

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

February 5, 2009

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, February 5, 2009 in the Commissioners Meeting Room, County Building, 315 West Green Street, Marshall, Michigan.

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

Staff Present: Asst. County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher, Veterans Services Officer Jude Lonergan, Interim Corporation Counsel Duane Triemstra, Road Commissioner Scott Brown, Clerk-Register Anne Norlander and Deputy Clerk/Board Executive Secretary Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

“Motion by Comr. Camp, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the February 5, 2009 agenda, as amended, removing Item 12.A. (5) -- Resolution Supporting Legislation to Lessen Gun Violence and adding Item 11.A. -- Board Team Building Session Facilitator.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Haadsma, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the January 8, 2009 and the January 22, 2009 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

Mr. Wayne Groth, Marshall resident, Chairman of the Calhoun County Gun Owners Association, and President

**Board of Commissioners
February 5, 2009**

of the Great Lakes Shooting Association, advised that he became aware of the proposed gun legislation on Tuesday morning and is the person responsible for contacting everyone he could think of to attend tonight's meeting to demonstrate their opposition to the proposed legislation. Mr. Groth inquired who or what organization offered the resolution.

Chairman Rae advised Mr. Groth that he would be happy to meet with him after the meeting.

Mr. Groth stated on behalf of the Associations and those present, that they are pleased that the resolution has been removed from the agenda, however, are still concerned regarding its origin. Mr. Groth stated that he would like the opportunity to talk with whomever is afraid of gun owners. Mr. Groth pointed out that it is the criminals who misuse guns, and that placing more restriction upon law abiding citizens is not the way to stop criminals. Mr. Groth stated that he understands that placement of the resolution on the agenda has been explained as a mistake, and urged the Chairman to understand the implications of such a mistake. Mr. Groth advised that gun control is a civil rights issue, and that the right to bear arms is granted within the Constitution of the United States and the Constitution of Michigan, and that if gun control legislation is ever proposed, he would expect a no vote from each Commissioner on the Board. Mr. Groth requested that the Board promise not to address any more silly issues like the proposed resolution in the future.

Chairman Rae stated that he believes Board members are in concurrence and are not in favor of imposing any gun control regulations. Chairman Rae thanked everyone concerned for attending the meeting tonight, and advised that placement of the resolution on the agenda was a mistake which shall not occur again.

Mr. Tom Starkweather, Battle Creek resident, welcomed all the veterans attending the meeting. Mr. Starkweather advised that he served 24 years in the military and took an oath to defend the Constitution of America. Mr. Starkweather stated that the proposed resolution chips away at America's freedoms, which he finds more than disturbing. Mr. Starkweather stated that he does not believe that more gun control regulations would take away the guns from criminals. Mr. Starkweather stated that if a resolution were to be proposed, it should pertain to education regarding guns, not regulation.

Mr. Sam Underwood, Battle Creek resident, pointed out that the residents hired the Board members to do the county's business for the people, and that when the Board spends time on such issues as gun control, the Board is not handling county business. Mr. Underwood stated that he is glad the Chairman admitted that it was a mistake, however he is concerned, and believes the Chairman owes it to the people to advise how the mistake occurred.

Mr. Al Miller, Battle Creek resident, advised that he served 2 years of active duty and 28 years in the Reserves. Mr. Miller advised that he is on a casino sub-committee, and urged the Board to appoint some entity to the Casino Revenue Sharing Board to avoid a situation where the revenue is placed into escrow and the county is spending money for attorneys to fight to get the money out of escrow.

Mr. John Roberts, Calhoun County resident, advised that he is a veteran and an agent orange victim. Mr.

Board of Commissioners
February 5, 2009

Roberts stated that the proposed gun legislation takes away the rights from law abiding citizens, not the criminals. Mr. Roberts stated that citizens have a right to defend themselves, and advised that most gun owners use their guns for shooting and hunting. Mr. Roberts requested government leave the law abiding citizens alone and enforce the current laws on the criminals.

Mr. Creighton Burrows, Marshall resident, pointed out that the Board took the oath to uphold the Michigan Constitution which states that every person has a right to keep and bear arms in defense of themselves and the State. Mr. Burrows reminded the Board members that they work for the people.

Mr. Burrows stated that the county has been in violation of Article 7, Section 5, of the Constitution which states that the Sheriff shall maintain and operate his principal office at the county seat. Mr. Burrows advised that he has cautioned the Board regarding this violation on numerous occasions and expects the Board to do something to get that office back to the county seat.

Mr. Burrows addressed the Constitution of the United States under a “well regulated militia,” which states the right for the people to bear arms shall not be infringed. Mr. Burrows recommended that the Board not violate the people’s rights, or he shall lead a group to recall every member on the Board.

Mr. Jamie Dier, Portage resident, advised that he is a member of the Kalamazoo Gun Club, and that between that Club and the South Michigan Gun Club there is a membership of over 2,000; and that should any governmental entity choose to enact a resolution such as was being proposed, there would be a boycott by the two clubs. Mr. Dier advised that he would draft the boycott legislation himself. Mr. Dier pointed out that the criminals will get guns regardless of any laws enacted.

Mr. Dier pointed out that every gun owner present shoots as either a hobby or hunts and do not use their guns to rob liquor stores. Mr. Dier presented information by author Allen Korwin addressing gun laws of America. Mr. Dier stated that gun owners have enough trouble fighting gun legislation at the national level and will not tolerate gun regulation at the local level.

Mr. Tony Hobring, Battle Creek resident, advised that he is another angry veteran. Mr. Hobring advised that he swore allegiance to defend the Constitution, and that the Board should keep that in mind. Mr. Hobring stated that the people behind him are sportsmen and hunters. Mr. Hobring stated that when it comes to gun regulation, that is the same as gun confiscation.

Mr. Fred Prouble advised that he is with the United States Marine Corps. returning from Iraq in 2007. Mr. Prouble stated that he looks around at those present in the audience and sees law abiding citizens and that to take away their rights to bear arms is totally wrong. Mr. Prouble continued that he does not see any criminals present, pointing out that criminals will still find a way to get guns and drugs even in prison. Mr. Prouble cautioned Board members not to disappoint the citizens who elected them.

Mr. Sheldon, Battle Creek resident, stated that he is speaking for many in the room, especially his daughter who

**Board of Commissioners
February 5, 2009**

is serving our country, that the Board can multiply the number of individuals present tonight by 100 in determining how many residents oppose gun control regulation. Mr. Sheldon stated that whomever wrote the resolution is ignorant; pointing out that the Henry Rifle, used in the Civil War and that has saved many lives, would be banned under the proposed legislation. Mr. Sheldon stated that first there was regulation of guns, then bans of certain guns, and now bans on all guns are being proposed. Mr. Sheldon read an article citing that in the United States violent crimes have been decreasing. Mr. Sheldon stated that it is the criminals that are the problem, already ignoring the gun laws that have been enacted.

Mr. Joel Fulton, Battle Creek resident, presented petitions signed by 417 individuals in opposition to the proposed resolution. Mr. Fulton stated that gun control does nothing to control gun violence, that the law abiding citizens are the only ones being regulated and restricted. Mr. Fulton pointed out that the right to bear arms is an issue of national security, stating that this country has not experienced a war on our soil for a hundred years; however that if the country were in a battle, it would be wise to have a citizenry that could provide defense with a weapon of the same caliber as their enemy. Mr. Fulton stated that there is a well-armed populace in America, bar none.

Mr. Fulton advised that he received a telephone call from the Sheriff today expressing concern regarding a hoard of gun totters attending the meeting. Mr. Fulton stated that present tonight are former police officers, farmers, attorneys, and there has been no one shooting here tonight. Mr. Fulton requested that the Board provide assurance that the issue of gun control shall not be addressed again.

Mr. Zackary Bolt, Battle Creek resident, stated that he takes great pride in this nation and state, and was very pleased when the resolution was removed from the agenda. Mr. Bolt stated that it took "guts" to remove it, however, that simply removing the resolution from the agenda is not enough.

Mr. Bolt pointed out that gun control legislation has historically been ineffective; further, pointed out that assault weapons which are fully automatic, are already highly controlled by federal legislation. Mr. Bolt stated that for government to assume that all citizens shall use their guns for nefarious purposes is wrong and offensive. Mr. Bolt stated that he has grave concerns regarding the ambiguous language that was used within the resolution; e.g, diminished mental capacity.

Mr. Bolt called upon the Board to pass a resolution in support of second amendment rights.

Reverend Gerald Smith advised that he spent time in the Philippines which has a ban on guns; however, they have criminals with guns and have to place armed guards at places like McDonalds to protect the citizenry.

Mr. Harvey Dunn, Marshall resident, questioned what a "Commissioners' communication file" is, and whether that file is open to the public.

Mr. Jacob Garr, Battle Creek resident, advised that he is a veteran of Kuwait and Afganistan, and wishes that the resolution was still on the agenda whereby he could hear a no vote from each Commissioner. Mr. Garr

**Board of Commissioners
February 5, 2009**

stated that the attempt at gun control is unacceptable and that the people shall not tolerate it.

Ms. Judy Robinson, Pennfield Township resident, Manager of the Centerline Gun Club, Secretary of the Calhoun County Gun Owners Association, and a member of the American Federation of Tactical Shooters, thanked Chairman Rae for his telephone call today. Ms. Robinson stated that the proposed resolution made her nervous and that even though it was announced that the resolution had been removed from the agenda all day long by W.B.C.K. it did nothing to calm her. Ms. Robinson stated that she shall be watching what is coming on the agenda in the future. Ms. Robinson stated that she would have preferred the resolution to have remained upon the agenda whereby the residents could hear how each Commissioner voted.

ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS:

Road Commission Chairman Scott Brown advised that commencing Monday morning seasonal weight restrictions on the roads shall be in place.

Mr. Brown advised that at the Road Commission meeting last night, there was discussion of funding the Sheriff Department to hire a weigh master to check the weight of trucks to protect the roads. Mr. Brown stated that the Road Commission is no longer receiving as much funding from the state to repair roads.

RECESS:

The meeting recessed commencing at 7:57 p.m. until 8:02 p.m.

SPECIAL ORDER OF BUSINESS:

7th District Commissioner Appointment

Chairman Rae stated that the Board received the applications and conducted a Special Session on January 29 to interview the four candidates. Chairman Rae advised that the fifth candidate withdrew.

Res. 23-2009

“Motion by Comr. Haadsma, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners decline to appoint a candidate to fill the 7th District Commission vacancy.”

Comr. Haadsma pointed out that the voters shall be going to the polls in less than three months and that anyone that the Board appoints may have an advantage over the other candidates.

Chairman Rae stated that if the Board does not appoint a candidate, the citizens of the 7th District shall not be represented during that three month period of time, and he does not believe that is a good situation at all;

**Board of Commissioners
February 5, 2009**

therefore, he shall oppose the resolution. Chairman Rae pointed out that the law provides for the Board to make the appointment to ensure that each district is represented.

Comr. Rocho advised that she has had several citizens of District 7 contact her, and they want to be represented. Comr. Rocho advised that she shall oppose the resolution.

Comr. Todd advised that he shall oppose the resolution as he too has had contact from citizens of the 7th District, and they want representation now.

Comr. Gerow advised that she shall oppose the resolution.

Comr. Camp stated that she has enjoyed the process and was heartened by the candidates that applied, however, that she is also concerned that appointing one may create a situation of advantage at the polls.

Comr. Haadsma stated that the Board should not be selecting Commissioners in the same way as a sorority, and that he does not wish to take away that selection from the citizens of the 7th District.

Chairman Rae stated that the procedure utilized is not a sorority “rush,” that the rules and regulations were followed. Chairman Rae pointed out that five citizens came forward and put themselves “in the fire,” and to “pull the rug” out from under them at this late stage is not responsible.

Comr. Haadsma stated that he has not pulled the rug on the appointment at this late stage, that this has been an issue that he addressed when it arose, reminding the Board that he stated that he would abstain from appointing anyone. Comr. Haadsma stated that he plans to represent all the citizens of Calhoun County, including the 7th District.

Roll call vote: Yes - 2 (Comrs. Camp and Haadsma)
No - 4 (Comrs. Rae, Rocho, Todd and Gerow)
Motion DEFEATED

Res. 23-A-2009

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners appoint Kirk A. Lee 7th District Commissioner.”

Comr. Camp advised that her first choice was Barbara Frederick, who took the time to run in the primary last year, receiving 22 percent of the votes; however, that people have contacted her supporting Kirk Lee.

Comr. Todd stated that it was evident from the people in District 7 that contacted him, that they support Kirk Lee. Comr. Todd stated that he was quite impressed with Dr. Lee, therefore, shall support his appointment.

**Board of Commissioners
February 5, 2009**

Comr. Gerow advised that she also supports Dr. Lee. Comr. Gerow stated that the Board provided each candidate a fair chance at the interviews, and she believes that Dr. Lee best answered the questions and is her choice.

Chairman Rae advised that Dr. Lee is his choice also.

Roll call vote: Yes - 5 (Comrs. Rocho, Todd, Camp, Gerow and Rae)
Abstain - 1 (Comr. Haadsma)
Motion CARRIED

Clerk-Register Anne Norlander swore Commissioner Lee into office.

Chairman Rae thanked all the candidates that applied.

“N.A.A.C.P. Centennial Day” Proclamation

Comr. Todd read, and Chairman Rae presented, the following proclamation to Reverend Robert Dunklin, President of the Albion Branch of the N.A.A.C.P.

Res. 24-2009

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

WHEREAS, on February 12, 1909, African American educator and author W.E.B. DuBois, along with Archibald Grimke, Henry Moskowitz, Mary White Ovington, Oswald G. Villard, William E. Walling, and Ida B. Wells, men and women, African Americans and white Americans, formed the National Negro Committee which in 1910 was renamed the *National Association for the Advancement of Colored People*; and

WHEREAS, in its first century the N.A.A.C.P. led the struggle for equal rights which resulted in the end of all forms of legal segregation during the 1950s and 1960s and made possible the election in 2008 of the first African American to be chosen President of the United States; and

WHEREAS, in its second century the N.A.A.C.P. will continue to work diligently for fully equal educational and personal opportunities for all.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners declare February 12, 2009 to be “**N.A.A.C.P. Centennial Day**” in appreciation of the work of the N.A.A.C.P. across the entire United States.”

**Board of Commissioners
February 5, 2009**

Voice Vote: Motion CARRIED

Rev. Dunklin thanked the Board for the proclamation, and advised that on February 12 the N.A.A.C.P. celebrates 100 years of fighting for civil rights for all people and invited everyone to attend the celebration at 1700 Cooper Street in Albion.

CONSENT AGENDA:

Comr. Camp requested Item B. (17) {e} be removed from the Consent Agenda for separate consideration.

Res. 25-2009

“Motion by Comr. Rocho, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following February 5, 2009 Consent Agenda, as amended, with removal of Item B. (17) {e} -- Budget Committee Appointments Confirmation for separate consideration:

A. Petitions, Communications, Reports:

(1) Communication received from Sheriff Byam advising that the Sheriff Department has accepted a new agreement with the U.S. Marshals Service for the housing of federal detainees at a daily per diem rate of \$70. (Received and placed on file)

(2) Third and Fourth Quarter 2008 Out-of-State Travel Report

B. Resolutions:

(1) Calhoun County Retirement Committee Appointments

{a} Bradley Wilcox -- County Administrator's Office Representative
(Replacing Wendee Woods)

{b} Kim Archambault -- Human Resources Department Representative

(2) Calhoun County Security Committee Appointments
(Terms Expire December 31, 2009)

{a} Susan Mladenoff, Prosecutor (Replacing John Hallacy)

{b} Jim Rutherford, Health Officer (Replacing Dottie-Kay Bowersox)

**Board of Commissioners
February 5, 2009**

- (3) Community Corrections Advisory Board Appointments
 - {a} John Sullivan, Defense Attorneys' Representative (Replacing Susan Mladenoff)
 - {b} Eusebio Solis, Alternate for the Prosecutor (Replacing Daniel Buscher)

- (4) Criminal Justice System Workshop Appointments
(Terms Expire December 31, 2010)
 - {a} Allen Garbrecht
 - {b} Kimberly Luther
 - {c} Jeffrey Albaugh
 - {d} John Holmes
 - {e} Michelle Hill
 - {f} Trina McGaffigan
 - {g} Gary Reed
 - {h} Michael Boltz
 - {i} Allen Byam
 - {j} Marshall Weeks
 - {k} Susan Mladenoff

- (5) Emergency Telephone District Board Appointment
 - {a} Bradley Wilcox -- Alternate for County Administrator
(Replacing Wendee Woods)

- (6) Greater Battle Creek/Calhoun County Visitor & Convention Bureau Appointment
 - {a} Ann Petredean -- Term Expires December 31, 2010

- (7) Housing Rehabilitation Program Review Board Appointments
(Terms Expire December 31, 2010)
 - {a} Brian Beaver -- Contractor Representative
 - {b} Ben Sprygada -- Community Representative
 - {c} Jon Bartlett -- Calhoun County's Representative

**Board of Commissioners
February 5, 2009**

- (8) Information Technology Executive Committee Appointment
(Term Expires December 31, 2009)
 - {a} Jim Rutherford -- Health Department Representative
(Replacing Dottie-Kay Bowersox)
- (9) Local Emergency Planning Committee Appointment
 - {a} Durk Dunham -- Emergency Management Representative
(Replacing Larry Utterback)
- (10) Plat Board Sub-Division Advisory Committee Appointment
 - {a} Larry Cortright – Water Resources Office Representative
(Replacing Blaine Van Sickle)
- (11) Solid Waste Management Planning Advisory Committee Appointments
(Terms Expire December 31, 2010)
 - {a} Ken Kohs -- City Government Representative
 - {b} Walt Obrinski – Township Government Representative
 - {c} Cheryl Vosburg -- Environmental Interest Representative
- (12) Southwest Michigan Solid Waste Consortium Appointment
 - {a} Tiffany Eichorst – Term Expires December 31, 2009
- (13) Southwest Michigan Solid Waste Consortium Advisory Committee Appointment
 - {a} Tiffany Eichorst – Term Expires December 31, 2009
- (14) Travel Review Committee Appointment
 - {a} Bradley Wilcox -- Replacing Wendee Woods
- (15) County Administrator Search Committee Dissolution

WHEREAS, the County Administrator Search Committee, created August 7, 2008, has completed the search for a new County Administrator Controller.

**Board of Commissioners
February 5, 2009**

BE IT HEREBY RESOLVED, that the County Administrator Search Committee is hereby dissolved.

(16) Road Commissioner Selection Committee Dissolution

WHEREAS, the Road Commissioner Selection Committee, created November 6, 2008, has completed its assignment.

BE IT HEREBY RESOLVED, that the Road Commissioner Selection Committee is hereby dissolved.

(17) Confirmation of Commissioners' Committee Assignments
(All Commissioner Appointment Terms Expire December 31, 2010)

{a} Administrator's Review Workshop

- [1] Mike Rae, Chairman
- [2] Lisa Gerow
- [3] Julie Camp

{b} Area Agency on Aging Advisory Committee

- [1] Rebecca Rocho

{c} Area Metropolitan Services Agency

- [1] Mike Rae, Board Liaison

{d} Battle Creek Area Transportation Study Policy Committee

- [1] Terris Todd

{e} Calhoun/Barry Voluntary Mortgage Review Board

- [1] Julie Camp

{f} Calhoun County Agricultural and Industrial Society Liaison

- [1] Rebecca Rocho

**Board of Commissioners
February 5, 2009**

- {g} Calhoun County Agricultural Preservation Board
 - [1] Julie Camp
- {h} Calhoun County Consolidated Dispatch Center Authority Governing Board
 - [1] Mike Rae
- {i} Calhoun County Land Bank Authority Board of Directors
 - [1] Terris Todd
- {j} Calhoun County Retirement Committee
 - [1] Julie Camp
 - [2] Rebecca Rocho, Alternate
- {k} Community Action Agency Governing Board of Directors
 - [1] Julie Camp
- {l} Calhoun County Community Corrections Advisory Board
 - [1] Terris Todd
 - [2] Mike Rae, Alternate
- {m} Criminal Justice System Workshop
 - [1] Mike Rae, Chairman
 - [2] Terris Todd
- {n} Battle Creek Downtown Development Authority
 - [1] Terris Todd
- {o} Drainage Board
 - [1] Julie Camp

**Board of Commissioners
February 5, 2009**

- {p} Emergency Telephone District Board
 - [1] Mike Rae
- {q} Emmett Township Local Development Financing Authority
 - [1] Julie Camp
- {r} Friends of the Ott Committee Executive Board
 - [1] Julie Camp
- {s} Goguac Lake Board
 - [1] Jim Haadsma
 - [2] Larry Cortright (Term is Indefinite)
- {t} Health Board
 - [1] Lisa Gerow
- {u} Calhoun County Information Technology Executive Committee
 - [1] Julie Camp
- {v} Juvenile Justice Advisory Committee
 - [1] Terris Todd, Chairman
- {w} Kalamazoo Community Mental Health and Substance Abuse Services Advisory Board
 - [1] Julie Camp
 - [2] Jim Haadsma
 - [3] Lisa Gerow, Alternate
- {x} Legislative Liaisons
 - [1] Rebecca Rocho, Chairperson
 - [2] Lisa Gerow
 - [3] Julie Camp

**Board of Commissioners
February 5, 2009**

- {y} Local Emergency Planning Committee
 - [1] Mike Rae

- {z} Calhoun County Metropolitan Planning Commission
 - [1] Rebecca Rocho
 - [2] Terance Lungert -- Term Expires December 31, 2011

- {aa} Potawatomi Resource Conservation and Development Council
 - [1] Julie Camp
 - [2] Lisa Gerow, Alternate

- {bb} Senior Millage Allocation Committee
 - [1] Lisa Gerow, Chairperson
 - [2] Julie Camp
 - [3] Rebecca Rocho

- {cc} Solid Waste Management Planning Advisory Committee
 - [1] Terris Todd

- {dd} Southwest Michigan Solid Waste Consortium
 - [1] Julie Camp

- {ee} United Way FEMA Board
 - [1] Lisa Gerow
 - [2] Terris Todd

- {ff} Workforce Development Chief Executive Officers Board
 - [1] Jim Haadsma
 - [2] Lisa Gerow
 - [3] Julie Camp

{gg} Calhoun County Youth Council

[1] Jim Haadsma”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Chairman Rae advised that he made the appointments to the Budget Committee, appointing Commissioner Todd Chairman as he is the most experienced of the Commissioners; then appointed Commissioner Rocho because she is extremely talented, plays an important role at the Intermediate School District and has worked with budgets. Chairman Rae stated that he appointed himself because he is the lone holdover from the previous Budget Committee and believes that continuity is important, which is not implying that Commissioner Camp would not be a worthy member of the Committee.

Comr. Camp thanked Chairman Rae for explaining the appointment process, and advised him that he had been very accommodating in most cases and has offered Board members assurances that everyone will have some input.

Res. 25-A-2009

“Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners confirm the following appointments to the Budget Committee, as recommended by the Board Chairman, with terms to expire December 31, 2010:

Terris Todd, Chairman
Mike Rae
Rebecca Rocho”

Roll call vote: Yes - 6 (Comrs. Todd, Gerow, Haadsma, Rae, Rocho, Lee)
No - 1 (Comr. Camp)
Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Calhoun County Metropolitan Planning Commission

Comr. Rocho advised that she served on the Planning Commission for two years as an educational representative, and now shall serve as the Board’s representative. Comr. Rocho reported that a new member has been appointed to the Planning Commission, however, that there still exists one vacancy that the Planning Commission is seeking to fill. Comr. Rocho encouraged anyone interested in serving on the Planning Commission to apply.

**Board of Commissioners
February 5, 2009**

Comr. Rocho further reported that the Planning Commission is working with Barry County to update the Hastings Area Joint Future Land Use Plan. Comr. Rocho advised that at the Planning Commission's January 26 Meeting the Commission approved two minor zoning amendments and is working with Michigan State University Extension to conduct a Citizens Planner Training Session.

Comr. Rocho stated that all of the Planning Commissioners strongly encourage the Board to look at geographic information system opportunities.

Calhoun County Consolidated Dispatch Center Authority Governing Board

Chairman Rae reported that the Board is meeting weekly and progress is being made in readying the building. Chairman Rae thanked Mr. Wilcox for his assistance with making the building ready and Mr. Stuhldreher for determining the finances and projected finances.

Chairman Rae advised that the Governing Board has hired a consultant to assist with getting the Center operational; e.g., dealing with employee issues, contracts, etc. Chairman Rae stated that at the last meeting he suggested that Kellogg Community College could play a significant role in providing training for the dispatch employees, and this shall be reviewed.

UNFINISHED AND OLD BUSINESS -- Board Unity and Cooperation Team Building Facilitator:

Chairman Rae advised that facilitators have been explored and Dr. Bender has been recommended. Chairman Rae advised that Dr. Bender is available on March 7 to conduct the session, advising that March 7 was chosen to allow the new County Administrator/Controller the opportunity to participate. Dr. Bender is charging \$2,000 for this service. Chairman Rae stated that he believes the session is worthwhile.

Res. 26-2009

“Motion by Comr. Gerow, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize the Interim County Administrator/Controller to hire Dr. Lewis G. Bender at a cost of \$2,000 plus travel expenses, for a total expense not to exceed \$3,000, to be expensed from the Board of Commissioner's Contractual Services Account, 101-1101-80100, to facilitate a Board Unity and Cooperation Team Building Session.”

Comr. Camp pointed out that the total price would be approximately \$3,000; further that she previously had stated that she believes that Board members communicate well between each other; therefore, does not believe that the Board should approve this expenditure.

Comr. Haadsma concurred with Commissioner Camp, given the grave financial constraints; and offered to either pay his share of the expense for the session, explore the potential of having the session conducted through a college, or host the session in his home.

**Board of Commissioners
February 5, 2009**

Comr. Rocho stated that she supports the team building session and believes that the Board should have some professional development, pointing out that the Board is comprised of five new Board members who do not have team experience. Comr. Rocho advised that Kate Segal indicated that the training session was important in her new role.

Chairman Rae concurred with Commissioner Rocho, stating that he believes the session is necessary.

Comr. Lee advised that he has a prior commitment out of the state that weekend and shall be unable to attend the training session.

Chairman Rae advised that there were two dates being considered; e.g. March 7 and March 14, and that the session could be conducted on March 14 to accommodate Commissioner Lee, however, that March 7 had been determined as Commissioner Camp had another commitment.

Comr. Camp advised that she can be available on either date.

Consensus of the Board is conduct the session on March 14.

Roll call vote: Yes - 5 (Comrs. Gerow, Rae, Rocho, Lee and Todd)
No - 2 (Comrs. Camp and Haadsma)
Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

Interim County Administrator/Controller Services Agreement Amendment

Res. 27-2009

“Motion by Comr. Camp, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Addendum to the Interim County Administrator/Controller Services Agreement as presented, extending the term of the Agreement to February 27, 2009, or sooner if the new County Administrator/Controller so determines; further, authorize the Board Chairman to execute said Addendum on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Housing Rehabilitation Program Grant Agreement Amendment

Asst. County Administrator Bradley Wilcox advised that the amendment shall allow the Community Action Agency, who manages the grant, to finish its work.

Res. 28-2009

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve Amendment # 1 to the Housing Rehabilitation Program Community Block Grant Agreement {#MSC-2007-0774-HOA} between the Michigan State Housing Development Authority and Calhoun County, extending the grant term to December 31, 2009; further, authorize the Board Chairman to execute said Amendment on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2009 Budget Adjustments

Mr. Wilcox advised that the adjustments are required to be in compliance with 2009 budget policies. Mr. Wilcox advised that there are open purchase orders that need to be carried forward to be completed in 2009.

Res. 29-2009

“Motion by Comr. Rocho, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2009 Budget Adjustments to carry-forward 2008 non-capital items (ATTACHMENT A), as presented by the Finance Department.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Assignment of Easements to Clarence Township

Mr. Wilcox advised that 192 easements were obtained by the county for the Eastern Calhoun County Sanitary Sewer System No. 4 project several years ago, and that once the bonds were retired the ownership was to be returned to Clarence Township.

Res. 30-2009

“Motion by Comr. Lee, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize the Board of Public Works to execute the Assignment of Easements { 192 } obtained by the county in the Eastern Calhoun County Sanitary Sewer System No. 4 transferring ownership to Clarence Township.”

**Board of Commissioners
February 5, 2009**

Comr. Rocho requested clarification regarding whether the bonds have been paid. Mr. Wilcox responded that the attorneys involved and Corporation Counsel have researched that, and the bonds have been paid.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Calhoun County Defined Benefit Pension Plan Sixth Amendment

Res. 31-2009

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

WHEREAS, the Board of Commissioners has the authority to approve amendments to the Calhoun County Defined Benefit Pension Plan (“Pension Plan”); and

WHEREAS, the Board desires to approve an amendment which would allow any individual hired as a County Administrator to make an irrevocable election to opt out of the Pension Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Pension Plan shall be amended, in the form of the attached amendment (ATTACHMENT B), effective January 1, 2009, to include a provision allowing any individual hired as a County Administrator to make an irrevocable election to opt out of the Pension Plan on or before the date the individual begins employment as the County Administrator; and

IT IS FURTHER RESOLVED, that the Chairman of the Board of Commissioners is authorized and directed to execute the attached amendment, and the Finance Director is directed to implement the change contemplated by this Resolution and amendment.”

Comr. Camp inquired whether all new employees are required to participate in the Defined Benefit Pension Plan. Mr. Wilcox responded yes, however, that the amendment would allow the County Administrator/Controller the option to opt out of that Plan.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Carry Forward of 2008 Capital Improvement Project

Mr. Wilcox advised that the request is similar to Item 12.A. (3). Pursuant to the 2009 budget policies, any unspent balances of previous authorized capital improvements or construction projects require the Board’s authorization to be carried forward from the previous fiscal year.

**Board of Commissioners
February 5, 2009**

Res. 32-2009

“Motion by Comr. Rocho, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2008 carry-forward of Capital Improvement Project -- Health Administration/Environmental Health Remodel within the Toeller Building – Electrical work and installation of security devices for handicap accessibility totaling \$2,879, as presented by the Finance Director.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS' COMMENTS:

Mr. Joel Fulton inquired how the gun control resolution came to be placed on the agenda, advising that those present are seeking a specific answer and require the Board's assurance that such a resolution shall not be placed on a forthcoming agenda.

Chairman Rae offered to discuss the issue with Mr. Fulton after the meeting.

Community Corrections Case Manager Dawn Bradley stated that she was sad that the Board approved an appropriation of \$3,000 for a team building experience while employees have no money for training nor travel. Ms. Bradley advised that she is also a gun owner.

Mr. John Byrd, Albion resident, thanked the Board for appointing Commissioner Lee. Mr. Byrd stated that he believes Commissioner Lee will do an outstanding job and that he looks forward to working with him. Mr. Byrd stated that as a member of the Board of Trustees of Kellogg Community College, he wishes the Board the best in their goal to building better relationships. Mr. Byrd advised regarding Commissioner Haadsma's recommendation of some other potential funding for the session, that he believes there is some other funding opportunities available to the Board.

Mr. John La Pietra, Marshall resident, addressed his project to gather information from the local boards within the county, and thanked Mary Lou Barrett once again for providing such information. Mr. La Pietra questioned to whom he should address Freedom of Information Act requests.

Mr. La Pietra stated that he was interested to hear the discussion regarding the filling of the 7th District Commission seat; however is surprised that there has not been discussion regarding seeking an election to fill the Senate seat vacancy, and would like to hear the Board's plan in that regard.

Mr. Gerry Keller, Battle Creek resident, addressed the appointment procedure for filling vacancies on the Board.

**Board of Commissioners
February 5, 2009**

COMMISSIONERS' TIME:

Comr. Camp stated that she has been heartened by the participation at tonight's Commission meeting and wished that would continue. Comr. Camp encouraged the citizens to monitor the county's web site and to address their concerns to the Board during citizens' time and contact their Commissioners outside of the Commission's chambers. Comr. Camp advised those present that voiced opposition to the gun control resolution, that one cannot assume that because a resolution is placed on the Board's agenda, that all of the Commissioners shall support it; and encouraged residents to contact Commission members to determine their opinions on an issue.

Comr. Lee thanked the Board for appointing him to the Board. Comr. Lee stated that he looks forward to working with each Board member.

Comr. Todd advised that he would have opposed the proposed gun control resolution as it is an infringement of civil rights. Comr. Todd stated that he is a gun owner and that he enjoys shooting as a hobby. Comr. Todd advised that he supports the right to bear arms, and that should gun control legislation slip back onto an agenda, he would oppose such.

Comr. Haadsma advised that he also would have opposed the resolution. Comr. Haadsma stated that he is not aware of its author, however, that the resolution is highly vague and misleading. Comr. Haadsma stated that Calhoun County has more important issues; i.e., economic development, casino integration, and determining the third entity to be appointed to the Casino Revenue Sharing Board; and that those are the issues that he has come to the Board to work on. Comr. Haadsma voiced dismay that the resolution was placed on the agenda and allowed to fester until Tuesday night.

Chairman Rae advised that he also would have opposed the resolution.

CLAIMS PAYABLE LISTING:

Res. 33-2009

“Motion by Comr. Rocho, supported by Comr. Haadsma, 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 \$1,981,479.14 for the two {2} weeks ending January 27, 2009.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

**Board of Commissioners
February 5, 2009**

ANNOUNCEMENTS:

Comr. Camp announced that the Senior Millage Allocation Committee invites everyone to join them on Thursday, February 19 from 3:00 p.m. to 5:00 p.m. in celebration of ten years of service. Comr. Camp advised that many of the Committee's members and the Department's staff shall be present.

ADJOURNMENT:

The meeting adjourned at 9:06 p.m. at the call of the Chair.

mlb