

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

October 15, 2009

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, October 15, 2009 in the Commissioners Meeting Room, 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, Assistant County Administrator Bradley Wilcox, Senior Services Manager Carl Gibson, Human Resources Manager Kim Archambault, Water Resources Commissioner Larry Cortright, Deputy Equalization Director John Hippensteel, Family Court Administrator Michael Boltz, Finance Director Mark Stuhldreher, Emergency Management Coordinator Durk Dunham and Deputy Clerk/Board Executive Secretary Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was given by Iman Hassan Mateen of Biliel Islamic Center of Battle Creek; followed by a Moment of Silent Prayer for the family of Steve Kratz. The Pledge of Allegiance was led by Comr. Haadsma.

APPROVAL OF AGENDA:

“Motion by Comr. Camp, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the October 15, 2009 agenda as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

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

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

Mr. Gerry Keller, Battle Creek resident, advised that he shall be contacting the Attorney General by the first Board Meeting in January if the Board refuses to answer questions from the public at public meetings of the Board.

SPECIAL ORDER OF BUSINESS:

National Business Women's Week Proclamation

Res. 167-2009

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

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

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

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

WHEREAS, for 81 years Business and Professional Women/USA and Business and Professional Women/MI have been spotlighting the achievements and contributions of working women during National Business Women's Week.

THEREFORE, WE, the Calhoun County Board of Commissioners, do hereby proclaim October 19 through October 23, 2009

NATIONAL BUSINESS WOMEN'S WEEK

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

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 168-2009

“Motion by Comr. Camp, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following October 15, 2009 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolution received from Van Buren County supporting Kent County’s proposed class action lawsuit against the Department of Human Services to prevent the state from charging counties for additional foster children supervision expenses. (Received and placed on file)
- (2) Resolution received from Charlevoix County opposing merger of the Michigan Department of Agriculture with any other state department. (Received and placed on file)
- (3) Resolution received from Oscoda County supporting House Bill Nos. 4785 and 4786 {Expansion of Unemployment Benefits and Acceptance of Federal Stimulus Funds}. (Received and placed on file)

B. Resolutions:

- (1) Veterans Affairs Committee Appointment
(Term Expires October 31, 2013)

{a} Philip Savage”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Substance Abuse Council of Greater Battle Creek

Comr. Gerow reported that the Council’s Underage Drinking Prevention Forum is inviting everyone to send a no alcohol drinking message through planting of tulip bulbs on October 23 through 31.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

County Administrator/Controller Kelli Scott reported that there was a Calhoun County Consolidated Dispatch Center Authority meeting this morning and that the Budget Committee met this week. Notes shall be sent out for both. Ms. Scott advised that the budget directives have gone out to the departments and the departments have been requested to attempt to decrease their budgets to share a five percent deficit within the General Fund. The Budget Committee shall be requested to meet in November for budget hearings and at the beginning of December.

2008 Homeland Security Grant Program Intergovernmental Funding Agreement

Res. 169-2009

“Motion by Comr. Rocho, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2008 Homeland Security Grant Program Intergovernmental Funding Agreement between the County of Van Buren and the County of Calhoun; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County.”

Chairman Rae inquired whether the Agreement is an annual agreement. Emergency Management Coordinator Durk Dunham responded Yes. Mr. Dunham advised that he received state notification to purchase a prime mover four for the command centers out of the 2007 funding. Comr. Camp inquired whether any purchases have been designated for the 2008 or 2009 funding. Mr. Dunham responded that some communication equipment for the vehicles shall be purchased.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Honeywell Energy Savings Program Letter of Intent

Ms. Scott advised that the letter of intent is the first step to improve the county's infrastructure and take advantage of some funding from the federal government to reduce the county's energy costs.

Honeywell Account Representative Dick Williams provided a presentation regarding the project and addressed the state grant and methods of financing the project.

Comr. Rocho inquired whether there is a \$45,500 liability if the county does not go forward with the project. Assistant County Administrator Bradley Wilcox responded that if the county does not proceed, the county must reimburse Honeywell International for the study. Comr. Rocho noted that the potential of the grant is \$650,000, however, that the presentation stated \$351,450. Mr. Wilcox advised that the funding to which Calhoun County is eligible is based upon population.

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Comr. Camp inquired whether the individual projects shall come back before the Board prior to proceeding. Mr. Williams responded that the Firm shall work with Administration and then present the projects to the Board.

Res. 170-2009

“Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize Administration to execute a Letter of Intent to proceed with Honeywell International, Inc. towards the completion of a guaranteed energy savings agreement.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Indigent Defense Attorney Services Bid Award

Mr. Wilcox addressed the bid process and advised that this is the fourth cycle of bidding starting from 1999.

Family Court Administrator Michael Boltz stated that the judges met and reviewed the bids, and that all but one attorney met the qualifications. Mr. Boltz advised that the request for appointments was more than the court was able to award this year.

Comr. Rocho inquired whether past service before the bench is an example of the criteria utilized by the judges in making their recommendation. Mr. Boltz responded Yes. Comr. Rocho inquired regarding the term of the agreements. Mr. Wilcox responded “Three years, plus two optional years.”

Comr. Haadsma advised that he spoke to a couple of attorneys who had some concerns regarding the evaluation process. Comr. Haadsma voiced concern that there are no clear standards for why some bidders are granted what they request and some are not. Comr. Haadsma stated that he would like to see the standards that the judges utilize. Mr. Boltz advised that he shall pass that request on to Chief Judge Garbrecht. Chairman Rae stated that he believes the county needs a more transparent selection process. Mr. Boltz advised that the scoring grid was provided. Chairman Rae advised that the Board does not have it, and he believes it is critical; therefore, he would like bid award tabled.

Res. 171-2009

“Motion by Comr. Haadsma, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners table award of bid {RFQ#109-09} for the provision of indigent defense services to acquire criteria used by the judges for selection of attorneys and number of case assignments.”

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Comr. Camp stated that she is usually in favor of tabling issues to receive more information; however the Board typically does not receive that type of information, and if this is going to be a change of procedure for just this issue, she is opposed to tabling bid award.

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

FY 2010 Health Department Budget Adjustment

Ms. Scott advised that the adjustment is to account for pandemic flu monies the Department is receiving. The amount was not known when the Department's budget was adopted at the previous Board meeting.

Res. 172-2009

“Motion by Comr. Rocho, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the budget adjustment to the FY 2010 Health Department budget through transference of \$186,561 from the Other Charges and Services account group to 2644 - Pandemic Flu Salaries, Fringes, Supplies and Capital Outlay account groups, as recommended by the Health Officer.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2009-2010 Substance Abuse P.A. 2 Program Budget

Ms. Scott advised that the Board approves the Public Act 2 alcohol tax allocation to be used for substance abuse services. There is a slight increase in the amount from last year. Ms. Scott recommended that the Board adopt the budget in the amount of \$354,844 to partially fund the prevention and treatment programs administered by the Kalamazoo County Mental Health and Substance Abuse Coordinating Agency.

Res. 173-2009

“Motion by Comr. Lee, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2009-2010 Substance Abuse P.A. 2 Alcohol Tax budget in the amount of \$354,844 to partially fund the substance abuse prevention and treatment programs administered by the Kalamazoo County Mental Health and Substance Abuse Coordinating Agency on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Community HealthCare Connections Office Lease Agreement

Mr. Wilcox advised that the 18-year lease is a full-service lease and shall require the relocation of Community Corrections, which has yet to be resolved.

Comr. Rocho inquired whether the lease provides for remodeling cost recovery. Mr. Wilcox responded that the lessee will pay the cost of the remodeling which will offset some of the annual obligation. Chairman Rae inquired how many additional employees will be in the Toeller Building. Mr. Wilcox responded "Approximately 19 employees." Chairman Rae stated that the reason the county can enter into such a lease is due to the county reaching out to the Battle Creek Downtown Development Association to collaborate in renovating the outside of the building.

Res. 174-2009

"Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the eighteen {18} year Office Space Lease Agreement between the County of Calhoun and Community HealthCare Connections for lease of 4,800 square feet of office space within Suite #385 of the George W. Toeller Building for the period of January 1, 2010 through December 31, 2027; further, authorize the Board Chairman to execute said Lease Agreement on behalf of Calhoun County."

Roll call vote: Yes - 7 Motion CARRIED Unanimously

2009 Apportionment Report

Ms. Scott advised that the Apportionment Report is prepared each October in compliance with Michigan law and that adoption of the Report authorizes the taxing authorities to levy property taxes.

Res. 175-2009

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

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

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

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WHEREAS, at the annual apportionment session, the County Board of Commissioners must examine documents and records submitted to the Board that show the amount of money to be raised by ad valorem levies in each Township for school, highway, drain, township, and all other purposes as authorized by law and authorize and require the correction of any defects or omissions with regard to those levies; and

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

WHEREAS, the Apportionment Report approved by the County Board of Commissioners for 2009 will be the official authorization for approximately 50 taxing authorities within the County to levy property taxes in 2009; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the attached 2009 Apportionment Report (ATTACHMENT A) showing the millage levies apportioned to various taxing authorities in Calhoun County for the year 2009 is hereby approved in accordance with Michigan Compiled Law 211.37; and

BE IT FURTHER RESOLVED, that the Calhoun County Board of Commissioners, under the authority of Michigan Compiled Law 211.37, directs that the millage rates specified in the attached 2009 Apportionment Report for Township, school, highway, drain, and all other purposes as authorized by law shall be spread against the taxable value of properties on the proper assessment rolls of the Cities and Townships in the County.”

Voice Vote: Motion CARRIED

September 2009 Financial Statements

The statements were received as an informational item.

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COMMISSIONERS' TIME:

Comr. Todd advised that he attended a briefing from the Health Department last week regarding H1N1, and the Department shall be setting up multiple clinics for immunizations. Immunizations shall commence with first responders.

Comr. Todd reported that Commissioner Haadsma and he have been active with some issues in Battle Creek and Emmett Township regarding housing, and attended a meeting this evening regarding abandoned homes. Comr. Todd advised that substandard housing issues are being addressed.

Chairman Rae advised that the Treasurer has publically stated that she will work with the City of Battle Creek to leverage monies that are available through the Land Bank to make a significant dent in the housing problem.

Comr. Haadsma addressed Commissioner Camp's comment regarding receipt of information, advising that Board members have always been provided information from Administration in a timely fashion.

CLAIMS PAYABLE LISTING:

Res. 176-2009

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the county in the total amount of \$1,443,691.50 for the two {2} weeks ending October 7, 2009.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ANNOUNCEMENTS:

Comr. Rocho announced that the Marshall F.F.A. shall be celebrating its 80th anniversary in December.

Comr. Todd announced that there shall be a “Lights On’ event on October 22 from 4:30 p.m. to 6:30 p.m. at the Multi-Sports Complex in Battle Creek to recognize after school activities and those who provide them.

CLOSED SESSION:

Res. 177-2009

“Motion by Comr. Haadsma, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners meet in Closed Session for the purpose of labor negotiations.”

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The Board met in Closed Session commencing at 8:23 p.m. until 9:08 p.m. with County Administrator/Controller Kelli Scott, Corporation Counsel Richard Lindsey, Jr., Human Resources Manager Kim Archambault, Assistant County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher and Deputy Clerk/Board Executive Secretary Mary Lou Barrett present.

OPEN SESSION -- ADJOURNMENT:

The meeting returned to Open Session and adjourned at 9:08 p.m.

mlb