a shining example of what partnerships and cooperation can do, and that he believes great things can be accomplished in the next two years.

Election of Vice Chairperson

Chairman Rae nominated Commissioner Terris Todd.

Comr. Haadsma nominated Commissioner Julie Camp.

Clerk Norlander inquired if there were any further nominations. No other nominations were offered.

Res. 3-2009

“Motion by Comr. Rocho, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners close nominations for the Office of Vice Chairperson of the Calhoun County Board of Commissioners for 2009.”

Voice Vote: Motion CARRIED

Res. 3-A-2009

“Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners unanimously elect Terris Todd Vice Chairman of the Calhoun County Board of Commissioners for 2009.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

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Clerk Norlander swore Chairman Rae and Vice Chairman Todd into office. Clerk Norlander advised that this is her 21st year of officiating the Board's Organizational Sessions. Clerk Norlander congratulated Chairman Rae and Vice Chairman Todd upon their election, and wished them the very best during their term of office.

2009 Board Rules Adoption

Res. 4-2009

“Motion by Comr. Rocho, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners amend the proposed 2009 Board Rules, Section 9.4. - Abstention, Present But Not Voting, or Tie Votes, Second Sentence, as follows: In the event of a conflict of interest, a member shall abstain from **the discussion and** voting and the Clerk shall so record the member's vote.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Res. 4-A-2009

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners adopt the 2009 Board Rules, as amended.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

APPROVAL OF AGENDA:

Res. 5-2009

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the January 8, 2009 agenda, as amended, to address Item 14. - Commissioners' Time after Item 15. - Claims Payable Listing.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

Res. 6-2009

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the December 11, 2008 Special Session minutes and the December 18, 2008 Regular Session minutes as presented.”

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Voice Vote: Motion CARRIED

CITIZENS' TIME:

Mr. Ken Leche, Emmett Township resident, advised that he resides on Grand Castle Terrace and inquired who is responsible for snow removal within the subdivision.

Chairman Rae responded that the Road Commission is responsible for plowing the roads. Chairman Rae advised that the Board appoints the Road Commissioners and attempts to work with them, however, pointed out that the Road Commission is a separate legal entity. Chairman Rae offered to discuss the situation with Mr. Leche after the meeting.

ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS:

Sheriff Byam congratulated Chairman Rae and Vice Chairman Todd upon their election and all of the Board members for accepting service to the residents of Calhoun County. Sheriff Byam advised the Board that he looks forward to working with them.

CONSENT AGENDA:

Res. 7-2009

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following January 8, 2009 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolutions received from Ottawa County {1} requesting the Executive Committee of the Michigan Association of Community Mental Health Boards incorporate into their priorities and strategic planning their work with and for citizens who have developmental disabilities, and {2} supporting the Michigan Infrastructure and Transportation Association's plan to increase funding for roads, bridges and transportation. (Referred to the Legislative Liaisons, with a copy of {1} remitted to Summit Pointe CEO Ervin Brinker, and a copy of {2} remitted to Road Commission Managing Director Kevin Henning)

B. Resolutions:

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- (1) Calhoun County Community Corrections Board Appointments
 - {a} Kerianne Hultink -- Alternative Program Alternate Representative
(Replacing Laura Hoye Gainer)
 - {b} Susan Mladenoff – Prosecutor’s Office Representative
(Replacing John Hallacy)
- (2) Calhoun County Metropolitan Planning Commission Appointment
 - {a} Dian Schubel -- Term Expires December 31, 2011
- (3) Marshall City Local Development Finance Authority Appointment
 - {a} Wendee Woods -- Term Expires December 31, 2012"

Voice Vote: Motion CARRIED

UNFINISHED AND OLD BUSINESS:

Authorization to Advertise for Corporation Counsel

Interim County Administrator/Controller Don Gilmer stated that it is Administration’s recommendation to proceed with advertising for a part-time Corporation Counsel. Mr. Gilmer advised that part of the existing Corporation Counsel budget shall be reallocated to hire Labor Counsel, pointing out that there is no request to increase the legal services budget.

Res. 8-2009

“Motion by Comr. Rocho, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the January 8, 2009 Addendum as presented.”

Voice Vote: Motion CARRIED

Comr. Rocho inquired whether any other options had been considered; i.e., hiring a firm on a case by case basis. Mr. Gilmer responded no, however, that hiring a firm on a case by case basis could be explored. Mr. Gilmer advised that it is difficult to predict the flow of work which is dependent upon the issues that arise. Mr. Gilmer stated that it has been his observation that less than 20 hours per week has been required.

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“Motion by Comr. Rocho, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize Administration to proceed with advertising for a part-time Corporation Counsel.”

Comr. Solis advised that legal counsel used to be provided by the Prosecutor’s Office, and then came under the Board’s control due to political reasons. Comr. Solis stated that the past Commission made that move because Corporation Counsel is not just the Board’s Counsel, that the position is required to provide services to other entities such as the Senior Millage Department, the Senior Millage Allocation Committee, and the Health Department. Comr. Solis stated that he does not believe the amount of work during the short time that the Interim Corporation Counsel has worked has been indicative of the time that shall be spent on forthcoming issues, and pointed out that a variety of departments were utilizing their own legal counsel which equated to additional expense. Calhoun County has saved money by having Corporation Counsel. Comr. Solis stated that he does not believe the position should be part-time.

Comr. Rocho advised that she supports the Administrator’s recommendation. Comr. Rocho stated that she would like a cost analysis.

Comr. Camp concurred with Commissioner Rocho. Comr. Camp addressed fiscal restraint, and inquired whether the Board could be provided with a back-up plan with the services provided through a competitive bid on a per hour basis. Comr. Camp voiced concern regarding the trend to collaborate legal services between municipalities, and cautioned the Board to not take on the “lion’s share” of such costs. Comr. Camp stated that she believes that provision of Corporation Counsel services is an area in which the Board should be prudent.

Comr. Haadsma advised that he spent time with Ms. Mullett who provided Corporation Counsel and labor counsel services for 15 years, and Ms. Mullett advised that by separating the two services the Corporation Counsel position could be part-time; however that with all the new people coming into the key positions, thought that there shall be more Corporation Counsel dependence. Comr. Haadsma further advised that he also discussed the position with Mr. Triemstra, who acknowledged that compared to when Ms. Mullett was Corporation Counsel, people are not using Corporation Counsel services as much. Comr. Haadsma stated that he would prefer to hire a part-time Corporation Counsel and reevaluate the services required at a later date.

Chairman Rae concurred with Commissioner Solis. Chairman Rae stated that Commissioner Camp’s and Haadsma’s points are well taken, however, that he really does not believe that the position should be part-time. Chairman Rae addressed all the work required for E 9-1-1 which shall continue, as well as the Geographic Information System. Chairman Rae stated that in his opinion to hire a part-time Corporation Counsel would be penny wise and pound foolish, and recommended that the position be full-time.

Res. 9-2009

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“Substitute Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize Administration to proceed with advertising for a full-time Corporation Counsel.”

Roll call vote on Substitute Resolution 9-2009: Yes - 4 (Comrs. Solis, Todd, Gerow and Rae)
No - 3 (Comrs. Camp, Haadsma and Rocho)
Motion CARRIED

Comr. Camp withdrew her support of the original resolution. The resolution died due to lack of support.

Revised 2009 Board of Commissioners Meeting Schedule

Res. 10-2009

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners revise the 2009 Board of Commissioners Meeting Schedule, as presented.”

Comr. Rocho stated that she appreciates that the previous Board rotated their meetings, however, that she believes it is confusing to those that wish to attend the meetings. Comr. Rocho stated that although the meeting locations have been announced, individuals not in attendance at that particular meeting do not receive the announcement. Comr. Rocho stated that Marshall is the county seat and should be where the Board conducts its meetings.

Comr. Camp concurred, stating that she believes it is confusing for people to remember the rotation schedule. Comr. Camp stated that while she understands that the additional cost to rotate the meetings is small, it is still an additional cost which she does not believe is necessary.

Comr. Haadsma pointed out that last Spring people traveled to Homer, and then the meeting was relocated. Comr. Haadsma stated that he believes the Board needs to have a regular meeting place, pointing out that Board members have the opportunity to go to other sites within the county on their own, such as coffee hours as Kate Segal did. Comr. Haadsma stated that he does not believe that the Board should be roving around the county.

Vice Chairman Todd advised that he had been one member that supported moving the meetings around the county, however, that he is flexible and shall support keeping the meetings in Marshall.

Comr. Solis stated that he believes conducting the meetings at various locations has been beneficial to his constituents and does not believe that the confusion was as great as is being portrayed. Comr. Solis advised that

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there was only the one instance in Homer where the meeting had to be relocated due to the floors being refinished. Comr. Solis stated that there have been a few kinks, however, that he believes those kinks have been worked out. Comr. Solis stated that by moving the meetings around the county is bringing government closer to the people; further, pointed out that the first meetings of the month shall be in Marshall and that both meetings in January and December shall be conducted in Marshall.

Comr. Camp advised that people have advised her that they watch the meetings live, pointing out that in the County Building the Board has the resources by which to convey the meetings to the citizens on the “spot.”

Comr. Gerow advised that the people she has talked with believe conducting the meetings at various sites is a good idea and is fair to all the citizens.

Comr. Rocho called for the question of whether to cease debate and vote on the resolution on the floor.

Roll call vote: Yes - 3 (Comrs. Gerow, Rae and Solis)
No - 4 (Comrs. Camp, Haadsma, Rocho and Todd)
Motion DEFEATED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

Day of Prayer For Our Elected Officials Proclamation

Comr. Haadsma read the following proclamation into the record.

Res. 11-2009

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

WHEREAS, at this critical time for our nation, many new public officials were chosen, both locally and nationally, in the elections of November 4, 2008, and were entrusted with heavy responsibilities for all our citizens; and

WHEREAS, a Pre-Inaugural Prayer Service will be held on January 19th to unite the faith communities of our county in prayer and petition for our elected officials; and

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WHEREAS, the constant threats of poverty and famine, war and civil disorder, unemployment and displacement, health care and energy costs are creating devastating burdens for people in every nation; and

WHEREAS, the citizens of our country look with hope to our elected officials, and people in many lands also look to our nation and our leaders for steady guidance and wise vision in such desperate times.

THEREFORE, the Board of Commissioners of Calhoun County stand in support of the Clergy Caucus of *J.O.N.A.H.* and encourage our county residents to join in a Day of Prayer for our new President and all elected officials on Monday, January 19, 2009, the National Holiday honoring the life and work of Martin Luther King, Jr.”

Voice Vote: Motion CARRIED

Calhoun County Community Report Card Presentation

Mr. Gilmer introduced The Coordinating Council (TCC) Executive Director Anji Phillips.

Comr. Rocho expressed appreciation to Ms. Phillips for the Community Report Card, advising that the Calhoun Intermediate School District finds the Report invaluable.

Ms. Phillips advised that this is the fourth year for the Report Card and that it is getting better and better each year with more data included beyond the previous year. Ms. Phillips addressed TCC’s initiatives, goals and strategies; advising that new this year is 11th grade performance standards, compulsory attendance data, and ACT scores. Ms. Phillips advised that TCC worked with the Upjohn Institute and Mr. Erickek in partnering for the casino study, and in discussion with Mr. Erickek, decided to tier the data. Ms. Phillips advised that education attainment is an area that Mr. Erickek wants TCC to “push.”

Ms. Phillips advised that the teen pregnancy rate is still higher than the state’s, and is the third highest in the state; further, addressed the percentage of alcohol related crash deaths and underage drinking costs. Ms. Phillips addressed the information and referral “trees,” advising that this year there are numbers included regarding literacy education and training; further, pointed out that veterans’ benefits is new this year. Ms. Phillips advised that the Report is on TCC’s website and that all the information is printable.

Vice Chairman Todd commended TCC for preparing the Report Card, stating that he sets on various boards and finds the information very helpful.

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CITIZENS' TIME:

Senior Services Manager Carl Gibson advised Board members that they shall be receiving an invitation for an Open House on February 19 to recognize the 10th year for the Senior Services Department.

Mr. Creighton Burrows, Marshall resident, congratulated Board members for representing the views of the people. Mr. Burrows pointed out that the Michigan Constitution states that the Office of the Sheriff shall be at the county seat, and addressed the Attorney General's opinion issued in June 2008. Mr. Burrows stated that presently the Sheriff is in violation of the supreme law of the State of Michigan, and that he hopes that the Board shall take action to get the Sheriff's Office back to the county seat.

CLAIMS PAYABLE LISTINGS:

Res. 12-2009

“Motion by Comr. Haadsma, supported by Comr. Solis, 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 \$2,639,196.97 for the two {2} weeks ending December 26, 2008.”

Comr. Rocho inquired whether Board members could be provided a chart of accounts. Finance Director Mark Stuhldreher responded Yes. Comr. Rocho inquired whether some employees are cut more than one check per month for travel expenses. Mr. Stuhldreher responded that sometimes that does occur.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

COMMISSIONERS' TIME:

Comr. Solis offered his condolences to the family and friends of Judge Sheldon Penn who recently passed away. Comr. Solis advised that Judge Penn was the first and only African American Judge in Calhoun County. Comr. Solis advised that Judge Penn schooled him in his courtroom, was gracious, and was one of the people from which he learned the practice of law. Comr. Solis stated that Judge Penn shall be sorely missed.

Comr. Solis announced that tonight shall be his only meeting as a Commissioner on the Board as he has accepted the position of Chief Assistant Prosecuting Attorney with the Prosecutor's Office. Comr. Solis stated that it has been an honor for him to serve the constituents of District 7, and thanked the public for allowing him to serve them.

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Comr. Solis tendered his resignation to Clerk Norlander.

Chairman Rae stated that Commissioner Solis has devoted a lot of himself in service to the residents and Calhoun County, and is a great public servant that shall be missed. Chairman Rae advised Commissioner Solis that the Board has been blessed to have had him.

Comr. Rocho advised Commissioner Solis that he has left his mark on the Board and that she looks forward to working with him in the Prosecutor's Office. Comr. Rocho thanked Commissioner Solis for his leadership.

Vice Chairman Todd thanked Commissioner Solis for all he has accomplished for his district and the county. Vice Chairman Todd stated that he hopes that Commissioner Solis' service will encourage other minorities to apply.

Clerk Norlander swore Mr. Solis in as Chief Assistant Prosecuting Attorney.

Mr. Gilmer stated that in anticipation of Mr. Solis' resignation, Administration prepared an appointment process with the assistance of the Clerk and Mr. Triemstra. Mr. Gilmer advised that the law states that the vacancy must be filled by appointment within 30 days from the effective date of the resignation or the seat shall remain vacant until an election fills the seat. Mr. Gilmer further advised that since this is an odd numbered year there must be a special election to permanently fill the seat for the remainder of the term.

Mr. Gilmer advised that Section 9.8 of the Board Rules addresses the issue of a vacancy on the Board and provides for the Board Chairman to appoint an application committee consisting of three individuals, one of which is the Clerk, to accept and review the applications to ensure that the applicants are qualified. The committee shall forward the names of all qualified applicants to the Board not less than 14 days after the effective date of resignation. The Board shall then make the appointment.

Mr. Gilmer recommended the Board Chairman appoint the application committee, and that the Board adopt the proposed schedule to appoint a replacement and the proposed resolution calling for the special elections.

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners accept the 7th District Commission Seat Appointment Process Time line dated January 8, 2009 (ATTACHMENT A).”

Comr. Camp advised that she has a conflict with the time of the January 29 Special Meeting and inquired whether the time of the meeting could be 5:30 p.m. or 6:00 p.m. rather than 7:00 p.m.

Comr. Rocho offered an amendment to Item 2.B. of the resolution whereby the Board Chairman may call for

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a special meeting of the Board of Commissioners and determine the appropriate time for the meeting. Vice Chairman Todd accepted the friendly amendment to the resolution.

Res. 13-2009

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following as amended: Resolved by the Calhoun County Board of Commissioners accept the 7th District Commission Seat Appointment Process Time line dated January 8, 2009 (ATTACHMENT A), with amendment of Item 2.B., whereby the Board Chairman may call for a special meeting of the Board of Commissioners and determine the appropriate time for the meeting.”

Clerk Norlander reminded Board members of the requirements to conduct a special session in accordance with Board Rules and the Open Meetings Act.

Roll call vote: Yes - 6 Motion CARRIED Unanimously

Res. 14-2009

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

WHEREAS, on January 8, 2009 Commissioner Eusebio Solis submitted his resignation as County Commissioner for District No. 7, effective January 9, 2009; and

WHEREAS, State law provides that when a vacancy occurs in the office of county commissioner during an odd-numbered year, a Special Primary Election and a Special General Election shall be called to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners hereby:

1. Reluctantly accept the resignation of Eusebio Solis as County Commissioner for District No. 7; and
2. Determine that a vacancy exists in the 7th County Commission District; and
3. Call for a Special Primary Election to be held on Tuesday, May 5, 2009 in the 7th County

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Commission District; and

4. Call for a Special General Election to be held on Tuesday, August 4, 2009 in the 7th County Commission District; and
5. Determine that Friday, February 10, 2009 at 4:00 p.m. shall be the last day for a candidate to file an Affidavit of Identity and a Nominating Petition or pay the filing fee with the Calhoun County Clerk's Office; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to take the necessary action to schedule the aforementioned special elections pursuant to the Michigan Election Law.”

Roll call vote: Yes - 6 Motion CARRIED Unanimously

ANNOUNCEMENTS:

Vice Chairman Todd advised that tomorrow is his birthday.

Comr. Haadsma invited everyone to attend a reception at Schuler's Restaurant after the meeting.

ADJOURNMENT:

The meeting adjourned at 9:00 p.m at the call of the Chair.

mlb