

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

November 3, 2005

The Regular Session of the Calhoun County Board of Commissioners convened at 7:04 p.m., Thursday, November 3, 2005 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll call: Present: Comrs. Bolger, Miller, Moore, Segal, Solis, Strowbridge and Todd.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Personal Prayer was observed; followed by the Pledge of Allegiance, led by Comr. Bolger.

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Segal, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the November 3, 2005 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Associated Builders and Contractors (A.B.C.) Executive Vice President John Doherty stated that he was surprised to find the proposed prevailing wage/local preference policy on the Board agenda with no notice to the industry that it affects. Mr. Doherty advised that at no time during the policy's 18 month review period was any contact made with A.B.C. or any member of the 530 contractors, suppliers and associated firms. Mr. Doherty stated that one of the main pieces of the county's proposed policy is a 1930's legislation, passed during the Depression in an attempt to restrict people from coming up out of the South and taking jobs in the North, that has been proven over the years to be detrimental to minorities and women.

Mr. Doherty advised that the construction industry today is very mobile. There is a free flow of business coming from in and outside Michigan to do construction work. Mr. Doherty commented that the county's proposed policy is a message to the construction industry which states “Don't come here. We are not interested in you doing work in Calhoun County.” Mr. Doherty pointed out that Calhoun County is one of only six counties in Michigan working under a policy as being proposed.

Mr. Doherty stated that for the accompanying memorandum to state that amendment of the purchasing policy shall have no direct impact upon the county budget is not a fair statement, and presented the current Michigan prevailing wage rates. Mr. Doherty strongly urged the Board to reconsider amending the policy as proposed.

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Mr. Scott Brown, Albion resident and Construction Labor Union representative, stated that payment of prevailing wages has not been proven detrimental to workers; further, pointed out that usually the money comes back seven times to the local community as the wages are spent in the community where the workers work. Mr. Brown advised that many communities in this state have prevailing wage/local preferencing policies; further, pointed out that recently Battle Creek City unanimously approved payment of prevailing wages at a \$50,000 limit.

ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS:

Treasurer Ann Petredean reported that out of 1,500 initial forfeited/foreclosed properties, there are still 900 remaining. Ms. Petredean advised that the Treasurer's Office staff shall be knocking on those doors. The staff has finished all of the townships and villages, is currently in Albion City, and is headed to Battle Creek. Ms. Petredean advised that the staff shall be providing information regarding how to prevent foreclosure; further reported that the Office has joined with Legal Services, the Department of Human Services, and the Veterans Affairs Department to also provide information regarding how to pay by credit card, how to apply for a one-year hardship exemption, and a brochure explaining the law.

Ms. Petredean continued that the Office received the \$25,000 grant and the foundation has advised that representatives shall be coming in to the Office in early December. Ms. Petredean advised that staff has attended seminars and that the policies and procedures for the land bank have been established.

SPECIAL ORDER OF BUSINESS:

Special Tribute to Lt. Donald Wright

Chairman Miller read, and accompanied by Sheriff Byam, presented the following tribute to Lt. Wright.

Res. 186-2005

“Motion by Comr. Bolger, supported by Comr. Todd, resolved by the Calhoun County Board of Commissioners approve the following tribute:

WHEREAS, Lieutenant Donald Wright tendered his resignation with the *Calhoun County Sheriff Department* effective November 1, 2005 after Twenty-Six {26} years of service; and

WHEREAS, during his career with the Sheriff Department Donald Wright held the following positions: Corrections Deputy, Dispatcher, Law Enforcement Deputy, Jail Administrator, and Staff Resources Manager and was a Member of the A.L.U.R.T. Dive Team; and

WHEREAS, during Donald Wright's tenure he obtained over fifty training certificates from various organizations including the Michigan Association of Police Chiefs, the United States

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Department of Justice, the Michigan Department of Corrections, the Michigan Municipal Risk Management Authority, Lansing Community College, Kellogg Community College, and The Spanish Institute of Pubela, Mexico. Donald completed his Bachelor of Arts Degree in 1991, while being employed full time; and

WHEREAS, Lt. Donald Wright has received many commendations during his career from citizens as well as from Kent County, the State of Michigan, Marshall High School, Borgess Medical Center, Kellogg Community College, the Marshall Area Chamber of Commerce, Northern Michigan University, Junior Achievement of South Central Michigan, and Battle Creek Public Schools.

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners, do hereby honor and thank **LIEUTENANT DONALD WRIGHT** for his 26 years of exemplary service to the citizens of Calhoun County and the Calhoun County Sheriff Department, and extend our best wishes for a happy, healthy and well-deserved retirement.”

Voice Vote: Motion CARRIED

Sheriff Allen Byam stated that it shall be difficult to let Lt. Wright go as he possesses an enormous amount of experience and many accomplishments. Sheriff Byam thanked Lt. Wright for his loyalty and support throughout the years and wished him an excellent retirement.

CONSENT AGENDA:

Res. 187-2005

“Motion by Comr. Segal, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following November 3, 2005 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Notice of a public hearing scheduled for October 18, 2005 regarding The Andersons’ proposal to lease property to Continental Carbonic to construct and operate a carbon dioxide liquefaction, dry ice manufacturing and distribution plant and to purchase support equipment. (Received and placed on file, with a copy remitted to Equalization Director Richard Gruber)
- (2) Resolution C-6 {Support for Local MSU Extension Agents} received from the Michigan Milk Producers Association. (Referred to the Legislative Liaisons, with a copy remitted to Extension Director Rita Klavinski)

- (3) Resolutions received from Lake County { 1 } opposing the United States Supreme Court decision regarding the power of eminent domain for use for private development for profit, { 2 } opposing House Bill 5124 { Access to All Electronic Records }, and { 3 } urging all local Department of Human Services Offices to review their files for completeness. (Referred to the Legislative Liaisons, with a copy of { 3 } remitted to Department of Human Services Director Gwain McCree)
- (4) Resolutions received from Wexford, Osceola, Isabella and Roscommon Counties opposing House Bill 5124 { Access to All Electronic Records }. (Referred to the Legislative Liaisons)
- (5) Notice received from the Michigan Department of Environmental Quality advising that the City of Albion has applied for a permit to remove the existing structure at the North Street crossing of the Kalamazoo River and construct a concrete box beam bridge, and soliciting comments regarding the project. (Received and placed on file)”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS -- Purchasing Policy Review Workshop:

Amendment of County Policy No. 405 - Purchasing

Administrative Services Director Bradley Wilcox reported that the Workshop was appointed to conduct a comprehensive review of the 1993 Purchasing Policy, and that over the past 18 months members have met on a regular basis to identify and discuss issues impacting the efficiency of the county’s procurement process and the barriers to local vendor participation. Mr. Wilcox advised that the county has awarded approximately \$62 Million in contracts over a ten year period, of which sixty percent were awarded to local vendors.

“Motion by Comr. Solis, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners amend County Policy No. 405 - Purchasing, as recommended by the Purchasing Policy Review Workshop.”

Comr. Bolger stated that he has significant concerns regarding the policy as proposed. Comr. Bolger advised that he firmly supports the goals of increasing local vendor participation, avoiding favoritism, and providing for maximum competition; and believes the county should seek to increase its options, with as few constraints as possible.

Comr. Bolger continued that he applauds the desire to increase local vendor participation, and reducing the bid

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bond requirement which acted as a barrier to many local businesses; however pointed out that a couple of the proposed provisions, including the prevailing wage requirement, would add favoritism, restrict competition, and work to benefit one particular special interest; i.e., union bosses. Comr. Bolger stated that he believes the local labor and prevailing wage provisions would make the policy a “union favoritism” policy. Comr. Bolger stated that if that is the goal, the Board should state so and debate the merits of that argument; and should not talk about maximizing competition while artificially limiting options.

Comr. Bolger addressed the criteria for being considered local labor, and questioned whether the county would want other communities to employ only local labor. Comr. Bolger stated that he believes the county needs to move to a regionalized view of the county’s economy, pointing out that many Calhoun County residents work in neighboring counties and many residents of neighboring counties work in Calhoun County. Comr. Bolger stated that he is a firm believer that when it comes to government bureaucracy, less is better.

Comr. Bolger continued that by amending the policy as proposed, the Board could reasonably hurt union members in Calhoun County. Comr. Bolger stated that he is not aware of any new construction projects on the horizon for Calhoun County, however, some of the neighboring counties are pursuing millages for new buildings; e.g., a new jail, justice center and juvenile home in Kalamazoo. Comr. Bolger stated that he knows many people in Calhoun County who would like to work on those projects. Comr. Bolger stated that if the Board adopts the proposed policy, it is possible that Kalamazoo may adopt a similar policy, and the Board’s action could slash possible work opportunities for Calhoun County residents in favor of political payoff that likely will not benefit anyone.

Comr. Bolger continued that payment of prevailing wages will artificially alter the competitive nature of bids and will remove a major variable vendors can evaluate in preparing their bids to be the most responsible to Calhoun County taxpayers. Comr. Bolger inquired how enforcement of the prevailing wage/local preferencing provisions shall affect the Purchasing Division’s administration of the contracts. Mr. Wilcox responded that one of the concerns he addressed with the Workshop was that the Purchasing Division does not have the funds for administrative costs to enforce the provisions and there is no compliance office as the City of Battle Creek has, therefore, it would be cumbersome on the staff, being that there is only a Purchasing Agent and himself. Comr. Bolger stated that he hopes the Board shall act to benefit all the citizens of Calhoun County through enhancing the county’s competitive environments and controlling the tax dollars that are spent.

Comr. Bolger advised that the U.S. Department of Commerce recently rated Michigan as dead last in the 50 states for economic growth; and he believes that the county must take every action to improve its economic climate, not impose government mandates that limit competition.

Comr. Bolger stated that he believes the Board needs to take time to evaluate possible unintended consequences, however pointed out that the county is facing its most difficult budget in years; therefore, he believes the Board needs to avoid distraction until the most critical issues are resolved; i.e., the 2006 budget and local jail bed population.

Comr. Moore commended Workshop members for their work in reviewing the policy. Comr. Moore stated that

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he supports improving access to all companies, however, believes that it is unfortunate that the prevailing wage provision has been proposed for the policy. Comr. Moore presented a series of proposed amendments.

Chairman Miller advised that requiring payment of prevailing wages does not increase the cost of a project. Chairman Miller pointed out that prevailing wage is not a union wage, it is based upon the non-union scale of labor for the particular trade groups within the State of Michigan. Chairman Miller stated that the county is considering a far less stringent policy than the City of Battle Creek, and pointed out that Kalamazoo gives a two percent bid variance preference to local businesses.

Comr. Bolger advised that he is not opposed to union labor as the unions can compete in the county's current environment; however, is opposed to the Board dictating the wages private employers must pay. Comr. Bolger pointed out that Kalamazoo's policy does not provide a two percent bid variance to local businesses, it allows local businesses that bid within two percent of the low bid to re-visit their bid.

Res. 188-2005

“Motion by Comr. Bolger, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners table amendment of County Policy No. 405 - Purchasing until after adoption of the FY 2006 County budget and until local jail bed population issues are resolved.”

Roll call vote: Yes - 4 (Comrs. Strowbridge, Todd, Bolger and Moore)  
No - 3 (Comrs. Miller, Segal and Solis)  
Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

FY 2006-2007 Juvenile Accountability Block Grant Application

Family Court Administrator Michael Boltz stated that this grant has been awarded to the Court for six years, and advised that the funds shall be used to partially fund an Assistant Prosecuting Attorney position, drug testing supplies for all juveniles admitted to the Juvenile Home and those placed on probation, plus costs to administer the grant. Mr. Boltz advised that the administration funds shall be used to offset the ten percent match requirement.

Res. 189-2005

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“Motion by Comr. Segal, supported by Comr. Strowbridge, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize the County Administrator/Controller to submit the FY 2006-2007 Juvenile Accountability Block Grant on behalf of Calhoun County.”

Comr. Strowbridge inquired whether the grant funds support an existing employee. Mr. Boltz responded Yes.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Sheriff Department Uniform Supplies Bid Award

County Administrator/Controller Greg Purcell advised that the recommendation is for a three-year agreement at the projected amount of \$110,000.

Mr. Wilcox stated that the recommendation for uniforms for Sheriff Department and Road Patrol employees is a result of the formal bid process. Two bids were received and evaluated by the Purchasing Division, and Lt. Saxton and Sgt. Hazel of the Sheriff Department, who recommends award to the low bidder.

Res. 190-2005

“Motion by Comr. Moore, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners award the bid {RFP#113-05} for provision of uniform supplies for Sheriff Department employees to Nye Uniform Company of Grand Rapids, Michigan; further, authorize the Board Chairman to execute a three-year {3} Agreement with Nye Uniform Company at a projected amount of \$110,000 on behalf of Calhoun County.”

Comr. Strowbridge inquired how many requests for bids were let. Mr. Wilcox responded “Five.” Comr. Strowbridge pointed out that this bid response is a prime example of what the Board is attempting to accomplish with the proposed purchasing policy.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Highway Safety Grant Acceptance Authorization

Mr. Purcell stated that the grant in the amount of \$24,998 is a cooperative effort with the Sheriff Department and the Cities of Battle Creek and Marshall.

Sheriff Byam advised that the grant funds the Click it or Ticket and the You Drink & Drive, You Lose Programs.

Res. 191-2005

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“Motion by Comr. Segal, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize the Office of the Sheriff to electronically accept the Highway Safety Grant in the amount of \$24,998.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

2006 Senior Millage Service Provider Funding Recommendations

Mr. Purcell advised that the Senior Millage Allocation Committee recommends award in the amount of \$2.3 Million to a variety of vendors.

Mr. Wilcox addressed the bid process and expressed appreciation to the Committee. Mr. Wilcox advised that the funding recommendation exceeds the budget established for 2006 by \$12,423, which shall be appropriated from the Senior Millage fund balance.

Senior Services Manager Christine Schauer advised that she reviewed all the proposals and believes the Committee presented a good recommendation. Ms. Schauer pointed out that a couple of new services shall be provided in 2006; e.g., whole person wellness and minor home repairs. Ms. Schauer introduced Committee Member Bob Redman.

Committee Chairman Solis commended the Committee, Mr. Moreno, Mr. Redman and Mr. Wilcox for their work.

Mr. Purcell stated that the services provided are important to Calhoun County seniors and reminded everyone that the services could be in jeopardy if the senior millage is not re-authorized in 2006.

Res. 192-2005

“Motion by Comr. Segal, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Senior Millage Allocation Committee’s recommendation to appropriate \$2,312,423 towards the delivery of senior services in Calhoun County for 2006; further, authorize the Administrative Services and Senior Services Departments to prepare the service provider agreements in an aggregate amount not to exceed \$2,312,423 for execution by the Board Chairman on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Friend of the Court’s FY 2005-2006 Cooperative Reimbursement Program Grant Agreement

Mr. Purcell advised that the grant is for \$2.6 Million.

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Circuit Court Administrator Jeffrey Albaugh stated that the funding provides for a maintenance budget which reserves federal funding for Title IV-D activities.

Res. 193-2005

“Motion by Comr. Todd, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Friend of the Court FY 2005-2006 Cooperative Reimbursement Program Title IV -D Child Support Enforcement Grant Agreement (CS/FOC-06-13001); further, authorize the Board Chairman to execute the Agreement on behalf of Calhoun County. Nothing in this approval shall be construed so as to prohibit the county from asserting a claim against the state for reimbursement of mandated local expenditures in providing services required by federal and/or state law/regulation.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Friend of the Court’s FY 2005-2006 C.R.P. Medical Support Enforcement Grant Agreement

Mr. Purcell advised that the grant is for \$96,716.

Mr. Albaugh stated that the Court has received the grant for a number of years. Mr. Albaugh advised that the Medical Support Enforcement Program was suspended in April due to state budget cutbacks, however, has been reinstated for 2006. No match funds are required.

Res. 194-2005

“Motion by Comr. Segal, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Friend of the Court Medical Support Enforcement Grant Agreement (CS/MED-06-13001) in the amount of \$96,716 (federal and state funds); further, authorize the Board Chairman to execute the Agreement on behalf of Calhoun County. Nothing in this approval shall be construed so as to prohibit the county from asserting a claim against the state for reimbursement of mandated local expenditures in providing services required by federal and/or state law/regulation.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2006 Employees’ Health and Welfare Recommendation

Assistant County Administrator Wendee Woods stated that in 2003 Administration started an annual review process. Ms. Woods advised that based upon information gathered by McGraw Wentworth the Administrative staff studied the current plan designs, trends, and a number of factors looking at ways to reduce the cost to the

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county. Ms. Woods presented the health and welfare recommendations for 2006, pointing out the projected savings of \$379,000.

Res. 195-2005

“Motion by Comr. Segal, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2006 Health & Welfare recommendations, effective Pay Period 1 for employee changes and effective January 1, 2006 for service provider changes.”

Chairman Miller questioned the projected savings by changing the prescription drug card to three tiers. Ms. Woods estimated \$40,000. Chairman Miller pointed out that the county already limits the employees to what doctors they may see to be covered by the county plans, and advised that he cannot support asking the employees to pay more for prescriptions.

Res. 195-A-2005

“Motion by Comr. Miller, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners amend the 2006 Health & Welfare recommendations, to delete the recommended change to a three-tiered prescription drug card.”

Comr. Segal stated that it is the consumer that makes the request for a new drug, and that doctors work with the consumer to find the most cost effective drug. Comr. Segal advised that she shall not support the amendment.

Comr. Bolger stated that he believes the county’s plans are generous and advised that he shall not support the amendment either.

Ms. Woods pointed out that the county has current labor agreements with 15 percent co-share and the three-tiered prescription card. Ms. Woods advised that Administration is attempting to standardize the packages for all of the county’s groups.

Roll call vote on Res. 195-A-2005: Yes - 3 (Comrs. Todd, Miller and Solis)  
No - 4 (Comrs. Strowbridge, Bolger, Moore and Segal)  
Motion DEFEATED

Roll call vote on Res. 195-2005: Yes - 7 Motion CARRIED Unanimously

Emergency Management Coordinator Appointment

“Motion by Comr. Segal, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners appoint Larry Utterback as the Calhoun County

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Emergency Management Coordinator.”

Comr. Strowbridge offered the following substitute resolution, advising that all of the communications and notifications have not been made yet, and that the resolution to table does not reflect upon the proposed candidate.

Res. 196-2005

“Substitute Motion by Comr. Strowbridge, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners table appointment of a Calhoun County Emergency Management Coordinator until the November 17, 2005 Board of Commissioners Meeting.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS' TIME:

Senior Millage Allocation Committee Member Bob Redman expressed appreciation to the Administrative staff for their work on the senior millage service provider agreements.

Veterans Service Officer Jude Lonergan announced that Veterans Day services shall be at the Fort Custer National Cemetery at 11:00 a.m. on November 11.

COMMISSIONERS' TIME:

Comr. Segal congratulated Ms. Lonergan for 15 years of service to the county; also Mary Lou Barrett who shall be celebrating 20 years with the county, and expressed appreciation for all of Ms. Barrett's work and assistance.

Comr. Segal announced that she along with the Michigan Medicare/Medicaid Assistance Program are hosting a Medicare Forum at the Burnham Brook Center on Friday, November 11, at 10:30 a.m. to explain the Part D changes. Comr. Segal advised that Ms. Schauer will be present to discuss the differences between the new plans and senior millage coverages, and that she shall make information available for those that cannot attend.

CLAIMS PAYABLE LISTINGS:

Res. 197-2005

“Motion by Comr. Strowbridge, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the

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county in the total amount of \$4,949,783.37 for the week of October 18, 2005; further, approve payment of the list of claims against the county in the total amount of \$421,960.40 for the week of October 25, 2005.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

**RECESS:**

The meeting recessed at 8:38 p.m. at the call of the Chair.

mlb