

**PROCEEDINGS OF THE
BOARD OF COMMISSIONERS**

November 15, 2018

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7 p.m., Thursday, Nov. 15, 2018 in the Commissioners' Meeting Room, County Building, Marshall, MI.

Chair King called the meeting to order and requested the Deputy Clerk call the roll.

Present: Comrs. Smith, Potter, Reynolds, Tompkins, King, Vette, and Frisbie

Staff Present: Administrator/Controller Kelli Scott, Assistant Administrator Brad Wilcox, Corporation Counsel Jim Dyer, Communications Manager Lucy Blair and Deputy Clerk Shana Huerta

2 and 3. MOMENT OF SILENCE/INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was held followed by Comr. Smith leading the Pledge of Allegiance.

4. APPROVAL OF AGENDA

“Moved Comr. Potter, second by Comr. Reynolds to approve the agenda of the November 15, 2018 Regular Session of the Calhoun County Board of Commissioners as presented.”

On a voice vote, Motion **CARRIED**.

5. APPROVAL OF MINUTES

Minutes of the November 1, 2018 Board of Commissioners Apportionment Session

“Moved Comr. Tompkins, second by Comr. Vette to approve the minutes of the November 1, 2018 Regular Session as presented.”

On a voice vote, Motion **CARRIED**.

6. CITIZENS' TIME

There was none.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

Sheriff Matt Saxton congratulated the Commissioners on the Tuesday, Nov. 6 election results and stated that he had reached out to the two new commissioners. Sheriff reminded everyone to drive carefully, stating that the first snow fall caused 12 accidents with 10 of them occurring in Pennfield and two in Springfield. He wished everyone a Happy Thanksgiving.

8. SPECIAL ORDER OF BUSINESS

1. Floor Monitor Recognition Proclamation

Comr. King read the proclamation into record.

Floor Monitor Recognition Proclamation

Whereas, Floor Monitors are an integral component of the Risk Management Committee's security plan to ensure safety across County operations; and

Whereas, Calhoun County values the contributions of employee Floor Monitors who volunteer to respond to emergencies in County buildings; and

Whereas, Floor Monitors participate in activities—sometimes without notice—such as, minor medical events, fire alarms and severe weather events, etc.; and

Whereas, Floor Monitors promote safety and well-being for employees and visitors to County buildings by gaining skills necessary to assist in emergency situations; and

Whereas, the Floor Monitors selflessly volunteer for this program thereby committing their work time throughout the year participating in trainings and emergency exercises; and

Whereas, Floor Monitors contribute to County safety and security by acting professionally and helping to enforce compliance with applicable County policies; and

Whereas, at an event for sixty-five Floor Monitors on Thursday, Dec. 6, 2018, all will be recognized for their participation and dedication to this program; and

Therefore, on behalf of the Calhoun County Board of Commissioners, it is my honor and privilege to thank the employees who choose to be Floor Monitors thereby taking on the responsibility of keeping our County buildings secure while contributing to the safety of employees and visitors.

Signed:

Derek King, Chair
Calhoun County Board of Commissioners

Res. 179-2018

“Moved Comr. Potter, second by Comr. Vette to approve the Floor Monitor Recognition proclamation as presented.”

On a voice call vote, Yes – 7. Motion **CARRIED**.

2. Amended 2018 Apportionment Report

The County’s Equalization Consultant, Roger McEvers, presented the amended 2018 Apportionment Report, explaining that the Olivet Schools additional millage passed at the Tuesday, Nov. 6 election. He noted that this millage affected the previously approved Apportionment Report related to the Olivet Schools total, schools as a whole total and the grand total. Mr. McEvers stated that the canvas for the vote was currently still incomplete and if the results were overturned he would suggest that the Board reinstitute the previously presented report.

Res. 180-2017

“Moved Comr. Smith, second by Comr. Reynolds to approve the resolution approving the 2018 Amended Apportionment Report pursuant to Michigan Compiled Law 211.37 as presented.”

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

3. Presentation of the Administrator/Controller’s Fiscal Year 2019 Budget Recommendation and Public Hearing on the Proposed 2019 Budget

Res. 181-2018

“Moved Comr. Potter, second by Comr. Reynolds to Open Public Hearing.”

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

Comr. King declared the Public Hearing Open.

Administrator/Controller Kelli Scott explained that Interim Deputy Controller Megan Banning would be presenting the proposed budget and would highlight the assumptions and summary of the 2019 budget proposal focusing on certain revenues and expenditures. Ms. Scott provided an overview of the process that was taken to create a proposed balanced budget on time and thanked County wide leadership for their continued cooperative efforts in the budgeting process.

Ms. Banning explained that input was received from all departments across the County to ensure compliance with accounting principles and transparency of the budget being presented. Ms. Banning stated that the process started in July to create budget assumptions and the five year forecast and that this year’s assumptions included a ½% increase in state revenue sharing, 2.2% increase in property tax revenues, and a \$1.5 million transfer from the delinquent tax revolving fund. Deputy Controller Banning explained that Public Safety revenues increased by 5% and that overall revenues include an expected decrease in court costs and fine revenue. Ms. Banning stated that regarding expenditures, the assumptions include a 2% Cost of Living Adjustment (COLA) for all non-union employees, a 1 ½% to 2% contracted COLA adjustment for various union groups, step increases for eligible employees and a 5 ½% increase in the employer-paid portion of health benefits. She explained that the budget includes a transfer of \$460,000 from the General Fund (GF) to the Capital Improvement Program Fund (CIP) and

also includes a \$400,000 contingency. Ms. Banning stated that 2019 expenditures were expected to increase by 1.75% in total, largely related to normal increases in compensation and health care costs. She explained that the planned new Public Defender's Office was included in the 2019 budget and that the indigent defense expenses were moved from the Circuit Court budget into a required new Special Revenue Fund. Ms. Banning stated that the General Fund balance at the end of 2018 was estimated at \$5M, or 11% of annual expenditures. She explained that in regard to 2019 staffing, there were decreases in the courts, a proposed Legal Secretary for Corporation Counsel, reclassification of one position within Equalization, leaving unfunded the Finance Director position and one Case Manager in Community Corrections, and one added mechanic position within the Road Department. Ms. Banning stated that the Road Department will see a continued increase in Michigan Transportation Fund (MTF) revenues, that local contributions were estimated at \$950,000 and that an estimated \$2.6M was expected to be received through federal aid funding. She stated that Road Department personnel and fringe benefit estimates were in line with the County's cost assumptions. Ms. Banning concluded by mentioning that the 2019 CIP budget for the County was \$459,000 and included vehicles, building and grounds projects, continued security and Information Technology (IT) investments. Deputy Controller Banning thanked everyone on the Budget Committee and County Administration for their work and support.

Comr. King asked if the \$700,000 from the Tribe was included in the estimated \$950,000 local township share amount. Ms. Banning responded that it was not and would be additional, and that the estimated \$950,000 was not a hard figure as Townships were still in the process of developing their budgets.

Comr. King opened the floor for public comment.

There was none.

Ms. Scott noted for the record that property tax rates were not proposed to increase.

Comr. King reminded everyone that property taxes did not cover road work and were for County government and Public Safety.

Res. 181-2018

"Moved Comr. Vette, second by Comr. Reynolds to Close Public Hearing."

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

9. CONSENT AGENDA

A. Petitions, Communications, Reports

B. Resolutions

1. Board of Health Appointment and Reappointments

{a} Appointment of James McKernan to replace Sheryl Mitchell
(Term effective November 19, 2018 through December 31, 2020)

{b} Reappointment of Mary Jo Byrne
(Term effective January 1, 2019 through December 31, 2020)

{c} Reappointment of Rebecca Fleury
(Term effective January 1, 2019 through December 31, 2020)

{d} Reappointment of Mark Crawford
(Term effective January 1, 2019 through December 31, 2020)

Res. 182-2018

“Moved Comr. Frisbie, second by Comr. Smith to approve the Consent Agenda of the November 15, 2018 Board of Commissioners’ Regular Session as presented.”

On a voice vote, Motion **CARRIED**.

10. SPECIAL COMMITTEE/ WORKSHOP/BOARD REPORTS

Comr. Tompkins shared that the Senior Millage Allocation Committee (SMAC) met on Friday, Nov. 2 and heard presentation by Linda Grap and approved grant funding for 2019. He stated that on Wednesday, Nov. 14th the Trailway Alliance Board met and approved the renewal of consultant Nancy Macfarlane’s contract. He added that post installation and signage on the trail had been completed.

Comr. Frisbie stated that the Calhoun County Consolidated Dispatch Authority (CCFDA) Board met Tuesday, Nov. 13 and reviewed the 2019 proposed budget. He noted that the budget reflected a reduction of \$270,000 in fee-for-service charges across the County, and that the total 2019 budget was \$3.8M including \$515,000 to completely pay off the outstanding debt. Comr. Frisbie attributed the reduction of the budget to the leadership of the CCCDA, currently chaired by Sheriff Matt Saxton.

11. UNFINISHED AND OLD BUSINESS

There was none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR’S REPORT

A. County Administrator/Controller’s Report

Administrator/Controller Kelli Scott thanked Megan Banning for her leadership in the budget process as well as Shannon Rose from the Road Department.

She explained that the County is working to finalize both series of pension obligation bonds, noting that she, bond counsel and financial advisors met with the State Treasury earlier that day and requested a bond rating on the second series in an effort to save \$3M over the next 20 years. Ms. Scott stated that

John Midgley had been hired as the new Managing Director of the Road Department and would start Monday, Nov. 26. She stated that the intercounty drain board for the Gang of Lakes drain met the previous week and that project to replace culverts, which was first discussed in 2015, was moving forward. Ms. Scott explained that the County Board approved a petition last March so that the intercounty drain board could proceed with engineering studies necessary to determine whether a project through the Water Resources Commissioner's Office was necessary. She explained that the Road Department would save hundreds of thousands of dollars in replacing these four culverts through this process versus replacing them under Act 51 through the DEQ's permitting process. Administrator Scott shared that the Michigan Municipal Services Authority (MMSA) Board met the previous week and asked her to be Board Chair which would require another appointment by the Governor and the Calhoun County Visitors Bureau (CCVB) met earlier that week and approved the slate of officers for 2019. Ms. Scott concluded that the County had received a Michigan Nursery and Landscaping Associations award for the recently completed courtyard and parking lot project at the County Building and thanked County Facilities staff and Communications Manager Lucy Blair for submitting the entry.

B. New Business

1. Michigan Veterans Affairs Agency (MVAA) Grants

Aaron Edlefson stated that this item was the approval of two grant awards, one in amount of \$5,000 for IT equipment and the other for \$50,000 toward services for veterans which included vehicle and small home repairs and dental care for veterans as well as a new ad campaign that would be launched in theaters through the area.

Res. 183-2018

"Moved Comr. Tompkins, second by Comr. Potter to approve the Michigan Veterans Affairs Agency (MVAA) County Incentive Grant and County Veteran Service Fund Grant as presented and authorize the Board Chair to sign on behalf of the County."

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

2. Calhoun County Public Health

Ms. Scott explained that this item was a request by the Health Department to change a current Sanitarian I position to a Sanitarian II position and that it was being brought in front of the Board to stay in compliance with the Board's rules regarding staffing changes. Health Officer Eric Pessell explained that in an effort to increase competency of the Sanitation staff this change encourages staff to become registered in order to qualify for the position.

Res. 184-2018

"Moved Comr. Vette, second by Comr. Reynolds to approve Authorized Staffing Allocation Schedule for the Health Department to remove two Sanitarian I positions and add two Sanitarian II positions as presented."

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

3. Calhoun County Public Health Department (CCPHD) 2019 Budget Adjustment

Administrator Scott explained that there were four changes in the amended Health Department budget with one being the transfer of adolescent health centers to Grace Health effective January 1, and one providing for a new family planning program to be offered in Battle Creek and Albion . She added that the other changes related to a new Medicare cost reimbursement funding mechanism, national accreditation and staffing changes in a couple of areas within the Health Department.

Res. 185-2018

“Moved Comr. Potter, second by Comr. Vette to approve the CCPHD Budget Adjustment as presented, and accept from the Michigan Department of Health and Human Services, the associated Family Planning Funding.”

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

4. Senior Millage Supplemental Funding Request

Senior Services Manager Helen Guzzo explained that this was a request for an additional \$56,000 in funding for Senior Health Partners that provides assessments and two to four hours of home care for the frail elderly who are not eligible for nursing home stays. Ms. Guzzo stated that Senior Health Partners was currently serving 142 people with home-care and the additional funding would continue that level of care for next year.

Comr. Frisbie stated that the funding would also help reduce the number of hospital visits which would be much more costly than the additional funding of \$56,000.

Res. 186-2018

“Moved Comr. Tompkins, second by Comr. Reynolds to approve the Senior Millage supplement funding request for the Community Care Options Program to serve additional Calhoun County seniors age 60 and over in need of such services, and authorize the Board Chair to sign the contract amendment as presented.”

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

5. Overbanding #RFB1251J-18 Recommendation

Administrator Scott explained that this recommendation would award the bid to the incumbent vendor Wolverine Sealcoating & Asphalt Maintenance, for a three year contract for overbanding crack sealing for Calhoun and Jackson County’s Road Departments. She noted that it produced a small savings, mainly as a result of competitively bidding. Brad Wilcox explained that Wolverine put down 600,000 pounds of crack sealing and the County has learned a lot more about the process.

Res. 187-2018

“Moved Comr. Potter, second by Comr. Frisbie to approve the three year contact with Wolverine Sealcoating & Asphalt Maintenance, LLC., to provide overband crack sealing to the Calhoun County Road Department and the Jackson Department of Transportation as presented.”

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

6. Approval of Proposed CareHere Building Renovation

Administrator Scott explained that this was for renovation for a County owned building to relocate the current CareHere employee health and wellness center operations from the Battle Creek Public Works building. She explained that the City of Battle Creek had decided to partner with another organization for their health care needs so the County needed to find a new location for the center by next spring. Ms. Scott stated that the County is hoping to continue the partnership with other companies for CareHere Medical Services for employees.

Corporation Counsel Jim Dyer explained that the matter was brought before the board as a request to waive the competitive bidding process and award the contract to Shouldice Brothers. He stated that Shouldice did the renovations for the current CareHere facility in the Battle Creek building and agreed to complete the work by the agreed upon deadline so that employees would not go without health care services during the transition.

Comr. Frisbie stated that he spoke with Brad Wilcox regarding this and felt comfortable with Shouldice doing the work and staying within the norm of costs.

Comr. Potter stated that he did not like to go against policy but felt it was necessary in this instance.

Res. 188-2018

“Moved Comr. Tompkins, second by Comr. Reynolds to waive the competitive bidding provision of Policy 405 Section III (D)(1), authorize the Shouldice Brothers proposal for building renovations as presented, and further authorize the Administrator/Controller to sign a standardized (AIA, or its equivalent) construction contract, approved as to form by the Corporation Counsel.”

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

7. MIDC Consultant Independent Contract

Administrator Scott explained that John Sullivan is currently one of the County’s defense attorneys and was the representative for the attorneys on the County’s internal Indigent Defense Workgroup, and that this contract would name Mr. Sullivan as an independent consultant to help the County plan and implement the new public defender’s office. Ms. Scott stated that the contract would be paid for by state grant money . She added that the contract included an hourly rate of \$180 per hour and \$16 per hour for support staff assistance.

Comr. Smith asked if John Sullivan could apply for the position.

Ms. Scott replied that he could apply and had mentioned that he was unsure whether he would do so.

Res. 189-2018

“Moved Comr. Frisbie, second by Comr. Vette to ratify and approve the MIDC Independent Contractor Agreement with attorney John Sullivan to provide consultant services concerning the establishment of the Calhoun County Public Defender’s Office, and authorize the Administrator/Controller to sign the contract, subject to minor modifications in language acceptable to the Corporation Counsel.”

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

8. Authorization to Engage Legal Counsel to Pursue Opioid Litigation

Administrator Scott explained that the County’s internal Opioid Litigation Workgroup reviewed the law firm proposals received from the request for proposals (RFP) and were recommending the Sommer Schwartz attorney group. Jim Dyer explained that the choice of Sommer Schwartz was a unanimous belief of the group based on the attorney group’s previous accomplishments, experience and financial basis. Mr. Dyer stated that, unlike other law firm groups, the Sommer Schwartz group’s proposal offered a 25% contingency fee as well as capped expenses at 10%.

Comr. Frisbie asked what the County could expect to recover. Mr. Dyer responded that the law firm could not answer that question. However, once the County signed, it would have access to the nationwide federal government’s database of all opioid sales and be able to see what the total sales were in Calhoun County to determine the viability of the possible recovery.

Ms. Scott stated that Kalamazoo County chose this firm as well, and that the members of the workgroup thought that could be helpful due to the fact that Calhoun County shares the same Medical Director with Kalamazoo County and Dr. Nettleton was very involved in research and helping to address the opioid epidemic.

Comr. Potter requested verification that there would be no cost to the County. Mr. Dyer stated that was correct.

Comr. King stated that he had a hard time understanding why the litigation was not against doctors and that he was concerned that it was specifically targeting certain pieces of the whole distribution network. Mr. Dyer explained that litigation against providers might actually be a possibility.

Comr. Smith reiterated Mr. Dyer’s remarks about the methodology regarding the claim amount and that the Workgroup was impressed with the sophisticated knowledge the law firm group had regarding the subject matter.

Comr. Frisbie expressed the same concerns that Comr. King had.

Mr. Dyer added that this item authorized engaging the law firm and that, once the claim is drafted, the Board could choose to end further pursuit of the lawsuit.

Res. 190-2018

“Moved Comr. Smith, second by Comr. Vette to adopt the recommendation of the Opioid Litigation Study Group, authorize the engagement of the Sommers Schwartz attorney group, and authorize the Administrator/Controller to sign an appropriate Contingent Fee Legal Services Agreement, subject to the approval of the Corporation Counsel, and sign all other documents necessary to advance the litigation.”

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

9. Financial Statements

Administrator Scott stated the County was three-quarters of the way through the fiscal year and a request had been sent out to departments asking for any budget adjustments that would need to be made in December. Ms. Scott stated there were only a few areas that they had continued to list that may result in possible budget variances, including drug court due to ended grant funding, and personal property tax reimbursement revenue due to new state legislation delaying the timing of payments.

Res. 191-2018

“Moved Comr. Tompkins, second by Comr. Reynolds to accept the Calhoun County October 2018 Financial Statements as presented.”

On a voice vote, Motion **CARRIED**.

13. CITIZEN’S TIME

There was none.

14. COMMISSIONERS TIME

In honor of Veterans Day that took place on Sunday, Nov. 11, Comr. Tompkins thanked all of the veterans for their service and wished everyone a Happy Thanksgiving.

Comr. Frisbie congratulated Ms. Scott on her possible MMSA appointment and stated that there would be a 911 Budget Public Hearing on Tuesday, Dec. 11 at 2:30 p.m. and expressed his concerns over health insurance costs and requested other options be investigated.

Comr. King encouraged everyone to attend the girl’s high school volleyball state finals being held at the Kellogg Arena.

Comr. Potter shared that on Tuesday, Nov. 20 at 6:00 p.m. that the Sheriff and Chair King would flip the switch to kick-off the light festival at the fairgrounds.

Comr. Reynolds introduced and congratulated Rochelle Hatcher, her replacement as District Two Commissioner, who was in attendance that evening.

15. CLAIMS PAYABLE

- A. County Claims Payable for October 26, 2018 through November 8, 2018 in the amount of \$4,734,674.15

Res. 192-2018

“Moved Comr. Potter, second by Comr. Reynolds to approve Claims Payable for October 26, 2018 through November 8, 2018 in the amount of \$4,734,674.15 as presented.”

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

16. ANNOUNCEMENTS

Commissioner Tompkins announced that the Albion Eggs and Issues meeting would be held at Kids N’ Stuff Museum on Friday, Nov 16 from 7:30 to 9:00 a.m. and on Wednesday, Nov. 28 Homer would be holding its Santa Parade at 6:00 p.m. starting at the circle after the tree lighting and on Friday, Nov. 30 Albion would host it’s Albion A’Glow evening from 5:00 to 9:00 p.m.

Commissioner Frisbie shared that Saturday, November 17 the Battle Creek Holiday Parade would take place and he would be hosting it and that the Marshall Holiday Parade would take place on Monday, Nov. 26.

Comr. Reynolds announced that “Truth” would take place on Friday Nov. 30 at 6 p.m. featuring Sounds by the Groove and would take place at the Sojourner Truth Institute.

17. ADJOURNMENT

The meeting was adjourned at 8:27 p.m. at the call of the Chair.

slh

Chairman

Clerk to the Board