

**PROCEEDINGS OF THE
BOARD OF COMMISSIONERS**

June 18, 2020

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:03 p.m., Thursday June 18, 2020 via Zoom Meeting and aired live on YouTube.

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

After a moment of silence, invited guest Bishop Tino Smith delivered the invocation and Comr. Hatcher led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Res. 96-2020

“Moved Comr. Miller, second by Comr. Smith to approve the agenda of the June 18, 2020 Regular Session of the Calhoun County Board of Commissioners as presented.”

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

5. APPROVAL OF MINUTES

Minutes of the May 21, 2020 Board of Commissioners Regular Session

Res. 97-2020

“Moved Comr. Tompkins, second by Comr. Vette to approve the Minutes of the May 21, 2020 Regular Session of the Calhoun County Board of Commissioners as presented.”

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

6. CITIZENS’ TIME

State Representative Jim Haadsma commended the County for their partnership with the City of Battle Creek in relation to the Joint Operations Center and Joint Information Center. He shared that the information he gained during the updates was very valuable to him as the 62nd District Representative regarding having current positive case numbers and activities such as the mass testing events. Rep. Haadsma stated that he would be working hard to secure federal aid for the State and ensuring that it was passed down to local municipalities in the County as well.

Carey Whitfield thanked the Commissioners for giving Tino Smith the opportunity to serve on the Jury Board and stated that on behalf of the NAACP that Calhoun County always did a good job of promoting diversity.

Bishop Tino Smith thanked the Commissioners for the opportunity to serve on the Jury Board and stated he would serve in the best way he could for the County.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

Prosecutor David Gilbert welcomed Dr. Tino Smith to the Jury Board. He shared that the Major Crimes Task Force recently completed the investigation of the death of Alison Sargent which resulted in changes being brought against a young man. He stated that numerous agencies put in hundreds of hours to solve the case and that Sheriff Hinkley was the lead of the Task Force before being named Sheriff.

Sheriff Steve Hinkley recognized Detectives David Homminga and John Pignataro for the hundreds of hours they spent on the Alison Sargent investigation and shared that there were over 40 search warrants executed during the investigation.

8. SPECIAL ORDER OF BUSINESS

A. LGBTQ Pride Month Proclamation

Comr. Smith read the proclamation into record.

LGBTQ Pride Month Proclamation

Whereas, the Calhoun County supports the rights of every citizen to experience equality and freedom from discrimination; and

Whereas, all people regardless of age, gender identity, race, color, religion, marital status, veteran status, national origin, sexual orientation, or physical challenges have the right to be treated on the basis of their intrinsic value as human beings; and

Whereas, the Calhoun County accepts and welcomes people of diverse backgrounds and believes a diverse population leads to a more vibrant community; and

Whereas, the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) communities contribute to the cultural, civic and economic successes of the Calhoun County; and

Whereas, the Calhoun County Board of Commissioners also acknowledges the need for education and awareness remains vital to end discrimination and prejudice; and

Now, therefore, be it resolved that The Calhoun County Commission does hereby proclaim June 2020 as LGBTQ Pride Month in Calhoun County, Michigan and encourage our residents to reflect on the ongoing struggle for equality members of the LGBTQ community face and celebrate the contributions that enhance our community.

Signed,

Steve Frisbie
Chair, Board of Commissioners

Res. 98-2020

“Moved Comr. Smith, second by Comr. Vette to proclaim June 2020 as LGBTQ Pride Month in Calhoun County as presented.”

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

B. Juneteenth Day Proclamation

Comr. Tompkins read the proclamation into record

JUNETEENTH DAY PROCLAMATION

WHEREAS, Juneteenth had its origin in 1865 in Galveston, Texas, observing June 19 as the African American Emancipation Day and is the oldest known celebration of the ending of slavery; and

WHEREAS, Juneteenth commemorates the date June 19, 1865, when the last African American slaves held in Confederate states were freed, and has been observed since June 19, 1866; and

WHEREAS, it is a time for reflection and rejoicing; a time for assessment, self-improvement and for planning the future. Its growing popularity signifies a level of maturity and dignity in America long overdue, and in cities across the country, people of all races, nationalities, and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today; and

WHEREAS, sensitized to the conditions and experiences of others, only then can we make significant and lasting improvements in our society.

THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners does hereby proclaim June 19th as:

“JUNETEENTH DAY”

In Calhoun County and encourages all citizens to participate in Juneteenth Day celebrations as permissible and to honor this great moment in the history of our nation.

Signed,

Steve Frisbie
Chair, Board of Commissioners

Res. 99-2020

“Moved Comr. Hatcher, second by Comr. Miller to proclaim June 19th as Juneteenth Day as presented.”

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

9. CONSENT AGENDA

A. Petitions, Communications, Reports

B. Resolutions

1. Battle Creek Local Development Finance Authority Appointment

{a} Kathy-Sue Vette, Vice Chair, Calhoun County Board of Commissioners
(Term effective immediately through December 31, 2020)

2. Jury Board Appointment

{a} Dr. Tino Smith, PHD – Battle Creek
(Term effective immediately through April 30, 2026)

3. 2020 Local Road Agreements

4. SMAC/BOC Letter to President Trump

Comr. Frisbie stated that he was impressed with the number of road agreements and added that Managing Director John Midgley and the Road Department were doing a great job reaching out to townships and forming relationships.

Res. 100-2020

“Moved Comr. Tompkins, second by Comr. Vette to approve the June 18, 2020 Consent Agenda as presented.”

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

10. SPECIAL COMMITTEE/ WORKSHOP/BOARD REPORTS

Comr. Tompkins shared that the Senior Millage Allocation Committee (SMAC) met virtually Friday, June 5. He explained that Community Development Program Director Doug Ferrall presented information about the Parks and Recreation Millage that would be on the August ballot and provided an update on the Countywide Transportation recommendation. He shared that the committee approved to reschedule the virtual Friday, July 10 meeting to Thursday, July 2 at 8 a.m. Comr. Tompkins stated that the committee had a preliminary discussion regarding their senior millage mission statement and would continue the discussion at their strategic planning session on August 28. He shared that the Trailway Alliance meeting scheduled for Wednesday, June 10 was cancelled due to lack of new business and COVID-19 precautions.

Comr. Frisbie shared that the Calhoun County Consolidated Dispatch Authority met Tuesday, June 9 and voted to bring a ballot question to the Board of Commissioners in July regarding an up to \$30 per device mechanism that would replace all local funding from county, city and townships governments. He stated that “fee for service” would be eliminated as well.

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 State was currently in Phase 4 of the Governor’s MI Safe Start 6-phased reopening plan, and that County departments opened on Monday, June 15 by appointment only. She shared that things were going fairly smoothly, and they had not received any complaints regarding any lack of services being provided. She explained that the Joint Operations Center was reducing the frequency of their meetings from five days a week to just Tuesdays and Thursdays and the Joint Information Center would continue to meet once a week, Wednesdays at 1 p.m. Ms. Scott shared that the Public Information Office would continue to put out press releases and update the website with testing numbers. She stated that the Michigan Indigent Defense Commission (MIDC) met the previous week and discussed compliance planning and budgets for the next fiscal year. She explained those discussions regarding potential lack of funding directly impact the Public Defender’s Office which is primarily funded through the State. Ms. Scott shared that the Marshall Area Economic Development Alliance (MAEDA) met on Tuesday, June 16 and accepted their 2019 audit and approved the fiscal 2021 budget that starts Wednesday, July 1. She stated they also discussed the search to fill the vacant CEO position. Ms. Scott explained

that both MAEDA and the Calhoun County Visitors Bureau (CVB) had to revise budgets due to the reduction in hotel accommodations tax from hotel vacancies in March, April and May. She shared that the CVB Board, which Comr. Vette chairs, met on Tuesday, June 9 and approved the COVID Safe Start Plan for the Bureau and discussed the cancellation of local sporting events due to the current Executive Order. She stated that the Marshall Community Credit Union Board met on Monday, June 15 and received an audit presentation and their annual mandatory Bank Secrecy Act training. Ms. Scott explained that the U.S. Supreme Court issued a decision regarding equal employment as related to sexual orientation and gender identity. She stated that the County would be reviewing its Equal Employment policy to ensure it was in compliance with the decision and bring any changes to the policy before the Board if necessary. She shared that Senate Bill 690 was headed to the Governor's desk, and that it included \$100M dollars in reimbursement for local governments for hazard pay up to \$1,000 per employee for first responders. She added that the County would evaluate the new legislation and how the funding might impact the budget. Administrator/Controller Scott explained that there was media coverage the previous week regarding counties named Calhoun and whether they should change their names as they were named after one of President Jackson's Cabinet member's, John C. Calhoun, who was a defender of slavery. She stated that the county's administration believes it would take legislative action or potentially a State constitutional amendment to change the name. She stated that the County, its management staff and herself personally did not stand for anything related to discrimination, racist beliefs or actions that have anything to do with violence and supported inclusiveness, and peaceful ways to express individuality. Ms. Scott shared that County Administration would be issuing a statement acknowledging the history behind the name and that they strongly believe it does not represent what the County stands for. She explained that they were willing to work with the community on how to make things better and stop any brutality that could lead to the death of black people and in general how to be a better community. Ms. Scott stated that the Veteran's Affairs Committee met earlier that week and also issued a Black Lives Matter statement. She wished the fathers a Happy Father's Day and Chair Frisbie Happy Birthday on Monday, June 22.

B. New Business

1. Waiver of Policy 509 – Leroy Township

Ms. Scott explained that this item was a request to waive the recently implemented 509 Local Road Improvement Policy in order to turn a Leroy Township road back to gravel in a streamlined process as suggested by the township itself. She stated that Managing Director John Midgley worked with Corporation Counsel Jim Dyer on the cover memo and that it included the email conversation with the township. She explained that the request was for the Board to allow a waiver of the requirement that townships specifically agree in writing to turn a road back to gravel for Leroy Township. She stated that it was a half mile stretch of road in failed condition and that the Township had left the decision up to the County and would assist with communications to the three residents on the road.

Comr. Tompkins stated that he was very pleased with the work that went into partnering with the townships to amend Policy 509 to give them the option to have their roads turned back to gravel if they agreed to it in writing. He added that he recalled several townships were opposed to the

County pulverizing gravel roads without their permission. He shared that while Act 51 gave the County the authority to pulverize failed roads, he felt approving the waiver would set a precedent and diminish the trust and relationships with townships. He shared that he was open to discussion in the future regarding the policy but recommended not approving the waiver that evening.

Comr. Miller expressed concern regarding turning the road back to gravel without written permission from the township.

Comr. Hatcher stated that it was her understanding that some of the townships wanted some of their roads turned back to gravel and asked if it was only two residents requesting the road go back to gravel.

Mr. Midgley explained that the stretch of road in question was from Athens Township to a County primary road and that Athens Township was turning approximately two miles of the same road back to gravel, which would leave the half mile stretch in Leroy Township unsafe. He stated that once he received the signed agreement from Athens Township he approached Leroy Township regarding the remaining stretch of road and their response was that it was the County's road and the County could do what it would like, and that was why they were bringing it before the Board.

Comr. Frisbie explained that Leroy Township was approached and asked if they wanted to make a recommendation to return the road to gravel and the Township's response was that they did not want to make a recommendation and gave the County permission to make the decision. He stated that it made sense to turn that portion of the road back to gravel rather than having a half-mile stretch of failed surface.

Ms. Scott shared that a lot of the townships were very pleased with the opportunity to have a say in what happened with their roads without the County telling them what they were going to do. She explained that Leroy Township's philosophy has seemed to be that the County owns the roads and simply should make the decisions. She emphasized that differences in township leadership should be acknowledged and that was why this request limited the waiver to only Leroy Township.

Mr. Midgley explained that there were discussions with two or three townships regarding turning roads back to gravel and after they did their due diligence, they decided not to pursue that avenue. He also assured the Board the waiver would only be for Leroy Township.

Mr. Dyer stated that the County had an obligation to maintain the roads and rejecting the waiver would prohibit the Road Department from taking necessary action on a failed road.

Comr. King stated that the original policy was changed to make the townships inclusive and the proposed waiver still kept the Township inclusive and that the road needed to be turned back to gravel from a safety and liability standpoint.

Res. 101-2020

“Moved Comr. Vette, second by Comr. Hatcher to grant a waiver of Section 3 (L) of Policy 509, concerning the Return to Gravel of a County Local Road, limited to Leroy Township. For local roads within Leroy Township, the Road Department Managing Director may fund 100% of the cost to pulverize a failed road and place additional gravel for a serviceable road surface, after providing a notice of intent to the Leroy Township Board.”

On a roll call vote, Yes – 3, Comrs. Vette, Frisbie and King. No – 4, Comrs. Miller, Tompkins, Hatcher, and Smith. Motion **FAILED**.

Comr. King thanked Corporation Counsel for his explanation and attempting to take the liability off the County and stated that he hoped nothing bad happened on the road.

2. BCATS 2021 Funding Request

Administrator/Controller Scott stated that that item was the annual request from Battle Creek Area Transit Study (BCATS), the federally required transportation planning agency. She explained that in order to receive federal transportation planning funds, local governments needed to provide an 18% match, and that the County participated with the City of Battle Creek and Springfield based on population. She added that in 2021 the County’s portion would be about \$21,000. She stated that it was included in the Road Department’s budget and helped pay for the operation of BCATS and their planning activities. Ms. Scott explained that BCATS leveraged additional state and federal funding for traffic counts and asset management.

Res. 102-2020

“Moved Comr. Miller, second by Comr. Vette to approve the Battle Creek Area Transportation Study's Fiscal Year 2021 Local Funding Resolution as presented.”

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

3. Calhoun County May 2020 Financials

Ms. Scott stated that she and County finance staff have been watching the impacts of COVID-19 and the drastically reduced revenues. She explained that excluding some timing issues the General Fund revenue total was approximately \$800,000 lower than last year at the same time and that Department Heads had been asked to review expenses and revenues toward the usual mid-year budget amendment. Ms. Scott stated that the mid-year budget adjustments that would most likely be brought before the Board in August could contain a \$2M difference from the \$45M General Fund budget. She shared that as of May, the County’s COVID response cost was about \$500,000 and the Joint Operations Center costs that are being paid through the County General Fund were approximately \$500,000 and those should be reimbursed. Ms. Scott explained that the County’s furlough program would save approximately \$1M. She stated that the County received an AA bond rating for the Emmett Township and capital improvement bonds and overall, Standard & Poor’s report was positive about the way that the County managed its finances. She added that the real concern seemed to be ongoing economic pressures

related to the pandemic. She explained that because of that, the County's outlook had been changed from stable to negative and that it would be reassessed accordingly as they gained a better understanding of future COVID-19 impacts.

Res. 103-2020

"Moved Comr. Miller, second by Comr. Vette to accept the Calhoun County May 2020 Financial Statements as presented."

On a roll call vote, Yes – 6, Comrs. Vette, Hatcher, Smith, Frisbie, King, Miller. Offline – 1, Comr. Tompkins. Motion **CARRIED**.

13. CITIZEN'S TIME

There was none.

14. COMMISSIONERS TIME

There was none.

15. CLAIMS PAYABLE

Can I have a motion to approve Claims Payable for May 15, 2020 through May 28, 2020 in the amount of \$6,807,573.16 and May 29, 2020 through June 11, 2020 in the amount of \$3,049,572.66 as presented?

Res. 104-2020

"Moved Comr. Miller, second by Comr. Vette to approve Claims Payable May 15, 2020 through May 28, 2020 in the amount of \$6,807,573.16 and May 29, 2020 through June 11, 2020 in the amount of \$3,049,572.66 as presented."

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

16. ANNOUNCEMENTS

Comr. Tompkins apologized for temporarily getting dropped off the call. He wished everyone a Happy Father's Day and his father a Happy Birthday the following day. Comr. Tompkins shared that the Albion American Legion would be resuming its brunches on Sunday, June 28 from 8 a.m. to 1 p.m. and social distancing and precautions would be taken to keep everyone safe. He stated that the Albion Area Chamber of Commerce cancelled the Annual Festival of Forks that was scheduled for September due to safety concerns related to COVID-19.

17. ADJOURNMENT

The meeting was adjourned at 8:07 p.m. at the call of the Chair.

slh



Chairman



Clerk to the Board