

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

February 4, 2010

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, February 4, 2010 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

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

Staff Present: Asst. County Administrator Bradley Wilcox, Sheriff Allen Byam, County Administrator/Controller Kelli Scott, Senior Services Manager Carl Gibson, Corporation Counsel Richard Lindsey, Jr., Human Resources Manager Kim Archambault, Water Resources Commissioner Larry Cortright, Accounting Clerk Patty Keiper, Health Officer James Rutherford, Treasurer Ann Rosenbaum, Community Corrections Manager Roselynn Goff and Deputy Clerk/Board Executive Secretary Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Silence was observed; followed by the Pledge of Allegiance, led by Comr. Rocho.

APPROVAL OF AGENDA:

“Motion by Comr. Haadsma, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the February 4, 2010 agenda as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Haadsma, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the January 21, 2010 minutes as presented.”

Voice Vote: Motion CARRIED

CONSENT AGENDA:

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Res. 14-2010

“Motion by Comr. Rocho, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following February 4, 2010 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolution received from Oceana County supporting the final report of the Legislative Commission on Statutory Mandates. (Received and placed on file)
- (2) Communication received from the Department of Labor, Employment and Training Administration, providing Bostik, Inc. certification regarding workers’ eligibility to apply for worker adjustment assistance. (Received and placed on file)
- (3) Resolution to approve debt issuance received from the Road Commission Board. (Received and placed on file)

B. Resolutions:

- (1) Senior Millage Allocation Committee Appointment
(Term Expires April 30, 2012)

{a} Tiana Cannon (Replacing Matt Lynn)”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Legislative Liaisons

Res. 15-2010

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

WHEREAS, the electorate of the State of Michigan passed an amendment in November 1978

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to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS, the Headlee Amendment (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18."; and

WHEREAS, the Headlee Amendment became effective on December 23, 1978; and

WHEREAS, the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS, the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan; and

WHEREAS, the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS, the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

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- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
 - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
 - Require the Court of Appeals to rule on the above within six months of the filing.
 - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.

WHEREAS, the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report; and

BE IT FURTHER RESOLVED, that the Calhoun County Board of Commissioners approves the release of this resolution to be distributed to the Governor, Legislators, Supreme Court and local units of government legislative boards and executives located within Calhoun County.”

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

Foreclosure Update

Treasurer Ann Rosenbaum provided information regarding Neighborhood Stabilization Program II funding being received by Battle Creek City, state foreclosure rates, and county foreclosure totals from 2005 through 2009.

Resolution to Borrow Against Anticipated 2009 Delinquent Taxes

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Res. 16-2010

“Motion by Comr. Rocho, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Resolution to Borrow Against Anticipated Delinquent 2009 Taxes (ATTACHMENT A) as presented by the Calhoun County Treasurer.”

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

County Agent Designation Resolution

Res. 17-2010

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

WHEREAS, the County Board of Commissioners of the County of Calhoun, Michigan (the “County”) has adopted a resolution authorizing issuance of the County’s General Obligation Limited Tax Notes, Series 2010 (the “Notes”) for the purpose of establishing a fund (the “100% Tax Payment Fund”) to pay the 2009 delinquent taxes on real property to the County and political subdivisions within the County pursuant to Act No. 206 of the Public Acts of 1893, as amended (“Act 206”); and

WHEREAS, the County Board of Commissioners wishes to appoint the County Treasurer as Agent for the County in connection with the Notes and all transactions relative to the 100% Tax Payment Fund, and the County Treasurer is eligible for payment of services as Agent for the County pursuant to Section 87c subsections 3 and 15 of Act 206 (“Section 87c”); and

WHEREAS, the County Board of Commissioners wishes to authorize payment to the County Treasurer for services as Agent and to the County Treasurer’s Office to defer administrative expenses in connection with the issuance of the Notes and the maintenance of the 100% Tax Payment Fund, all as authorized by Section 87c.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The County Treasurer is hereby designated as Agent for the County in connection with the Notes and all transactions relative to the 100% Tax Payment Fund pursuant to Section 87c. The County Treasurer is eligible to be paid for services as Agent for the County pursuant to Section 87c, and the County Treasurer and the Treasurer’s Office shall respectively

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receive such sums as are provided in Section 87c for the services as Agent for the County and to cover administrative expenses, after current debt service requirements on the Notes have been met. Such sums may be surplus moneys in the 100% Tax Payment Fund or from County property tax administration fees before such fees are applied to debt service on the Notes.

2. All resolutions or parts of resolutions conflicting with this Resolution are hereby repealed.”

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

Cognitive Education Programs Agreement

Res. 18-2010

“Motion by Comr. Rocho, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2010 Cognitive Education Programs Agreement between Calhoun County Community Corrections and Cognitive Interventions for the provision of cognitive education programs to inmates in the Calhoun County Correctional Facility in the amount not to exceed \$34,786 for the period of October 1, 2009 through September 30, 2010; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County and Calhoun County Community Corrections.”

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

Software Purchase and Implementation Request

Res. 19-2010

“Motion by Comr. Gerow, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Health Department’s request to purchase and implement the Netsmart Insight Software for a total cost of \$94,374.28; further, authorize the Health Officer to execute the Business Associate Agreement, and the License and Service Agreement between Netsmart Technologies, Inc. and the Calhoun County Health Department.”

Roll call vote: Yes - 6 (Comrs. Camp, Gerow, Haadsma, Lee, Rocho and Todd)

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Excused - 1 (Comr. Rae)
Motion CARRIED

COMMISSIONERS' TIME:

Comr. Rocho thanked Mr. Gillum for the tour of the Juvenile Home School Program for school officials. Comr. Rocho advised that students at the Juvenile Home were not receiving credit for work at the Home, which was a stumbling block for the schools, and as a result of the tour people were convinced that the Juvenile Home provides good schooling.

Vice Chairman Todd recognized Sheriff Department Officer Luis Rivera, who was willing to try to save a life even while that individual was willing to take Officer Rivera's life. Vice Chairman Todd commended all the men and women in uniform.

CLAIMS PAYABLE LISTINGS:

Res. 20-2010

“Motion by Comr. Haadsma, supported by Comr. Rocho, 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 \$1,235,126.74 for the two {2} weeks ending January 28, 2010.”

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

ANNOUNCEMENTS:

Comr. Camp invited everyone to Community Action's Walk For Warmth on Saturday, February 27 in Battle Creek and Albion.

ADJOURNMENT:

The meeting adjourned at 7:36 p.m at the call of the Vice Chair.

mlb