

**CALHOUN COUNTY**  
**PROCEEDINGS OF THE**  
**BOARD OF COMMISSIONERS**

November 5, 2009

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, November 5, 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, Circuit Court Administrator Jeffrey Albaugh, Finance Director Mark Stuhldreher, Health Officer James Rutherford, Sheriff Allen Byam and Deputy Clerk/Board Executive Secretary Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Silence was observed for the seven individuals killed and the twenty individuals injured at Fort Hood today; and for Commissioner Rocho, whose Mother-in-law recently passed away. The Pledge of Allegiance was led by Comr. Lee.

APPROVAL OF AGENDA:

“Motion by Comr. Rocho, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the November 5, 2009 agenda as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

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

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

Calhoun County Conservation District Rice Creek Floodplain Reconnection Project Coordinator Rick Pierson advised that the District received three new grants, one for the Rice Creek Floodplain Reconnection Project, one for the 30 Mile Road project, and one for watershed planning.

Area Agency on Aging, Region 3B, Executive Director Karla Fales voiced concern regarding hearing and vision services advising that the Agency is anticipating a twenty percent budget reduction and another reduction mid-year that will result in a loss of services. Ms. Fales addressed telesystems, as a less costly way in which to keep seniors who are nursing home eligible in their homes.

Mr. Creighton Burrows, Marshall resident, addressed Agenda Item No. 12.A.(5) - Resolution to Authorize Notice of Intent to Issue Capital Improvement Bonds, stating that it appears the bonding is to pay for a number of maintenance issues. Mr. Burrows inquired where the funds are that the county budgets for maintenance. Mr. Burrows commented that extensive repair of facilities should not be occurring at a time when the economy is bad. Mr. Burrows further noted that the information provided does not state how or where the funding will be spent.

Critical Signal Technologies Director Margarite Linteau advised that the Company bid \$15,000 for senior millage funding and that the amount was lowered to \$5,000. Ms. Linteau requested the Board increase the amount.

SPECIAL ORDER OF BUSINESS:

Geographic Information System Presentation

Mr. Jim O'Loughlin of Allied Information provided a demonstration of information available on the county's web link, advising that there is a restricted site and a general public site available.

CONSENT AGENDA:

Res. 178-2009

“Motion by Comr. Camp, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following November 5, 2009 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolution received from Van Buren County urging the Michigan Senate to introduce legislation which includes an alternative funding plan for the Pure

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Michigan Program that calls for a \$2.50 tax on car rentals at major airports.  
(Received and placed on file)

- (2) Resolutions received from Lake County {1} opposing merger of the Michigan Department of Agriculture with any other state department, and {2} supporting continuation of the Michigan State Fair. (Received and placed on file, with a copy of {1} remitted to Extension Director Rita Klavinski)
- (3) Resolution received from Oceana County opposing the current Law Enforcement Information Network System funding formula. (Received and placed on file, with a copy remitted to Sheriff Allen Byam)
- (4) Copies of communications remitted to Christine Burkwalt, Albion resident, received from the Michigan Department of Agriculture advising that the Burkwalt Farms completed the verification requirements of the MAEAP Livestock System, Farmstead System, and Cropping System. (Received and placed on file, with copies remitted to Health Officer James Rutherford)
- (5) Resolution received from Barry County requesting the Michigan Legislature adopt a state-wide ban on the use of residential fertilizers containing phosphorous. (Received and placed on file)
- (6) Resolutions received from Alger, Charlevoix, Barry and Allegan Counties supporting the Michigan Department of Agriculture remaining a stand-alone department. (Received and placed on file, with copies remitted to Extension Director Rita Klavinski)

**B. Resolutions:**

- (1) Calhoun County Consolidated Dispatch Center Authority  
(Appointment Term Extension to December 31, 2012)

{a} Mike Rae”

Voice Vote: Motion CARRIED

**SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:**

**Board of Health**

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Health Board Member Gerow reported that the Health Department has scheduled its first school vaccination clinic for Saturday, November 7 from 9:00 a.m. to 3:00 p.m., or until the vaccine supply is exhausted, at Northwestern Middle School. H1N1 flu vaccines will only be given to pregnant women, household contact and caregivers for children younger than six months of age, healthcare and emergency medical services personnel, all persons from six months through twenty-four years of age, and persons aged twenty-five through sixty-four who have health conditions associated with higher risk of medical complications.

Calhoun County Consolidated Dispatch Center Authority

Chairman Rae advised that Board members received a summary prepared by Corporation Counsel of the previous two Authority meetings.

Corporation Counsel Richard Lindsey, Jr. reported that things are moving forward and construction is underway. Mr. Lindsey advised that the Battle Creek City Commission approved the Intergovernmental Agreement before the Board tonight.

UNFINISHED AND OLD BUSINESS -- Indigent Defense Services Bid Awards:

Chairman Rae advised that there have been meetings in regard to the bid award.

Res. 179-2009

“Motion by Comr. Rocho, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners remove from table and award the bid {RFQ#109-09} for the provision of indigent defense services for Calhoun County and the Thirty-Seventh Judicial Circuit Court to Sherman & Brundage w/ John Sullivan, Attorney Virginia Cairns, the West Michigan Defense Group, IDG Law Offices, Attorneys McDonough & Lind, Attorney Robert Coleman, Attorney Patrick O’Connell, Attorneys Jordan and Magnusson, Calhoun County Legal Group, and Attorney Ronald Pichlik; further authorize the Board Chairman to execute three year {3} agreements for a total cost estimated at \$2,679,000 for the period commencing January 1, 2010 through December 31, 2012, with the possibility of two {2} additional option years, with Sherman & Brundage w/ John Sullivan, Attorney Virginia Cairns, the West Michigan Defense Group, IDG Law Offices, Attorneys McDonough & Lind, Attorney Robert Coleman, Attorney Patrick O’Connell, Attorneys Jordan and Magnusson, Calhoun County Legal Group, and Attorney Ronald Pichlik on behalf of Calhoun County and the Thirty-Seventh Judicial Circuit Court.”

Comr. Haadsma thanked Mr. Albaugh for meeting with Board members to discuss the issue. Comr. Haadsma stated that he is still concerned that there is a vagueness in how some attorneys are selected and some are not. Comr. Haadsma stated that the Board received the scoring grid, however, he is troubled because the Board does

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not know how the various attorneys were scored. Comr. Haadsma advised that he shall not be supporting the resolution, and that in the future he hopes there is more openness with the review.

Comr. Camp stated that there is some subjectivity to the seven points specified and that she believes the Board must trust the staff to determine who should provide the proper representation.

Chairman Rae stated that he still has concerns regarding this issue, however, that time is running out. Chairman Rae advised that based on the information received from Judge Garbrecht and Mr. Albaugh he shall reluctantly support the bid awards. Chairman Rae stated that clearly there should be more specificity, and advised that he has been assured that there shall be more in the future.

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

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

County Administrator/Controller Kelli Scott reported that her monthly report shall be sent out in a few days.

Calhoun County Consolidated Dispatch Center Intergovernmental Agreement  
Regarding Equipment, Capital Contributions and Loan of Funds

Ms. Scott advised that things are moving along nicely with the focus on hiring the employees and getting the equipment. Ms. Scott stated that the Intergovernmental Agreement is the next step towards acquiring the equipment and to facilitate some financing. Ms. Scott advised that the City of Battle Creek shall contribute \$250,000 towards the construction costs and shall loan the Authority up to \$750,000 at 4 percent interest over a 5 year period. Ms. Scott further advised that Corporation Counsel has reviewed the Agreement and that the Battle Creek City Commission approved the Agreement last week. There is no budget impact to the county.

Res. 180-2009

“Motion by Comr. Haadsma, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Intergovernmental Agreement between the City of Battle Creek, Calhoun County, and the Calhoun County Consolidated Dispatch Authority regarding dispatch equipment, capital contributions, and loan of funds; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2010 Senior Millage Allocation Recommendations

Senior Services Manager Carl Gibson advised that the recommendations have been provided in three resolutions because three of the Board members serve on various entities receiving awards. Mr. Gibson stated that his year a two-step process was implemented to reduce administrative paperwork and contain costs; e.g., extending existing contracts; and public bid process for those services that required renegotiation or were known to have competitive vendors available. Mr. Gibson continued that this year the total allocation is reduced due to reduced property tax revenue.

Mr. Gibson addressed the request from Critical Signal Technologies, recommending that the allocation be increased \$5,000 to be taken from the Department's administrative budget which can be handled internally. Comr. Rocho questioned whether the issue should be addressed by the Senior Millage Allocation Committee. Assistant County Administrator Bradley Wilcox responded that he believes the Committee should be involved in that decision.

Res. 181-2009

"Motion by Comr. Rocho, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2010 Senior Millage allocations totaling \$1,421,715 for the period of January 1, 2010 through December 31, 2010 for funding of senior services in Calhoun County and authorize the preparation of contracts and/or amendments to contracts, as appropriate, for the Board Chairman's execution with the following bidders:

<u>Agency/Programs</u>	<u>Amount</u>
<b>Area Agency on Aging, Region 3-B</b>	
Benefits Counseling	\$ 29,500
Care Management & Supportive Services	\$625,000
Prescription Vouchers	\$ 45,000
Transportation	\$ 30,000
<b>Community HealthCare Connection</b>	
Health Assistance Fund	\$ 10,000
Prescription Drug Assistance Program	\$ 20,000
Basic Coverage for the Uninsured (Plan B)	\$ 73,365
<b>Critical Signal Technologies</b>	

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Personal Emergency Response System	\$ 5,000
<b>Family Health Center</b>	
Dental Services	\$130,000
<b>Forks Senior Center</b>	
Senior Center Staffing	\$ 25,000
<b>Fountain Clinic</b>	
Dental	\$115,000
Prescription Vouchers	\$ 10,000
Vision Services	\$ 3,850
<b>Guardian Finance and Advocacy Services</b>	
Guardianship	\$ 75,000
Money Management Assistance Program	\$ 20,000
<b>Legal Services of South Central Michigan</b>	
Legal Services	\$ 25,000
<b>Lifespan, Inc.</b>	
Personal Emergency Response System	\$ 25,000
<b>Marian E. Burch Adult Day Care Center</b>	
Adult Day Care Services & Caregiver Respite	\$ 90,000
<b>Senior Health Partners</b>	
Whole Person Wellness	\$ 50,000
<b>Hands On Battle Creek/211</b>	
Information and Referral	\$ 15,000

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**TOTAL                    \$1,421,715"**

Comr. Rocho advised Mr. Gibson that she appreciates his willingness to extend the funding for the personal emergency response service, however, that she would feel more comfortable with the issue being addressed by the Committee.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Res. 181-A-2009

“Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2010 Senior Millage allocation totaling \$51,150 for the Calhoun County Public Health Department for the period of January 1, 2010 through December 31, 2010 for the provision of Calhoun County Senior Hearing Services in the amount of \$25,000 and Vision Services in the amount of \$26,150, and authorize the preparation of a contract for the Board Chairman’s execution, as recommended by the Senior Millage Allocation Committee.”

Comr. Gerow advised that she shall abstain from voting as she is a member of the Board of Health and the Senior Millage Allocation Committee.

Roll call vote: Yes - 6 (Comrs. Rae, Rocho, Todd, Camp, Haadsma and Lee)  
                  Abstain - 1 (Comr. Gerow)  
                  Motion CARRIED

Res. 181-B-2009

“Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2010 Senior Millage allocation totaling \$1,033,861 for Community Action for the period of January 1, 2010 through December 31, 2010 for the funding of the following senior services in Calhoun County, and authorize the preparation of a contract for the Board Chairman’s execution, as recommended by the Senior Millage Allocation Committee:

Congregate and Home Delivered Meals	\$430,000
Dispatch (Senior Transportation)	\$ 48,000
Home Heating Assistance	\$140,000
Minor Home Repair	\$ 60,000
Transportation	<u>\$355,861</u>

**TOTAL \$1,033,861"**

Comr. Camp disclosed that she serves on the Community Action Board of Directors, however, supports the resolution.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Health Department H1N1 Phase III Funding and Budget Amendment

Health Officer James Rutherford advised that the Phase III funding is for \$271,289 which combined with the Phase I and II funding totals \$457,289. Mr. Rutherford advised that the Department's staff has been involved with a lot of illnesses, especially among adolescents. Mr. Rutherford stated that the Department has worked closely with the school superintendents, and with the hospitals to immunize the health care providers. Mr. Rutherford stated that fifty-four schools were closed over the past few weeks, and advised that there have been some deaths in Calhoun County which should be reported tomorrow.

Mr. Rutherford stated that the vaccine supply has been limited, however, that the Department now has several thousand vaccines for this weekend's vaccination and continues to work on education going into the schools and advertising in the newspapers.

Comr. Rocho advised Mr. Rutherford that she appreciated him meeting early with the superintendents.

Comr. Camp questioned whether the funding can be utilized for any other purpose should there be any monies remaining. Mr. Rutherford responded that the funding does not carry forward and cannot be utilized within any other area of the Department's budget.

Chairman Rae inquired whether hiring the epidemiologist has been helpful. Mr. Rutherford responded that the position shall be once an individual is hired. Mr. Rutherford advised that the Department is still conducting interviews.

Res. 182-2009

“Motion by Comr. Haadsma, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Health Department H1N1 Phase III budget amendment in the amount of \$271,289, as recommended by the Health Officer.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Resolution Designating Recovery Zone and Allocating Recovery Zone  
Economic Development Bond Volume Cap

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Ms. Scott advised that this and the next resolution shall allow the county to assist with economic development and receive reduced financing costs for improvements at the county's facilities.

Res. 183-2009

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

WHEREAS, Division B of the American Recovery and Reinvestment Act of 2009 (the “ARRA”) added sections 1400U-1 through 1400U-3 to the Internal Revenue Code of 1986, as amended (the “Internal Revenue Code”), to provide for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds (together the “Recovery Zone Bonds”) by states and local units of government for purposes described in the ARRA; and

WHEREAS, the ARRA provides a national Recovery Zone Economic Development Bond volume cap of \$10,000,000,000 and a national Recovery Zone Facility Bond volume cap of \$15,000,000,000, all to be allocated among the states and suballocated to counties and certain large municipalities; and

WHEREAS, under the allocation formula determined by the United States Department of the Treasury, the County of Calhoun, Michigan (the “County”) has received an allocation of \$9,653,000 of the Recovery Zone Economic Development Bond volume cap (“Recovery Zone Economic Development Bond Volume Cap”) and an allocation of \$14,479,000 of the Recovery Zone Facility Bond volume cap (“Recovery Zone Facility Volume Cap”); and

WHEREAS, the County, in its discretion, is authorized to allocate its Recovery Zone Economic Development Bond Volume Cap and its Recovery Zone Facility Bond Volume Cap to eligible issuers for eligible costs in any reasonable manner as it shall determine in good faith; and

WHEREAS, prior to the issuance of Recovery Zone Bonds, the ARRA requires that the County make certain findings of fact and designate each area in which the proceeds of Recovery Zone Bonds are to be spent as a “Recovery Zone,” as described in the ARRA; and

WHEREAS, it is the desire of the Board of County Commissioners to designate the entire County as a Recovery Zone within the meaning of the ARRA and to allocate to the County \$9,653,000 of its Recovery Zone Economic Development Bond Volume Cap.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of County Commissioners finds that conditions of significant poverty, unemployment, rate of home foreclosures, and general distress exist throughout the

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County and the Board of County Commissioners does hereby designate all of the territory within the County as a Recovery Zone within the meaning of the ARRA.

2. The Board of County Commissioners hereby allocates \$9,653,000 of its Recovery Zone Economic Development Bond Volume Cap to the County for bonds to be issued by the County, or any entity designated by it.
3. The Board of County Commissioners hereby finds that the project to be financed with such allocations is within a Recovery Zone within the meaning of 1400U-1(b) of the Internal Revenue Code.
4. This allocation order will not exceed the County's total allocation of Recovery Zone Economic Development Bond Volume Cap.
5. All actions of the officers, agents and employees of the County that are in conformity with the purposes and intent of this resolution, whether taken before or after the adoption of this resolution, are hereby ratified, confirmed and adopted.
6. All resolutions and parts of resolutions insofar as they conflict with this resolution are hereby rescinded."

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Resolution to Authorize Notice of Intent to Issue Capital Improvement Bonds

Res. 184-2009

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

WHEREAS, the County of Calhoun, Michigan (the "County") determines it to be necessary for the public health, safety and welfare of the County and its residents to acquire and construct capital improvements to various County facilities including, but not limited to, installation of new energy efficient boilers and air quality equipment such as fans, control systems, humidifiers and variable air volume boxes, installation of new energy efficient lighting, roof replacement, replacement of commercial kitchen and laundry equipment, and installation of new carpet (collectively, the "Capital Improvements"); and

WHEREAS, under the provisions of Section 517 of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") a county may issue municipal securities to pay the cost of any capital improvement items within the limitations provided by law; and

WHEREAS, the issuance by the County of bonds under Section 517 of Act 34 in one or more series in

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an amount not to exceed Seven Million Dollars (\$7,000,000) (the “Bonds”) for the purpose of financing part of the costs of acquisition and construction of the Capital Improvements appears to be the most practical means to that end; and

WHEREAS, Section 517 of Act 34 requires that the aggregate outstanding balance of municipal securities issued under Section 517 by a county shall not exceed 5% of the state equalized valuation of the property assessed in that county, and after the issuance of the Bonds the outstanding balance of all municipal securities issued under Section 517 of Act 34 by the County will not exceed this limit; and

WHEREAS, a notice of intent to issue the Bonds must be published in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended (the “Internal Revenue Code”), governing proceeds of debt used for reimbursement, pursuant to which the County must declare official intent to reimburse expenditures with proceeds of such debt before making the expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The County Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Battle Creek Enquirer*, a newspaper of general circulation in the County.
2. The notice of intent shall be published as a one-quarter (1/4) page display advertisement, as required by Act 34, in substantially the following form:

NOTICE TO ELECTORS  
OF THE COUNTY OF CALHOUN  
OF INTENT TO ISSUE BONDS SECURED BY THE TAXING  
POWER OF THE COUNTY AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the County Board of Commissioners of the County of Calhoun, Michigan, intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Seven Million Dollars (\$7,000,000) for the purpose of paying costs to acquire and construct capital improvements to various County facilities including, but not limited to, installation of new energy efficient boilers and air quality equipment such as fans, control systems, humidifiers and variable air volume boxes, installation of new energy efficient lighting, roof replacement, replacement of commercial kitchen and laundry equipment, and installation of new carpet.

The bonds may be issued in one or more series as shall be determined by the County Board of Commissioners. Each series of the bonds will mature in annual installments not to exceed the maximum permitted by law, with interest on the unpaid balance from time to time remaining outstanding on said bonds to be payable at rates to be determined at sale of the bonds but in no event to exceed such rates as may be permitted by law.

**SOURCE OF PAYMENT OF BONDS**

The principal of and interest on the bonds shall be payable from the general funds of the County lawfully available for such purposes including property taxes levied within applicable statutory and constitutional limitations.

**RIGHT OF REFERENDUM**

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OR 15,000 OF THE REGISTERED ELECTORS, WHICHEVER IS LESS, RESIDING WITHIN THE COUNTY, IS FILED WITH THE COUNTY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE COUNTY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended. Additional information regarding the capital improvements to be financed with bond proceeds can be obtained from the office of the Calhoun County Administrator.

Anne B. Norlander  
Calhoun County Clerk

3. The County Board of Commissioners does hereby determine that the foregoing form of Notice of Intent to Issue Bonds, and the manner of publication directed, is adequate notice to the electors of the County and is the method best calculated to give them notice of the County's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed, and the newspaper complies with the requirements of Act No. 247, Public Acts of Michigan, 1963.

4. The County hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(1) The County reasonably expects to reimburse itself with proceeds of debt to be incurred by the County for the expenditures made to pay certain costs associated with the Capital Improvements which were or will be paid subsequent to sixty (60) days prior to the date hereof from the general funds or capital fund of the County.

(2) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$7,000,000.

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(3) A reimbursement allocation of the expenditures described in paragraph (1) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Capital Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the County's use of the proceeds of the debt to be issued for the Capital Improvements to reimburse the County for a capital expenditure made pursuant to this Resolution.

(4) The expenditures for the Capital Improvements are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(5) No proceeds of the borrowing paid to the County in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (3) above.

5. Bendzinski & Co., Municipal Finance Advisors, is hereby retained to act as Financial Advisor to the County for the Bonds

6. The County recognizes that Miller, Canfield, Paddock and Stone, P.L.C., has represented from time to time, and currently represents various underwriters and financial institutions and other potential participants in the bond financing process for unrelated projects, any of which might be appointed as the Managing Underwriter of the Bonds or appointed to act as transfer agent. The County appoints Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel for the Bonds, notwithstanding the potential concurrent representation of any such bidder regarding any unrelated matter.

7. The Board of County Commissioners hereby finds that the Capital Improvements are within a Recovery Zone within the meaning of 1400U-1(b) of the Internal Revenue Code. The County Board hereby finds that the Capital Improvements and the Bonds will qualify for Recovery Zone Bond treatment under the American Recovery and Reinvestment Act of 2009. The County Board hereby designates the Bonds as Recovery Zone Economic Development Bonds.

8. The County Administrator is hereby authorized, at her discretion, to take the following actions as necessary and convenient to prepare the Bonds for sale prior to adoption by this County Board of Commissioners of a resolution authorizing issuance and sale of the Bonds.

(a) The County Administrator is authorized, authorized, in consultation with the Financial Advisor, to select a managing underwriter for the Bonds, provided that the County assumes no obligations or liability

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to the Underwriter for any loss or damage that may result to the Underwriter from the adoption of this resolution, and all costs and expenses incurred by the Underwriter in preparing for sale of the Bonds shall be paid from the proceeds of the Bonds, if the Bonds are issued, except as may be otherwise provided in the Bond Purchase Agreement to be signed by the County at the time of sale of the Bonds.

(b) The County Administrator is authorized, at her discretion, to approve circulation and mailing of a Preliminary Official Statement describing the Bonds and to deem such Preliminary Official Statement “final” for purposes of compliance with Securities and Exchange Commission Rule 15c2-12.

(c) The County Administrator is authorized, at her discretion, to apply for bond ratings from such municipal bond rating agencies as deemed appropriate, in consultation with the Underwriter or the Financial Advisor.

(d) If the Underwriter or the Financial Advisor recommends that the County consider purchase of municipal bond insurance, then the County Administrator is hereby authorized and directed to negotiate with insurers regarding acquisition of municipal bond insurance, and, in consultation with the Underwriter or the Financial Advisor, to select an insurer and determine which Bonds, if any, shall be insured.

9. The County Board of Commissioners will adopt a resolution authorizing issuance and sale of the Bonds prior to sale of the Bonds.

10. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby repealed.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2009-2010 Child Care Fund Annual Plan and Budget

Circuit Court Administrator Jeffrey Albaugh advised that the budget is a continuation budget with no new programs. Comr. Rocho inquired whether the funding totally funds all the foster care and supportive payments. Mr. Albaugh responded that Mr. Boltz would be happy to provide that answer.

Res. 185-2009

“Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2009 - 2010 Child Care Fund Annual Plan and Budget as presented and authorize the Board Chairman to execute the Plan documents on behalf of Calhoun County; further, concur with the Agreements for Day Treatment and Multisystemic Therapy services.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Health Department Position Control Schedule Correction

Res. 186-2009

“Motion by Comr. Haadsma, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve corrections to the Health Department’s Position Control Schedule, as recommended by the Health Officer.”

Voice Vote: Motion CARRIED

FY 2009 First Through Third Quarter Out-of-State Travel Report

Received.

COMMISSIONERS’ TIME:

Comr. Camp thanked Ms. Scott for the information provided to the assessors attending the Athens Township meeting.

CLAIMS PAYABLE LISTING:

Comr. Rocho inquired whether the miscellaneous operating expense on Page No. 7 for Sheriff Support Services was for a fund raiser. Ms. Scott responded “Yes, the Sheriff’s Golf Outing this summer.”

Res. 187-2009

“Motion by Comr. Haadsma, 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 \$3,282,188.56 for the three {3} weeks ending October 28, 2009.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ADJOURNMENT:

The meeting adjourned at 8:42 p.m. at the call of the Chair.

mlb