

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

December 1, 2005

The Regular Session of the Calhoun County Board of Commissioners convened at 7:07 p.m., Thursday, December 1, 2005 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll call: Present: Comrs. Bolger, Miller, Segal, Solis, Strowbridge and Todd. Temporarily Excused: Comr. Moore (Arrived at 7:48 p.m.).

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Solis, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the December 1, 2005 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Mr. Jerry Keller, Battle Creek resident, inquired whether the county borrowed more from the Delinquent Tax Fund last year for the 2005 budget than was collected in property taxes this year.

SPECIAL ORDER OF BUSINESS:

National Drunk and Drugged Driving (3D) Prevention Month Proclamation

Comr. Strowbridge read and presented the following proclamation to Battle Creek Area Transportation Study Executive Director Patricia Karr.

Res. 208-2005

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

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WHEREAS, motor vehicle crashes involving alcohol kill over 17,000 people and injure hundreds of thousands more every year in the United States; and

WHEREAS, alcohol-related crashes, as a significant portion of overall crashes, lead to one death every 30 minutes, one injury every two minutes and 1.5 million arrests nationally each year; and

WHEREAS, the December holiday season is traditionally one of the most deadly times of the year for alcohol-impaired driving; and

WHEREAS, according to the National Highway Traffic Safety Administration, based on the current rates, three in every ten Americans will be involved in an alcohol-related crash at some point in their lives; and

WHEREAS, organizations across the nation are joining together to promote the “*You Drink & Drive, You Lose*” and the “*This Holiday Season, If You Catch a Buzz, Catch A Ride*” national public awareness campaigns and law enforcement initiatives.

NOW, THEREFORE, I, Benjamin A. Miller, do hereby proclaim December 2005 as **National Drunk and Drugged Driving (3D) Prevention Month** in Calhoun County, Michigan. As Chairman of the Calhoun County Board of Commissioners, I also call upon all citizens, government agencies, business leaders, hospitals and health care providers, schools, and public and private institutions in Calhoun County to promote awareness of the impaired driving problem, to promote safer and healthier behaviors regarding the use of alcohol and other drugs, and to promote the awareness campaigns this December holiday season and throughout the year.”

Voice Vote: Motion CARRIED

2006 County Budget Public Hearing

Chairman Miller declared the public hearing open for discussion at 7:12 p.m.

County Administrator/Controller Greg Purcell advised that Mr. Latham will provide the presentation, and thanked the 2006 Budget Committee for working with the Finance Department and Administration in preparing the budget. Mr. Purcell stated that preparing the 2006 budget has been difficult this year as there will be reductions in the budget which will impact services and personnel.

Finance Director James Latham addressed state economic trends and causes, and factors affecting the county’s financial condition. Mr. Latham advised that the recommended 2006 budget totals \$36,875,580 which is 0.82 percent or \$299,515 more than the 2005 amended 2005 General Fund budget. Mr. Latham pointed out that projected revenues include transfer of \$1.5 Million from the Delinquent Property Tax Fund, transfer of \$189,

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117 from the Inmate Concession Fund, and the charging of indirect costs to non-General Fund departments.

Mr. Latham advised that the budget provides for a total staff of 520.175 full time employees reflecting a decrease of 18.65 employees, and addressed other cost savings measures; e.g, flexible work hours, voluntary layoffs, unpaid time off, reduced work hours, salary increases foregone, and employee health insurance cost sharing.

Administrative Services Director Bradley Wilcox advised regarding expense reduction programs for 2006; e.g., telecommunications services, mail service, centralized printing, energy conservation, and equipment maintenance.

Mr. Gardy Berezonsky, Marengo Township resident, advised that he was not permitted to sit in on the Budget Committee meeting and was advised that he could address his questions at the public hearing. Mr. Berezonsky inquired whether the Board is prepared to answer questions regarding the budget.

Chairman Miller advised Mr. Berezonsky that he is sure someone here will attempt to answer his questions at the conclusion of the hearing.

Mr. Berezonsky inquired whether there have been any revisions to the budget presented at the November 17 Board Meeting.

Mr. Purcell responded No, not at this time; however, advised that the budget is a draft document which could be changed prior to its final adoption.

Mr. Berezonsky addressed Board of Commissioners expenditures, inquiring why Calhoun County tax payers are paying for Board Members, who are part-time employees, to receive health and dental insurance benefits; and inquired how many other part-time employees receive such benefits. Mr. Berezonsky inquired whether association dues within various department budgets are used to pay for lobbyist groups, and if so, whether their meetings are open to the public since tax payers' money is used to join such organizations.

Mr. Berezonsky noted that there are five judges who receive state salary reimbursement within the Circuit Court, and inquired how the salary amounts listed within the budget are determined. Mr. Berezonsky addressed the employee mileage expenditure amount of \$5,470 within the Circuit Court - Family Division budget; further noted that the Division has a budget for vehicle maintenance and gas, and inquired why the employees are using their own vehicles.

Chairman Miller advised Mr. Berezonsky that his time period for public comment has expired. Mr. Berezonsky responded that he did not believe that he could be "cut off" at a public hearing.

Sheriff Department Detective Guy Picketts advised that he has been with the Department for 23 years, a Detective since 1999; and stated that he is dismayed with the "cuts" for the Sheriff Department. Det. Picketts

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voiced concern for the citizens in the out-county areas. Det. Picketts advised that the Detective Division does not have enough officers to investigate a lot of the complaints, and that the same is true within the Prosecutor's Office; provided examples of the time it takes to investigate internet child pornography and fraud cases, and pointed out that the staff reductions are only going to make matters worse. Det. Picketts further pointed out that the County is not going to be able to rely on much assistance from the state police either as they are "down" 9 to 13 positions.

Police Officers Labor Council Chief Union Steward Dave Tenzidlowski advised that he represents the officers in the Road Patrol and the Jail; and they are concerned regarding citizens' safety and the safety of the Jail staff and inmates if staffing is cut.

Battle Creek State Police Post Commander Dale Peet advised that Detective Pickett's statement was accurate regarding the state police's capability at this current time. Commander Peet stated that statistically costs are increasing, the economy is decreasing, and that historically when this happens law enforcement sees an increase in crime; and is seeing that increase already. Commander Peet advised that in Battle Creek armed robberies are "up" tremendously this year compared to past years.

Commander Peet advised that the Post is facing further cuts over the next two fiscal years and that the Post is presently "down" 13 troopers from 3 years ago, still attempting to handle the same complaint load and dealing with the same issues as the Sheriff Department. Commander Peet pointed out that the Post greatly relies on assistance from the Prosecutor's Office and the Sheriff Department to provide law enforcement services to the citizens of Calhoun County, and requested the Board reconsider safety issues and prioritize where the budget cuts are going to take place across county government.

Commander Peet stated that one of the things citizens are dealing with throughout government, and in this budget process, is the failure of their elected officials to make those tough decisions and prioritize what is important to the citizens. Commander Peet again requested the Board take a serious look at what is important, prioritize, and make its decisions based upon those priorities of what is best for the citizens of Calhoun County, not upon party lines or anything else.

Mr. Keller stated that within private industry, if a company spends more than they make, they have to put it back; which is the position that the county is in. Mr. Keller pointed out that the county is spending tax payers' money and that according to law the county must keep the budget "in the black."

Emmett Township Public Safety Director Frank Post advised that the Public Safety Department does a lot of their prosecution work through the Prosecutor's Office, and pointed out that the county is making significant cuts in that staff which impacts what happens in Emmett Township. Director Post stated that if the county continues to cut Road Patrol staff and starts dispatching cars to those major emergencies, the county will be drawing cars from Emmett Township who shall have to make a moral decision of whether it is possible to respond since it is not within the Township's jurisdiction. Director Post pointed out that 90 percent of the cuts in staffing are from the public safety sector while crime is increasing. Director Post advised that law

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enforcement has seen a significant amount of violent criminal activity in the Battle Creek metropolitan area over the past year. Director Post stated that he is flabbergasted that the county only has one detective within its Detective Division. Director Post advised that he only has one detective in Emmett Township who is overwhelmed with the caseload. Director Post stated that to see the tremendous caseloads people are carrying amazes him, and now to propose cuts in this area is mind boggling.

Director Post pointed out that one of the basic functions of government is to provide for the safety and security of its citizens. Everything else is fluff. Safety and security of the county's citizens should come first. Director Post stated that there are some tough choices to be made on the Commission's part, however, that he believes to cut a significant portion of the staff from the Prosecutor's Office and the Sheriff Department is a serious mistake.

Sheriff Allen Byam advised that while a staff reduction of 5.65 employees from the Sheriff Department is listed within the budget presentation documents, the reduction is actually 8.65 employees because Community Corrections with a reduction of 3 employees is part of the Department; and that staff is as important to the overall operations of the Department as any other division of the Department.

Sheriff Byam stated that beginning in 1994 the Board initiated a Sheriff Department Workshop to assist the Department with security problems related to the opening of the new Jail facility and with resolving management issues concerning operations. Sheriff Byam advised that the Workshop concluded that the General Fund could fund the Department's operations completely and was insufficient to staff the new Jail; therefore the Department was tasked to develop a plan to fund the new Jail, and to do that the plan provided for continued boarding of out-county inmates which had already been initiated, double bunking of currently staffed pods, and the opening of remaining pods on a double-bunking configuration to maximize boarding of out-county inmates. The plan was adopted with Resolution 84-1996 as a source to fund the Jail.

Sheriff Byam advised that the commitment to make money off the Jail has grown in scope. It has evolved into a joint venture between the Office of the Sheriff and the Office of the County Administrator/Controller, with the Sheriff interested in continuing to fund certain law enforcement services and the Administrator interested in balancing the county budget. Sheriff Byam pointed out that since 1998 the Department has generated more than \$19 Million through jail bed rental beyond the amount required within the 1996 agreement, and in 2006 the Department is being asked to contribute to the General Fund approximately \$2.4 Million more than would have been required in the 1996 agreement.

Sheriff Byam voiced concern for the safety of his staff and the well being of the community. Sheriff Byam stated that in his opinion the proposed budget fails to recognize the citizens' priorities, statutorily mandated services and existing contracts. Sheriff Byam pointed out the Sheriff Department budget is 34 percent of the General Fund, however, is "shouldering" 38 percent of the budget shortfall.

Sheriff Byam further pointed out that within the county's citizens survey of 2002 over 80 percent of the citizens stated that they are very unwilling to accept a reduction in law enforcement services; further that the county is

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mandated to provide a Jail for the local inmate population, and the Sheriff cannot voluntarily reduce the level of service to meet the budget. Sheriff Byam stated that it is assumed that the Department can apply an across-the-board reduction, however, the Department has contracts and is obliged to provide a specified level of services and needs to maintain a certain level of staff to provide those services.

Sheriff Byam stated that the Office of Sheriff remains committed to assisting the county by enhancing Jail operational revenues; however pointed out that the decision to enter into the prisoner boarding business was made to generate revenue for law enforcement, and requested that the Board stay committed to do this. Sheriff Byam advised that in order to operate the Jail at its historic population, the Department must maintain safe staffing levels. A safe staffing level is not only critical to the safety of the county's corrections staff, but is essential for a good business relationship with the Department's boarding clients.

Sheriff Byam stated that, as Calhoun County Sheriff, he is not in agreement with the proposed 2006 budget and urged the Board to consider the issues addressed this evening.

Prosecutor John Hallacy stated that with the proposed 2006 budget the law enforcement officials will have to shoulder the funding reductions. Prosecutor Hallacy inquired what are the Board's priorities, and questioned whether quality law enforcement and prosecution are not a priority. Prosecutor Hallacy stated that the ones who will suffer will be the residents of Calhoun County, pointing out that there has been an increase in violent crimes in Battle Creek since the summer and now armed robberies are increasing.

Prosecutor Hallacy stated that the citizens of this community, of the state, of the nation really have three priorities when it comes to government; i.e., education, jobs and public safety, and County Government does not deal with jobs or education. Prosecutor Hallacy stated that the one thing that the majority of the county budget deals with is funding for the courts and public safety functions of this county.

Prosecutor Hallacy stated that he cannot agree one bit; and is completely befuddled by the priorities, whatever they may be and hopes to hear them, that have been set by the Budget Committee.

Clerk-Register Anne Norlander read the following statement:

“Thank you for the opportunity to share my point of view regarding the recent changes to the Clerk and Register of Deed's budget which have been arrived at without the knowledge or agreement of our office. The Clerk and Register of Deed's budget is one of the three fundamental cornerstones of county government, and without the services provided by the dedicated employees of our office, the machinery of county business and society would not operate smoothly, if at all. From birth records to concealed weapons permits to personal protection orders (both unfunded mandates by the way); from real estate transactions, elections, the management of Circuit Court and many other services too numerous to mention, everyone in Calhoun County is impacted by our office on a daily basis.

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Our budget expenses have been flat for many years, and our Million dollar plus revenues have kept the county afloat while we are continually legislatively mandated to provide increased services. Our ability to do more with less is based on highly motivated and productive employees, enhanced technology, and a commitment to deliver quality services to the residents of Calhoun County at the lowest cost. But now to be even more productive and more efficient, we have decided to add additional cross-training skills to the staff's toolkit. That decision was made by me as the elected official responsible for the delivery of those services to the county. I based that decision on budget guidelines provided to me earlier this year by the County Administrator and his staff. I was tasked with the responsibility of delivering the full array of services we provide citizens given last year's budget, with no increase or growth, except in our elections budget. Included in that number was a 1/4 time position. I decided not to fund that position due to the overall cost of hiring another employee. Instead, it is my judgment as the official vested with the responsibility for most effectively delivering the Clerk and Register of Deed's services to the county residents, that those dollars would be better spent on a reclassification for my current staff in return for my staff's commitment to me to do further cross-training between our offices and to accept increased responsibilities in their jobs.

Some of you have a notion that a deserving productive employee in one department cannot be provided with a long overdue reclassification because another department must cut back on employees. That is foolish and wrong on the face of it and defies the whole purpose of the separation of departments and the autonomy and responsibility of elected officials to make decisions about their resources and the management of their departments.

Earlier this year, the County Administrator provided our office with budget guidelines. I was able to live within those guidelines by deciding to further cross-train and add job responsibilities with the existing employees in my office. The efficiencies realized by such an approach was to be passed on to those employees by way of a modest step increase in their salaries. This approach was approved by the Reclassification Committee on October 20, 2005.

Now I find that somewhere in the budget process the proposed and approved reclassifications have been eliminated from my budget and the money reallocated to fund our mandated elections budget. I was told on at least three separate occasions that our 2005 election figures would be adjusted upward for 2006 to meet our statutory requirements as has been past practice for major election cycles.

I would like to know who made the decision to change my budget. The public has a right to know who made those decisions. Whoever made the decisions needs to identify himself or herself so that he or she can become accountable to the citizens of Calhoun County for the operation of my office. How is it that my approved budget came to be changed? If everyone agrees that no one changed my budget, then I assume you will now correct this error and restore the funds approved by the Reclassification Committee and adequately fund my 2006 election

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budget as you promised to do.

To override my considered decision which was submitted under the guidelines you provided is inconsistent with the very process set up by this administration. You can't have it both ways. Set up the rules and play by the rules. Our budget recommendation was overturned without consultation. I received a phone call and memo 30 days after the reclassification was approved, only after I placed a phone call to the Finance Department to find out the status of my budget.

The people of Calhoun County want their elected officials to be responsible for their offices. They should have a right to hold those officials accountable. To be accountable, officials must be capable of making resource decisions within the confines of their own budget allocations. To arbitrarily eliminate Clerk and Register of Deeds resources without consultation is inappropriate and a violation of department sovereignty. The decision to use the 1/4 position resource to hire a person, or convert those resources for cross-training falls within this office's purview and no one else's.

In a memo dated November 16, 2005 from Administrator/Controller Greg Purcell to the Calhoun County Board of Commissioners, Page 3, Paragraph 4, and I'll paraphrase;

[“Commissioners should be aware that all of the budget recommendations resulted from negotiations with elected officials and department heads after thorough review and discussion. While Commissioners always have the right to make changes to the recommended budget, it is important to note that substantially all departments have agreed to the budget numbers submitted, albeit somewhat reluctantly, and with the understanding that we have limitations on the budget.”]

I would like everyone to know that at no time was there a thorough review and discussion of the final budget document. To state otherwise is a falsehood.

I respectfully request the reinstatement of the 1/4 time position resource to the Clerk and Register of Deeds 2006 budget to fund the reclassifications, and that the 2006 elections budget be funded at the level we requested, and at the level the administration agreed to on numerous occasions, in order for you to preserve some credibility with me and the citizens of Calhoun County.”

Marshall City Public Safety Director Mike Olson stated that the proposed cuts to the Sheriff Department and Prosecutor's Office budgets/staffing will hurt the law enforcement community and shall have a direct impact on all the citizens in Calhoun County. Mr. Olson stated that he believes the Board should consider the need to re-examine the budget to get back to the basics. Mr. Olson advised that without the help of the Prosecutor's Office and the Sheriff Department the Board is seriously curtailing law enforcement's ability to make Calhoun

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County a safe place to live.

Comr. Segal thanked everyone for attending the meeting. Comr. Segal advised that the Budget Committee had a very difficult job for the past six months working on the budget, pointing out that the county unfortunately does not have the money that it used to have. Comr. Segal continued that the Board had to look at what every single department needed, and worked hard to keep the cuts down to a minimum while continuing to provide services. Comr. Segal pointed out that the Committee was looking at reducing 44 employees; however, that a lot of the cuts were handled administratively.

Comr. Strowbridge addressed the staff reduction percentage of the Sheriff Department, and pointed out that the two positions within the E 9-1-1 Services Department were vacant and were funded separate from the General Fund; therefore, three departments must cut 13.65 employees.

Comr. Strowbridge addressed 2006 budgeted expenditures by function on Page 15 of the budget presentation document, pointing out that public safety is 35 percent of the budget expenditures; while the personnel reductions for public safety is 80 percent, therefore, he agrees with the Sheriff that the percentage of expenditures to personnel reductions is way “out of whack.”

Comr. Bolger asked Mr. Wilcox when he plans to work with the department heads to implement the proposed expense reductions he addressed during the budget presentation. Mr. Wilcox responded that the plans will be developed and tested first. Centralized printing shall be first. Mr. Wilcox advised that the plan for mail service reductions is pretty much completed and shall be ready by January, and that the other plans should be ready within the first quarter of 2006. Comr. Bolger inquired whether savings reports shall be provided to the Board periodically. Mr. Wilcox responded Yes.

Comr. Bolger stated that the budget should be about priorities; therefore, he greatly appreciated the input received tonight and looks forward to receiving input from his constituents regarding their priorities and how they want their tax dollars spent. Comr. Bolger addressed Mr. Latham’s presentation regarding how bad off the county/state is, and encouraged the Board to look at every possible opportunity to embrace, and not vilify, the county’s employers.

Comr. Moore advised that the Board has one more meeting in which to adopt the 2006 budget, which will be balanced. Comr. Moore stated that if any Board member is thinking about any changes to the proposed budget, they should look at the non-mandated services and consider which ones they are willing to part with, assign a corresponding dollar value to it, communicate to the citizens what those non-mandated services are and what they shall be giving up, and be prepared to offer some concrete solutions.

Chairman Miller advised that it is his intention to reserve a majority of his comments for the next Board meeting. Chairman Miller stated that it is important to note that there was a time when the Chairman sat in his office with the Administrator and wrote the budget. The process has been improved. Chairman Miller echoed Commissioner Moore’s comments, stating that it is very easy to suggest to “paint a brush” regarding what is

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mandated and what is not mandated; however advised that the Board/Administration has not done that, and has absolutely respected the rights of the county officials to make those decisions. Chairman Miller stated “If we want to get into that game, and I do not think anyone does, and to suggest otherwise is really incorrect; and with knowing the work that the Budget Committee and Administration did, that gets under my skin.”

Chairman Miller stated that he appreciated the comments provided tonight which have been taken with the utmost seriousness, but again cautioned describing what is mandated and what is not.

Chairman Miller declared the public hearing closed at 8:17 p.m.

“Great Start System” Planning Grant Resolution of Support

Comr. Segal advised that the proposed resolution supports the Calhoun Intermediate School District’s application for funding of a early childhood program. Comr. Segal stated that the program is a statewide public/private partnership and shall help Calhoun County to determine the need for early childhood development.

Res. 209-2005

“Motion by Comr. Bolger, supported by Comr. Solis, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the *Calhoun Intermediate School District (ISD)* and the *Network for Young Children (NYC)* are building connections among and between agencies and organizations; and

WHEREAS, Calhoun ISD and NYC are capable of a successful planning grant implementation to help Calhoun County’s infants, young children and families to be safe, as well as physically, socially and emotionally healthy; and

WHEREAS, Calhoun County’s infants and young children will have greater access to high quality early care and education in order to be ready to succeed in school and life; and

WHEREAS, this grant will help families to support and guide the early learning of their infants and young children; and

WHEREAS, this grant will help families of young children achieve and continue economic stability and will be able to meet their families’ basic needs; and

WHEREAS, this grant will foster a culture where Calhoun County citizens will make infants and young children a priority by investing in families.

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NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners support the Calhoun ISD and Network for Young Children in their planning grant with the Early Childhood Investment Corporation.”

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 210-2005

“Motion by Comr. Solis, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following December 1, 2005 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Communication received from the Michigan Department of Transportation requesting input regarding their proposed 2006-2010 Five Year Transportation Program. (Received and placed on file, with a copy remitted to Road Commission Managing Director Dennis Randolph)
- (2) Resolutions received from Washtenaw and Bay Counties opposing House Bill 5124 {Access to All Electronic Records}. (Referred to the Legislative Liaisons)
- (3) Calhoun County Jail Inspection Report (Received and placed on file)
- (4) Resolution received from Lenawee County recommending that legislation be adopted requiring the State of Michigan to pay its invoices and obligations in a timely manner. (Referred to the Legislative Liaisons)
- (5) Communication received from the Michigan Department of Transportation advising of excess property for sale. (Received and placed on file)”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS -- Legislative Liaisons:

Workshop Chairperson Segal reported that the two proposed resolutions were presented to the Workshop by

the Clerk and oppose bills in the State Legislature that takes away funding.

“Motion by Comr. Strowbridge, supported by Comr. Todd, resolved by the Calhoun County Board of Commissioners adopt the following two {2} resolutions:

WHEREAS, House Bill 5124 recently introduced into the Michigan Legislature radically alters the intent of MCL 565.551 from facilitating methods of acquiring copies and researching records to mandating services, fees, contracts, special reports, payment dates, personal liability and legal consequences effectively removing any local governmental control; and

WHEREAS, elected officials have specific constitutional and statutory authority directing them to carry out the obligations of their offices requiring that public records be properly maintained and protected; and

WHEREAS, House Bill 5124 mandates access to all electronic records, regardless of sensitivity of information, and dictates fees of actual cost of not more than 4 cents per image for non-paper reproductions when the actual cost may exceed 4 cents an image; and

WHEREAS, House Bill 5124 will drastically reduce county revenue received in copy fees generated through the Register of Deeds Office by approximately 75%; and

WHEREAS, county records should not be available for private businesses to profit at public expense; and

WHEREAS, House Bill 5124 interferes with the statutory duty of elected officials to safeguard the actual records in the Register of Deeds Office by dictating the following requirements:

- Mandates that the county shall reproduce the records in the medium requested if it is available.
- Requires that copies be provided within 3 business days of the date stamped on the instrument or the date of request, whichever is earlier, which means that if someone requests copies 2 weeks after it is recorded, the Register of Deeds Office must anticipate the request 11 days in advance and provide it to the requesting party on that date or the Register of Deeds will be in violation of the law and subject to civil action.
- Requires the electronic transfer of images on the day they are imaged.
- Prescribes how often the county can collect fees.

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- Pits elected official against elected official and removes discretion of the courts for compliance and costs; and

WHEREAS, House Bill 5124 ignores national security concerns by making it mandatory to provide access to public records for any requesting party no matter where they reside or what organization they represent.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Calhoun expresses its strong opposition to House Bill 5124 and urges resistance against any attempts to restrict local control by mandating requirements on elected officials that result in private gain at the expense of the public; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Granholm, State Senator Schauer, State Representatives Nofs and Wenke, and Calhoun County Clerk and Register of Deeds Norlander.

WHEREAS, the original survey and monumentation of section markers in the State of Michigan was completed in the mid 1800's; and

WHEREAS, many of the section corner markers had disappeared over the course of 150 years, the State of Michigan established a Remonumentation Program in 1990 to be funded with fees collected in the County Register of Deeds Offices to be used solely for the remonumentation of section corner markers and establishment of geographic information systems in Michigan; and

WHEREAS, it has taken Calhoun County 12 years to complete 47% of its corner markers, and will, at this rate, take approximately 9 more years to complete; and

WHEREAS, the Upper Peninsula counties contain large land areas and large rural land areas, and therefore, take longer to cover and re-establish the survey marks; and

WHEREAS, due to the high volume of documents recorded in the Register of Deeds Office during a period of very low mortgage interest rates in 2002-2004, a great increase occurred in the Remonumentation Fund; and

WHEREAS, due to the failure of the Director of the Remonumentation Fund to increase the appropriations of the funds to the counties, the Fund has grown to 15 Million Dollars; and

WHEREAS, the State of Michigan has proposed to take the remonumentation funds that have accumulated to use in its General Fund, without regard to the intention of these funds; and

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WHEREAS, this would be a fraudulent use of funds collected under the auspices of remonumentation and would be a great disservice to the landowners of Calhoun County and landowners throughout the State of Michigan.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners and the Calhoun County Clerk and Register of Deeds adamantly oppose the transfer of the remonumentation funds to the State's General Fund until the Remonumentation Program has been completed across the State of Michigan; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Jennifer Granholm, Leader of the House Craig DeRoche, Leader of the Senate Ken Sikkema, Senator Mark Schauer, Representatives Mike Nofs and Lorence Wenke, the Michigan Association of County Surveyors and the Michigan Society of Professional Surveyors."

Comr. Solis addressed the proposed resolution opposing House Bill 5124, stating that he is concerned regarding losing revenue, however, is at a loss as to how the bill ignores national security concerns as public records are available to anyone that presents a Freedom of Information Act request.

"Motion by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners amend the first resolution opposing House Bill 5124, deleting the following paragraph:

[WHEREAS, House Bill 5124 ignores national security concerns by making it mandatory to provide access to public records for any requesting party no matter where they reside or what organization they represent.]"

The amendment died due to lack of support.

Chairman Miller recommended the two resolutions be approved separately. Comr. Strowbridge withdrew his resolution, and Comr. Todd withdrew his support of the resolution.

"Motion by Comr. Strowbridge, supported by Comr. Segal, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, House Bill 5124 recently introduced into the Michigan Legislature radically alters the intent of MCL 565.551 from facilitating methods of acquiring copies and researching records to mandating services, fees, contracts, special reports, payment dates, personal liability and legal consequences effectively removing any local governmental control; and

WHEREAS, elected officials have specific constitutional and statutory authority directing them to carry out the obligations of their offices requiring that public records be properly maintained

and protected; and

WHEREAS, House Bill 5124 mandates access to all electronic records, regardless of sensitivity of information, and dictates fees of actual cost of not more than 4 cents per image for non-paper reproductions when the actual cost may exceed 4 cents an image; and

WHEREAS, House Bill 5124 will drastically reduce county revenue received in copy fees generated through the Register of Deeds Office by approximately 75%; and

WHEREAS, county records should not be available for private businesses to profit at public expense; and

WHEREAS, House Bill 5124 interferes with the statutory duty of elected officials to safeguard the actual records in the Register of Deeds Office by dictating the following requirements:

- Mandates that the county shall reproduce the records in the medium requested if it is available.
- Requires that copies be provided within 3 business days of the date stamped on the instrument or the date of request, whichever is earlier, which means that if someone requests copies 2 weeks after it is recorded, the Register of Deeds Office must anticipate the request 11 days in advance and provide it to the requesting party on that date or the Register of Deeds will be in violation of the law and subject to civil action.
- Requires the electronic transfer of images on the day they are imaged.
- Prescribes how often the county can collect fees.
- Pits elected official against elected official and removes discretion of the courts for compliance and costs; and

WHEREAS, House Bill 5124 ignores national security concerns by making it mandatory to provide access to public records for any requesting party no matter where they reside or what organization they represent.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Calhoun expresses its strong opposition to House Bill 5124 and urges resistance against any attempts to restrict local control by mandating requirements on elected officials that result in private gain at the expense of the public; and

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BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Granholm, State Senator Schauer, State Representatives Nofs and Wenke, and Calhoun County Clerk and Register of Deeds Norlander.”

“Substitute Motion by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the resolution opposing House Bill 5124, as amended, with deletion of the following paragraph:

WHEREAS, House Bill 5124 ignores national security concerns by making it mandatory to provide access to public records for any requesting party no matter where they reside or what organization they represent.”

Clerk Norlander pointed out that records recorded in the Register of Deeds Office include social security numbers.

General Counsel Nancy Mullett advised that the Freedom of Information Act allows for certain information to be redacted and that presently certain personal information such as social security numbers are redacted; however, that she believes the paragraph is in the resolution as the bill does not allow for redaction of identifying kinds of information.

Clerk Norlander advised that the resolution has been passed by a number of other counties.

Atty. Mullett stated that the resolution as presented is fine; however that she believes it should be privacy concerns, not national security concerns.

Comr. Solis withdrew his substitute resolution.

Res. 211-2005

“Motion by Comr. Solis, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners amend the proposed resolution opposing House Bill 5124, revising the following paragraph to state:

WHEREAS, House Bill 5124 ignores privacy concerns by making it mandatory to provide access to public records for any requesting party no matter where they reside or what organization they represent.”

Voice Vote: Motion CARRIED

Res. 211-A-2005

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“Motion by Comr. Strowbridge, supported by Comr. Segal, resolved by the Calhoun County Board of Commissioners adopt the following, as amended:

WHEREAS, House Bill 5124 recently introduced into the Michigan Legislature radically alters the intent of MCL 565.551 from facilitating methods of acquiring copies and researching records to mandating services, fees, contracts, special reports, payment dates, personal liability and legal consequences effectively removing any local governmental control; and

WHEREAS, elected officials have specific constitutional and statutory authority directing them to carry out the obligations of their offices requiring that public records be properly maintained and protected; and

WHEREAS, House Bill 5124 mandates access to all electronic records, regardless of sensitivity of information, and dictates fees of actual cost of not more than 4 cents per image for non-paper reproductions when the actual cost may exceed 4 cents an image; and

WHEREAS, House Bill 5124 will drastically reduce county revenue received in copy fees generated through the Register of Deeds Office by approximately 75%; and

WHEREAS, county records should not be available for private businesses to profit at public expense; and

WHEREAS, House Bill 5124 interferes with the statutory duty of elected officials to safeguard the actual records in the Register of Deeds Office by dictating the following requirements:

- Mandates that the county shall reproduce the records in the medium requested if it is available.
- Requires that copies be provided within 3 business days of the date stamped on the instrument or the date of request, whichever is earlier, which means that if someone requests copies 2 weeks after it is recorded, the Register of Deeds Office must anticipate the request 11 days in advance and provide it to the requesting party on that date or the Register of Deeds will be in violation of the law and subject to civil action.
- Requires the electronic transfer of images on the day they are imaged.
- Prescribes how often the county can collect fees.
- Pits elected official against elected official and removes discretion of the courts

for compliance and costs; and

WHEREAS, House Bill 5124 ignores privacy concerns by making it mandatory to provide access to public records for any requesting party no matter where they reside or what organization they represent.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Calhoun expresses its strong opposition to House Bill 5124 and urges resistance against any attempts to restrict local control by mandating requirements on elected officials that result in private gain at the expense of the public; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Granholm, State Senator Schauer, State Representatives Nofs and Wenke, and Calhoun County Clerk and Register of Deeds Norlander.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Res. 212-2005

“Motion by Comr. Segal, supported by Comr. Strowbridge, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the original survey and monumentation of section markers in the State of Michigan was completed in the mid 1800's; and

WHEREAS, many of the section corner markers had disappeared over the course of 150 years, the State of Michigan established a Remonumentation Program in 1990 to be funded with fees collected in the County Register of Deeds Offices to be used solely for the remonumentation of section corner markers and establishment of geographic information systems in Michigan; and

WHEREAS, it has taken Calhoun County 12 years to complete 47% of its corner markers, and will, at this rate, take approximately 9 more years to complete; and

WHEREAS, the Upper Peninsula counties contain large land areas and large rural land areas, and therefore, take longer to cover and re-establish the survey marks; and

WHEREAS, due to the high volume of documents recorded in the Register of Deeds Office during a period of very low mortgage interest rates in 2002-2004, a great increase occurred in the Remonumentation Fund; and

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WHEREAS, due to the failure of the Director of the Remonumentation Fund to increase the appropriations of the funds to the counties, the Fund has grown to 15 Million Dollars; and

WHEREAS, the State of Michigan has proposed to take the remonumentation funds that have accumulated to use in its General Fund, without regard to the intention of these funds; and

WHEREAS, this would be a fraudulent use of funds collected under the auspices of remonumentation and would be a great disservice to the landowners of Calhoun County and landowners throughout the State of Michigan.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners and the Calhoun County Clerk and Register of Deeds adamantly oppose the transfer of the remonumentation funds to the State's General Fund until the Remonumentation Program has been completed across the State of Michigan; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Jennifer Granholm, Leader of the House Craig DeRoche, Leader of the Senate Ken Sikkema, Senator Mark Schauer, Representatives Mike Nofs and Lorence Wenke, the Michigan Association of County Surveyors and the Michigan Society of Professional Surveyors.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

FY 2006 Community Corrections Grant Agreement

Mr. Purcell stated that the grant in the amount of \$672,600 will provide \$208,335 for comprehensive plans and services, \$40,500 for drunk driving jail reimbursement and the community treatment program, and \$423,765 for probation residential services.

Sheriff Byam advised that no local match is required.

Res. 213-2005

“Motion by Comr. Segal, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2005-2006 Community Corrections Grant Agreement between the State of Michigan Department of Corrections and Calhoun County in the amount of \$672,600 for the period of October 1, 2005 through September 30, 2006;

further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Employees’ 401 (k) Savings Plan Amendment

Treasurer Ann Petredean advised that there are certain fees associated with doing business with Merrill Lynch which were paid for the employees from a forfeiture account, however, when the Defined Benefit Plan started the amount coming into the account has been less. The amendment provides for certain investment changes to be charged back to the individual requesting the change.

Res. 214-2005

“Motion by Comr. Bolger, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve Amendment 12 to the Employees’ 401 (k) Retirement Savings Plan to allow certain administrative expenses levied by Merrill Lynch that are not paid by the Plan or the County to be directly charged to individual participant’s accounts; further, authorize the County Administrator/Controller to execute said Amendment 12 on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Department Heads’/Appointed Officials’ and Non-Union Employees’ 2006 Salary Increase

Mr. Purcell stated that the 2006 draft budget includes a one percent salary increase for the appointed officials/department heads and non-union employees. Mr. Purcell recommended an increase of 2.5 percent, however, that the increase be applied in pay period 16 of 2006 as an attempt to prevent a long term negative effect on these employees’ base wages.

Res. 215-2005

“Motion by Comr. Bolger, supported by Comr. Solis, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the 2006 recommended Calhoun County budget shall provide funding for salary increases for non-bargaining unit personnel; and

WHEREAS, the 2006 budget recommended by the County Administrator/Controller shall provide sufficient funding for a raise equivalent to 1 % for all non-bargaining unit employees.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners

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approve a two and one half (2 ½) percent salary increase for all non-bargaining unit employees, department heads, and appointed officials effective the first day of pay period sixteen (16) of 2006.”

Roll call vote: Yes - 6 (Comrs. Bolger, Miller, Moore, Segal, Solis and Strowbridge)
No - 1 (Comr. Todd)
Motion CARRIED

Prosecutor Hallacy inquired whether the Chief Assistant Prosecuting Attorney shall be receiving the salary increase. Mr. Purcell responded that the elected officials’ deputies’ salary is 90 percent of the elected official’s salary. Prosecutor Hallacy advised that he declined his salary increase and that his Chief Assistant has also indicated that he will not accept a salary increase.

Resolution to Borrow Against Anticipated 2005 Delinquent Taxes

Treasurer Petredean advised that she borrowed \$5.5 Million last year to offset \$9.4 Million in delinquent taxes. Treasurer Petredean stated that this year she believes the delinquent taxes will be \$10 Million.

Res. 216-2005

“Motion by Comr. Segal, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Resolution to Borrow Against Anticipated Delinquent 2005 Taxes (ATTACHMENT A) as presented by the Calhoun County Treasurer.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

County Agent Designation Resolution

Mr. Purcell advised that the resolution designates the Treasurer as the county’s agent with respect to issuance of the 2006 general obligation limited tax notes.

Res. 217-2005

“Motion by Comr. Segal, supported by Comr. Bolger, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the County Board of Commissioners of the County of Calhoun, Michigan (the “County”) has adopted a resolution authorizing issuance of the County’s General Obligation Limited Tax Notes, Series 2006 (the “Notes”) for the purpose of establishing a fund to pay the 2005 delinquent taxes on real property to the county and political subdivisions therein pursuant

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to Act No. 206 of the Public Acts of 1893, as amended; and

WHEREAS, the County Treasurer is eligible for payment for services as Agent for the County pursuant to Section 87c subsections 3 and 15, of Act No. 206 of the Public Acts of 1893, as amended; and

WHEREAS, at this time it is appropriate for the County Board of Commissioners to appoint the County Treasurer as Agent for the County with respect to issuance of the Notes.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The County Treasurer is eligible for payment for services as Agent for the County pursuant to Section 87c subsections 3 and 15, of Act No. 206 of the Public Acts of 1893, as amended, and is hereby designated as Agent for the County in connection with the County's Notes, and the County Treasurer and the Treasurer's Office shall respectively receive such sums as are therein provided for the services as Agent for the County and to cover administrative expenses, after current debt service requirements on the Notes have been met. Such sums may be surplus monies in the 100% Tax Payment Fund or from County property tax administration fees before such fees are applied to debt service on the Notes.
2. All resolutions or parts of resolutions conflicting with this resolution are hereby repealed."

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Calhoun County Hospital Finance Authority Articles of Incorporation and Member Appointments

Mr. Purcell advised that the proposed resolution shall create a Hospital Finance Authority with the authority to fund a project for Oaklawn Hospital.

Oaklawn Hospital President/C.E.O. Rob Covert stated that the Authority shall assist the Hospital in financing projects and purchases; i.e., a lab, radiology and emergency room expansion, a sleep lab relocation/expansion, a private rooms project and refinancing of some existing bonds. Mr. Covert advised that the Hospital is anticipating \$8 Million of tax-exempt revenue bonds issued through the Authority. Mr. Covert advised that there shall be no cost or risk to the County, that the 2005 bonds would be bank-qualified and would be purchased by a bank. Proposals from banks are due to be submitted next Tuesday. Mr. Covert advised that the financing plan also includes the refinancing of the Hospital's outstanding tax-exempt Series 2000 bonds that were issued by the Michigan State Hospital Finance Authority, as well as taxable Series 2000 bonds issued directly by the Hospital. Mr. Covert stated that the borrowing through the Authority shall save the Hospital

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\$30,000 per year.

Res. 218-2005

“Motion by Comr. Bolger, supported by Comr. Segal, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the Board of Commissioners of the County of Calhoun deem it advisable and necessary and in the best interest of the County of Calhoun to create and establish an Authority under the provisions of Act 38, Public Acts of Michigan, 1969, as amended, which Authority shall be a public body corporate; and

WHEREAS, Articles of Incorporation of such an Authority under said Act have been prepared and carefully reviewed by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The attached Articles of Incorporation of the County of Calhoun Hospital Finance Authority are hereby approved and adopted. (ATTACHMENT B)
2. The County Administrator and County Clerk are hereby authorized and directed to execute said Articles of Incorporation for and on behalf of the County of Calhoun.
3. The County Clerk shall cause to be taken such steps as necessary under the provisions of state law to perfect the incorporation of the Authority.
4. The first Board of Commissioners of the County of Calhoun Hospital Finance Authority and their terms of office shall be as follows:

<u>NAME</u>	<u>TERM EXPIRES</u>
John D. Byrd II	January, 2007
James Latham	January 2008
Greg Purcell	January 2009"

Comr. Bolger inquired whether the proposed amount to be borrowed is within the county’s borrowing limitation. Mr. Purcell responded that the county has an annual allocation of \$10 Million.

Comr. Bolger expressed appreciation to Oaklawn Hospital for increasing services to residents and bringing

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business to the community. Comr. Bolger advised that he is happy to support the Authority.

Comr. Moore inquired regarding the term of the bonds. Mr. Covert responded that the bonds will have a 15 year term.

Attorney Timothy Sochocki of Miller, Canfield, Paddock and Stone, P.L.C. advised that the Hospital Authority functions similar to the Economic Development Corporation only for hospitals.

Mr. Purcell advised that there shall be a public hearing regarding issuance of the bonds at the December 15 Board Meeting.

Atty. Sochocki advised that notice of the hearing was published in the Enquirer and News today.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS' TIME:

Community Corrections Jail Diversion Coordinator Chris DuBois stated that he observed the Board Chairman rolling his eyes as individuals expressed their concerns during the public hearing regarding the budget tonight; further, pointed that the Board Chairman's response to the concerns tonight was to say "that it got under his skin." Mr. DuBois submitted to Chairman Miller that he is paid for things to get under his skin.

Mr. DuBois advised that he has attended three Board meetings within the past six months and has observed the Chairman throw two temper tantrums. Mr. DuBois pointed out that the employees are very tense right now because of the cuts that are pending and the citizens are worried about the budget and what might "hit" them in the form of increased taxes.

Mr. DuBois recommended an amendment to the budget to send the Board Chairman to a Dale Carnegie course because it is offensive to sit in the audience and watch the eye rolling and have the Chairman during Commissioners' time verbally "dig" at the officials that addressed the Board who only stated the facts, not opinions, and asked questions that the Chairman stated that he could not respond to.

Register of Deeds Office Administrative Assistant Marjorie Thompson inquired how the Board can approve salary increases for department heads and not pay attention to the budgets department heads submitted when the county is proposing layoffs.

Prosecutor Hallacy requested the Board consider its priorities. Prosecutor Hallacy invited Commissioners to visit the Prosecutor's Office within the next two weeks to meet with the staff. Prosecutor Hallacy advised the Board that saying goodbye to employees at Christmas time is far beyond the difficulties the Board had in preparing the budget.

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COMMISSIONERS' TIME:

Comr. Solis stated in response to Mr. DuBois' comments, that from where he is sitting the way he heard some of the comments from the public and some of the elected officials they had been a tad condescending and insulting, and that either Mr. DuBois did not hear that or he was focused only on the Chairman. Comr. Solis stated that at budget time it is very difficult to have to make cuts and the impact is not lost on this Commission. Comr. Solis pointed out that every Commissioner on the Board has a family and is equally concerned regarding public safety, and the decisions are not made lightly and are thought out keeping the citizens foremost in their minds.

Comr. Moore announced that tomorrow is the Seventh Annual Holiday Balloon Fest in Battle Creek and advised that the Holiday Balloon Fest is the second largest in Michigan with 72 pilots coming for three days. Comr. Moore stated that four flights are scheduled to take off from Kellogg's Cereal City USA., and invited everyone to attend.

Comr. Moore further announced that December 10 is the graduation ceremony for the Michigan Youth Academy. Comr. Moore advised that the Academy provides an alternative for youth at-risk of dropping out or having dropped out of high school. The youth are housed at Battle Creek's Veterans Affairs facility through the auspices of the National Guard Bureau. Comr. Moore advised that the Guard assigns military personnel to teach the youth respect, responsibility and life skills. Comr. Moore pointed out that the Program is the only one in the state.

Comr. Moore thanked Jennifer Bomba for her work with Community Development, advising that Ms. Bomba shall be joining her husband in his business. Comr. Moore further advised that Ms. Bomba shall be doing some consultant work in Calhoun County, and hopefully can continue to do some work for the county.

Chairman Miller stated that he appreciated Comr. Solis' comments. Chairman Miller stated, partisanship aside, that he will never under any circumstance allow the Board's integrity, intentions and commitment to Calhoun County's citizens to ensure this county provides the maximum amount of services to its citizens to be questioned in public without passionately defending this Board to the end; and that if this is perceived as too aggressive or appears as if he has lost his temper, so be it.

CLAIMS PAYABLE LISTINGS:

Res. 219-2005

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the county in the total amount of \$1,633,994.54 for the week of November 17, 2005; further, approve payment of the list of claims against the county in the total amount of \$1,032,368.05 for the week of November 22, 2005.”

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Roll call vote: Yes - 7 Motion CARRIED Unanimously

RECESS:

The meeting recessed at 9:26 p.m. until 9:40 p.m.

CLOSED SESSION:

Res. 220-2005

“Motion by Comr. Solis, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners meet in Closed Session for the purpose of discussing labor negotiations.”

Voice Vote: Motion CARRIED

The Board met in Closed Session commencing at 9:40 p.m. until 9:59 p.m. with Prosecutor John Hallacy, Assistant County Administrator Wendee Woods, Human Resources Director Jennifer Bucienki, County Administrator/Controller Greg Purcell, and Deputy Clerk Mary Lou Barrett present.

RECESS:

The meeting recessed at 9:59 p.m. at the call of the Chair.

mlb