

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

August 5, 2010

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, August 5, 2010 in the Commissioners' Meeting room, County Building, Marshall, Michigan.

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

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

Staff Present: County Administrator/Controller Kelli Scott, Corporation Counsel Richard Lindsey, Jr., Assistant County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher, Human Resources Manager Kim Archambault, Deputy Clerk/Executive Assistant Christine Zuidema, Circuit Court Administrator Jeff Albaugh, Water Resources Commissioner Larry Cortright, County Property Appraiser Jeanne Cortright, Calhoun County Sheriff Allen Byam, Senior Services Manager Carl Gibson and Administrative Assistant Katie Kelly.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

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

**APPROVAL OF AGENDA:**

“Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners to approve the August 5, 2010 agenda, as amended with the addition of Item 12.A.(5) – Resolution Pledging Full Faith and Credit for the 6 ½ Mile Road Drain Notes, 2010.”

Voice Vote: Motion CARRIED

**APPROVAL OF MINUTES:**

“Motion by Comr. Haadsma, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the July 15, 2010 minutes as presented.”

Voice Vote: Motion CARRIED

**CITIZEN COMMENTS:**

There were no Citizen Comments.

## ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS:

Senior Services Manager Carl Gibson thanked the Board of Commissioners and all staff for the assistance in a successful renewal for Senior Millage. The renewal was passed with a 79% approval. Total vote count for the County was 2000 more than in 2006, which was higher than expected. Comr. Rae thanked Carl for a job well done on behalf of all the Commissioners. All of the Commissioners also took the time and effort to participate.

Sheriff Byam thanked everyone for their support and cooperation during the oil spill which has been termed by EPA one of, if not the most, critical environmental disasters in Midwest history. Appreciates the Sheriff's staff and the good work they have done. The first night Administrator Scott and Water Resources Commissioner Larry Cortright were there until the early morning hours. There has been rough spots but many different organizations have come together and worked well for our citizens. The Board of Commissioners, staff, Sheriff's office, Emergency Management, and water resources have all been there diligently pursuing the best for our citizens. There has been cooperation between all government agencies. The bottom line is they are getting the job done. Calhoun County in total has been actively involved and seeking the support of citizens. Comr. Rocho thanked Sheriff's department. Comr. Rae stated the County was faced with a challenge and worked together. Sheriff Byam reminded everyone there is an entire support staff behind the scenes and it has been a total government involvement. Resources came together very well. It is important that citizens understand that the County has been actively engaged in seeking the best for their welfare.

## CONSENT AGENDA:

### Res. 117-2010

"Motion by Comr. Gerow, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following August 5, 2010 Consent Agenda:

#### A. Petitions, Communications, Reports:

- (1) Notice of a public hearing scheduled for July 20, 2010 regarding granting an Industrial Facility Exemption Certificate to Advanced Plastic Manufacturing, Inc. received from Battle Creek City. (To be received and placed on file, with a copy remitted to Deputy Equalization Director John Hippensteel)
- (2) Resolutions received from Huron County {1} opposing House Bill No. 6154 {Public Safety Employees Binding Arbitration}, and {2} urging the Legislature to amend Senate Bill No. 1072 to not expand binding arbitration to new groups or to defeat the Bill. (To be received and placed on file, with copies remitted to Dispatch Center Director Jeff Troyer)
- (3) Resolution received from Antrim County opposing House Bill No. 5882 {Increase for Juvenile Residential Facilities}. (To be received and placed on file, with a copy remitted to Juvenile Home Director Mike Gillum)

- (4) Notice of a public hearing scheduled for August 10, 2010 regarding granting an Industrial Facility Exemption Certificate to Musashi Auto Parts – Michigan, Inc. received from Battle Creek City. (To be received and placed on file, with a copy remitted to Deputy Equalization Director John Hippensteel )
- (5) Resolution received from Jackson County supporting Senate Bill No. 449 {Minimum Hours for Law Enforcement Officers}. (To be received and placed on file, with a copy remitted to Sheriff Allen Byam)
- (6) Resolution received from Lenawee County urging Congress and the President of the United States to take all necessary precautions to protect the Great Lakes from the Asian carp. (To be received and placed on file)

B. Resolutions:

- (1) Board of Health Appointment  
(Term Expires December 31, 2012)
  - {a} Kathryn Foerster
- (2) Senior Millage Allocation Committee Appointments  
(Terms Expire April 30, 2013)
  - {a} Ralph Moore – Replacing Mary Crowell
  - {b} Shirley Clutter – Replacing Kristy Smith
- (3) Summit Pointe Board of Directors Appointment Confirmation  
(Term Expires March 31, 2011)
  - {a} Richard Allman – Replacing John Seita

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSOP/BOARD REPORTS:

Calhoun County Economic Development Corporation

The Commissioners allocated Recovery Zone Facility Bonds to the Economic Development Corporation for further allocation for private development projects. Entire allocation was \$14.5 million. EDC met and further allocated the entire amount. The Kellogg Company used some to build their hangar at the airport. That was a successful project. There was \$10 million allocated to the Hinman Company for the relocation of Kellogg employees in downtown Battle Creek. Hinman was unable to get letter of credit through the avenue required to receive the funds so they are proceeding using other financing. The \$10 million goes back to the EDC unallocated. The State is trying to decide if there are Counties who still have unused funds and if they could be shuffled to other Counties. The EDC decided there are still viable projects to look at and would like to hold on to money. Will send letters to members of Community such

as the Chambers of Commerce to solicit interest. The County EDC is required to notify the MEDC that they still have viable projects and would like to retain the funds for those projects otherwise it goes back to the State by default. Comr. Haadsma inquired if the EDC is required to use the funds by 12/31, what is the EDC going to do to notify interested parties. Administrator Scott stated that she will send out letters after this meeting and hopes to have them back by end of August.

Res. 118-2010

“Motion by Comr. Rocho, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Preservation of Recovery Zone Facility Bond Allocation for Reallocation.”

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

Health Department Position FTE Increase Request

County Administrator/Controller Kelli Scott spoke on behalf of Jim Rutherford regarding the position. The request is to increase the part time position to full time. The position is WIC funded and no budget adjustments are needed. Comr. Rocho inquired if is there assurance that the Health Department will get funding for the increase. Administrator/Controller Scott stated this increase is only until end of fiscal year 10/1/10. The position change will be figured into the Health Department budget for next year and the Board will be asked to approve that budget. Comr. Camp asked if the funding covered benefits. Administrator/Controller Scott confirmed that the WIC funding will cover benefits. Comr. Haadsma asked what assurance there is that the funding will be renewed and without Jim Rutherford present to answer questions, he was hesitant to approve, especially with Battle Creek Public Schools eliminating a nurse and hiring a physician’s assistant instead. Comr. Rae stated that the memo that is attached shows that Jim Rutherford recommended the increase and he has demonstrated that he is on top of his administration.

Res. 119-2010

“Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Health Department Position FTE Increase”

Roll call vote: Yes – 5, no – 1, excused – 1 (Todd) Motion CARRIED

Health Department Position Creation and Position Elimination

Human Resources Director Kim Archambault stated that the Health Department is changing to a model that is being used across the state. Schools have shown need for more clerical than medical. Administrator/Controller Scott stated that this change reflects a need to eliminate and add position to change from the county employment model, which requires the support of the Board. Will not change the overall number of FTE’s but changes the nature of the position. Comr. Rocho stated that this model

is reflective of schools needs. Many times there are minor health issues to deal in addition to paperwork and the dispensing of meds so it encumbers a larger cost to have a nurse there instead of a medical assistant. The schools are in support of this type of change.

#### Res. 120-2010

“Motion by Comr. Lee, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Health Department Creation and Position Elimination”

Roll call vote: Yes – 6, excused – 1 (Todd) Motion CARRIED

#### Friend of the Court Cooperative Reimbursement Program Grant Agreement Amendment #2

Circuit Court Administrator Jeff Albaugh stated that the first amendment was approved a few meetings ago by the Board of Commissioners and it is for next fiscal year. The second amendment is for this fiscal year. The State’s process does not allow applying for amendment until the court can demonstrate that additional state and federal funds are needed. Once the contract is done, the State sends the amendment and the court can get their full share of 4D program funds. Primary reason for amendment is that at the time they didn’t know what central costs would be, so they used last year’s number. When the final numbers came in, central costs were about \$55,000 higher than last year. Friend of the Court had vacant positions were vacant at the time the budget was drawn and submitted to the State but they weren’t allowed to list vacant positions. This means when positions are filled, the FOC has to go back to apply for funding. There is no increase to general fund.

#### Res. 121-2010

“Motion by Comr. Lee, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Friend of the Court Cooperative Reimbursement Program Grant Agreement Amendment #2”

Roll call vote: Yes – 6, excused – 1 (Todd) Motion CARRIED

#### Enbridge Oil Spill Update

County Administrator/Controller Kelli Scott gave a quick overview of the Enbridge Oil spill on day 11. It started with the County’s official responsibility of declaring a local disaster, which then went on to the Governor who declared a state disaster. Several responsibilities for different County departments such as the Health Act requiring the Health Department and Jim Rutherford to act independently as well as the Emergency Services Act for the EOC, Durk Dunham and Sheriff’s Department. The Unified Command consists of seven units with the Environmental Protection Agency being the overall commander. The remainder of the Unified Command consists of the MDNRE, Michigan State Police, Calhoun County EOC, Department of Public Health, Enbridge and the Kalamazoo County Sheriff’s Department. They meet many times daily and are in control of the operations plan every day. The Coast Guard was brought in to tighten up operations and prepare an incident action plan every day, available at Unified command at Walters Elementary. Administrator/Controller Scott is involved as the Public Information Officer of the County. The PIOs from all of the organizations get together twice a day to control media relations and create unified message. The Q&A sheet was released on August 5 and is on the EPA website.

Administrator/Controller Scott thanked her staff and management team for working together and helping make sure everything was covered. Finance Director Stuhldreher and Assistant County Administrator Wilcox have held 6 all-employee budget presentations to give employees an overview of the budget and where we are at. Corporation Counsel Richard Lindsey has been attending meetings and writing updates in addition to helping out with legal issues and writing contracts. Executive Assistant Zuidema has been covering her desk and calls and moving things on the calendar when needed. In the first few days Administrator/Controller Scott was receiving approximately 80 calls and emails each day from media, residents and involved agencies. The Equalization Department has helped with GIS by supplying maps and helping out with them. Several of the Commissioners have been very involved. State and Federal elected officials have been very involved and on standby daily, especially Mark Schauer and Kate Segal's offices. Cooperating agency briefings at 6pm every day at the elementary school provide an overview of that day and plan for tomorrow. Focus on August 6 will be the Baker Estates Mobile Home Park clean up, which consists of 76 homes. They will also be attempting to cut out the faulty section of pipe tomorrow. It will be sent to Washington once it is taken out. Daily media briefings are still being held at 3:00 every day. They will now be only by call in with Enbridge and the governmental agencies. Every other day there are 2pm media briefings at the wildlife center. Administrator/Controller Scott has spoken with the EPA and they will coordinate tours of sites for Commissioners. Administrator/Controller Scott reassured the Commissioners from funding standpoint, even though the County is covering the expenses, they are tracking costs and will begin billing Enbridge, who has assured her that they will pay immediately so no taxpayer dollars are used for this. Volunteers can call 211. The EPA's website is [www.epa.gov/enbridgespill](http://www.epa.gov/enbridgespill) and is best website for information. The Enbridge call center is still active at 1-800-306-6837. There have been concerns on the quality of response from that number and is being worked on. Will continue to meet with Enbridge to make sure public is taken care of. The EPA is planning on holding an informational meeting in Battle Creek meeting next Tuesday.

Harold Winnie from the US Department of Transportation Office of Pipeline Safety spoke on their role in the clean up. The USDOT OPS has regulatory oversight of the pipeline. Mr. Winnie extended thanks from people on site to staff and citizens. In a tough situation, they have been accepted graciously and treated great by staff and citizens. Commissioners should be proud of the people they represent in the County. They are here for 2 reasons, to work with the NTSB investigators to determine what caused the spill and working with own investigators to determine if there are any violations. Announced that excavation is finished around pipeline and the damaged section is anticipated to be removed tomorrow. It will be removed under their direction of the NTSB, who will then take possession of the pipe and it be shipped to the NTSB in Washington. Comr. Rae inquired if the investigation will cover the flow sensors. Mr. Winnie replied that the investigation will cover all systems including control center, operations, materials and environmental. The NTSB will make any official announcements, the DOT is just assisting. The total operation of the pipeline will be investigated. Administrator/Controller Scott stated she had met with Mr. Winnie earlier and he gave her some useful information. Enbridge is required to check the integrity of the line every 7 years. Most people are wondering how they can be assured that the pipe won't rupture somewhere else when they turn the line back on. Mr. Winnie stated that—they have issued a corrective action order to Enbridge directing them they have taken the steps required before they can turn the line back on. Will look at the operation records and integrity as it is brought back up. Administrator/Controller Scott stated that she and Corporation Counsel Lindsey will be following up with Consolidated Dispatch and making sure they have access to pipeline maps so they are aware what is out there. Mr. Winnie state that the national pipeline mapping system shows all pipelines and is available online. Comr. Haadsma stated that when local officials met with the Office of Pipeline Safety, they were told there was a FEMSA recommendation to Enbridge and there was a meeting scheduled about this pipeline. Is that true and how can citizens be assured that it will be taken care of when it

wasn't then? Mr. Winnie stated the recommendations were due to a changeover to a newer technology in corrosion monitoring. At that time a significant threat was not detected so they were sent a notice advising them to monitor. The USDOT will be working to oversee integrity runs, past and future, based on this incident. Will tell them how the integrity runs will need to go from here. Comr. Rocho reminded everyone that it needs to be kept in context that we talking about shipping 8 million gallons of crude oil a day. Regulations are being put in place and to avoid disaster and no one wants to see it happen, especially in Calhoun County. But what kind of regulations would we put in place if that were being shipped down I94 or I69 in trucks every day. So we make sacrifices every day to make our lives easier and we certainly don't want to pay \$6 or \$7 a gallon for gas. This is an efficient way for Enbridge to keep doing business and we need to realize they need to keep their costs down. It was a terrible disaster and we need to be given some level of assurance that it won't happen again.

#### Resolution Pledging Full Faith and Credit for the 6 ½ Mile Road Drain Notes, 2010

Administrator/Controller Scott stated that the 6 ½ Mile drain notes were borrowed from a private company and they would like a full faith and credit pledge. Corporation Counsel has been involved and stated that there is little risk to the County because of the funding the Drain Commissioner has. The Board recently for another drain. Water Resources Commissioner Cortright stated the drain needed to be worked on to resolve flooding on 6 ½ Mile Road. It's a commonly used back road to get to the shopping areas on Beckley Road. Comr. Haadsma inquired what would happen if they did not approve the resolution and if this is the Moon Drain. Water Resources Comr. Cortright stated that the job has been completed. State funding was applied for but it took too long to get an approval and the contractors finished the job. They then went to private funding where funds can be obtained the next day. This is not the Moon Drain. Comr. Rae commented that the water on this road was a major problem and needed to be taken care of.

#### Res. 122-2010

““Motion by Comr. Lee, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Resolution Pledging Full Faith and Credit for the 6 ½ Mile Road Drain Notes, 2010”

Roll call vote: Yes – 6, excused – 1 (Todd) Motion CARRIED

#### COMMISSIONER'S TIME:

Comr. Camp stated that she was impressed with the County's response to the oil spill and she appreciates each department's level of preparedness and ability to step up. She stated it has been a pleasure to watch everyone work and thanked them for keeping everyone informed.

Comr. Rocho stated that one of her concerns at the beginning of the oil spill was lack of information. Administrator/Controller Scott has played a real leadership role with the Public Information Officers. The Sheriff's office and Durk Dunham have done a great job getting an organizational lead. The concern now is containment. She stated she thinks the EPA's refusal to approve Enbridge's initial action plan is appreciated and shows they weren't taking a quick fix. She thanked all staff and stated there are probably a lot of people working hard that we don't see. With over 1000 badges issued at the Command Center, you can't ask for more.

Comr. Haadsma stated that the Board is pleased with response from the County, State and Federal officials to the oil spill. Would like to express gratitude to people such as the NTSB director who are kind enough to sit around an elementary school table and talk to everyone. These are high level people who are taking the time to talk to everyone. Comr. Haadsma stated that he was most gratified that county residents supported the renewal of the senior millage. Comr. Haadsma also congratulated Commissioner Camp on winning her primary, even after spending so much time at cleanup.

Comr. Rae offered public praise to Administrator/Controller Scott, who has been working 24/7 since the beginning of the oil spill. There were a lot of questions when the oil spill first occurred but the person who took control was Governor Jennifer Granholm, who rode Enbridge and the EPA. Her vigorous involvement made a difference and we all owe her a lot for being there for us.

### CLAIMS PAYABLE LISTING

#### Res. 123-2010

“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 \$1,847,855.27. for the two {2} weeks ending July 28, 2010.”

Roll call vote: Yes – 6, excused – 1 (Todd) Motion CARRIED

### ANNOUNCEMENTS

Comr. Camp said thank you to residents in her district who voted for her and thanked them for their support.

Comr. Haadsma reminded everyone that International Summerfest will be this Saturday in Mill Race Park in Battle Creek. Comr. Haadsma will be at the Dutch booth.

Comr. Lee stated that Homer is having their Hogstravaganza this weekend, with a parade starting at 11.

### ADJOURNMENT

The meeting was adjourned at 8:00 p.m. at the call of the Chair.

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Chairman  
Calhoun County Board of Commissioners

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Clerk  
Calhoun County Board of Commissioners