

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

October 1, 2009

The Annual Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday, October 1, 2009 in the Commissioners Chambers, Calhoun County Building, 315 West Green Street, Marshall, Michigan.

Chairman Rae called the meeting to order and requested the Clerk call the roll.

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

Staff Present: Corporation Counsel Richard Lindsey, Jr., County Administrator/Controller Kelli Scott, Sheriff Allen Byam, Water Resources Commissioner Larry Cortright, Chief Prosecuting Attorney Eusebio Solis, Health Officer James Rutherford, Finance Director Mark Stuhldreher, Human Resources Manager Kim Archambault 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. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the October 1, 2009 agenda as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Camp, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the September 17, 2009 minutes as presented.”

Voice Vote: Motion CARRIED

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CITIZENS' TIME:

Mr. Gary Sellar, Emmett Township resident, addressed the proposed Health Department fees regulating body art, and inquired who is qualified to assess the businesses and why the county decided to pursue the business owner rather than the individual.

Chairman Rae advised Mr. Sellar that his questions can be answered after the meeting.

Calhoun County Conservation District Director James Coury announced that the District has been awarded a portion of \$27 Million of grant funding allocated to the Kalamazoo, Black and St. Joseph River watersheds from the U.S. Department of Agriculture to improve water quality, irrigation, water utilization and energy conservation.

Mr. Carl Alcon, Emmett Township resident, voiced concern regarding the condition of D Drive North. Chairman Rae offered to discuss Mr. Alcon's concern after the meeting.

Mr. Bob Coward, Battle Creek resident, stated that it is his understanding that there is an attempt to ban the use of fertilizers containing phosphorus, to which he is opposed.

SPECIAL ORDER OF BUSINESS:

Special Tribute to Eusebio Solis

Chairman Rae read, and accompanied by the entire Board, presented the following tribute to Attorney Solis.

Res. 153-2009

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

WHEREAS, **EUSEBIO SOLIS** served on the Calhoun County Board of Commissioners for Four {4} Years from 2005 through 2008, representing the citizens of District 7, during his tenure he served his Albion area constituents and all the people of Calhoun County with honor, courage and dedication to help make county government work better for its citizens prior to his accepting the position as Chief Assistant Prosecuting Attorney of the Calhoun County Prosecutor's Office; and

WHEREAS, former Commissioner Eusebio Solis further served the Calhoun County Board of Commissioners through his membership on various committees and workshops including the Budget Committee, Community Corrections, Health Board, Mental Health and Substance Abuse

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Board, Road Commissioner Selection Committee, and other positions of leadership, and was passionate in providing services to seniors through his service as Chairman of the Senior Millage Allocation Committee for 2007 and 2008, plus he served as Board Vice Chairman in 2008; and

NOW, THEREFORE, BE IT RESOLVED, by the Calhoun County Board of Commissioners that **EUSEBIO SOLIS** is hereby honored and thanked for his years of dedicated service to the residents of Albion and all of Calhoun County, and the Calhoun County Board of Commissioners. On behalf of Calhoun County residents and the workforce of Calhoun County, we offer this tribute as our thanks for all Eusebio accomplished during his tenure on the Board of Commissioners.”

Voice Vote: Motion CARRIED

Chief Assistant Prosecuting Attorney Solis advised that the four years he spent on the Board was very challenging and rewarding. Atty. Solis commended Board members for their service and stated that he knows that the county is in good hands.

Board of Canvassers Election

Res. 154-2009

“Motion by Comr. Gerow, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners elect Republican candidate Judy Byam and Democratic candidate Rick McKelvey to the Calhoun County Board of Canvassers with terms to expire October 31, 2013.”

Voice Vote: Motion CARRIED

2009 Drain and Lake Level Assessments

Res. 155-2009

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

WHEREAS, pursuant to §MCL 280.262(2), the certified drain and lake level assessment roll was filed by the Water Resources Commissioner with the County Clerk’s office on or before the date of the Calhoun County Board of Commissioners Annual Meeting; and

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WHEREAS, the Water Resources Commissioner has presented the 2009 Drain and Lake Level Special Assessment Summary and Annual Report to the Calhoun County Board of Commissioners; and

WHEREAS, the drain and lake level assessments contained on the certified rolls are to be spread on the various tax rolls of the townships, villages and cities in Calhoun County.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners accept the 2009 Drain and Lake Level Special Assessment Summary (ATTACHMENT A) and Annual Report and authorize the spread of the drain and lake level special assessments to the various municipalities.”

Comr. Camp inquired why the assessments for Leroy Drain 5 are not included in the assessment summary. Water Resources Commissioner Larry Cortright responded that those assessments will not be assessed until next year.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Water Resource Commissioner’s 2009 Annual Report

Res. 156-2009

“Motion by Comr. Rocho, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners accept the 2009 Annual Report as presented by the Water Resources Commissioner.”

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 157-2009

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following October 1, 2009 Consent Agenda as presented:

- A. Petitions, Communications, Reports:
 - (1) Resolution received from Oakland County supporting continuation of the state fair. (Received and placed on file)

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- (2) Notice of a public hearing scheduled for October 6, 2009 regarding granting an Obsolete Property Rehabilitation District Certificate to BC Equities Limited Partnership received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Deputy Director John Hippensteel)
- (3) Resolution received from Allegan County opposing the current Sheriff Department lien funding formula. (Received and placed on file, with a copy remitted to Sheriff Allen Byam)
- (4) Copy of a communication remitted to Governor Granholm opposing merger of the Michigan Department of Agriculture with another state department received from Oceana County. (Received and placed on file)
- (5) Resolution received from Huron County advising of the County's intent to explore legal means of withholding payments due the State of Michigan where the State has withheld mandated payments to the County. (Received and placed on file)"

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Calhoun County Information Technology Executive Committee

Committee Member Camp stated that one of the Board's strategic goals is to improve the county website and involve the public. Public comments for web site improvements are being accepted by the Administrator's office. Comr. Camp advised that one position in Information Technology has been filled and that the new site shall be developed by 2010. Comr. Camp further advised that the Committee is reviewing the possibility of having the Board meeting videos posted on the site the day after the meeting, bookmarking it whereby viewers will not have to watch the entire meeting, and placement of the videos in the archives.

Budget Committee and Calhoun County Consolidated Dispatch Center Authority

Chairman Rae advised that the minutes have been provided.

Comr. Camp noted that the proposed Health Department budget provides for a three percent increase, and inquired whether that percentage of increase is anticipated for the other departments.

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Budget Committee Chairman Todd responded “It’s possible.” Comr. Todd advised that the Committee is looking at the mandated versus non-mandated services. Comr. Todd stated that the increase for the Health Department has been a long time coming and that he believes the three percent increase is pretty reasonable since the need is great for health related services.

Comr. Camp stated that she would prefer to receive the budgets all at one time rather than piece meal. Comr. Rocho pointed out that the Health Department has a different fiscal year which is why it is being presented separately.

Comr. Camp addressed the Dispatch Center, voicing concern that with the Center located within the County Building and now with the county handling the administrative functions for the Authority, that it gives the appearance of a county function. Comr. Camp requested Chairman Rae convey her concern to the Authority.

Chairman Rae pointed out that the Authority is independent of the county. Chairman Rae stated that he believes the Consolidated Dispatch Center is the next step in providing needed services to the county and that the county is committed to making the Center work.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

County Administrator/Controller Kelli Scott reported that the state is on a continuation budget for the next month and that the impact upon the county budget will take awhile to determine. Revenue sharing is addressed within Senate Bill 245, and includes between a ten to fourteen percent cut, which is approximately \$300,000 to \$400,000 for Calhoun County. Ms. Scott advised that the Michigan Association of Counties shall continue to monitor the Bill which has been passed on to the Governor. Ms. Scott stated that there may be the possibility of a veto and that she will keep the Board apprised. Ms. Scott advised that she will send out her report for September tomorrow.

FY 2009-2010 Secondary Road Patrol & Traffic Accident Prevention Program Grant Application

Res. 158-2009

“Motion by Comr. Todd, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2009-2010 Secondary Road Patrol Grant Application in the amount of \$199,106 for the period commencing October 1, 2009 through September 30, 2010; further, authorize the Board Chairman to execute said Application on behalf of Calhoun County for remittance to the Michigan Office of Highway Safety Planning.”

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Sheriff Allen Byam advised that the amount of funding is based on a formula determined by Public Act 416. There is no county match required.

Comr. Rocho inquired whether the remaining funding for the third deputy shall be within the Department's budget projection. Sheriff Byam responded that he believes funding for the position is 80/20, and advised that the funding shall be requested in the Department's budget. Comr. Gerow inquired whether the difference is currently coming from the General Fund. Sheriff Byam responded no, that in the budget process the Department will negotiate for the remaining funds.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Recovery Act Justice Assistance Grant Program Award Agreement

Ms. Scott advised that the City of Battle Creek is the fiscal manager of the grant.

Sheriff Byam advised that the funding shall be utilized for technical improvements.

Res. 159-2009

"Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2009-2013 Recovery Act: Justice Assistance Grant Program Award Agreement between the City of Battle Creek and Calhoun County in an amount not to exceed \$39,774 for the period commencing August 2009 through February 28, 2013, and authorize the County Administrator/Controller to execute said Agreement on behalf of Calhoun County; further, approve the following FY 2009 Sheriff Department budget amendment to fund the purchase of portable radios for correction deputies and laptop computers for patrol vehicles:

Federal Grant	(\$39,774)
Small Equipment Purchase	\$33,220
Equipment Purchase	\$ 3,600
Office Supplies	\$ 2,954"

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2009-2010 Health Department Budget

Ms. Scott advised that the Budget Committee reviewed and supports the budget recommended. Ms. Scott stated that the county's match is a three percent increase from last year for inflation. Ms. Scott pointed out that the county's revenue forecast does not support an across-the-board increase of three percent for next year and each

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department shall be reviewed separately to determine what amount is appropriate.

Health Officer James Rutherford stated that the Board of Health believes that the budget presented is acceptable. Mr. Rutherford addressed highlights of the budget; e.g., elimination of a 0.8 FTE within Environmental Health, fee increases of approximately two percent, work with the Battle Creek Community Foundation and United Way to improve a teen outreach program, a Nurse Family Partnership Program, the hiring of an epidemiologist, software investment and hiring of a health education position mid year to provide for Nutrition and Health Disparity programming. Mr. Rutherford advised that for the Nurse Family Partnership Program the Department shall be looking to the Kellogg Foundation, the Battle Creek Community Foundation and United Way for funding.

Mr. Rutherford continued that the Department shall utilize \$148,931 of its fund balance to develop a Health Disparities Program, leaving a reserve of 4.01 percent of expenditures at year end. Mr. Rutherford addressed the 3.09 percent increase, pointing out that the increase amounts to \$25,000. Mr. Rutherford further addressed the proposed epidemiologist that will allow the Department to be more competitive in pursuing grant funding, and the Board of Health's strategic plan to reduce the teen pregnancy population and work on healthy lifestyles.

Chairman Rae advised that the Health Department explored the possibility of sharing an epidemiologist, however, the other counties wanted their own. Comr. Haadsma stated that he believes the position is going to provide many returns through better grants.

Comr. Rocho addressed the fee increases, and inquired whether people would be denied the services if they are unable to pay. Mr. Rutherford responded no, that if someone cannot afford to pay, the Department will still provide the service. Mr. Rutherford pointed out that there is a sliding scale on the fees based upon income; further, advised that the Department attempts to keep the fees in line with the cost of living.

Res. 160-2009

“Motion by Comr. Gerow, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2010 Health Department Budget in the amount of \$4,932,027; further approve the FY 2010 Fee Schedule (ATTACHMENT B) and Position Allocation Schedule (ATTACHMENT C), as recommended by the Board of Health.”

Comr. Camp stated that inspection of tattoo parlors appears to be another unfunded mandate of the state. Mr. Rutherford responded that in January 2009 Public Act 149 was created that calls for body art parlors to be inspected on an annual basis, and the local health departments are responsible for those inspections. Mr. Rutherford stated that most of the body artists are in favor of this law.

Comr. Camp expressed concern regarding approving salary increases for one department when the county is facing funding reductions across-the-board to balance the General Fund budget at the end of the year.

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

Consolidated Dispatch Center Administrative Services Agreement

Ms. Scott stated that the Calhoun County Consolidated Dispatch Center Authority wishes to contract with the county to provide payroll, accounts payable, bookkeeping, accounting, budgeting, etc. services. Ms. Scott advised that Corporation Counsel developed the Agreement.

Res. 161-2009

“Motion by Comr. Lee, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Administrative Services and Fringe Benefits Agreement between the Calhoun County Consolidated Dispatch Center Authority and Calhoun County; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County.”

Comr. Rocho applauded the collaboration. Comr. Rocho inquired whether the services for the Authority can be provided without additional staff. Ms. Scott responded yes, advising that after a year the costs will be reviewed. Ms. Scott advised that information technology costs shall be billed separately.

Chairman Rae stated that the collaboration is a win-win for both entities, pointing out that the space which the Center will occupy had been vacant for a long time and is now being remodeled with the cost borne by the Authority.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Jail Population Study Agreement

Ms. Scott pointed out that the last study was conducted in 2001 and an updated study is needed to assess current and future demand from federal agencies and other governmental units, and to address location of the Sheriff's principal office and the adequacy of the Juvenile Home. Ms. Scott advised that the \$36,450 cost for the study will come from the current Sheriff Department budget.

Res. 162-2009

“Motion by Comr. Todd, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize the Board Chairman to enter into an Agreement with GSA, Ltd/Michael Croft Enterprises, Inc. for a fixed fee of \$36,450 to conduct

a corrections study to assess current and future jail bed demand.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Renaissance Zone Status Extension

Ms. Scott advised that the request for extension of the renaissance zone status came through Battle Creek Unlimited (B.C.U.) so that the Kellogg Company can utilize economic development incentives.

B.C.U. Marketing Director Doug Voshell advised that the renaissance zone is part of the downtown renovation.

Res. 163-2009

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

WHEREAS, the County of Calhoun is supportive of the Kellogg Company’s plan for corporate consolidation which will result in the location of 600 employees at their downtown Battle Creek campus; and

WHEREAS, the plan will contribute to the downtown area’s growth and expansion and helps to achieve the County’s overall economic goal; and

WHEREAS, the Kellogg Company will not move forward with consolidating its corporate campus downtown unless the City of Battle Creek, the County of Calhoun, the State of Michigan and the Hinman Company can meet cost containment objectives; and

WHEREAS, the larger Kellogg project will help contribute to the continuing success of Battle Creek’s downtown by utilizing unoccupied, existing space; and

WHEREAS, the plan will provide a greater concentration of educated talent, enabling greater company interaction with the new National Center for Food Protection, the International Food Protection Training Institute, and the proposed new Math and Science Center; and

WHEREAS, the concentration of more highly compensated people will enhance the success of the downtown’s ability to attract and retain new retail, entertainment, service, residential development and other mixed-use activities; and

WHEREAS, a more centralized corporate presence downtown will increase Battle Creek’s, Calhoun County’s and Michigan’s ability to attract additional food science companies,

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entrepreneurs, investors and talent.

THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners approve the extension of the Renaissance Zone status on property at 70-78 West Michigan Avenue for nine (9) years through January 1, 2024.”

Comr. Rocho disclosed that she is a Board Member and Executive Director of BCU that is partnering on the project. Comr. Rocho stated that the transformation of Battle Creek shall have an impact on all of Calhoun County; i.e., employment, tourism, etc.

Comr. Camp advised that the people in Athens wish that Calhoun County and all the units of government could give all businesses a tax break.

Chairman Rae pointed out that the transformation shall result in 300 new jobs with the new additions to the research facilities; further, addressed the relocation of 600 people from the Porter Street plant. Chairman Rae stated that by approving this extension the county is passing a message to the Kellogg Company that the Board of Commissioners is committed to working with the Company.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS' TIME:

Health Board Member Jeff Mitchell thanked the Board for approving the Health Department's 2010 budget. Mr. Mitchell stated that the Health Board is focusing on long term goals, will be responsible with the funds, and will work hard to improve the health statistics.

Health Board Chairman Rick Tsoumas also thanked the Board for approving the budget. Mr. Tsoumas advised that the Health Department went for a number of years with no increase to the budget, and stated that an epidemiologist is going to be extremely important to the Department.

Mr. Gerry Keller, Battle Creek resident, inquired “When, why and where, does an elected board conduct a public meeting and does not answer the questions of the people?”

COMMISSIONERS' TIME:

Comr. Todd expressed his appreciation to the Health Board, the Health Officer and the Health Department for starting to more aggressively address health disparities.

Comr. Camp thanked Administration for launching the effort to place the Board meeting videos on the website, and for the town hall meetings.

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ANNOUNCEMENTS:

Comr. Camp announced that the Potawatomi Resource Conservation and Development Council is having a river clean-up in Bailey Park on Saturday commencing at 8:00 a.m.

Comr. Rocho announced that the Wilder Creek Conservation Club is having their haunted house on October 9 and 10, October 16 and 17, October 23 and 24, and October 30 and 31. The cost is \$5.00. Comr. Rocho invited everyone to go out and view the improvements at Wilder Creek.

CLAIMS PAYABLE LISTING:

Res. 164-2009

“Motion by Comr. Rocho, supported by Comr. Camp, 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 \$3,165,859.03 for the two {2} weeks ending September 23, 2009.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CLOSED SESSION:

Res. 165-2009

“Motion by Comr. Lee, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners meet in Closed Session for the purpose of discussing pending litigation with Corporation Counsel.”

Voice Vote: Motion CARRIED

The Board met in Closed Session commencing at 8:40 p.m. until 9:00 p.m. with Corporation Counsel Richard Lindsey, Jr., County Administrator/Controller Kelli Scott, Finance Director Mark Stuhldreher, Human Resource Manager Kim Archambault, Sheriff Allen Byam and Deputy Clerk/Board Executive Secretary Mary Lou Barrett present.

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OPEN SESSION -- Lawsuit Settlement:

Res. 166-2009

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

IT IS HEREBY RESOLVED, that the settlement of the pending legal matter of Uasheka Tellis, Personal Representative of the Estate of Lamond Donnell Taylor, Deceased, v Calhoun County, Calhoun County Sheriff’s Department, Jacqueline Hill, R.N., Correctional Medical Services, Inc., Sheriff Allen Byam, John Doe, and Mary Roe, Case No. 1:09-cv-1053 is hereby authorized; and

IT IS FURTHER RESOLVED, that the Administrator/Controller shall be authorized to execute any further document(s) required for the release of claims relative to said settlement.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ADJOURNMENT:

The meeting adjourned at 9:01 p.m. at the call of the Chair.

mlb