

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

September 1, 2011

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, September 1, 2011 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

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

Present: Comrs. Behnke, Todd, Haadsma, Camp Siefke, Frisbie, VanSickle and Kale

Staff Present: Administrator/Controller Kelli Scott, Corporation Counsel Richard Lindsey, Human Resources Director Kim Archambault, and Deputy Clerk Chris McComb

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Board held a moment of silence in honor of September 11 followed by Comr. Kale leading the Pledge of Allegiance.

4. APPROVAL OF AGENDA

"Moved Comr. Haadsma, supported by Comr. Behnke to approve the agenda of the September 1, 2011 Calhoun County Board of Commissioners as presented."

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

"Moved Comr. Camp Siefke, supported by Comr. Haadsma to approve the minutes of the August 18, 2011 Calhoun County Board of Commissioners Regular Meeting as presented."

On a voice vote, Motion CARRIED

6. CITIZENS' TIME

Bob Brownell, Marengo Township Supervisor, commented on item 12B, stating he did not believe that the apportionment given is legal. He stated Mr. Cortright combined several districts into one without a public hearing, it wasn't legal and he would support commission taking necessary legal action to stop it.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

There were none.

8. SPECIAL ORDER OF BUSINESS

A. National Alcohol and Drug Addiction Recovery Month

Comr. Haadsma read the National Alcohol and Drug Addiction Recovery Month Proclamation.

**WHEREAS**, recovery from substance use disorders *is* possible when those suffering from abuse and addiction have access to treatment and recovery resources, as well as support of our community; and

**WHEREAS**, substance abuse and dependence can be triggered by actions or events that affect all of us, including: experimentation with drugs and alcohol in youth; physical, emotional, or sexual abuse experienced in youth, unintentional misuse or over-prescription of medications; undiagnosed or untreated mental conditions such as depression and anxiety; traumatic life events; and general financial, physical, or emotional stress; and

**WHEREAS**, emotional, physical and financial consequences of substance abuse and dependence are devastating to the substance abuser, their families, and community;

**WHEREAS**, high rates of unemployment and poverty often lead to increased rates of substance abuse and a decrease in ability to seek treatment; and

**WHEREAS**, studies show over 40% of individuals in need of substance abuse treatment services cited lack of insurance coverage and/or financial resources as a barrier to getting treatment; and

**WHEREAS**, continued strains on governmental budgets lead to decreased availability of substance abuse prevention and treatment services funded by the State of Michigan; and

**WHEREAS**, utilizing effective substance abuse prevention, treatment, recovery resources and diversion programs, such as Calhoun County's Sobriety and Drug Courts, in a concerted effort significantly decreases the emotional, physical, and financial consequences of substance abuse, while greatly increasing the likelihood of sustained recovery; and

**WHEREAS**, the Substance Abuse Council will continue to support the recovering community through its Celebrate Recovery Committee by collaborating with treatment providers, diversion programs, and support groups; while providing prevention services for children and families of substance abusers and educating the community about substance use disorders, and alleviating misconceptions associated with addiction;

**WHEREAS**, to help more people enter a path of recovery, and break the cycle of substance abuse within families and communities, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Substance Abuse Council invite all residents of Calhoun County to participate in National Alcohol and Drug Addiction Recovery Month (Recovery Month); and

**THEREFORE, BE IT RESOLVED**, that the Calhoun County Board of Commissioners proclaims September “National Alcohol and Drug Addiction Recovery Month” in Calhoun County.

Res. 109-2011

“Moved Comr. Haadsma, supported Comr. Behnke to approve the following: Resolved the Calhoun County Board of Commissioners does hereby proclaim September 2011 as National Alcohol and Drug Addiction Recovery Month in Calhoun County.”

The National Alcohol and Drug Addiction Recovery Month Proclamation was accepted by Laura Otte from Summit Pointe.

On a voice vote, Motion CARRIED

B. September 11 Tenth Anniversary Tribute

Comr. Kale read the September 11 Tenth Anniversary Tribute.

**WHEREAS**, at 8:46 a.m. on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

**WHEREAS**, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

**WHEREAS**, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

**WHEREAS**, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

**WHEREAS**, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

**WHEREAS**, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witness to this tragedy, are forever changed; and

**WHEREAS**, countless fire departments, police departments, first responders, government officials, workers emergency personnel, and volunteers responded immediately and heroically to those horrific events; and

**WHEREAS**, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

**WHEREAS**, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

**WHEREAS**, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

**WHEREAS**, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or are suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

**WHEREAS**, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of life on that fateful day; and

**WHEREAS**, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

**WHEREAS**, on the 10<sup>th</sup> anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001, and their families; and

**WHEREAS**, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

**WHEREAS**, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States.

**NOW, THEREFORE, BE IT RESOLVED** the Calhoun County Board of Commissioners does hereby:

- 1) recognize September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001 and a day to come together as a Nation;
- 2) offers its deepest and most sincere condolences to the families, friends and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;
- 3) honors the heroic service, actions and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives;
- 4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, support the cause of freedom and defend the security of the United States;

- 5) reaffirms that the people of Calhoun County will never forget the challenges our country endured on and since September 11, 2001; and
- 6) on the 10<sup>th</sup> anniversary of this tragic day in United States history—
  - A) calls upon all the people and institutions of Calhoun County to observe a moment of remembrance on September 11, 2011
  - B) encourages the observance of the moment of remembrance or prayer to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable—
    - i) ceasing all work or other activity; and
    - ii) marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Res. 110-2011

“Moved Comr. Frisbie, supported Comr. Haadsma to approve the following: Resolved the Calhoun County Board of Commissioners does hereby call upon all the people and institutions of Calhoun County to observe a moment of remembrance on September 11, 2011 to last for one minute at 1:00 p.m. Eastern Daylight Time.”

On a voice vote, Motion CARRIED

9. CONSENT AGENDA

- A. Petitions, Communications, Reports  
There were none.
- B. Resolutions  
There were none.

10. SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS

Comr. Kale stated staff was working on scheduling budget hearings with departments and they should be done by the end of September.

Comr. Haadsma stated he, along with Comrs. Kale and Camp Seifke, had attended the Senior Millage Allocation Committee Strategic Planning session and there will be more sessions later. He stated it was useful in relation to ensuring that SMAC properly allocates resources in delivering services to seniors in our county.

11. UNFINISHED AND OLD BUSINESS

There was none.

## 12. NEW BUSINESS AND COUNTY ADMINISTRATOR'S REPORT

Administrator/Controller Scott stated the Board had completed their Strategic Planning sessions and she was working on compiling the information. She stated she would be presenting the completed plan at the next Board meeting.

A/C Scott stated the Budget Committee met, budgets were being formulated by departments and were due September 6. She stated when the budgets are received they will have a better idea of what leadership is looking at. She stated they will be looking at staffing cuts and even making as many cuts as possible through attrition it will be difficult. She stated a point of concern was the recent passage of Senate Bill 7, which limits the amount an employer can pay toward health insurance. She stated the final bill gives options and flexibility but it also makes decisions more difficult. She stated staff was also waiting to hear back from the benefit consultants to see how much benefits will increase.

A/C Scott clarified some logistical issues on the endowment that Enbridge is offering for upgrades to Bridge Park. She stated Enbridge will request bids from local foundations to manage the endowment. She stated Enbridge used the estimate for maintenance costs provided by the Road Commission to determine they would need to provide about \$20,000 per year of available spending from the endowment.

### A. Change in Sheriff's Department Staffing Allocation

Administrator/Controller Scott stated the request made on behalf of the Sheriff was a movement of the Fiscal Officer from a non union to a union position. She stated there was a request from the Sheriff to make this a union position after the command personnel who handled the Sheriff's Department Information Technology Duties retired. She stated the Sheriff and Administration agreed that the County I.T. Department should handle the Sheriff's Department computer support and leave his I.T. position vacant. She stated that Sheriff's Computer Support Specialist position was unique, as most employees in the COAM union were sworn officers, the union was willing to allow for a realignment as county non union with the rest of the I.T. positions. She stated that position was not funded for the current year. She stated the Fiscal Officer position has been non-union for at least the last several years, and the Sheriff is asking to move it to COAM. Scott stated the position supervises staff in POAM, the non-supervisory unit. She stated Administration questioned if it was the right thing to do so they got input from the County's labor attorney, who saw this as an appropriate placement, it was more form over function and he did not see a negative impact. She stated Administration signed the agreement to bring it to the Board like any labor negotiation and they offered language changes in the agreement to protect the Board's control over budget and position authority. She stated the goal in being a co-employer was look at economic factors, compensation, and budgetary controls, not to get into the terms of agreements in operational issues but concentrate on the budgetary impact. She stated the position was being proposed with a pay freeze, which is estimated to save approximately \$15,000 over the next five years. She stated Administration believed the agreement protected the rights of management and provided budget savings so they recommended approval as the co-employer.

Sheriff Byam stated he had communicated with all of the Board members so they all knew his opinion. He stated he appreciated the support of Administration and the work that has gone into presenting the agreement.

Comr. Haadsma stated after having discussions with Administration, the Sheriff, and COAM he didn't understand how this benefited the county. He stated he relied on the Sheriff saying it was an operational decision, despite his concern about supporting about why this was being done. He stated he relied on the Sheriff and Administration that this was a good thing and he would vote for it because labor counsel stated this was appropriate. He stated there were negotiations with the Sheriff and the Administrator/Controller felt confident to sign this and it was her declare that this was the proper way to proceed.

Comr. Camp Siefke stated this was the fourth commission to deal with this issue and Administration has kept the Board up to date and honored staffing agreements. She encouraged a vote in favor.

Comr. Kale stated he would be voting against the proposal for the sole reason that he believed this structurally was not a good business model. He stated it was not an anti-Sheriff, anti-employee or anti-union vote, but rather a vote that he felt reinforced the principles of good business practice. He stated Administration had supported the request from the County Sheriff because they felt the role of the county as co-employer was to review such bargaining issues from an economic viewpoint, and not interfere with operational or managerial decisions. He stated that while he had great regard for the Administration staff, he still had the responsibility to think out issues on his own. He stated he was a strong supporter of the County Sheriff and his people, despite differences on this issue. He stated that over the last year or so, he had been a consistent supporter of his dedication and goals. He stated that to think he was not a supporter of the County Sheriff's Department because of this vote would be without merit.

Comr. VanSickle stated that in 40 years of negotiating on school boards, he found it difficult to understand why anyone would want someone on his management team on the other side of the table. He stated that in a management scheme he didn't think this would be good for us. He stated he didn't think it would be good for us and he was opposed.

Res. 111-2011

"Moved Comr. Camp Siefke, supported Comr. Haadsma to approve the following: Resolved the Calhoun County Board of Commissioners does approve Per Paragraph #7 of the 2011 General Appropriations Resolution, and the Letter of Understanding between the Sheriff, Calhoun County, and the Command Officers Association of Michigan, changing position MG306-Computer Support Specialist (authorized but unfunded) from being a bargaining unit position (COAM) to being a non-bargaining unit position on the Authorized Staffing Allocation Report. In addition, this position will be transferred from the Sheriff Department's allocated staffing list to that of the Administrative Services Department. It is also requested that the position of PF999 Fiscal Manager (authorized and funded) be changed from being a non-bargaining unit position to being a bargaining-unit (COAM) position.

On a roll call vote, Yes – 3, No - 4 Motion FAILED

Sheriff Byam thanked Administration for bringing the proposal to a public vote and thanked those who supported it. He stated in his 15 years as Sheriff this was the first time that a Board thought they had a better operational perspective than the Sheriff himself.

B. Appeal of Apportionment

Res. 112-2011

“Moved Comr. Behnke, supported by Comr. Todd to approve the following: Resolved, that Corporation Counsel is authorized to file an appeal pursuant to MCL 280.155 of the apportionment of benefits as to Calhoun County relative to the Rotherick Drain Special Assessment District and the Waiver of Conflict of Interest relative to the same is approved and the Board Chair is authorized to sign that agreement on behalf of Calhoun County.

Administrator/Controller Scott stated the proposed resolution prepared by Corporation Counsel was to authorize the County to file an appeal pursuant to the Drain Code pursuant to the recent apportionment relative to the Rotherick Drain. She stated Administration also asked the Board to approve a waiver of conflict for Corporation Counsel so Lindsey didn't have a conflict of interest in representing both the County and the Drain Commissioner. She stated that in all cases until now, Administration felt the proposed apportionments were reasonable. She stated the drain was done on an emergency basis without a petition to trigger a Board of Determination to make sure the assessment district was properly outlined. Scott stated the drain hadn't had work in many years and the apportionment was not one normally seen. Scott stated the only way to go back to get the district properly defined would be to put a Board of Review in place and make sure apportionments were assessed properly.

Corporation Counsel Lindsey clarified he will not be representing both offices as the Drain Commissioner will be represented by Hubbard law. He stated the review board will begin the review process from the beginning.

A/C Scott stated there was a timeline as the County had 10 days to file an appeal and 10th day was the day following this meeting.

Comr. Camp Siefke stated she questioned this on benefit to the county, as it was a small amount of money. She stated it didn't further address the concerns of Marengo Township and it didn't take into account the residents. She stated this was not the first issue that the public or the Board has had with the Water Resources Commissioner. She stated the nicest word used to describe his work was arbitrary. She stated she reviewed one township's increase in assessments and it took her four hours. She stated the kindest thing she could say was she was disgusted. Comr. Camp Siefke wanted to know why the Water Resources Commissioner wasn't there to answer questions, there was no public trust in him and the Board had no recourse. She stated the residents needed to demand Cortright give answers because this was not acceptable.

Comr. VanSickle stated he would be abstaining from voting because he was a landowner in the district. He stated he found it disturbing that it was assessed as the Rotherick Drain but it wasn't, there were three separate drains listed in the apportionment. He stated there were flaws and if it was passed, he would strongly urge the reason for this appeal be for the apportionment only and not for the



consolidation of districts, that needs to be done by the Board of Determination. He stated he believed they got the horse before the cart and the County should appeal this.

Counsel Lindsey stated Marengo will not have to spend attorney fees because once process begins it was not a court process. He stated he had discussed the process with Marengo Township and it was understood that the County could only deal with the issues with this district or the ones that the county is named on.

Comr. Haadsma inquired what was the emergency quality of the event which caused this work to be done rather than the normal way.

A/C Scott stated there was severe flooding related to this drain on J Dr North and it caused the road to fail. She stated the Water Resources Commissioner is entitled under the law to proceed with work if he feels it is an emergency.

Counsel Lindsey stated that when protesting the apportionment, once the process was opened, the Board of Appeal can look at everything, determine what was appropriate and make changes as they see fit. He stated after meeting with Cortright he believed what is shown on the apportionment is not the appropriate drain and issue will be resolved through the apportionment review. Lindsey stated if the Board wanted to appeal the apportionment because it's not fair, his recommendation was this is the time to do it because there are a lot of circumstances here that were used to determine it an emergency. He stated there would not be any consolidation of districts because there needed to be a Board of Determination for that.

“Moved Comr. Camp Siefke, supported by Comr. Behnke for a suspension of the rules temporarily to allow public comment.”

On a voice vote, Motion CARRIED

Corporation Counsel stated the only thing he would like to add is that the 5 minute speaking limit still apply.

Jay Weaver lives on Partello Road and the Rotherick Drain was two houses down from him. He stated he didn't see where cleaning the drain out has benefitted him, the water didn't change and there is swamp down the road from him. He asked where Rotherick Drain started and ended. He stated Rotherick Lake is 2 feet deep and you couldn't clean it because it's muck and quicksand. He stated he would pay the bill but he wanted to know how much. He stated he wished Water Resources Commissioner Cortright was there to answer the question.

Jonathon Kittinger stated he believed this was starting to fall under malfeasance. He claimed excessive work had been done on Partello Road because one person complained. He stated he had talked to several people and believed Cortright declared an emergency because he had a lot of work. He stated the Road Commission never closed the road, the busses never stopped running and it was just a 1300 strip of road that was a nuisance. He believed the County should reconsider and accept 100% of the apportionment. He stated Cortright was adamant this was part of the drain but his drawings show differently. He told the Board not to pass a motion on appealing the County's 50%; they should consider reining their guy in and make him pay for it. He stated Cortright was a County employee and he caused all this.

Comr. VanSickle stated the appeal board can do whatever they want because the Water Resources Commissioner loses control of what happens. He stated that board is in full control of what happens.

Comr. Frisbie inquired if there would be legal costs.

Counsel Lindsey stated there would be no cost for his time as he's already on staff. He stated one of the aspects of the Drain Code was that the ones who receive the benefit will pay.

Comr. Camp Siefke inquired if the panel would take into account who is culpable because her understanding of drain code was that no one was culpable. She stated that Cortright should be in attendance to answer her questions, the resident's questions and the township's questions.

Counsel Lindsey stated that with an appeal the process started again from the beginning, there was no fault finding. He reminded the Board that the Water Resources Commissioner was not an employee of the County, he was an elected official. He stated Cortright could be recalled, there was a process to stop him but he has not been instructed to do anything. He stated the appeal was limited to the apportionment, the work was done, the money was owed, and it was just a matter of who pays.

Comr. Haadsma stated if the Board didn't do this, that's it, there was nothing else. He stated if they did it, it was a modest complaint and could be withdrawn after Larry came to explain it.

Counsel Lindsey stated the appeal schedule was aggressive; they would have 10 days to declare a board, and 20 days to hold appeal hearing.

Comr. Haadsma stated he would vote in support but he would like Cortright to attend the meeting on the 15th to explain his actions then if needed the appeal could be withdrawn.

Counsel Lindsey stated one thing the Board could do was work with Marengo and come up with a settlement everyone agreed to then they could present a negotiated agreement.

Comr. Camp Siefke thanked everyone for the discussion.

Comr. Kale stated he would vote in favor because this was an arbitrary vote but he was sorry Cortright wasn't there.

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

### 13. CITIZEN'S TIME

Jonathon Kittinger thanked all of the Commissioners for appealing. He stated he hoped it turned out in favor of the free owners because 90% of the costs were Partello Road properties. He stated Cortright could have followed due process.

14. COMMISSIONERS TIME

There was none.

15. CLAIMS PAYABLE

Res. 113-2011

“Moved Comr. Behnke, supported by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Claims Payable Listing for August 12 – 25, 2011 in the amount of \$687,447.26.

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

16. ANNOUNCEMENTS

Comr. Haadsma stated that on September 10 there would be a “Lupus Walk” at Leila Arboretum at 10am in the children’s garden.

Comr. Haadsma wished everyone a happy and safe Labor Day weekend.

Comr. Haadsma wished Comr. Camp Seifke a safe journey on her honeymoon.

Comr. Todd wished congratulations to Comr. Camp Seifke and her new husband. He wished them many years of love and comfort and told her she was a wonderful person.

Comr. Todd extended an invitation to the 78th Annual Freedom Fund dinner sponsored by the NAACP on October 28 at 6 p.m. at the Battle Creek Country Club. He stated he had tickets if people were interested.

Comr. Kale thanked Treasurer Ann Rosenbaum, Jon Bartlett and Krista Trout-Edwards for getting the demolition projects started in Albion. He stated they were working on 13 homes.

Comr. Kale congratulated Comr. Camp Seifke on her marriage, stated the reception was great and wished her a Happy Birthday.

Comr. Kale stated Saturday was a big day in Albion because the Charlie Battery First Batallion Field Artillery came home after 10 months in Iraq and Kuwait. He thanked Mayor Joe Domingo, the Moose Riders, Kelly Rice, the Albion College Marching Band and Sheriff Byam and his deputies for all the work on the homecoming. He stated the Sheriff and his deputies blocked off part of I94 for the 40 bikes in the ride and gave them an escort into Albion Armory. He stated Charlie Battery was deployed as a security force, returned with many medals as the highest decorated unit in that deployment and the best news is all 123 came back.

Comr. VanSickle stated he and Chair Kale had the opportunity to go on a tour of Blight Farms to hear about manure management.

Comr. Camp Siefke thanked everyone for the good wishes. She stated she still have the same addresses and numbers.

Comr. Camp Siefke told everyone to have a safe and fun weekend.

17. ADJOURNMENT

The meeting was adjourned at 8:19 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