

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

JANUARY 19, 2012

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, January 19, 2012 in the Commissioners' Meeting Room, County Building, Marshall, MI.

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

Present: Comrs. Todd, Haadsma, Camp Seifke, Frisbie, VanSickle and Kale

Staff Present: Administrator/Controller Kelli Scott, Assistant County Administrator Brad Wilcox Corporation Counsel Richard Lindsey, Human Resources Director Kim Archambault and Deputy Clerk Lorelee Stevens.

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Board held a moment of silence followed by the Pledge of Allegiance led by Comr. Todd.

4. APPROVAL OF AGENDA

"Moved Comr. Haadsma, supported by Comr. Todd to approve the agenda of the January 19, 2012 Regular Session of the Calhoun County Board of Commissioners as presented.

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

"Moved Comr. VanSickle, supported by Comr. Haadsma to approve the minutes of the January 5, 2012 Regular Session of the Calhoun County Board of Commissioners as presented."

On a voice vote, Motion CARRIED

6. CITIZENS' TIME

There were no comments.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

There were no comments.

8. SPECIAL ORDER OF BUSINESS

There was none.

9. CONSENT AGENDA

A. Petitions, Communications, Reports

B. Resolutions

1. Jury Board Appointment  
(Term Expires April 30, 2014)

{a} Ken Lauer (replacing Marlene Plassman)

2. Tribute to Mike Herman

WHEREAS, Mike Herman has served as the Albion City Manager for 12 years and has been an integral part of the Albion area community; and

WHEREAS, Mike Herman previously served as City Manager in Hudson and Howell and, over the course of his career in public service, has been well respected by his peers and co-workers; and

WHEREAS, Mike Herman as City Manager has served as the Chief Administrative Officer for the City of Albion, implemented policies, directed daily activities, represented the City at meetings and functions, prepared the annual budget and served as the City's purchasing agent; and

WHEREAS, Mike Herman has always performed his job duties with dedication and honor, fairness and honesty, to the continuing benefit of the citizens of the City of Albion; and

WHEREAS, Mike Herman played a key role as a supporter of the efforts to create the Calhoun County Consolidated Dispatch Authority which successfully combined the 911 dispatch services for Calhoun County into one authority which has provided the citizens of Albion and Calhoun County with better 911 service at a lower cost; and

WHEREAS, Mike Herman has been actively involved as a volunteer in numerous projects in and around Albion which have benefitted and will continue to benefit the citizens of Albion; and

WHEREAS, the Calhoun County Board of Commissioners wishes to recognize Mike Herman's public service to the City of Albion;

NOW, THEREFORE, BE IT RESOLVED, the Calhoun County Board of Commissioners hereby commends and honors Mike Herman for his many years of dedication and service to the people of the City of Albion and Calhoun County and wishes him the best of luck in his retirement.

Res. 6-2012

“Moved Comr. Frisbie, supported by Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Consent Agenda of January 19, 2012 as presented.”

On a voice vote, Motion CARRIED.

10. SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS

Comr. Todd stated he attended a Solid Waste Planning Advisory Committee Meeting and they voted down a motion to supply some support funding for the removal of storm debris. He noted there were emails and phone calls after the meeting so it looked like they would be revisiting the possibility of supplying funds to support some of the debris clean up that still remained.

Comr. Camp Seifke stated she and Comr. Todd met in the Clerk’s office with Administration to review the applications for the replacement for Comr. Behnke's position. She stated there were five applicants and all were confirmed to live in the District and qualify under State law. She noted the five applicants were Nola Rae Batch, Kathy-Sue Dunn, Tina Renea’ Perry, Leonardo Rivera and Teresa Schell.

Comr. VanSickle stated there had been a noon meeting of the Legislative Liaisons Committee, with three items of discussion. He stated they had a lengthy discussion on the potential elimination of personal property tax and what stance they should take as a County Board on the issue, then the Committee agreed to disagree and wait until there is more information.

He stated the next item was the proposed legislation to amend the Uniform Budgeting and Accounting Act and asked Administrator/Controller Scott to summarize the discussion.

Administrator/Controller Scott stated they discussed for informational purposes House Bill 5076, which was introduced in 2011 but not acted on before the end of that year. She stated the amendments were to state by default that the Appropriations Resolutions or Budget Resolutions that the Board approves every year would be presumed to fund at a serviceable level the activities the County was mandated to provide by law. She stated it was similar language to what the County had already built it into our budget resolutions and was designed to streamline any potential challenges to the Appropriations Act by our Elected Officials and Department Heads by requiring them to challenge only through the Administrator/Controller. She noted if the Board has any issue with how the resolution is enacted or enforced that those challenges would also go through the Administrator/Controller. She stated it seems to be a reaction to some counties that have a perception of too many unwanted or unnecessary challenges by Department Heads or Elected Officials to budget cuts, and that could result in too much time in court trying to determine if the budget is adequate to fund the State mandated services. Administrator/Controller Scott stated it was interesting and there had not been any action taken by the Legislature on that Bill. She stated the Board was not being asked to take any action; she just wanted to keep them updated.

Comr. VanSickle stated the other item the Legislative Liaisons discussed was the revised County Addressing Ordinance, though they did not come to any conclusions. He asked Corporation Counsel Lindsey to give some information about the Ordinance.

Corporation Counsel Lindsey stated prior to the year 2000, Consumers Energy assigned addresses in Calhoun County. He stated that in 2000 the County passed an Ordinance requiring any new roads comply with the road grid to ensure a standard that would be known to everyone and make it easier to locate addresses. He stated as Consolidated Dispatch started to look around the County, they were finding streets that didn't fit the grid and it became a safety issue so they took the 2000 ordinance and made extensive revisions to it after discussions with the Road Commission and Consolidated Dispatch. Lindsey stated their first step was to have the Legislative Liaisons review, as well as the Planning Commission, incorporate their ideas and suggestions, then present to the Board. He noted that it would also be sent to the local entities and placed on the website for citizen review. He stated he knew it was a local issue and for some a very personal issue because people don't want their road names or numbers changed. He stated he would keep everyone updated, the Liaisons had a good discussion about it and they would have another in about a month. Comr. Frisbie inquired if this included the City of Battle Creek. Lindsey replied that the Ordinance does not include Cities, Villages or tribal property.

Comr. Frisbie reported the City of Battle Creek Commission appointed Andy Hemple to fill the position on the AMSA Board.

#### 11. UNFINISHED AND OLD BUSINESS

There was none.

#### 12. NEW BUSINESS AND COUNTY ADMINISTRATOR'S REPORT

##### A. Survey and Remonumentation Grant Application

###### Res. 7-2012

"Moved Comr. Camp Seifke, Supported by Comr. Haadsma to approve the following: Resolved, the Calhoun County Board of Commissioners does hereby ratify the 2012 Survey and Remonumentation Grant and Kelli Scott, Calhoun County Administrator/Controller, is hereby authorized to sign the 2012 and any future applications for said Grant together with any related documentation relating to the acceptance or carrying out of the activities related to said Grant."

Administrator/Controller Scott stated this was an annual application for State funding to complete a multi-year remonumentation program. She stated the Grant does require a local match so approval from the Board is required to be in compliance with the Grant policy. She noted the Grant offers approximately \$69,000 out of a total program cost of \$101,000 and the corners planned for 2012 touch almost of all the local municipalities.

Planning Director Bomba stated the local match of \$32,000 was not actually required but rather that will determine the amount given in Grants two years out down the road. She stated the local match comes from funds the Clerk has been authorized to set aside for this purpose. She stated the Grant funding is about \$20,000 less than 2011 Grant funds. She noted the Grant also provides for the hiring of local surveyors to do surveys for the program and they have been very involved in the program as well.

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

B. County Planning Contract with J. Bomba Land Planning, LLC

Res. 8-2012

“Moved Comr. Haadsma, Supported by Comr. Frisbie to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve a one year contract extension with J. Bomba Land Planning, LLC, for an amount not to exceed \$30,000 and the Board Chair is authorized to sign the contract extension on behalf of Calhoun County.”

Administrator/Controller Scott stated the resolution allows for a one year extension of Ms. Bomba’s contract with the County to carry out our planning functions. She noted there was no county staff assigned to the Planning Department; Ms. Bomba was the department and had been for several years. She stated the last formal bid for the services had been held in 2006, Bomba was awarded the contract and has held it ever since. She recognized that it is good business practice to hold a competitive bidding process from time to time but Administration was asking to continue the contract with Bomba because several major initiatives (e.g. County Master Plan update, Casino Corridor Initiative and the Addressing Ordinance) were underway and continuity is essential to get them completed. She noted the extension held the same terms and cost as the previous contract.

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

C. Homeland Security Grant Program Intergovernmental Funding Agreement with Van Buren County

Res. 9-2012

“Moved Comr. Frisbie, Supported by Comr. Camp Seifke to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the 2010 Homeland Security Grant Program Intergovernmental Funding Agreement between the County of Van Buren and County of Calhoun in Michigan.”

Administrator/Controller Scott stated the agreement was similar to what had been approved in past years; it is a Federal requirement the County enters into this agreement and authorizes Van Buren County to be the fiscal agent in order to qualify for grant funding that is valuable for our Emergency Management Division. She stated much of the funding goes for training and equipment.

Emergency Management Director Dunham stated Van Buren County has been responsible for the fiscal management of the grant in the past. He noted this was a yearly recurring grant that runs one year behind.

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

D. Approval of Emergency Action Guidelines

Res. 10-2012

“Moved Comr. VanSickle, Supported by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Emergency Action Guideline (EAG) Basic Plan as presented.”

Administrator/Controller Scott stated the County was required to update the Emergency Action Guideline Plan periodically and when changes occur. She stated advisement on format and content came from the Michigan State Police Emergency Management and Homeland Security Division. She acknowledged there were some very detailed procedures, checklists and contact information involving many other entities that still would need to be developed and the plan would be updated as changes require. She noted that after the two recent disasters there had been even more attention paid to our Emergency Plan Document than had been in the past so it was sent out to groups such as representatives of the Fire Chiefs, Township Officials, Road Commission, Consolidated Dispatch and the Health Department to get input. She stated at this point Administration was comfortable with recommending the plan, which is really a joint responsibility of the Board, the Sheriff and Emergency Management.

Emergency Management Director Dunham stated this document fulfills State and Federal requirements. He stated on March 22 there would be a workshop to allow a face to face and a full scale discussion about the needs of each annex and each group will select a their three contact persons from each department. He stated it will also offer leaders and managers the opportunity to see how the Emergency Operations Center works.

Comr. Camp Seifke stated she appreciated the effort to get feedback from other municipalities, as it was helpful. She asked what the timeline was for the rest of the supplemental information to be developed.

Dunham stated this could be an on-going effort that could take the majority of this year to complete, but they want quarterly updates to see progress. There is no firm deadline to have the document completed; it's a continually working document. He added that plans from other assisting agencies are a part of the Emergency Action Guidelines and we need to have access to them.

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

Dunham gave a final thanks to everyone involved, especially Kelli Scott and Richard Lindsey for putting in the time to go over the document to make sure it was sound. He stated he also appreciated the Board's input and he was proud of this document. He believed moving forward it would be a great document.

E. Memorandum of Understanding for Solid Waste Services for 2012

Res. 11-2012

“Moved Comr. VanSickle, Supported by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Memorandum of Understanding between Calhoun County and the Calhoun County Board of Public Works for Solid Waste Services for 2012 and the County Administrator/Controller is authorized to sign the Agreement on behalf of Calhoun County.”

Administrator/Controller Scott stated the agenda item would authorize the County Administration to sign the agreement with the County Board of Public Works, to whom all solid waste management services had been delegated since 1998. She stated the activities are funded solely by the contract the County has with C&C Landfill and the percentage of tipping fees received. She noted there was no budget impact on the County and if we did not have this agreement we would have to find another way to fund solid waste functions. She stated the terms of the agreement had not changed, and that it was a one year renewal. She noted that sometimes in the past the contract was signed by Administration but that she wanted to make sure that as a contract the Board approved it going forward and there was a public record of such.

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

F. Authorization – McKesson Government Payor Settlement

Res. 12-2012

“Moved Comr. Frisbie, Supported by Comr. Haadsma to approve the following: Resolved the Calhoun County Board of Commissioners does hereby authorize Administrator/Controller Scott to sign any court or other documents necessary to opt-in to the McKesson Corporation lawsuit pending in the U.S. District Court, District of Massachusetts, case No. 1:08-CV-10843-PBS, and she is further authorized to sign and file the McKesson Governmental Payor Settlement Proof of Claim Form and to sign any related paperwork.”

Administrator/Controller Scott stated this could turn into pending litigation, but at this point it had not been initiated. She stated this was a class action lawsuit that the County could opt in, but it had to do so by January 31, 2012 and so Board approval was needed to go forward. She explained the lawsuit was over potential overpayments made to McKesson, a wholesaler of prescription drugs. She stated she did not know the dollar amount of the overpayments but the County does spend over \$1 million per year on prescription drugs related to employee health benefits and this would go back the statute of limitations which would be six years. She stated Administration was unsure if Blue Cross had opted us in by submitting claims on our behalf and what the dollar impact could be. She added that Administration will continue to address these unknown questions.

Corporation Counsel Lindsey stated they had talked with outside counsel and it was recommended we move forward, as there was money set aside for governmental entities and it was believed opting in on a group suit would be the best way to recoup money. He noted they still do not know what the amount would be but based on the annual drug expenditure, but that it should be a significant amount of money. He stated it was his recommendation to do it and the County should get some money out of it.

Comr. Camp Seifke asked, remembering the amount of time spend on the Blue Cross Blue Shield Law Suit and not knowing what the payout would be, then finding it wasn't what we thought it would be, who would do the work on this. She asked if it would be time intensive for the Administrator, Corporation Counsel or Human Resources.

Lindsey replied they were required to fill out a form but one of the problems they had with Blue Cross Blue Shield was that we won a lawsuit against them for \$1.3 million and they are our current administrator so it was hard to get information from them. He noted that Blue Cross stated they had already submitted a claim on our behalf but we have yet to see what it looks like. He stated the case would be handled by a law firm in Massachusetts and they would be paid through whatever award we receive so there would be no large amounts of time required by County staff to do this.

Comr. Frisbie stated he would be in support of moving forward.

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

### 13. CITIZEN'S TIME

There were none.

### 14. COMMISSIONERS TIME

Comr. Haadsma stated he had hoped Jim Coury, who was in the audience, would talk about the Michigan Farming Conference. He stated he stopped at Lakeview High School on Saturday and highly commended Michigan State University Extension and the Calhoun County Conservation District and other collaborators for putting together an excellent presentation. Mr. Carmady discussed the collaboration with various partners at Eastern Market and how that might be extended to us here in South Central Michigan. Comr. Haadsma invited Jim Coury to come forward and say a few words.

Jim Coury stated the Conference was for small farmers and minorities to help train small farmers in community and rural gardening. He stated the training covers such things as bookkeeping, farm management, all types of farming, and even such things as bee keeping. He noted that Senator Stabenow came and talked about the Farm Bill this year as well. He thanked Jim Haadsma for coming to conference.

Comr. Haadsma added that it was useful information on how to bring back communities like Detroit with community and partner involvement. He noted he had the PowerPoint presentation and it might be useful for communities like Battle Creek or Albion.

Comr. Frisbie thanked County and City Administration for setting up the meeting to discuss the Public Safety building. He thought it was a great option they needed to continue to explore. He stated they all had concerns about dollars and how it operates but it was a good opportunity and if they could find the funds for it, it would certainly benefit the public safety community.

Comr. Kale reminded everyone that during the next Commission meeting the Board would be selecting a replacement for Mark Behnke in District 1. He noted there were five candidates and he encouraged them, if they felt so inclined, to reach out to the other Commissioners and take the opportunity to meet with them and let them know what they can bring to the table.

15. CLAIMS PAYABLE

Res. 13-2012

“Moved Comr. Haadsma, supported by Comr. Camp Seifke to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Claims Payable Listing for December 30, 2011 through January 12, 2012 in the amount of \$1,659,172.96.”

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

16. ANNOUNCEMENTS

Comr. Frisbie announced that on February 10, at Pennfield High School the Pennfield Exchange Club would be having a pancake supper from 4 – 7 p.m. in support of the Pennfield Lacrosse Club.

17. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. at the call of the Chair.

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Chairman  
Calhoun County Board of Commissioners

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Clerk  
Calhoun County Board of Commissioners