

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

September 15, 2011

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, September 15, 2011 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Chairman Kale called the meeting to order and requested the Deputy Clerk call the roll.

Present: Comrs. Behnke, Todd (arrived at 7:59), Haadsma, Camp Seifke, Frisbie, VanSickle and Kale

Staff Present: Administrator/Controller Kelli Scott, Corporation Counsel Richard Lindsey, Assistant County Administrator Brad Wilcox, and Deputy Clerk Chris McComb

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Board held a moment of silence in honor followed by Comr. VanSickle leading the Pledge of Allegiance.

4. APPROVAL OF AGENDA

"Moved Comr. Haadsma, supported by Comr. Behnke to approve the agenda of the September 15, 2011 Calhoun County Board of Commissioners as presented."

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

"Moved Comr. VanSickle, supported by Comr. Frisbie to approve the minutes of the September 1, 2011 Calhoun County Board of Commissioners Regular Meeting as presented."

On a voice vote, Motion CARRIED

6. CITIZENS' TIME

Jonathon Kittinger, Marengo Township, stated he had what he felt is the solution to the Rotherick Drain problem and presented prepared exhibits. He feels Mr. Cortright didn't act in accordance to the law and alleviated the situation, not corrected. He stated dispatch received calls regarding the flooding on J Drive North, which caused the Road Commission to have conversations with Water Resources. He stated the township or its agent is not on record stating there was an emergency. He claimed Mr. Cortright and his staff stated work was on the Rotherick Drain but it wasn't, and Road Commission Director Henning agreed it was not. He stated laws were not followed and the law states land owners should be absolved. He claimed this was misfeasance at a minimum, as fences were destroyed, trees were removed, driveways damaged and a 100 year old wetland was possibly damaged. He stated there were no benefits and asked the county to look at cost. He stated the Commissioners needed to put forth a motion to remove the vote to appeal and put forth a motion to pay the full bill of \$29,000.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

There were none.

8. SPECIAL ORDER OF BUSINESS

A. Special Tribute to Mike Boltz

Comr. Camp Seifke read into record the following tribute:

WHEREAS, MIKE BOLTZ has served as a dedicated and much appreciated Administrator for the Calhoun County Probate Court and Family Division of the Circuit Court; and

WHEREAS, MIKE began his career with the Calhoun County Probate Court, Juvenile Division, on March 10, 1972 as a youth counselor; and,

WHEREAS, MIKE's career was marked by steady advancement into supervisory and managerial duties with the court including: Field Services Supervisor, Casework Supervisor, Probation Supervisor, Manager of Probation Services, Hearings Referee, and Director of Children's Services; and,

WHEREAS, MIKE became acting Juvenile Court Administrator in 1988 and subsequently Administrator in 1989 while also serving as the County's statutory Juvenile Officer; and,

WHEREAS, MIKE played a key role in the successful transfer of the Juvenile Division from Probate to Circuit Court in late 1997 and early 1998 as a result of legislation that created the Family Division of Circuit Court. MIKE continued in his lead management role as initially the Circuit Court's Director of Services and Programs and then as Family Division Administrator while also serving as Probate Court Administrator/Register and serving until his retirement July 28, 2011; and,

WHEREAS, MIKE has served on numerous state and county committees and work groups over the time of his service to the Court and is recognized statewide for his knowledge and leadership with regard to administration of the county's Child Care Fund services;

WHEREAS, the Board of Commissioners and staff of Calhoun County appreciate the depth and breadth of knowledge, commitment to public service, and dedication, MIKE BOLTZ has shown during the entire course of his career; and

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners wish to sincerely thank J. MICHAEL BOLTZ for his 39 plus years of service and offer best wishes for a long and happy retirement.

Res. 114-2011

“Moved Comr. Behnke, supported Comr. Camp Seifke to approve the following: Resolved the Calhoun County Board of Commissioners does hereby accept the special tribute to Mike Boltz.”

On a voice vote, Motion CARRIED

B. United Way Campaign Month Proclamation

Comr. Frisbie read into record the following proclamation:

WHEREAS, Calhoun County Government acknowledges that:

- In 2009, the number of uninsured outpaced the number of unemployed 2 to 1, meaning that you no longer have to be out of work to be without medical insurance; and
- Calhoun County unemployment rate rose to 10.3% in July, 2011; and
- The Food Bank of South Central Michigan serves an estimated 102,600 individuals annually, 34% of them children; and
- In Calhoun County, more than 21% of the children (ages 0-17 years old) are living at or below the poverty rate; and
- The graduation rate for some area schools is 58%; and

WHEREAS, the United Way of Greater Battle Creek, Marshall United Way and Albion/Homer United Way provides an opportunity for county personnel to invest in our communities by giving, advocating and volunteering; and

WHEREAS, Calhoun County Government is supportive of advancing the common good by focusing on the building blocks for a good life - a quality EDUCATION that leads to a stable job, enough INCOME to support a family through retirement, and good HEALTH; and

WHEREAS, Calhoun County Government has selected the 3 community United Way Campaigns as their charity of choice;

NOW, THEREFORE, I, the Calhoun County Board of Commissioners, on behalf of the elected and appointed officials and the employees of Calhoun County does hereby proclaim the month of October 2011 as

United Way Campaign Month for Calhoun County Governmental Elected and Appointed Officials and Employees

Res. 115-2011

“Moved Comr. Haadsma, supported Comr. Behnke to approve the following: Resolved the Calhoun County Board of Commissioners does hereby proclaim October 2011 as United Way Campaign Month.”

On a voice vote, Motion CARRIED

9. CONSENT AGENDA

A. Petitions, Communications, Reports

1. Employee Freedom to Work Act Resolution from Lake County.
2. Board of Determination Notice, Section 1 & 12, Branches 1 & 2 Drain.
3. Board of Determination Notice, Section 1 & 12, Branches 3 & 4 Drain.

B. Resolutions

1. Senior Millage Allocation Committee Appointment
(Replacing Tianna Cannon)
- Term Expires April 30, 2012

{a} Willie Tabb

Res. 116-2011

“Moved Comr. VanSickle, supported by Comr. Camp Seifke to approve the consent agenda of the September 15, 2011 Regular Session as presented.”

On a voice vote, Motion CARRIED.

10. SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS

Comr. Frisbie stated the 911 Consolidated Dispatch Authority, voted to move ahead to bring to voters funding plan that includes a per device charge, replacing the funding in place now. He stated currently everyone pays \$.60 per device and some of the local entities pay for the service out of their general fund. He stated the proposed plan will eliminate the need for getting funds directly from the communities, instead getting it directly from the users of the devices. He stated the Authority would like to make it an equitable service so everyone who has a device and will pay the same amount. He stated if the proposal fails, they will continue to bill entities for service and residents will still be paying the \$.60. He stated that entities should let their residents know what they will be doing with those dollars because if this passes, the local entities won't pay anything toward dispatch. He stated the dispatch center has a great staff and director who are doing a fantastic job.

Comr. Haadsma stated the Senior Millage Allocation Committee met on 8/31 and once after for Strategic Planning. He stated the SMAC agreed they will go forward as a committee and provide the community the most services as efficiently as possible. He thanked Assistant County Administrator Wilcox for providing a lot of useful information.

Comr. Kale stated the Budget Committee had met and were facing difficult decisions that he would let Administrator/Controller Scott update everyone on later in the meeting.

11. UNFINISHED AND OLD BUSINESS

There was none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR'S REPORT

A. Historic Bridge Park Endowment Agreement

Administrator/Controller Scott stated staff had followed up with Enbridge to create an agreement that gives Enbridge rights to go on county owned land to do enhancements to Bridge Park. She stated the agreement protected the county from liability and any budget impact and it had been reviewed by legal counsel from the county and Enbridge. She stated the agreement also talks about an endowment fund that will be held by an outside group but accessible by the County and the Road Commission for upkeep, repairs and replacement. She stated Emmett Township had been helpful with permitting. She stated the endowment provided \$20,000 per year but if actual costs exceeded the estimate, Enbridge would adjust the amount. She stated Enbridge's goal was to get the improvements done before the ground freezes. She stated the park is close to the ending of trailway project so it would be a nice tie in. She stated several members of Enbridge and their affiliates were present at the meeting to answer questions.

Comr. Kale inquired who determined annual costs for the endowment.

A/C Scott stated Enbridge and the Road Commission had gone through the expenses for the park and created a line item budget for maintenance and upkeep for the life cycle of the park.

Comr. Camp Seifke thanked Enbridge, Emmett Township, Administration and Corporation Counsel for their work on the project.

Res. 117-2011

“Moved Comr. Camp Seifke, supported Comr. Haadsma to approve the following: Resolved that the Agreement between Enbridge and Calhoun County relative to the endowment for Historic Bridge Park is approved as presented and the Board Chair is authorized to sign the agreement on behalf of Calhoun County.”

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

B. Envision Center Agreement

Administrator/Controller Scott stated the Envision Center focuses on programs for autistic children and their families and it’s a growing project. She stated the agreement was for the Health Department to partner with Summit Pointe. She stated there would be a cash match that provided for school nurses to enhance their ability to recognize kids with autism or developmental disabilities and refer them to the center. She stated the Health Department would commit \$25,000, which will be recouped as indirect cost recovery.

Res. 118-2011

“Moved Comr. Behnke, supported by Comr. Frisbie to approve the following: Resolved, the MOU on Cash Match Funding for Behavioral Health Managed Care Services with Summit Pointe is approved as presented and the Administrator/Controller is authorized to sign the agreement on behalf of Calhoun County.

On a roll call vote, Yes – 6, Excused – 1 (Todd). Motion CARRIED

C. Assignment of FCC License to the Calhoun County Consolidated Dispatch Authority

Administrator/Controller Scott stated the next item was the FCC Transfer License Authority, which authorized the transfer of the FCC license to the Calhoun County Consolidated Dispatch Authority. She stated there was no cost to the County, it just transferred the license deed from the county to dispatch and Dispatch would pay any associated fees. She stated Corporation Counsel Lindsey drafted and reviewed the agreement before presenting to the Board.

Res. 119-2011

“Moved Comr. Haadsma, supported by Comr. Behnke to approve the following: Resolved, the Assignment of the FCC License Agreement with Calhoun County Consolidated Dispatch Authority is approved as presented and Administrator/Controller Kelli Scott is authorized to sign the Agreement on behalf of Calhoun County.”

On a roll call vote, Yes – 6, Excused – 1 (Todd). Motion CARRIED

D. 2011-2012 Annual Child Care Fund Plan and Budget

Administrator/Controller Scott stated this was an annual plan that needed to be submitted before October 1 each year. She stated most of child care fund costs are split 50/50 between the state and county. She stated the resolution presented asked the Board to approve 2 contracts to provide services, one between the courts and Starr Commonwealth and one between Summit Pointe, DHS and the courts.

Former Probate Court Administrator Mike Boltz stated Calhoun County was viewed as the gold standard for the Child Care Fund. He stated the Child Care Fund encompassed a lot of programs for children, such as the Juvenile Home, and the Board had been supportive of treating children in their homes and communities instead of out of home treatment. He stated they used an evidence based program that had strict standards. He stated they worked with 60 kids/parents each year with the 75 - 85% passing goal reached every year. He stated they used a day treatment program at Starr Commonwealth that didn't have the overhead that a lot of other programs did. He stated they had spent over \$1 million a few years ago in residential treatment programs and it was down to about \$300,000.

Res. 120-2011

"Moved Comr. Haadsma, supported by Comr. VanSickle to approve the following: Resolved the Calhoun County Commissioners do hereby approve the 2011 - 2012 Child Care Fund Annual Plan and Budget as presented together with authorization for the Board Chairperson to execute the Plan documents on behalf of Calhoun County. Further, the Calhoun County Board of Commissioners concur with the Agreement for Day Treatment services between the 37th Circuit Court and Starr Commonwealth and with the Agreement for Multisystemic Therapy (MST) services with the 37th Circuit Court, the Calhoun County Department of Human Services and Summit Pointe.

On a roll call vote, Yes – 6, Excused – 1 (Todd). Motion CARRIED

E. Resolution Supporting Elimination of Probate Judge Position by Attrition

Administrator/Controller Scott stated this idea had been reviewed with court representatives and Administration. She stated the Judicial Council had communicated they would be able to take care of the courts without the position. She stated the elimination of the position resulted in a significant budget savings and was one of the ways the judiciary could present a budget that met department directives. She stated the elimination was in the best interest of all of us and we are thankful for the timing.

Comr. Frisbie thanked Jeff Albaugh and everyone in the courts for their hard work. He stated they knew it was a possibility, followed through and set a good example.

Res. 121-2011

"Moved Comr. Behnke, supported by Comr. Todd to approve the following resolution:

RESOLUTION SUPPORTING PROPOSED ELIMINATION BY ATTRITION OF CALHOUN COUNTY PROBATE JUDGE POSITION

WHEREAS the State Court Administrative Office (“SCAO”) in 2011 conducted its biennial review of the judicial needs of the state of Michigan entitled “Judicial Resources Recommendations” (“Recommendations”); and

WHEREAS the SCAO Recommendations, published in August of 2011, included information derived from meeting with representatives of the Calhoun County Board of Commissioners and Administration as the funding unit for the Calhoun County Courts, analysis of the caseload of each court in the state of Michigan, and review of a number of local factors such as population trends; and

WHEREAS the SCAO Recommendations determined that the Courts in Calhoun County, which are currently authorized for a total of ten judgeships can operate with 9.1 and therefore recommended that the number of judgeships in Calhoun County be reduced by attrition from ten to nine; and

WHEREAS on August 17, 2011, the SCAO, with the unanimous support of the Michigan Supreme Court, recommended to Governor Rick Snyder and the Members of the Michigan Legislature that the Calhoun County probate position currently unfilled be eliminated by attrition; and

WHEREAS the Calhoun County Judicial Council, which represents the Judiciary in Calhoun County, has indicated that it is confident that the remaining Judges can and will participate in a joint process to make the necessary modifications in judicial workloads for all three trial courts to ensure that Calhoun County citizens continue to be well served by their court system; and

WHEREAS Calhoun County, as funding unit for the Calhoun County Courts, congratulates the Calhoun County Courts in their efforts to reorganize and modify services to best serve the Citizens of Calhoun County; and

WHEREAS Calhoun County continues to experience declines in revenue due to declining property values while also experiencing increased costs for employee health care and other operational expenses; resulting in less funding being available for all aspects of Calhoun County government;

NOW THEREFORE, it is hereby resolved that the Calhoun County Board of Commissioners, as funding unit for the Calhoun County Courts, supports the recommendation of the SCAO and the Michigan Supreme Court, urges Governor Rick Snyder and the Michigan legislature to take immediate legislative action to eliminate the open Calhoun County Probate Judge position by attrition and directs the Deputy Clerk to forward a copy of this Resolution to the offices of Governor Rick Snyder, Senator Mike Nofs, Speaker of the House Jase Bolger, and Representative Kate Segal.

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

Read into the record by Comr. Behnke, accepted by Court Administrator Albaugh.

F. Request to Sign Secondary Road Patrol Grant Application

Administrator/Controller Scott stated it was a State grant that allowed for 3 additional road patrol officers. She stated the amount of the grant is an allocated amount of \$158,580 that had been in place since 1978.

Sheriff Byam stated monies involved were derived through an assessment in court on civil infractions. He stated the Office of Highway safety planning administers the funds as representing the Governor. He stated he would appreciate the Board's support.

Res. 122-2011

"Moved Comr. Camp Seifke, supported by Comr. Behnke to approve the following: Resolved, the Calhoun County Board of Commissioners does hereby authorize the County Board Chair to sign the grant application for the Secondary Road Patrol & Traffic Accident Prevention Program for an award amount of \$158,580.

On a roll call vote, Yes – 6, Excused – 1 (Todd). Motion CARRIED.

G. Senior Millage Allocation Committee Fund Transfer

Administrator/Controller Scott stated the Senior Millage Allocation Committee was requesting a budget transfer that exceeded \$20,000, the approval limit of the Administrator/Controller. She stated the transfer had been authorized by the Senior Millage Allocation Committee and would transfer \$30,000 from the home heating budget to minor home repair where it is needed.

Senior Services Manager Gibson stated the allocated funds weren't spent as they had anticipated so SMAC wanted to transfer the dollars where they would be best utilized, to help people after the storms.

Res. 123-2011

"Moved Comr. Camp Seifke, supported by Comr. Frisbie to approve the following: Resolved, the Calhoun County Board of Commissioners does hereby authorize the transfer of \$30,000 from the Home Heating Assistance program (REDUCE from \$105,000 to \$75,000) to the Minor Home Repair program (INCREASE from \$60,000 to \$90,000) in the Senior Services Budget."

On a roll call vote, Yes – 6, Excused – 1 (Todd), Motion CARRIED.

H. Calhoun County Public Health Department FY 2012 Budget

Administrator/Controller Scott stated the Health Department was presenting their FY 2012 budget earlier than the rest of the county departments because they were on the same fiscal year as the State. She stated their budget had been approved by the Health Board and been reviewed and supported by Administration. She stated the Health Department budget did meet the departmental directive of a 9% decrease.

Health Officer Rutherford stated the proposed budget was presented by the Board of Health for approval by the Board of Commissioners. He stated they anticipate they will be utilizing \$138,000 of their \$591,000 Fund Balance. He stated that most of what is rolling into the Fund Balance was Enbridge Dollars rolling over and will use a portion of that to keep budget balanced. He stated they are growing and have utilized over \$1.3 million in additional revenue from partnering and grants and it is the fruition of hard work over the last couple years. He stated they have submitted a balanced budget. He stated over all the fee schedule increase was modest. He stated any staffing changes anticipated will be due to grants.

Comr. Camp Seifke thanked the Health Department for their collaborative and grant efforts and requested they direct their Board to move back to mandated services only.

Res. 124-2011

“Moved Comr. Behnke, supported by Comr. Frisbie to approve the following: Resolved, the Calhoun County Board of Commissioners does hereby approve the Calhoun County Public Health Department Fiscal Year 2012 Budget.”

On a roll call vote, Yes – 6 (Kale, Behnke, Todd, Haadsma, Frisbie, VanSickle), No – 1 (Camp Seifke).
Motion CARRIED

I. 2012 Budget Process Update

Administrator/Controller Scott stated the County started with a \$5 million budget shortfall, requiring additional cuts of \$3.5 million in addition to \$1.5 million that would be saved if all vacant positions remain vacant for 2012. She stated all departments were asked to cut on average 9% of their budgets, which were submitted by all departments, though some were not able to meet the directive. She stated the Budget Committee will be holding 8 hours of budget hearings soon. She stated that Administration would be faced with making tough decisions on how to balance the budget. She stated the deficit mainly came from a 24% cut in state funding along with continued declines in property values. She stated they should receive health insurance costs soon and that could cause some adjustments as well as Senate Bill 7 limiting the amount of insurance cost the County can fund. She stated they were facing the expiration of 3 union agreements and there was talk of the elimination of personal property tax, which could be another \$3 million impact. She stated the good news was that the county recently got an AA- bond credit rating, which was a continuation of our rating. A/C Scott stated it was a solid rating, the outlook was stable, the County had a moderately low debt level and they continued to get support from the Board in taking necessary steps to balance the budget and leave the Fund Balance in place. She stated the Budget Committee working on the budget consisted of Chair Kale, Comrs. Frisbie and Haadsma and the Executive Team.

J. Road Commission Appointment for 2012

Administrator/Controller Scott stated one of the Road Commissioners' terms will expire in December and Administration was working on the appointment process to include a committee to process applications. She stated the committee would consist of Commissioners and some people who are

interested in roads and would be interested in helping with the process of finding a qualified candidate through a competitive and open application process. She stated the process would start in the next couple months, with notice of the application to be posted on the county's website and published in local papers.

K. August 2011 Financials

Administrator/Controller Scott stated the financials were on track and in line with the budget. She stated that staff was anticipating inmate medical costs to be larger than budgeted, as they have \$200,000 accrued but anticipating an additional \$200,000 impact. She stated Administration was projecting to present a balanced budget with a fund balance of close to the targeted 10% without going into deficit spending.

Comr. Camp Seifke asked A/C Scott to clarify the graph on spending to date for the drain fund. She stated the actual expenditures were higher than the previous year and so is the budget, but that expenditures were within the current year's budgeted amount.

Administrator/Controller Scott stated the budget was increased over last year by \$360,000. She stated the 2011 revenue is greater than what was budgeted due to an increase in county assessment and the Water Resources Commissioner issued more in drain notes than what was anticipated, creating \$1.8 million in actual revenue with \$1.6 million budgeted.

13. CITIZEN'S TIME

Senior Services Manager Gibson stated obesity and weight issues in this society are going to eventually cause more issues with seniors and everyone will be impacted, directly or indirectly by related health issues.

A Marengo resident stated she would like to second Jonathon's (Kittinger) report and asked the Board to take action.

14. COMMISSIONERS TIME

Comr. Camp Seifke commented to the residents of Marengo that the Commissioners would be receiving updates on the appeal and will be following the issue. She stated her hesitation in voting was funds she believed were a small amount and could be absorbed by the County and she believed Mr. Cortright's actions needed to be reviewed in court.

Comr. Camp Seifke commented she would like to receive time sensitive material addressed to the commissioners by email because some events had taken place before they received their packets.

Comr. Camp Seifke stated that on the budget as a whole, she would like to state to the budget committee members that she didn't believe that the board as a whole directed the 9% cut across the board and she didn't necessarily feel it was fair to all the departments. She stated if it was evaluated in the future, she would love to discuss it.

Comr. Camp Seifke stated in regards to the funding for CCCDA she asked that citizens talk to their local municipal governing body. She stated she has raised concerns before that the per device charge should be raised but residents should ask what tax relief will they receive. She stated she had received many comments in the last few days.

15. CLAIMS PAYABLE

Res. 125-2011

"Moved Comr. Haadsma, supported by Comr. Behnke to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Claims Payable Listing for August 25 – September 8, 2011 in the amount of \$1,659,900.84.

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

16. ANNOUNCEMENTS

Comr. Haadsma announced the Battle Creek Civic Theater was opening their first show in 3 years at St Thomas Episcopal Church the weekends of September 16 and 23. He invited everyone out to see the show and support the theater.

Comr. Haadsma announced the Crop Walk would take place on 9/25 at 3:00 p.m. starting from KCC's Miller Gym and encouraged people to make pledges.

Comr. Todd stated the NAACP would be celebrating their annual Freedom Fund dinner on at 6pm on October 20 at BC Country Club, tickets were \$65.

Comr. Todd congratulated Pastor Geraldine Richardson of Maranatha Original Church of God for celebrating 35 years of ministry on 9/30.

Comr. Frisbie announced the Pennfield High School Marching Band would be having a spaghetti supper hosted by the Pennfield Exchange Club on 10/14 from 4-7 in the high school cafeteria.

Comr. Frisbie announced the Pennfield High School Football Team was undefeated and ranked #3 in Division 4.

17. CLOSED SESSION TO DISCUSS PENDING LITIGATION

“Moved Comr. Haadsma, supported by Comr. Todd to retire to closed session to discuss pending litigation.”

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

18. ADJOURNMENT

The meeting was adjourned at 9:06 p.m. at the call of the Chair.

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Chairman
Calhoun County Board of Commissioners

Clerk
Calhoun County Board of Commissioners