

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

November 18, 2010

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, November 18, 2010 in the Commissioners' Meeting room, County Building, Marshall, Michigan.

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

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

Staff Present: Administrator/Controller Kelli Scott, Assistant County Administrator Brad Wilcox, Corporation Counsel Richard Lindsey, HR Director Kim Archambault, Finance Director Mark Stuhldreher and Executive Assistant/Deputy Clerk Chris Zuidema

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Board held a moment of silence followed by Comr. Gerow leading the Pledge of Allegiance.

4. APPROVAL OF AGENDA

“Moved Comr. Rocho, supported by Comr. Todd to approve the November 18, 2010 Calhoun County Board of Commissioners agenda.”

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

“Moved Comr. Rocho, supported by Comr. Todd to approve the minutes of the November 18, 2010 Calhoun County Board of Commissioners meeting as presented.”

On a voice vote, Motion CARRIED

6. CITIZENS COMMENTS

Autumn Smith, 993 E Michigan, thanked the commission for listening. She stated that she is in attendance to address the same issue - her belief that there is still oil in the river and that Enbridge and EPA officials are being deceitful about the cleanup efforts. Ms. Smith expressed her disgust and disappointment and stated she would like to get the river back to the way it was and believes there has been a lot of stuff that's been said that's not true. She stated she has gone to 2 sites to verify videos her friend took and the oil was there. She stated she has been asked by Enbridge to provide a list but she doesn't know all of them. She ended by stating this is a serious issue and would like support to hold Enbridge and the EPA accountable.

Jim Coury , 14906 17 Mile Road, stated he is a volunteer in the area. He thanked the Commissioners for their public service and stated that few see the sacrifices by elected officials and their staff. He thanked each of them for stepping forward. Mr. Coury hoped the Commissioners would carry on with good wishes.

Joseph Reynolds, 222 Irving Park, was present representing the Calhoun Race Impact Alliance, which was created to spread awareness of the race exhibit at the Kalamazoo Museum. The goal of the race exhibit is to promote a sense of oneness in humankind. The exhibit runs through January 22, 2011. They would like to encourage folks to consider attending event. In conjunction with that, there is another event at the Kellogg Foundation called Rural to Urban Farming, Distant Echoes: Black Farmers in America, which is a photo exhibit that shares the sacrifices that farmers make in rural communities.

Suzanne Horsfall, Director of the Substance Abuse Council, thanked the Board for their support of the Substance Abuse Council and reported they are getting off to a great start in their fiscal year. She also informed the Board she will be leaving the Substance Abuse Council as of January 1 and Dawn Smith will be taking over. She thanked the Board members. The Substance Abuse Council is going into 25th year of service

Nancy Morgan, Baker Estates Mobile Home Park, Battle Creek, stated she was in attendance to bring attention to the Enbridge clean-up efforts. After the spill, Enbridge said they would clean up and put it back to what it was but she believes they lied because she says there is oil is everywhere. She has seen the videos that John Bolenbaugh has taken. She believes Enbridge lies, and encouraged people to not believe them. She asked if we are that afraid of Enbridge that we accept their lies. She encouraged everyone to watch videos, as this is our future health and our river and as it is, it's still a mess. She asked that the Commissioners stand up with John and support him.

Doug Sophie, Battle Creek, President of Friends of the Ott Biological Preserve commented related to the vote on the countywide trail system. He spoke of a letter that he sent out in 2005 to the Road Commission that stated the Ott Preserve did not want paved trails in the preserve. He reminded the Commissioners that the current trails require zero maintenance. He encouraged rejection of any proposal that suggests paving the interior.

Susan Connolly, Mulberry Street, Marshall, asked to follow up on the oil spill task force. She once again expressed that she would like to be a part of it. She realizes there can only be a limited amount of people on it but she would like to be on it to be the voice of the people.

Michelle Barlund-Smith, Baker Estates Mobile Home Park, Battle Creek stated she has taken over 2,000 photos of the oil spill. She encouraged the Commissioners to pay attention to the citizens. She asked them to please take a look, walk down to the river and look.

Joe Bachman, A Drive in Ceresco, stated he is very concerned by oil that is being left behind and whether the EPA is approving it. He wants to see someone stand up for him, but only citizens are standing up. He stated he is tired of seeing Enbridge taking advantage and asked someone to please stand up and fight for the citizens.

John Bolenbaugh, Athens, stated he is doing this because no officials will do it. He stated somebody needs to stand up. Mr. Bolenbaugh told the Board that if none of them does anything in the next two weeks then he will be back and put it on public record that they don't care. Citizens are calling him for help when they should be calling their public officials. He stated the Board doesn't care about people. He stated he is finding oil everywhere. He stated the EPA is clearing sites because they were in the gulf 7 days a week, 12 hrs a day, then they came here and worked for 60 days now they want to go home. He believes Enbridge and the EPA are lying to everyone. He again stated that he will be back in 2 weeks and if the Board hasn't said or done anything he will come back and make the Board do something.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

There were none.

8. SPECIAL ORDER OF BUSINESS

8A. **Special Tribute to Suzanne Horsfall**

Read into record by Comr. Gerow and accompanied by Comr. Rae, presented to Suzanne Horsfall, Executive Director of the Substance Abuse Council.

Res. 169-2010

WHEREAS, since her appointment to Executive Director of the Substance Abuse Council, Suzanne Horsfall has expanded the Substance Abuse Council from a grassroots effort serving the City of Battle Creek, to a nationally recognized drug prevention coalition serving Calhoun County; and

WHEREAS, under her leadership, over one million Drug Free Communities grant dollars have been dedicated to the achievement of a healthy community in Calhoun County through the reduction and prevention of substance abuse among youth, and adults; and

WHEREAS, Suzanne has maintained the Substance Abuse Council as a consistent, and reliable source of information; providing nationally recognized best practice programming for youth and families; and

WHEREAS, understanding the importance of collaboration to the community, she has forged partnerships throughout Calhoun County including those with: 37 District Drug Court, 10th District Court Sobriety Court, Summit Pointe, Calhoun County Sheriff's Department, Battle Creek Police Department and all law enforcement agencies in the county; Calhoun Intermediate

School District; Battle Creek Health Systems, Department of Public Health, and many local organizations; and

WHEREAS, her commitment to prompt response to emerging substance abuse issues in the community led her to form the first county Meth Task Force in the state of Michigan in 2003, and receive special recognition from the Director of the White House Office of National Drug Control Policy in 2008; and

WHEREAS, A Battle Creek native, Suzanne has remained active in the community through her service on several boards, including the Calhoun County Drug Court Board, Psychological Consultants Advisory Board, Michigan Prisoner Re-entry Initiative Steering Committee and the Michigan Meth Task Force. Suzanne is a member of the Battle Creek Rotary Club, is a sustaining member of Junior League of Battle Creek, served as a victim advocate for MADD, and graduated from the Battle Creek Leadership Academy and Citizens Police Academy. She is also a recipient of the Calhoun County Law Enforcement Community Service award; and

WHEREAS, this year has special meaning as 2010 will be Suzanne Horsfall's last year serving the community as the Executive Director of the Substance Abuse Council as she relocates with her family to Tennessee. An open house will be held in her honor on November 30th at McCamly Plaza Hotel's Hamblin Room from 4:00p.m. - 6:00p.m. allowing for the public to wish her well on her new endeavors; and

NOW THEREFORE BE IT RESOLVED, the Calhoun County Board of Commissioners does thank Suzanne Horsfall for her work and dedication to Calhoun County and wishes her success in her new endeavors.

"Move Comr. Camp, supported by Comr. Lee to approve the following: Resolved the Calhoun County Board of Commissioners approve the Special Tribute to Suzanne Horsfall."

On a voice vote: Motion CARRIED

8B. Holiday Season Impaired Driving Prevention

Read into record by Comr. Todd, then he and Comr. Rae presented the proclamation to Pat Karr, Executive Director of Battle Creek Area Transportation Services (BCATS).

Res. 170-2010

WHEREAS, motor vehicle crashes involving alcohol (with at least one driver with a blood alcohol concentration of .08 g/dL or above) accounted for 32% of all motor vehicle traffic fatalities in 2009 (killing 10,839 persons and injuring hundreds of thousands more every year in the United States); and

WHEREAS, the Thanksgiving through New Year's holiday season is traditionally one of the most deadly times of the year for alcohol-impaired driving; and

WHEREAS, according to the National Highway Traffic Safety Administration, based on the current rates, three in every ten Americans will be involved in an alcohol related crash at some point in their lives; and

WHEREAS, organizations across the nation are joining together to promote the "*Drunk Driving. Over the Limit. Under Arrest.*" national public awareness campaign and law enforcement initiatives during the November 29, 2010 to January 3, 2011 time period;

NOW, THEREFORE BE IT RESOLVED that the Calhoun County Board of Commissioners proclaims November 29, 2010 to January 3, 2011 as "Holiday Season Impaired Driving Prevention" and encourages promotion of the awareness campaign this holiday season and throughout the year.

On a voice vote, Motion CARRIED

9. CONSENT AGENDA

Comr. Camp requested Item 9B.1. be removed from the Consent Agenda to be voted on separately.

Res. 171-2010

"Move Comr. Rocho, supported Comr. Lee to adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following November 18, 2010 Consent Agenda without Item 9B.1."

A. Petitions and Communications

1. October 2010 Financials for information only.

B. Resolutions

On a voice vote, Motion CARRIED

1. CCCDA Governing Board Appointment

Res 172-2010

"Move Comr. Lee, supported Comr. Todd to confirm the appointment of Kelli Scott to the Calhoun County Consolidated Dispatch Authority for a term to begin immediately and terminate on December 31, 2012."

Comr. Rae stated he has served on the CCCDA Board and wanted to appoint someone who would be knowledgeable. He nominated Kelli Scott because she has worked with 911 for over a year and she is knowledgeable about their finances. He did point out that the 911 board has the CEO for the City of Battle Creek, the CEO for Albion is on the Board and the CEO for Springfield is also on board. That being the case it would make sense to have our CEO on it. In addition to that, the 911 Board has reps from State Police and the Sheriff's Department, and the City of Marshall. For those reasons it made sense to appoint Kelli to finish out his term, which is through 12/31/12.

Comr. Camp stated she objects that Battle Creek has 2 voting members and Marshall's is an elected official. She believes someone who reports directly to the citizens would be a good choice.

Comr. Haadsma asked Administrator/Controller why she believes Chair Rae wanted to appoint her. He inquired whether she agreed or disagreed with the appointment and why.

Administrator/Controller Scott stated she agrees with the appointment and the main reason is continuity. The struggle the board has had to face as elected officials change. The secondary reason would be that she attends the meetings anyway, the county has a financial stake in what happens with dispatch. To be there and look out for the best interest of the county not just a single district so she would have a broader perspective.

Comr. Haadsma inquired if there is a reason that we do this now, rather than after the first of the year.

Comr. Rae stated that it makes sense that he formally resign that there will be a CCCDA meeting in December and that Kelli will be an excellent person to hold the position. He stated there is no reason to postpone it.

Comr. Camp stated she thinks it would be better to wait until after the first of the year.

On a roll call vote, Yes – 4, No – 3 (Camp, Haadsma, Gerow) Motion CARRIED

10. Special Committee/Workshop/Board Reports

There were none.

11. Unfinished and Old Business

There was none.

12. Petitions and New Business

A. County Administrator/Controller's Report

Announcements: The next SMART meeting will be on December 1, in Coldwater at 9:30 a.m. An email was sent to the Comrs. Administrator/Controller Scott encouraged everyone to go.

Administrator/Controller Scott also followed up on public comments, has been working with Enbridge and EPA to schedule a time to go back to sites on the river so the Commissioners can see the areas for themselves. She will be getting more information out to them soon.

1. Revised 2010 Apportionment Report

Administrator/Controller Scott stated that after elections, two Townships passed millages. The Board needs to approve the amendment so they can put the millage on winter tax.

Res. 173-2010

“Move Comr. Rocho, supported by Comr. Haadsma adopt the following: Resolved by the Calhoun County Board of Commissioners to approve the revised 2010 Apportionment Report as presented.”

On a voice vote, Motion CARRIED

2. DNRE – Administrative Consent Order

Corporation Counsel Lindsey stated that in 2008 an ordinance was changed but never put on the agenda. These are the revisions. The Road Commission carries out the order but the County is ultimately responsible. The request is for the Board to adopt ordinance and authorize Administrator/Controller Scott to sign it.

Administrator/Controller Scott clarified that approving the consent order will bring the County into technical compliance with the MDNRE.

Res. 174-2010

“Move Comr. Rocho, supported by Comr. Haadsma to adopt the following: Resolved by the Calhoun County Board of Commissioners to approve the DNRE – Administrative Consent Order.”

On a voice vote, Motion CARRIED

3. Soil Erosion and Sedimentation Control Ordinance

Corporation Counsel Lindsey stated that the Ordinance should have been in place since 2001. It has been approved by the State: therefore the Board cannot modify it.

Res. 175-2010

“Move Comr. Haadsma, supported by Comr. Gerow to adopt the following: Resolved by the Calhoun County Board of Commissioners to adopt the Soil Erosion and Sedimentation Control Ordinance.”

Comr. Rocho inquired that if the Road Commission is the authorized public agent, she doesn't understand the County oversight the way the contract is written. Is there not a need or has it been determined who will the enforcing agent be. Is there still, other than the sheriff's responsibility, who has the ultimate responsibility?

Corporation Counsel Lindsey stated the Road Commission is appointed as APA. The ultimate responsibility goes to Board of Commissioners if the ordinance is passed. The Board of Public Works is the enforcing agent.

Comr. Camp inquired if this was something to put us in compliance with the State statute.

Corporation Counsel Lindsey stated that according to the statute, the County had to write the ordinance and the State had to approve it. That is why it needs to be approved as presented or it would need to go through the whole process again. This has been enforced since 2003.

On a voice vote, Motion CARRIED

4. Deliverables

Administrator/Controller Scott stated that a requirement of her contract was to develop deliverables before November 1. She felt the best way was to have the board act as a whole. She used the 2009-10 Strategic Action Plan as the document to integrate proposed deliverables with goals of Commissioners and county departments. There are 33 deliverables and she has had feedback from Commissioners. She has received support from the Administrative/Executive team, saying the Deliverables are ambitious but doable.

Comr. Camp stated that some of the items have already been fulfilled, with the timing of the contract. Appreciates that not only did Kelli work off the strategic plans but that several items that were important to Comr. Camp were addressed. Comr. Camp stated she needed more definition going forward. She is not 100% satisfied with the deliverables but is in support.

Res. 176-2010

“Move Comr. Haadsma, supported Comr. Rocho to adopt the following: Resolved the Calhoun County Board of Commissioners to approve Administrator/Controller Scott’s 2010-11 Deliverables.”

On a voice vote, Motion CARRIED

5. Juvenile Accountability Block Grant Application

Administrator/Controller Scott stated the request is for the Board to authorize the submission of the grant for \$16,826. The grant does require a county match of \$1,869. The funds will be used to purchase handheld radios for Juvenile Home employees.

Res. 177-2010

“Move Comr. Rocho, supported by Comr. Camp to adopt the following: Resolved the Calhoun County Board of Commissioners to approve the submission of the Juvenile Accountability Block Grant Application.”

On a roll call vote – Yes – 7, Motion CARRIED

Administrator/Controller Scott gave credit to Juvenile Home Director Mike Gillum for seeking alternative funding and to Assistant County Administrator Brad Wilcox for leading the Security Committee on projects like these.

6. CCPHD FYE Approved Staffing Pattern Revision

Administrator/Controller Scott stated that because of the way staffing controls were put in the 2010 budget, any changes in staffing allocation have to come to the Board. This is a reclassification of position, changing the required needs of the position.

Res. 178-2010

“Move Comr. Haadsma, supported Comr. Gerow to adopt the following: Resolved the Calhoun County Board of Commissioners to approve the requested revision of the Calhoun County Health Department’s FY 2011 staffing pattern.”

On a voice vote, Motion CARRIED.

13. Citizens time

Autumn Smith stated that she believed Enbridge will put their best foot forward if you go out on the river with them and they won’t show you the worst spots. She reiterated that she doubts that Enbridge will show the Commissioners the sights that she has seen. Ms. Smith encouraged the Commissioners to tour the river with John so he can show them the bad spots.

Ms. Smith also invited the public to Calhoun County Community Inclusion’s celebration of World Aids Day on December 1. Observance will be at 7 p.m. at St Thomas Episcopal Church.

John Bolenbaugh spoke about bringing in reporters and showing them oil. He stated in some places the oil is very thick on the water. He believes there are places where the grass has been placed over the oil so no one can see the oil until you walk in it. He claims he found oil in 10 – 20% of the sites that the EPA has cleared. He stated that he needs a government official to help him hold Enbridge accountable.

14. Commissioner’s Time

Comr. Camp thanked Mr. Hippensteel and Administrator/Controller Scott for answering her questions in preparation for the Board meeting.

Comr. Camp did not intend to respond to specific commands regarding the oil spill but would like the public to understand that several Commissioners have been active in the public and have been interacting with residents on an ongoing basis. They have been listening, have been responding to concerns and will continue to look into issues. The Commissioners have been provided with information which is very detailed and there is a path to communicate with regulatory agencies. They have a contact with the EPA and he is available when needed. She asked that people not take away that the Commissioners are not addressing the oil spill issues, as they have been, are being and will be addressed.

Comr. Camp wished everyone a Happy Thanksgiving.

15. Announcements

There were no announcements.

16. Adjourn