

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

August 18, 2011

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, August 18, 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, Haadsma, Camp, Frisbie, VanSickle and Kale

Staff Present: Administrator/Controller Kelli Scott, Corporation Counsel Richard Lindsey, Human Resources Director Kim Archambault, and Deputy Clerk Chris McComb

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Board held a moment of silence followed by Comr. Kale leading the Pledge of Allegiance.

4. APPROVAL OF AGENDA

"Moved Comr. Todd, supported by Comr. Haadsma to approve the agenda of the August 18, 2011 Calhoun County Board of Commissioners as presented."

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

"Moved Comr. Todd, supported by Comr. Haadsma to approve the minutes of the August 4, 2011 Calhoun County Board of Commissioners Regular Meeting as presented."

On a voice vote, Motion CARRIED

"Moved Comr. Haadsma, supported by Comr. Frisbie to approve the minutes of the June 28, July 13, and August 4, 2011 as amended, with the addition of "The Board discussed at length the fact that townships have part time staff, a different turnaround time than the County and a complex contact method and there should be more focus and consideration of that when working with townships." To be inserted in the June 28 Strategic Planning minutes on page 2 under Goal 9, Intergovernmental Cooperation.

6. CITIZENS' TIME

Tom Tarkiewicz, City Manager of Marshall, gave a quick update on the proposed building for joint police/sheriff services. He stated they received a 50% grant to assist in paying for the feasibility study from the Michigan Municipal League Foundation Shared Public Services Initiative. He reported they received two proposals for a feasibility study and accepted one from Redstone, which is anticipated to take 4 months to complete. He stated the County was responsible for half of the study fees not covered by the grant, \$21,146 and they were looking at another grant that would cover another 25% of the fees. He noted that the State Police don't have money to help pay for the study but they will pay rent for their portion of the building. He stated they will be holding a kickoff meeting Friday, August 26 and they look forward to working with the county.

John Bollenbaugh stated he was a resident and victim of the oil spill who had been video-taping sick residents to show how the oil damage had been covered up. He claimed many areas have been cleaned up after he made complaints. He stated Comrs. Haadsma and Todd had helped him out with his cause. He claimed he had over 700 videos on YouTube showing oil covered up with sand and he had evidence to prove that oil had been covered up. He claimed Talmadge Creek was being cleaned up because of his complaints. He stated the EPA and Enbridge had covered up the oil instead of cleaning it to save money. He stated he was fighting for the victims because many people were sick. He stated he was having a meeting August 21 at the Brickyard from 3-6 to talk to people. He stated he would not be quiet when what he's doing is right.

Pam McCoy of Sheridan Township stated that she attempted to attend a Road Commission meeting earlier in the week. She stated the meeting was posted on website as occurring at 5:30 on Wednesday but when she arrived at the Road Commission there was a sign on the door that said the meeting was held two days prior. She stated she wanted the Board of Commissioners to know that this had occurred so they could make sure it was properly noticed next time.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

There were none.

8. SPECIAL ORDER OF BUSINESS

There was none.

9. CONSENT AGENDA

A. Petitions, Communications, Reports
There were none.

B. Resolutions
There were none.

10. SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS

Comr. Todd stated at the last meeting he had discussed issues regarding the Land Bank. He stated an email was received from the State that showed Calhoun County and the City of Battle Creek, in collaboration, were able to meet all deadlines of spending requirements.

Comr. VanSickle stated he went on a farm tour that was very interesting. He stated the tour was to inform people about animal care because some people think farmers don't take care of their livestock. He stated people don't understand that farmers try to make animals content and safe so they produce. He stated they toured three farms and he learned how they have to think ahead of the animal to get them to respond to you. He stated there were representatives from Congressman Walberg, Bolger and Segal's offices. He stated there is another tour coming up on crops, manure and no-till presented by MSU Extension on Friday, August 26 from 10-2.

Comr. Haadsma stated at the last meeting he brought information forward on Community Action. He stated Community Action provided samples of congregate meals to the Senior Millage Allocation Committee and the Area Agency on Aging. He stated the consensus was the meals were excellent. He stated Community Action is doing a good job.

Comr. Frisbie stated the Department of Health Board met and their budget was on track to be presented on September 15. He stated the Health Department will be the first to absorb some of the cuts the County will have to see.

11. UNFINISHED AND OLD BUSINESS

There was none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR'S REPORT

A. Planning Commission Ordinance

Administrator/Controller Scott stated the ordinance that was presented was slightly revised from the original one that was sent to Commissioners, with only a minor change on the second to last page, paragraph 113, striking the word all and in the second line removing an s. She stated a lot of work had been put into revising the prior ordinance and it was a statutory requirement that changes be accepted by the Board. She stated MSUE assisted Corporation Counsel in revising the ordinance and now different sectors of the County will be represented as part of the 11 member Commission. She stated the BOC and Administration will now have one voting member each, plus reps from many sectors in the community. She stated the link and notice for the ordinance was published in the paper and has been on the website but there were no changes or suggestions received from the public.

Corporation Counsel Lindsey stated he sent the Board a copy a month ago and the only change was to make requirements of members looser, not so strict so there could be broader representation.

Comr. Haadsma inquired if there will be geographic diversity but less specificity on other criteria.

Lindsey stated the ordinance has to be specific to include the geographic diversity of the county. He stated it used to specify what part of the county a person with certain skills had to come from but it was too restrictive. He stated the few changes that were made were suggestions from members of the Planning Commission using their practical experience.

A/C Scott stated the original draft had nomination and selection in the ordinance but procedural issues are best directed in the bylaws.

Res. 106-2011

“Moved Comr. VanSickle, supported Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Planning Commission Ordinance as presented.”

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

B. Goguac Lake Level Pump Repair

Administrator/Controller Scott stated the Goguac Lake level pump was in need of repair because of malfunction. She stated the Water Resources Commissioner has the statutory requirement to make sure the lake levels are correct so the pump needs to be repaired.

Water Resources Commissioner Cortright stated the estimate from Walters Plumbing was for \$18, 400 to repair the pump, but he was asking for \$20,000 so he could have some other work done to it because it was installed 30 years ago.

Comr. Haadsma inquired if other estimates had been solicited.

Cortright stated Walters Plumbing drilled and installed the pump and they knew the most about it so he had them pull it and tear it apart to see what the problem was.

Comr. Camp inquired if this was similar to other drain work where it is assessed back to the residents and were they supportive of it.

Comr. Behnke stated it was a court ordered lake level so there is no choice; the pump has to be repaired. He stated he had heard no negative feedback from his role on the Goguac Lake Board.

Comr. VanSickle stated it was very important to people on the lake that these pumps work. He stated Walters installed the system, they know the pump and he felt they should do the work.

Comr. Frisbie stated he disagreed with only having one estimate, as the Water Resources Commissioner had the ability to go to the Purchasing Department and use the RFP process as is policy.

Cortright stated Walters already had the pump torn apart in their shop so they could find out what was wrong with it so he would have to pay to have it transported if it was to be repaired by someone else.

Comr. Frisbie stated he understood but he would like to see more forethought to the bid process in the future.

Res. 107-2011

“Moved Comr. Behnke, supported by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners approves Water Resources Commissioner’s request for the approval of the expenditure of funds in the amount of approximately \$20,000 and authorizes the issuance of note(s) for the cost of maintaining the established lake level for Goguac Lake.”

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

C. Re-Organization and Elimination of Committees

Administrator/Controller Scott stated the request to dissolve and eliminate 3 committees came from Administration trying to restructure the way things are presented on the website. She stated instead of having one list of every board or committee, there will be 3 sections, one for BOC created boards for which Administration will be responsible to maintain; one for external boards which the BOC appoints one or two members for which external links to their web page will be provided (such as the Calhoun County Consolidated Dispatch Authority, separate from the County but we have a member); and a third for internal committees that may not have to do with BOC but may be of interest. She stated the three to be eliminated at this time were created and intended to be temporary but never got eliminated.

Comr. Camp asked for discussion on the background of the second category, if the BOC appoints someone to a board, she believed the County should provide information on potential action on the website.

Corporation Counsel Lindsey stated if we were to do something like that, we would have to have help from the appointees to give us the information. He stated there is no way for staff to know what boards may potentially have action without monitoring them routinely, which would take a significant amount of time.

Res. 108-2011

“Moved Comr. Frisbie, supported by Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners does hereby dissolve and eliminate the Housing Rehabilitation Program Review Board, the Plat Board Subdivision Advisory Committee and the Solid Waste Planning Workshop, effective immediately.”

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

D. Administrator/Controller’s Employment Agreement

Administrator/Controller Scott stated she was thankful and honored to serve for the County and she appreciated all the work done by the review committee, the Board, Human Resources and Corporation Counsel. She stated the contract is fair and acceptable and she believed the County had come a long way in the last couple years. She stated she has a good staff and though the County is operating with decreased staffing levels, everyone is stepping up to the financial challenges.

Comr. Frisbie stated he thought it was a nice process and he was pleased that Scott agreed not to take a pay raise this year. He believed that was a great demonstration of leadership and it allows the Board to take some stances. He stated the term of the contract is three years and offers no change in benefits. He stated the committee conducted surveys and are getting a great deal according to the evaluation. He stated the wage was in the lower to mid-range of compensation and figures in the future are in line with what is expected. Frisbie stated there was a lot communication with the committee and the Board and he appreciated Kelli's cooperation and hard work.

Corporation Counsel Lindsey stated the contract term is three years and for the 2011-12 year there would be no increase in pay, no change in benefits then in the two years following the increase is 1% less than average of union groups. He stated Scott continues to serve at the will of the Board. He stated all other changes were language changes from the prior contract.

Human Resources Director Archambault stated they had done a market comparable with 11 units and found Scott was in the mid to lower end of compensation in a comparable population range. She stated that understanding the financial issues of county the wage structure keeps within how other employees are paid.

Comr. Todd stated that there are several things that he could say the Board got right in the last few years. He stated hiring Scott and Lindsey were two and he appreciated all that they were doing. He stated he felt evaluation tool was good but would have liked an electronic version.

Comr. Haadsma stated he supported what Comr. Todd and A/C Scott said we have a good team. He stated before spring 2009 there was a lot of transition, a lot of movement in the Administration team. He believed that Scott, Archambault, Lindsey, and Wilcox were a competent team that works well together and he was pleased to support

Comr. Kale stated he attended a lot of meetings with Scott, met a lot of other Administrators and he believed we have a good one. He stated the County had a great staff and that is a reflection of Ms. Scott and her leadership. He stated he loved the idea of a three year agreement for stability. He congratulated Scott and stated he knew the good things would continue.

Res. 109-2011

"Moved Comr. Behnke, supported by Comr. Todd to approve the following: Resolved, the Calhoun County Board of Commissioners does hereby approve the Employment Agreement between the Calhoun County Board of Commissioners and Kelli Scott for the period of September 1, 2011 to August 31, 2014 as presented and the Board Chair is authorized to sign the Agreement on behalf of the Board of Commissioners."

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

E. Section 19 Disaster Relief Grant Application

Administrator/Controller Scott stated the Section 19 Disaster Relief Grant was in response to the May storm and was a supplemental bill administered by the State Police. She stated the County or local units must demonstrate significant burden, in order to qualify they need to have spent 1% of their entire operating budget within 5 consecutive days. She stated the County did not meet the reimbursement threshold and the Road Commission far exceeded it but were only able to apply for \$30,000. She stated the County would apply for the Road Commission, as they are considered an agency of the county for this and they should get the entire \$30,000. Scott stated Road Commission Managing Director Henning has stated the Road Commission will use reimbursement funds to do more work on debris removal, mostly in Emmett Township where there is still much to be done. She stated the Cities of Marshall and Battle Creek and Emmett Township would probably apply as well. The Disaster Relief Grant application deadline is August 29.

Res. 110-2011

“Moved Comr. Behnke, supported by Comr. Haadsma to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the State Disaster Contingency Fund Grant Resolution as presented, which authorizes the County Administration to submit the related Section 19 Disaster Relief Grant Application, for the benefit of the Calhoun County Road Commission, to the State of Michigan.”

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

F. Elimination/Revision of Board Policies

Administrator/Controller Scott stated Administration continued to work on their goal to review board policies. She stated the Corporation Counsel policy and 2 other policies had been reviewed and combined. She stated there was a separate FOIA policy with detailed procedures that had been condensed and another related to civil matters assigned to the Prosecutor before the County had a Corporation Counsel. She stated they had stripped out administrative and procedural language and combined everything to make one new policy. She stated the Prosecutor and the Department Heads have reviewed the new policy. She stated this designates Corporation Counsel as the FOIA coordinator and the primary rep for elected officials and the County in civil matters.

Comr. Kale confirmed that Corporation Counsel can decide to refer to outside counsel but if he did, he would still be in control.

Corporation Counsel Lindsey stated that they are suggestion the elimination of Policy 230 and 233 and have presented a revised Policy 232 to the Board.

Res. 111-2011

“Moved Comr. Frisbie, supported by Comr. Behnke to approve the following: Resolved the Calhoun County Board of Commissioners does hereby eliminate Board Policies 230 and 233 effective immediately and approves revised Board Policy 232 as presented, effective immediately.”

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

G. July 2011 Financials

Administrator/Controller Scott stated they were not seeing significant variances and were still watching inmate medical costs. She stated they were still projecting that no budget amendment would be necessary and a 9.8% fund balance was expected.

Comr. Behnke inquired how much it would cost to clean up Emmett Township.

A/C Scott stated she didn't know, the Township supervisor said a week of dedicated people and equipment would do it. She stated the Road Commission could contract it out and would try to make it work on the \$30,000 grant reimbursement.

Comr. Behnke stated he felt it looked bad for the County and the Road Commission and asked if there was anything they could do to help. He stated the township was hit hard and we need to help.

Comr. Todd inquired if staff had followed up with the Solid Waste Committee. He stated they had allocated funds toward the cleanup.

A/C Scott stated there was \$30,000 allocated by the Solid Waste Committee specifically for renting a chip grinder at the compost facility. She stated another source of funding was the Firekeepers Local Revenue Sharing Board, who set aside \$60,000 to go to storm response mutual aid entities. She stated they will need to revisit that because there were no applications received so they may decide to redirect funds.

13. CITIZEN'S TIME

Jim Coury of the Kalamazoo River Watershed Council and the Trailway Alliance stated he was at the EPA meeting and they gave a nice review. He urged the Commissioners to watch the Natural Resources Damage Control process, as they will be asking local conservation districts to come up with projects and restoration projects. He stated that natural resource restoration is a slow process and is done after a natural resource damage assessment.

Jim Coury stated the Trailway Alliance was meeting weekly to make fundraising plans to raise the local grant match.

John Bollenbaugh stated he got scared because he had been threatened and attacked and he is widely known. He stated he had contacted the EPA and threatened them. He stated the Ceresco Dam was being worked on again because of his videos because if they could get away with leaving the oil they would. He stated the chemicals are toxic and if he didn't know from his research, he would have believed the EPA at their presentation. He stated if he doesn't show the problems, they won't find it and he believes he is the reason the EPA and Enbridge are still working on the cleanup. He asked the Commissioners to do something because he needs help and will keep producing videos.

14. COMMISSIONERS TIME

Comr. Camp stated the Calhoun County Fair was in full swing with 4H and youth education and she asked the others to keep in mind as we go into budget the emphasis on collaboration in strategic planning, the 4H garnishes about \$400,000 to club members, plus many sponsorships. She stated that when we have volunteers that can streamline an organization that large, they are a huge resource in the community. She stated she supported 4H because of the partnership and if we cut further we will cut efficiency. She encouraged Commissioners to meet with volunteers.

Comr. Camp addressed Mr. Bollenbaugh and stated she has said before that she stayed well informed but worked in a different manner from him. She stated she read reports, kept updated and when there was something specific, it was addressed.

Comr. Camp stated she shared frustration with Ms. McCoy when the public was not informed when meetings are changed or canceled.

Comr. Haadsma stated he felt the Enbridge meeting was a good meeting and was very helpful, stating what agencies are doing in the river and the creek. He stated that where his office was located, right above the river, he could see many boats and booms set up this year. He stated it was remarkable there was so much activity this summer. He stated he sensed the river wouldn't be open soon and is glad Enbridge is not opening the river before it's time.

Comr. Haadsman congratulated the Battle Creek Bombers, a Northwoods League team, on being in the World Series.

Comr. Haadsma stated Comr. Camp was getting married soon, before the next Board meeting, he wished her all the best, can claimed he was looking forward to attending.

Comr. Todd stated he felt Bollenbaugh was a voice for the people and he had thrown out questions about the condition of the river when Enbridge reps were here to talk about new river accesses. He stated he wanted them publicly to announce the river was up to par and would be back to normal. He stated he saw himself as a resident first and being on the board was the will of the Lord. He stated he didn't want Bollenbaugh to feel like he was alone. He stated everyone had different methods and strategies to get things done but they were all shooting for the health and wellness of citizens.

Comr. Todd stated he felt the County needed to make staff did a thorough check if we did contracted work because he has had a great amount of complaints for a demolition company contracted by the County. He stated residents are calling constantly and the contracted company is not being held accountable. He stated the message being sent was that resident concerns weren't important because of where they lived. He stated he shared their frustration because he went by the home after demo had started and it was a mess. He stated it was frustrating to the residents and he wanted to bring it to the Board's attention. He stated the Treasurer's office was keeping him informed but he wanted to make sure we are careful who we contract with.

Corporation Counsel Lindsey stated he sent out a termination notice to the contractor yesterday at 5:00. He stated they would apply for an emergency contract, a new contractor would start in a week and they would move forward. He stated the contractor had portrayed himself differently in the bid than in his work.

Comr. Behnke stated there should have been a look other companies for the pump repairs to be sure we are being diligent in using the citizen's money.

Comr. Behnke thanked the Administrator Contract Review Committee for their diligence and A/C Scott for her work. He stated he believed we had an opportunity to do good things.

Comr. VanSickle commented on Comr. Behnke's statement about getting got bids. He stated the authority didn't come to the Board; it was set by the drain code. He stated the Board could advise the Water Resources Commissioner but they don't have the authority to tell him how to run his business.

Administrator/Controller Scott stated for clarification that the Board did have some authority, not over the operations of Water Resources but Elected Officials needed to follow procedures. She stated Purchasing could still get quotes and bids if the board wished and we still had an opportunity to assist in the purchasing process so we got the best deal.

Comr. Frisbie stated he agreed with Comr. Behnke about being forthright with tax dollars and being sure they were getting the best deal.

Comr. Frisbie stated he wanted to know if the Road Commission meeting change was posted as required.

Comr. VanSickle stated he attended a dinner meeting and the speaker was the State Director of Agriculture, who stated the new state administration gave a message that all departments were to collaborate to bring in more agricultural industry to Michigan. He stated we had the fourth largest monetary sales in farm marketing in the nation; the new administration saw that and was trying to seize the opportunity.

Comr. Kale stated he shared the frustration on the demolitions, they made a commitment but bids weren't complete. He stated there were some demolitions that should have been done in Albion but hadn't started yet.

Comr. Kale stated he attended a 4H arts & creative group in Albion and the kids did a great play on civil rights and Motown in the 60s.

Comr. Kale stated he also attended the EPA/Enbridge meeting and was disappointed the EPA wouldn't let people ask questions in an open forum.

15. CLAIMS PAYABLE

Res. 101-2011

“Moved Comr. Behnke, supported by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Claims Payable Listing for July 29 through August 12, 2011 in the amount of \$2,386,540.74.”

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

16. ANNOUNCEMENTS

There were none.

17. ADJOURNMENT

The meeting was adjourned at 8:30 p.m. at the call of the Chair.

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Chairman
Calhoun County Board of Commissioners

Clerk
Calhoun County Board of Commissioners