

**PROCEEDINGS OF THE
BOARD OF COMMISSIONERS**

August 15, 2019

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:01 p.m., Thursday, Aug. 15, 2019 in the Commissioners' Meeting Room, County Building, Marshall, MI.

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

Present: Comrs. Smith, Miller, Hatcher, Tompkins, King, and Frisbie

Excused: Comr. Vette

Staff Present: Administrator/Controller Kelli Scott, Human Resources Director Kim Archambault, 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, with Chair Frisbie noting the recent passing of Don Gilmer, former interim County Administrator/Controller, and of J. Richard Jaconette, Chief Judge Mike Jaconette's father. The moment of silence was followed by Comr. King leading the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Res. 158-2019

"Moved Comr. King, second by Comr. Smith to approve the agenda of the Aug. 15, 2019 Regular Session of the Calhoun County Board of Commissioners as presented."

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

5. APPROVAL OF MINUTES

Minutes of the Aug. 1, 2019 Board of Commissioners Regular Session

Res. 159-2019

"Moved Comr. Tompkins, second by Comr. Miller to approve the minutes of the Aug. 1, 2019 Regular Session as presented."

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

6. CITIZENS' TIME

Sheridan Township Supervisor Richard Porter expressed concern over the Waiving Local Funding of Return Gravel Road Construction agenda item. Mr. Porter stated that he believed that the proposed revised 509 policy would return 11 miles of their roads to gravel without the Township's consent. He added that it would impact the Township's large solar panel project.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

Road Department Managing Director John Midgely replied to Mr. Porter's concern, explaining that the Waiving Local Funding of Return Gravel Road Construction agenda item would not in fact return 11 miles of Sheridan Township's roads to gravel unless the township expressly requested such roads to be returned to gravel. He added that this policy waiver only applied to townships that have or will request the County to turn local roads to gravel and that it would be at 100% the County's expense, and only for the 2019 construction season.

8. SPECIAL ORDER OF BUSINESS

There was none.

9. CONSENT AGENDA

A. Petitions, Communications, Reports

1. Livingston County Resolution 2019-07-104 Opposing Proposed BOC Election Law
2. Marquette County Resolution Opposing Trial Court Funding Commission Report

B. Resolutions

1. Amended Bylaws of the Michigan Works! Southwest Workforce Development Board
2. PNC Authorizing Resolution

Res. 160-2019

"Moved Comr. Smith, second by Comr. King to approve the Consent Agenda of the Aug. 15, 2019 Board of Commissioners' Regular Session as presented."

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

10. SPECIAL COMMITTEE/ WORKSHOP/BOARD REPORTS

Comr. Frisbie stated that the Calhoun County Consolidated Dispatch Authority Board met on Tuesday, Aug. 13 and received their 2018 financial audit results with a clean opinion, and shared that the Board did have some concern in regard to increasing Municipal Employees' Retirement System (MERS) pension costs.

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 stated that the FireKeepers Local Revenue Sharing Board (FLRSB) met Thursday, Aug. 8 and allocated nearly \$330,000 in grant awards to 23 local projects. Ms. Scott explained that the Board received 32 applications and reached unanimous consent on all those awarded funding. Ms. Scott shared that the Summit Point Board met on Tuesday, Aug. 6 and accepted their audited financial statements. She explained that they had a new audit firm, BDO, and that it was the first year since the County became involved with Summit Pointe that they received a clean audit opinion and also did not receive any internal control findings or recommendations. Administrator/Controller Scott stated that the Michigan Municipal Services Authority (MMSA) Executive Committee met Thursday, Aug. 8 and explained that the Authority is working on leadership transition as its CEO took another job in June.

B. New Business

1. Laboratory Water Testing Award

Ms. Scott explained that this item was a formal contract award on behalf of the Health Department for an estimated amount of \$25,000. She stated the County's Purchasing Department conducted a formal Request for Proposals (RFP) and that there was only one bid response from Alliance Analytical Laboratories, Inc. Ms. Scott explained that they were qualified to conduct water testing and met state and federal guidelines.

Res. 161-2019

"Moved Comr. Tompkins, second by Comr. Miller to approve a one year contract with the option for 5 one year extensions, with Alliance Analytical Laboratories, Inc. to provide laboratory water testing services to the Calhoun County Public Health Department, Environmental division as presented."

On a roll call vote, Yes – 6. Excused – 1. Motion **CARRIED**.

2. Athens Township 3rd Brine Application

Ms. Scott explained that this item was a Local Road Improvement Agreement with Athens Township to apply brine on gravel roads. She stated that the County provided the first two applications of brine on all local gravel roads at the County's cost and any additional applications could be completed by the County at the township's cost. Ms. Scott explained that the Athens Township's Board did approve this Agreement to have a third application on all 15 miles of their local roads.

Res. 162-2019

“Moved Comr. King, second by Comr. Hatcher to approve the Agreement for the 3rd brine application for Athens Township as presented.”

On a roll call vote, Yes – 6. Excused – 1. Motion **CARRIED**.

3. Agreement to Purchase Barry County Federal Highway Funds

Administrator/Controller Kelli Scott explained that this item was a request to purchase Barry County’s allocation of federal highway funds. She stated that Calhoun County received federal funding through either BCATS or the Rural Task Force and was required to follow stringent procurement, monitoring and reporting guidelines. Ms. Scott explained that for some smaller counties it was not efficient to accept the funds and restrictions that came with them, and so they opted to sell funds at a discount and use the payments received at their discretion. She added the purchase would provide the County with \$750,000 of funding at a discount of 15% which would result in \$112,000 of additional road improvements. Ms. Scott stated these types of transactions were offered through a State legislated program.

Mr. Midgely stated that they may use the funding to complete the Bellevue Road, Convis Township project or potentially on other projects.

Comr. Frisbie clarified that the funds could only be used on designated roads.

Res. 163-2019

“Moved Comr. Tompkins, second by Comr. Smith to approve the Agreement with the Barry County Road Commission to permit Calhoun County to purchase Federal Highway aid dollars at a reduced rate during calendar year 2020 and to authorize the County Board Chair to sign the Agreement, subject to minor modifications acceptable to the Administrator/Controller and Corporation Counsel.”

On a roll call vote, Yes – 6. Excused – 1. Motion **CARRIED**.

4. Approval of a Resolution Waiving Local Funding of Return Gravel Road Construction

Ms. Scott stated that it was mentioned earlier that the townships had concern that road work would be done without township’s approval. She reminded the commissioners that a new Road Infrastructure Failure Policy that the County had proposed, giving the County ultimate decision making responsibility over local roads, had been previously tabled. She added that following that action, a meeting was held with all of the township supervisors to seek input on that policy and also Policy 509, the Local Road Improvement Policy, and that Mr. Midgely and County Administration were currently revising both policies based on that input.

Ms. Scott explained that the resolution before commissioners tonight did not proposed to change either the tabled Infrastructure Failure Policy or Policy 509, and instead requested a

waiver to the current Policy 509 to allow townships that have asked to have roads turned back to gravel to have agreements with the County without paying the otherwise required match. She reiterated that this waiver only applied when townships requested such agreements, and that it would be at 100% the County's cost, not harming or disadvantaging any other townships that did not want any roads turned to gravel this year. She explained that it was a pilot program for 2019 in an effort to improve public safety and that revised policies would be presented to the Board of Commissioners for effect as of the 2020 construction season.

Managing Director John Midgely stated that there had been general discussions with townships and that Athens, Burlington, Fredonia, Leroy and Newton Townships had expressed interest. He explained that the Road Department had approximately \$75,000 to put toward the pilot program which equated to 5 miles of road.

Comr. Frisbie read the Resolution to Permit Limited Waivers of Policy 509 into record:

WHEREAS, the Calhoun County Road Department has been contacted by several Townships who are interested in returning some roads back to gravel; and

WHEREAS, Board Policy 509 requires financial participation from some source other than the Road Department to perform this work; and

WHEREAS, the Road Department proposes a variance from Board Policy 509 which would allow crushing the roadway and adding gravel at one hundred percent (100%) Road Department cost; and

WHEREAS, the proposed variance program would be limited to the 2019 budget year; and

WHEREAS, a granting of the waiver shall require an agreement be approved by the applicable Township Board and be signed by the appropriate Township official, with subsequent approval by the Managing Director of the Road Department;

WHEREAS, the Managing Director shall report to the County Board of Commissioners concerning the number of waivers granted and their effectiveness

NOW, THEREFORE, be it resolved that the Calhoun County Board of Commissioners grants a variance allowing the return to gravel as outlined above.

Comr. Miller stated that he believed if a township wanted a road turned back to gravel, it was a great thing and that Policy 509 needed to be re-written. He added that until then he could not support the waiver and did not have a problem reviewing township requests on a case by case basis.

Comr. King stated that he was surprised that there was concern over the waiver resolution. He reiterated that the waiver was only for one year, was totally up to the townships and would be applied retroactively to townships that agreed to crush roads within the last couple months. Comr. King explained that both governing bodies needed to agree to a road being turned back

to gravel and that this waiver would ensure exactly that agreement. He addressed Mr. Porter's concern regarding the 11 miles in his township by responding that this waiver would not affect those 11 miles at all unless the township requested so, and stated that he supported the waiver resolution.

Comr. Tompkins stated that there was a level of distrust between the townships on the east side of the County and the Road Department. He explained that he felt that the Board should get the amended Policy 509 in place before they made changes to or waived it. Comr. Tompkins stated that they should ensure they had all of the information first so they had the time to have discussions with townships prior to making a decision.

Comr. Frisbie stated that the Road Department was nearing the end of the 2019 construction season and the next Board of Commissioner's meeting wasn't until Sept. and that it may be too late for the townships that wanted to turn roads back to gravel. He explained that in the long run it would save everyone money because they were trying to fix roads that were not fixable, maintain roads that were not maintainable and the resolution was a good way to build relationships and trust. Comr. Frisbie reiterated that turning the roads back to gravel would be a township driven initiative, not the Road Department, and that he supported the resolution.

Res. 164-2019

"Moved Comr. Smith, second by Comr. Tompkins to table the Resolution Waiving Local Funding of Return Gravel Road Construction as presented."

On a roll call vote, Yes – 3, Comrs. Smith, Miller and Tompkins. No – 3, Comrs. Frisbie, King and Hatcher. Excused – 1. Motion **FAILED**.

Comr. Hatcher explained that she voted no on tabling the resolution because there were townships that needed the resolution passed.

Res. 165-2019

"Moved Comr. King, second by Comr. Smith to approve the resolution as presented to permit the Managing Director of the Road Department to grant a variance from Policy 509, during the balance of 2019, and waive any local contribution where a township has requested that a paved road be returned to gravel."

On a roll call vote, Yes – 3, Comrs. Frisbie, King and Hatcher. No – 3, Comrs. Smith, Miller and Tompkins. Excused – 1. Motion **FAILED**.

5. Calhoun County July 2019 Financials

Ms. Scott stated that the County was seven months into its fiscal year and pointed out that the General Fund's main source of revenue was property taxes, which are collected starting in July and continuing in Aug. and Sept. She explained that tax revenue appeared to be \$1M more than budgeted due to the State changing its personal property tax reimbursement schedule. Ms.

Scott explained that it appeared that salaries and fringes were also high as a proportion of budget. She stated that because the County was self-insured, they had to estimate fringe benefits claims for the upcoming budget year and as claims were submitted they were monitored and necessary reconciliations were made at either mid-year or year-end budget adjustments.

Res. 166-2019

“Moved Comr. Tompkins, second by Comr. Miller to accept the Calhoun County July 2019 Financial Statements as presented.”

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

6. Calhoun County Road Department July 2019 Financials

Ms. Scott explained that the Road Department financials were presented separately because they had separate funding and different financial software. She stated that the Road Department was also seven months into the fiscal year and highlighted that winter maintenance came in two different phases and during the summer months infrastructure construction and maintenance expenditures were prevalent. Ms. Scott explained that State funding was on a two month lag which meant that even though that was the seventh month financial statements there were only five months of Michigan Transportation Fund (MTF) funding recorded. She stated that revenue and expenses showed \$3.7M use of the Fund balance which was the planned spend down of bond proceeds from 2018 that needed to be spent on capital items before the end of the year.

Res. 167-2019

“Moved Comr. Miller, second by Comr. Smith to accept the Calhoun County Road Department July 2019 Financial statements as presented.”

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

13. CITIZEN’S TIME

Walter Obrinksi expressed concern that the previous year M Drive in Clarence Township was on the Road Department’s list to be repaired. He explained that the project did not get completed and M Drive was added to the list to be repaired in 2019 and they were told that the road was in too poor of a condition and that it was going to be pulverized.

14. COMMISSIONERS TIME

Comr. Tompkins stated that he attended the Southwest Michigan Alliance for Region Three (SMART) meeting in Allegan on Aug. 7th. He added that Deena Bosworth from Michigan Association of Counties (MAC) provided a budget update; there was a discussion regarding Trial Court funding and the possibility of a bill to extend Commissioner terms to four years. He shared that Allegan County Administrator Robert Sarro gave a Leading High Performance Environmental Services presentation. Comr. Tompkins

stated that they toured the Sheriff's Office and Corrections facility and encouraged other Commissioners to attend a meeting. He shared that the Calhoun County Fair was taking place that week and Monday was Veterans Day, Tuesday was Kids Day and Wednesday was Senior Day and encouraged everyone to attend the fair.

Comr. Frisbie asked Comr. Tompkins if there was a sponsor for the proposed Commissioner Terms bill.

Comr. Tompkins stated that at that time, they were unsure who the sponsors were but that their goal was to have the bill in place by the end of the year.

Comr. King addressed Mr. Obrinski's public comment, stating that under current policy and state law, the Road Department did not have to ask the Townships prior to pulverizing a road, and reminded Mr. Obrinski that the Commissioners tabled the proposed new Infrastructure Failure Policy and that Policy 509 didn't really address the issue behind the proposed waiver that didn't pass tonight.. Comr. King congratulated Jason Bomia of Marshall on his appointment by Governor Whitmer to District Court to replace Judge Durham.

15. CLAIMS PAYABLE

- A. Claims Payable for July 26, 2019 through August 8, 2019 in the amount of \$2,451,123.21

Res. 168-2019

"Moved Comr. Smith, second by Comr. Miller to approve Claims Payable for July 26, 2019 through August 8, 2019 in the amount of \$2,451,123.21 as presented."

On a roll call vote, Yes – 6. Excused – 1. Motion **CARRIED**.

16. ANNOUNCEMENTS

Comr. Tompkins shared that Walk the Beat would take place in Albion at Superior St. and Michigan Ave. on Saturday, Aug. 24 from 1-5 p.m. He stated that he spoke with Clarence Township Supervisor Bob Fisher regarding Mr. Obrinski's concern regarding M Drive. He explained that per Mr. Fisher there were certain sections that the Township wanted done and that one section that they wanted done could not be saved and that a different section of the road was paved.

Mr. Midgely explained that Clarence Township was notified that the section on M Drive in question was too far gone to skip pave and that in one to two years the road would be in very bad condition again. He stated that the Township was given the option to pay for that section at 100% if they wished to move forward with having that it paved, and added that the Road Department did in fact fulfil the terms of that Local Road Improvement agreement by skip paving all of the appropriate sections of M Drive as requested.

Comr. Miller reminded everyone that there was two more days to attend the fair and that the livestock auction would take place Friday, Aug. 16. Comr. Miller added that most schools started the following week and asked everyone to please watch out for school buses and red lights.

Comr. King inquired regarding the situation involving M Drive in Clarence Township.

Mr. Obrinski stated his belief on the situation from the audience.

Managing Director Midgely stated that the Supervisor was told that the road needed to be pulverized, the base needed to be re-established and then the road could be paved. He explained that it was never the Road Department's intent to just pulverize the road, but rather just to explain the situation and give their Engineering recommendation.

Comr. Frisbie stated that it was a possibility that there could be some miscommunication between the Supervisor and staff.

Mr. Midgely stated that there were 20 contractor patching crews working in the County and today, Thursday, Aug. 15 was their last day. He explained that most patching work had been completed and that Road Department staff would continue to patch as needed. Mr. Midgely shared that year-to-date almost \$1M had been spent patching primary roads and \$1.55M on local roads.

Comr. Miller asked if there was a report and graph regarding the locations of work performed and the contractor's production.

Mr. Midgely stated that it was being worked on and was not yet complete and would be provided once it was complete.

17. ADJOURNMENT

The meeting was adjourned at 7:52 p.m. at the call of the Chair.

slh

Chairman

Clerk to the Board