

**PROCEEDINGS OF THE
BOARD OF COMMISSIONERS**

July 16, 2020

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday July 16, 2020 via Zoom Meeting and aired live on YouTube.

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

Present: Comrs. Jake Smith, Tommy Miller, Rochelle Hatcher, Gary Tompkins, Kathy-Sue Vette, Derek King and Steve Frisbie

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

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

After a moment of silence Comr. Hatcher led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Res. 105-2020

“Moved Comr. Miller, second by Comr. Hatcher to approve the agenda of the July 16, 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 June 18, 2020 Board of Commissioners Regular Session

Res. 106-2020

“Moved Comr. Tompkins, second by Comr. Miller to approve the Minutes 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**.

6. CITIZENS' TIME

Kevin Clute thanked the Board of Commissioners for reviewing and reaffirming their commitment to the full implementation of the Americans with Disability Act.

Administrator/Controller Kelli Scott read Joel Cooper of Kalamazoo's public comment that was submitted prior to the meeting electronically. "Good evening Commissioners. On behalf of the Board of Directors, staff and volunteers of the Disability Network, please know of our appreciation for the Calhoun County Commissioners including on this evening's meeting agenda, a resolution to recognize the 30th anniversary of the Americans with Disabilities Act and the commissioners continued commitment to work toward full accessibility and inclusion of people with disabilities living in Calhoun County. He said he will join the zoom meeting, if possible, and will attempt to call in during the appropriate time. Thank you for your action and making this resolution possible. In celebration of the 30th anniversary of the ADA, Joel Cooper, President and CEO Disability Network of Southwest Michigan."

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

Prosecutor David Gilbert welcomed new Abuse and Neglect Attorney Emily Hills to the Prosecutor's Office. He stated that she worked as an Abuse and Neglect Attorney for Allegan County and had a lot of experience and would work well with Calhoun County's courts.

Clerk/Register Kimberly Hinkley stated that the Clerk's office had been open to the public for two weeks and was still strongly encouraging appointments. She explained that they were keeping people socially distanced and that it was going well. Ms. Hinkley shared that she met with the vendor Kofile recently and that her office is starting the process of transferring more micro fiche to their electronic system to make it available to the public. She explained that she asked Central Services Manager Sherri Mason for a phone call report for May 1 through June 30 and that the Clerk's office received 5,902 calls in 60 days. Ms. Hinkley stated that more people were coming into the office and that she is hopeful for an increase in revenue.

8. SPECIAL ORDER OF BUSINESS

A. Public Hearing for Kimball Pines Redevelopment Grant

Res. 107-2020

"Moved Comr. Smith, second by Comr. King to Open the Public Hearing."

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

Community Development Program Manager Doug Ferrall explained that the Public Hearing was originally slated to be on the agenda in March and was delayed due to the COVID-19 pandemic until the current agenda. He shared that the MDNR pushed back grant deadlines to August, which allowed for the hearing now. Mr. Ferrall explained that the grant was for a \$388,000 project at Kimball Pines Park that included a new entrance, parking, habitat restoration and bringing the restrooms up to American with Disabilities Act (ADA) compliance. He stated that a 25% local match

was required, and that so far, they had \$32,000 in insurance funds from the straight-line windstorm in 2011, \$3,000 from ITC, and potentially \$15,600 that the Calhoun County Trailway Alliance is working to raise. Mr. Ferrall shared that they were continuing to look for additional funding and had just received news that the Battle Creek Community Foundation had agreed to match any funds that were unable to be raised.

Comr. Frisbie asked if there was any public comment.

Ms. Scott shared that while they were waiting for public comment, she wanted to extend her appreciation to Mr. Ferrall and Community Development Director Jen Bomba for continuing to look for funding sources. She stated that the project would be an amazing transformation to the park that had been devastated in the straight-line windstorm, and it would be exciting to be able to use such a great piece of property with all the improvements and additional amenities.

Comr. Frisbie stated that there was not any public comment and asked for a motion and second to Close Public Hearing.

Res. 108-2020

“Moved Comr. Hatcher, second by Comr. Miller to Close Public Hearing.”

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

B. Kimball Pines Redevelopment Grant

Res. 109-2020

“Moved Comr. Vette, second by Comr. Tompkins to authorize submission of a Michigan Natural Resource Trust Fund Application for \$291,000 and further resolve to make available a local match through financial commitment and donation(s) of \$97,000 (25%) of a total \$388,000 project cost, during the 2020-2021 fiscal year as presented.”

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

C. Americans with Disabilities Act 30th Anniversary Resolution

Comr. Tompkins read the proclamation into record

Resolution in support of 30th Anniversary of the Americans with Disabilities Act

WHEREAS on July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the ADA has expanded opportunities for Americans with Americans disabilities by reducing barriers and changing perceptions, increasing full participation in community life. However, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA; and

WHEREAS, we recognize that disability is a natural part of the human condition. A disability is simply a characteristic of a person and doesn't exist until someone encounters a barrier; and

WHEREAS, ON THE 30TH anniversary of the Americans with Disabilities Act, in collaborations with Disability Network Southwest Michigan, we celebrate and recognize the progress that has been made by reaffirming the principles of equality and inclusion and recommitting our efforts to reach full ADA compliance.

NOW, THEREFORE, the Calhoun County Board of Commissioners does hereby reaffirm our commitment to work toward full accessibility and inclusion of people with disabilities.

Signed,

Steve Frisbie

Chair, Board of Commissioners

Res. 110-2020

“Moved Comr. Tompkins, second by Comr. Vette to reaffirm Calhoun County’s commitment to work toward full accessibility and inclusion of people with disabilities as presented.”

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

9. CONSENT AGENDA

A. Petitions, Communications, Reports

B. Resolutions

There was none.

10. SPECIAL COMMITTEE/ WORKSHOP/BOARD REPORTS

Comr. Tompkins shared that the Senior Millage Allocation Committee (SMAC) met virtually Thursday, July 2 and Community Action Agency’s CEO Michelle Williamson and Chuck Asher were present to discuss transportation costs. He stated that they received an update on the campaign from the Senior Millage Renewal Committee and unanimously approved the Joanne Konkle Leadership Award nomination of Jolene English. Comr. Tompkins added that they approved a mini-grant for \$1,600 to the Marshall Lions for the Marshall Dial-A-Ride Seniors

Ride Free on Wednesdays program. He shared that the Trailway Alliance met on Wednesday, July 8 and received an update that the State had suspended all trail projects due to COVID-19 and while the trust fund money was still safe, some match dollars may potentially be gone. Comr. Tompkins explained that the paving project at Calhoun County Medical Care Facility had been put on hold because the facility was unable to pay \$10,000 due to budget issues caused by the pandemic. He shared that the Homer Lake Board met on Tuesday, July 14 and discussed the two treatments that had taken place and the recent algae growth due to the excessive heat. He added that the Board's budget was in excellent shape and had paid off half of its debt with an anticipated payoff date of 2021.

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 reminded everyone that there were two countywide ballot initiatives, the Senior Millage renewal and a new Parks Millage, on the upcoming August 4 primary election ballot. She stated that the only countywide elected official on the ballot with an opponent was the Water Resource Commissioner with two Republicans running to replace Fred Heaton, who is not running for re-election. She added that the County's District 6 Commissioner position also has two Republican candidates. She encouraged everyone to exercise their right to vote by either mail or in person and encouraged those voting in person to wear masks. She noted that election information could be found on the County's website.

Ms. Scott shared that the County's phased approach to reopening was going smoothly and that there were still many people continuing to work remotely, and that meetings are still primarily being held via Zoom. She stated that the County and Court employee furloughs would end on July 25.

Ms. Scott explained that the 2019 fiscal year audit had been completed since the last meeting and was submitted to the State on time. She shared that the County received a clean audit opinion and the auditors provided a couple of internal control recommendations. She stated that the audit presentation would take place in August along with the annual mid-year budget adjustments. Ms. Scott explained that while this year's budget adjustments are much more significant due to the pandemic, she is hopeful that the measures the County has taken, including the furlough program, along with State and Federal COVID-19 response funding, would help prevent any drastic cuts for the remainder of this year. She stated that the 2021 budget planning process has started and both the Board of Commissioners (BOC) and internal budget meetings have been scheduled.

She explained that Human Resource Director Kim Archambault was leading labor negotiations with groups whose agreements expired prior to the end of the year including the Road Department's

Teamsters contract. Ms. Scott shared that she and Communications Manager Lucy Blair were attending informational webinars regarding equity and inclusion and hoped to be able to offer countywide training regarding related subjects.

Ms. Scott stated that she currently chaired the Michigan Municipal Services Authority (MMSA) board and executive committee. She explained that MMSA was a virtual local government that provides shared services for other local governments throughout the State. She explained that the Authority was formed through intergovernmental agreements with two cities and the State of Michigan. She stated that they recently approved a \$100,000 grant agreement with the Michigan Department of Treasury for a pilot project to provide consulting services to the City of Flint. Ms. Scott stated that they hoped to start an ongoing partnership with Treasury to provide consulting services to communities and help them avoid becoming financially distressed.

B. New Business

1. 2021-2023 Employment Contract for the Administrator/Controller

Ms. Scott stated that the renewal of her employment contract was being recommended with awkward timing because of our current pandemic, but that State statute contains certain requirements around the timing of contracts for administrators. She stated that for a three-year contract, the Board would need to approve it by August 1st. Otherwise, such contracts are limited to one-year terms. Ms. Scott shared that she appreciated the long-term relationship she had with the Board and would appreciate a renewed three-year contract.

Corporation Counsel Jim Dyer explained that it had been an easy contract negotiation and the only real change other than updating dates where appropriate was regarding Ms. Scott's salary. He stated that per her request, her salary amount would remain the same and not increase on September 1st like it otherwise may have, due to budget concerns. He explained that she would be entitled to a salary increase on January 1, 2021 and in subsequent years that are equivalent to the average base salary increases for other non-union employees, such as himself.

Res. 111-2020

"Moved Comr. Vette, second by Comr. Tompkins to approve the 2021-2023 contract of the Administrator/Controller, as presented, and authorize the County Board Chair to sign the contract."

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

Comr. Frisbie stated that he thought the County was getting a good deal and that he felt Ms. Scott was worth more than the County was paying her and that he appreciated her dedication to the County for another three years during unprecedented times.

2. Telephone Surcharge to Fund Dispatch Services Submittal to a Vote of the People

Administrator/Controller Scott expressed her appreciation to the Board for the renewal of her contract. She explained that this item was a request from Calhoun County Consolidated Dispatch Authority (CCDA) to place a countywide telephone line surcharge on the November election ballot to fund 911 dispatch services for the next 10 years.

Mr. Dyer explained that he had provided a comprehensive review of the history of funding in Michigan and a resolution requesting the Board to approve the request from the Dispatch Authority to allow the surcharge to be placed on the November ballot for a vote of the people. He stated that if the surcharge was approved it would not go in effect until July 2021. He added that if approved, the Board would approve the actual amount that would be charged each year based upon submission from the Dispatch Authority Board, which would give the Board a degree of control over the finances of the Dispatch Authority that they did not currently have. Mr. Dyer explained that currently, 911 operations are funded through payment from the municipalities based on cost per service. He stated that the proposed method of funding was presented to the voters in 2012 and was narrowly defeated by 63 votes, and that he believed the Authority saw this type of funding as more equitable in that imposing a user fee would alleviate all residents paying the tax.

CCDA Director Richard Feole thanked the Board for considering putting the proposed surcharge on the August ballot. He stated that most 911 centers throughout the state utilized this method of funding and that Calhoun County may be the only center that charged on a cost-per-service method. He shared that some centers had millages, but that CCDA felt that a millage would be unfair to large property owners such as farmers and this proposal would be more equitable for anyone in that has access to 911 shares that cost of the service.

Comr. Tompkins thanked Mr. Feole and Mr. Albaugh for being present to be available for questions. He stated that he had numerous conversations with his townships and residents and that his district was not in favor of the proposed surcharge. He explained that his district felt like it was another tax increase and therefore he could not support it.

Comr. Miller stated he was concerned about a tax increase in his district but thought the voters should decide.

Administrator/Controller Scott stated that she was supportive. She explained that the County, on behalf of the Sheriff, currently pays for the County's share of the calls for service. She added that she believes that distributing this cost to the taxpayers in a different way, not an additional way, would be beneficial to local governments and to the residents. She noted that at this point, the Board was only voting to put it on the ballot and letting the voters decide. Ms. Scott shared that under the current calls for service payment method, she had concerns that townships may actually discourage residents from calling 911 because of the impact on their budgets.

Comr. Frisbie stated that he agreed with Comr. Miller in that they should let the people decide. He explained that he had been on CCDA board since he was elected in 2010. He added that when the proposed fee was narrowly defeated in 2012, there were several city, township and villages that

went to the board and asked them to put it right back on the ballot. Comr. Frisbie stated he felt the per device fee was the best way to fund 911. He explained that it was difficult for the smaller entities to budget for the unknown and the per device fee would be a more equal distribution among the citizens. He suggested that maybe the extra money that the local governments would have could go toward road work. Comr. Frisbie explained that he agreed with Comr. Tompkins about it being an increase but felt that they should at least let the voters decide. He stated that the CCCDA board met on Tuesday, July 14 and agreed that the best measure was to put it on a 10-year cycle so the renewals would fall on either gubernatorial or presidential elections, which had the largest voter turnout.

Comr. Miller inquired as to what would happen if it passed in the upcoming election but did not pass at its renewal.

Comr. Frisbie explained that 911 had a large fund balance that was designed to cover catastrophic events so it would survive for a short bit. He stated that if they did a good job showing the importance of 911 and where tax dollars were going, renewals had a better chance of passing.

Res. 112-2020

“Moved Comr. Miller, second by Comr. Vette to approve the Resolution to place a request to authorize placement of a telephone line surcharge to fund 911 Emergency dispatch services, for a period of ten years, commencing July 2, 2021 to June 30, 2031, both inclusive, in the maximum amount of three (\$3.00) dollars per line, on the November 2020 General Election ballot for consideration by a vote of the people of the County.”

On a roll call vote, Yes – 5, Comrs. Hatcher, Smith, Frisbie, Miller, Vette. No – 2, Comrs. Comr. King and Tompkins. Motion **CARRIED**.

3. Reciprocal Easement Agreement for Access to 209 East Michigan Avenue

Corporation Counsel Jim Dyer explained the location of the easement as being on Michigan Avenue between a commercial warehouse building and the Battle Creek Fire Station. He stated that there was a driveway for the easement and if the agreement was approved, it would simply grant parking access to the landowner and would not be a transfer of the property itself. He stated that Battle Creek City had already approved an easement agreement for their portion of the property and this agreement would be for Calhoun County’s portion. Mr. Dyer stated that the only change he saw in the agreement that would need to be made was correcting Ms. Scott’s title.

Res. 113-2020

“Moved Comr. Vette, second by Comr. King to approve the Reciprocal Access Agreement for property located at 209 East Michigan Avenue, as presented, subject to minor modification acceptable to the Corporation Counsel, and authorize the County Administrator/Controller to sign all necessary documents to complete the transaction.”

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

4. Grant Application – CARES Act First Responder Hazard Pay Premiums

Administrator/Controller Scott explained that the last two items on the agenda were related to funding that comes through federal Coronavirus relief fund, or CARES Act. She stated her appreciation that the Board previously supported some emergency administrative authority, which allowed the County to apply for both time-sensitive grants. She added that this request was for the Board to ratify the submission of the grant applications. Ms. Scott explained that both grants were the through the State of Michigan and related to legislation that was signed by the Governor and put into administrative guidelines the previous week.

She stated that the first application was for the CARES Act First Responder Hazard Pay Premiums. She explained that the County began discussions in April regarding compensating essential employees in the Sheriff's Office, Health Department, Juvenile Home and other departments, who have been responding to the pandemic. Ms. stated that the discussions were put on hold due to immediate budget restrictions caused by the pandemic, and that County Administration continued to watch potential legislation to provide funding to local governments. She explained that the funding was the result of Senate Bill 690 getting enacted as Public Act 123 Of 2020, and in the case of county government, only applied to law enforcement and corrections officers. Ms. Scott stated that through conversations with the Sheriff's Office it was decided to recommend funding for 167 employees to potentially receive a lump sum payment of \$1,000 that per legislation, would need to be paid by September. She explained that Human Resource Director Kim Archambault worked quickly to gain agreement with the unions as required for additional compensation. She stated that it was a competitive, first come, first serve process and if the County did receive the funding, the only cost the County would incur would be the fringe benefit cost totaling \$16,000, which likely could be covered by additional COVID funding sources.

Ms. Scott explained that they were asking for Board to ratify the grant application and, should the County receive funding, approve the payments. She added that this grant funding only applied to first responders and reminded the Board that there were numerous other employees countywide that should be considered in the future for some sort of "hazard pay" or paid time off as budget issues are resolved.

Comr. Smith asked when conversations would resume regarding providing the deputies and correction officers additional avenues of compensation outside of collective bargaining.

Ms. Scott explained that the next item on the agenda was a request for salary reimbursements, which would have a big impact on the budget status. She added that they were working on mid-year budget adjustments and if they could work through both of those items, they would have a better understanding of budget status and could potentially revisit the additional Paid Time Off (PTO) idea. She

explained that additional PTO was not outside of bargaining agreements and was subject to mandatory bargaining. Ms. Scott shared that the County continues to seek additional potential funding sources and that she hoped to revisit the idea in August or September.

Comr. Smith stated that sounded reasonable and that he just didn't want it to fall off the radar.

Comr. Frisbie thanked State Representative Matt Hall and Senator John Bizon. He stated that he reached out to them after Senate Bill 690 was passed concerning two major issues with the bill. The first one being the corrections officers were not included and the second was how the funds would be distributed at the county level. Comr. Frisbie stated that they were repaired in conference and again thanked them for their help in Lansing.

Res. 114-2020

“Moved Comr. Tompkins, second by Comr. Miller to ratify the grant application submission to the Michigan Department of Treasury for the First Responder Hazard Pay Premiums Program, as presented.”

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

5. Grant Application – CARES Act Public Health and Safety Payroll

Administrator/Controller Scott stated that this last item was a grant application to request a portion of \$200 million statewide to reimburse local governments for money already spent on Public Safety and Public Health payroll expenses associated with the COVID response during the months of April and May. She explained that this source was federal funding to the State, which decided to pass through \$200M to local governments, except for the largest counties who received CARES funding directly from the U.S. Department of Treasury. She stated that 76 counties may be submitting requests for their portion of the funding. Ms. Scott shared that the County was asking for reimbursement of April and May's salary and fringe benefit costs in the amount of \$2.3M for public safety and \$900,000 for public health. She explained that the Sheriff's Office has several contracts for law enforcement services with local governments (Village of Homer, Convis Township, Pennfield Township, and Intermediate School District) and because the County already received \$300,000 from them for April and May, the County was required to reimburse the local governments once the funding was received. Ms. Scott stated that this reimbursement should greatly help the County's budget shortfalls for 2020.

Res. 115-2020

“Moved Comr. Miller, second by Comr. Smith to ratify the 7/14/20 grant application submission to the Michigan Department of Treasury for the Public Health and Public Safety Payroll Reimbursement Program. as presented.”

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

13. CITIZEN'S TIME

There was none.

14. COMMISSIONERS TIME

Comr. Miller shared that the Fair Board met the previous week and canceled the 2020 Calhoun County Fair. He stated that it was a hard decision but there was no way around it. Comr. Miller stated that he believes there were contracted employees that took materials from the County and he could not understand why Administration was not prosecuting them. He expressed concern with Corporation Counsel regarding a recently submitted FOIA request and again asked how the County could allow a contractor to steal from the County and not be prosecuted.

Comr. King stated that, to his knowledge, the contractor was pressing charges against the individuals in question. He added that all the Commissioners were aware that any documentation that they created as Commissioners was subject to FOIA, whether it be a text message, email or picture and if it is turned over, there should not be any argument.

Comr. Frisbie added that information about FOIAs and what was eligible was covered in the Commissioners' orientation and encouraged Comr. Miller to review the information again to gain a full understanding to avoid that situation in the future.

15. CLAIMS PAYABLE

Can I have a motion to approve Claims Payable for June 12, 2020 through July 9, 2020 in the amount of \$7,141,497.17 as presented?

Res. 116-2020

"Moved Comr. Hatcher, second by Comr. Smith to approve Claims Payable for June 12, 2020 through July 9, 2020 in the amount of \$7,141,497.17 as presented."

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

16. ANNOUNCEMENTS

There were none.

17. CLOSED SESSION

Res. 117-2018

"Moved Comr. Tompkins, second by Comr. Smith to retire to closed session with appropriate staff for review of the Administrator/Controller Performance Evaluation."

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

The Board retired to Closed Session at 8:17 p.m.

The Board returned to Open Session at 8:33 p.m.

17. ADJOURNMENT

The meeting was adjourned at 8:33 p.m. at the call of the Chair.

slh

Chairman

Clerk to the Board