

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

August 21, 2014

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, August 21, 2014 in the Commissioners' Meeting Room, County Building, Marshall, MI.

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

Present: Comrs. Dunn, Todd, Haadsma, Frisbie, King, VanSickle and Kale

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

2 and 3. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF AGENDA

“Moved Comr. King, second by Comr. VanSickle to approve the agenda of the August 21, 2014 Regular Session of the Calhoun County Board of Commissioners as presented.”

On a voice vote, Motion **CARRIED**.

5. APPROVAL OF MINUTES

A. Minutes of the August 7, 2014 Regular Session

“Moved Comr. Dunn, second by Comr. Todd to approve the minutes of the August 7, 2014 Regular Session of the Calhoun County Board of Commissioners as presented.”

On a voice vote, Motion **CARRIED**.

6. CITIZENS' TIME

Ronald Reniger, Pine Lake Road in Pennfield, stated large semis were using Pine Lake Road as a short cut across the county and he would like to see them either banned from using the road, the speed limit lowered or at least some "children at play" signs put up.

Representatives of Securus Technologies, Ms. Tura Halblade introduced her colleague, Mr. Ralph Groves, and stated they were current inmate phone provider at the Calhoun County Jail, came to speak to Agenda Item 12B6. She started by asking if the Board was ready for the Battle Creek Enquirer to state that Calhoun County had entered into an agreement with a company that was willingly and knowingly ready to violate Federal law. She stated that was exactly what was on the docket for this meeting. She stated Securus' CEO had been in front of the FCC several times since the Federal ruling stating that the change in interstate call rates along with the commissions that cannot be paid by any provider to a facility was put in place. She explained the fines for offenses and stated if the County accepted commissions from the provider, the County would have to refund the commissions back to the friends and family that paid them. She stated the FCC recently published clarification on the ruling and a copy was provided to each of the Commissioners.

6. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

There was none.

7. SPECIAL ORDER OF BUSINESS

A. County/MSU/NHBP Tribe Youth Leadership Program Introduction

4H Coordinator Kathy Fischer and Michigan State University Educator Emily Proctor presented information on a new Youth Leadership Program initiative that would be a collaboration between the County, MSU Extension and the Nottawaseppi Huron Band of Pottawatomi (NHBP) to give youth information and the opportunity to experience county, Tribal and state government in action.

Educator Proctor explained the background of the program, noting Calhoun County was the third community they had worked with to create this type of program. She stated in other communities the program had a great turnout and created great results.

Fischer outlined the program, explained what the kids would do in the program and stated the NHBP Tribe would fund ten tribal and ten non-Tribal kids for the capital experience of going to Lansing and watching state government in session. She stated they were seeking help with funding for more kids to be involved.

Comr. Dunn asked if the program would be limited to twenty and how the program would be advertised.

Fischer stated twenty kids was the goal but they would accept as many as they could dependent on funding. She stated their advertising would start with the NHBP Tribe, 4H and local high schools.

B. Medical Examiner Program Update from Dr. Joyce DeJong

Health Officer Jim Rutherford reminded the Board that when the Medical Examiner contract was awarded, they stated Dr. DeJong would be presenting a mid-year report. He stated the Medical Examiner staff had moved into their new facility at Western Michigan University on June 1. He stated the Health Department had also bid out and awarded a contract to Daniel Transport for body transport.

Dr. Joyce DeJong stated they had started operating in Calhoun County as Medical Examiner in January, having been based at Sparrow Hospital in Lansing then moved three pathologists to Western Michigan University (WMU) in mid-June to cover four counties. She stated they had six medical examiner investigators operating in Calhoun County, most of whom were retired law enforcement and paramedics. She stated in the first six months they had responded to 190 reported deaths and investigated 172, with 152 scenes being investigated. She stated there were 56 autopsies conducted, which she looked at because it was a high number for this county compared to past years. She stated she didn't find anything questionable. There were two homicides, six suicides, 32 accidents, 123 natural, five undetermined, one that has not been completed yet and one no classification, animal heart found in pond. She stated she was very proud of the fact that Calhoun County had ten successful organ/tissue donors and that they had 58 referrals to Gift of Life, whereas zero referrals were made in 2013 by the previous Medical Examiner's Office. She stated things were smoothing out from the transition and the move and were going very well.

Comr. Dunn asked if looking back prior to this there was data they could compare to what they were tracking now.

Rutherford stated they had numbers and they had expected the number of autopsies to be higher. He stated there was much more information being provided now.

Comr. Frisbie clarified that autopsies were being conducted in Lansing before this contract was entered into and asked about training being offered for our investigators.

Dr. DeJong stated the Chief Investigator was doing as much training as possible, in the classroom and online, with the field investigators.

Rutherford stated he had sat through some of their training and was impressed with the on-scene investigators they had. He noted he had no idea when or if training was done with the previous investigators.

C. Proclamation Honoring the ARC of Calhoun County's 60th Anniversary

Comr. Dunn read the proclamation into the record.

WHEREAS, On August 12, 1954, a group of concerned citizens attended a presentation delivered by Mr. and Mrs. Gilbert Hanke, parents of two children with developmental disabilities; and,

WHEREAS, That presentation inspired a group of local parents and relatives of developmentally disabled children to join together and organize an association to support those with developmental disabilities in October 1954; and,

WHEREAS, The Arc has built a rich history of helping people in our community by:

- Helping people find solutions to the issues that impede their success.
- Supporting system changes so agencies respond to the needs of their clientele.
- Participating in issues of importance to people with disabilities.
- Promoting acceptance of people with developmental disabilities by focusing on their strengths.
- Providing education through workshops, training, and resource materials.
- Advocating with individuals and families.
- Maintaining a resource lending library for professionals and parents.

WHEREAS, the Arc of Calhoun County has become an invaluable resource to people in need of its services and is a crucial contributor of services to residents of Calhoun County.

NOW THEREFORE, The Calhoun County Board of Commissioners does hereby congratulate the Arc of Calhoun County on the occasion of its 60th anniversary and invites the citizens of Calhoun County to join in recognizing the Arc for its outstanding public service to our community.

Res. 133-2014

“Moved Comr. Frisbie, second by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the proclamation honoring the Arc of Calhoun County’s 60th Anniversary as presented.”

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

9. CONSENT AGENDA

A. Petitions, Communications, Reports

1. Huron County Resolution

B. Resolutions

1. Purdue University Restoration of Indian Trail Road Bridge

Res. 134-2014

“Moved Comr. VanSickle, second by Comr. Frisbie to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the
Consent Agenda of the August 21, 2014 Regular Session.”

On a voice vote, Motion **CARRIED**.

10. SPECIAL COMMITTEE/ WORKSHOP/BOARD REPORTS

Comr. Todd stated he attended the Solid Waste Committee meeting and there are recycling expansion efforts being made in Albion. He stated the county solid waste staff would be coming to a meeting soon to talk about it and he asked to include Starr Commonwealth in the plan.

Comr. King stated the Parks and Recreation Commission was working with Community Development Educator Ingrid Ault full force on updating the County Park Master Plan and Kimball Pines had been a major point of discussion. He stated they would welcome suggestions from everyone so they knew what people in the county would love to see. He noted the gift of one of the bridges the Road Department had in storage to Purdue University for teaching purposes was on the agenda tonight.

Comr. Todd noted the tire collection effort was a successful event throughout the county.

11. UNFINISHED AND OLD BUSINESS

There was none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR’S REPORT

A. County Administrator/Controller’s Report

Administrator/Controller Scott stated she regularly met with the other eight area County Administrators and they were scheduled to meet in September in Allegan County to tour their new forensic building and talk about the potential to collaborate regarding the Medical Examiner program.

B. New Business

1. 2013 Lake Level Fund and Drain Fund Deficit Elimination Plans

Administrator/Controller Scott stated this item was asking for approval of the 2013 Lake Level and Drain Fund Deficit Elimination Plan so it could be submitted to the Department of Treasury. She explained that if it was not submitted in a timely manner, the State could withhold our revenue sharing and so it was important to take action tonight.

Water Resources Commissioner Chris Kosmowski explained that 40% of the 500 drains were in a deficit when she came into office. She stated her office did not use General Fund money they fully fund themselves. She stated they did Phase 1 of the elimination plan last year, and were starting Phase 2 this year. She explained they began to update assessment rolls last year, but two districts didn't have rolls in place and when they had a day of review and it became clear the boundary lines were not correct. She stated there was a change in the Drain Code this year that allowed changes to be made. She stated that with the grant they were awarded they had updated the entire topographical layer.

Res. 135-2014

“Motion by Comr. Haadsma, second by Comr. Todd to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the 2013 Lake Level Fund and Drain Fund Deficit Elimination Plans as presented, and hereby directs County Administration to submit immediately to the State of Michigan Department of Treasury the County's required response to the Notice of Intent to Withhold State Payments dated August 1, 2014.”

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

2. Big Marsh Drain – Work Plan

Administrator/Controller Scott stated this was the proposed work plan for the Big Marsh Drain. She stated it was a two part plan that the Intercounty Drain Commission had been trying to resolve for a few years. She stated Drain Code allowed governmental units to enter into a mutually funded project, avoiding assessments to citizens, township and county. She stated the original project could have cost up to \$5 million, and with assessments the county would have paid 45% of that but with this process the county would pay less than half of what was first proposed because of how the project would be funded.

Corporation Counsel Lindsey stated the City of Battle Creek approved their share of the project and sold bonds for about \$2.5 million. He stated the issue was the list of actual work to be done and they needed to satisfy the engineer of the project. He stated the plan would go in front of Emmett Township next week and the Drain Board would look at it after that.

Scott gave credit to Comr. King for meeting with residents and that was a very important part of the solution to finalizing the plan.

Lindsey stated they were looking for grants to help with cost.

Comr. King explained the Big Marsh Drain could have cost \$5 million, people in the district would have been assessed, and our cost would have been higher. He stated that ultimately the costs we would incur would be substantially lower than if we had gone through the Drain Fund so no matter what the taxpayers were paying less.

Res. 136-2014

“Moved Comr. Haadsma, second by Comr. Todd to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the Big Marsh Drain Work Plan as presented and authorize the Board Chair to sign the Plan on behalf of Calhoun County.”

On a roll call vote – Yes – 7. Motion **CARRIED**.

3. Closure of Railroad Crossing at 25 ½ Mile Road at Michigan Avenue

Administrator/Controller Scott stated this proposal came from the Michigan Department of Transportation (MDOT) suggesting the railroad crossing be closed as part of the high speed rail initiative. MDOT offered to pay for the closure so as not to burden the county. She stated they were giving us \$150,000 for the project and we could keep any funds left over after the project was done.

Road Department Managing Director Jerry Peterson stated it was an unsafe crossing, they would remove the area inside the crossing and it would be a fairly inexpensive project.

Comr. VanSickle stated he talked to farmers that live in the area and did not believe it would be a hardship. He stated there were a few farmers who depended on that road but if the county could benefit from the project and the funding, they believed it wouldn't be a problem.

Res. 137-2014

“Moved Comr. Dunn, second by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the closure of the railroad crossing at 25 1/2 Mile Road at Michigan Avenue as presented.”

On a roll call vote – Yes – 7. Motion **CARRIED**.

4. Glenn Cross Extension Road Improvements

Administrator/Controller Scott stated this project came from recent funding that we received for priority shovel ready projects from the state, based on a list of projects developed through Battle Creek Area Transportation Study (BCATS) the Regional Planning Process and submitted to Speaker Bolger's office. She stated the design work was originally done in 2004 so it needed updating then they would work to create a new road from M66 to 6 Mile across privately owned properties. She stated the resolution was to ask for Board approval so we can move forward quickly to meet deadlines and work with easements. She noted this project would relieve a lot of the congestion around the Beckley Road corridor.

Comr. Kale inquired how the City of Battle Creek was responding.

Scott stated the project made the priority list through BCATS. She stated that in recent meetings there had been discussions on community input and impact because the city is asking for more info of what the impact will be.

Res. 138-2014

“Moved Comr. King, second by Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve that the Administrator/Controller, after review and approval by Corporation Counsel, has the authority to sign all applications, purchase agreements, options, easement agreements, and any associated transfer documents necessary to acquire easements and/or fee title to property necessary to construct the Glenn Cross Extension public road located in Emmett Township, Michigan.”

On a roll call vote – Yes – 7. Motion **CARRIED**.

5. Amendment to Professional Services Agreement

Administrator/Controller Scott stated this was an amendment to the Equalization Director/Assessor agreement because the City of Marshall decided to bring their assessing in-house and indicated Albion’s intent to end their contract with the County as well. She explained that we would not have the capacity to provide the same level of service to the City of Albion without staff funded by both contracts. She stated both city contracts would terminate at the end of August. She stated this amendment was to remove additional compensation for Judy Nelson to be the Assessor of record for both cities.

Res. 139-2014

“Moved Comr. King, second by Comr. Dunn to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Amendment to Professional Services Agreement with Judy K. Nelson as presented.”

On a roll call vote – Yes – 7. Motion **CARRIED**.

6. Inmate Phone Service Agreement

Administrator/Controller Scott stated Assistant Administrator Brad Wilcox takes the lead on county purchasing projects. She explained this bid was complex due to recent FCC regulations and he had worked as a team with the Sheriff and Corporation Counsel to consider very detailed information.

Assistant Administrator Wilcox explained the purchasing team was made up of Sheriff Saxton, Deputy Chief Jim McDonagh, Administrative Services Manager Sherri Mason, and Sheriff's Office Financial Officer Rick Redman so the best possible people were involved in this decision. He stated they did a proposal review, narrowed it down to the final two, then did phone interviews and site visits with similar jails. He noted those jails had also changed from Securus to our recommended vendor. He stated the team had asked questions and follow up questions so they were vested in their recommendation, a unanimous vote for ICS. He stated they offered a secure phone platform to place collect and secure phone calls, the county would pay no money, but would make commission. He stated the county's goal was to insure services were provided to friends, family and inmates at a reasonable cost. Wilcox stated new technology platforms were evolving quickly and video visitation is a huge step forward. He stated on site assistance was critical and with ICS the commission revenue was maximized with a minimum of \$330,000 and a potential in excess of \$500,000.

Corporation Counsel Lindsey stated Securus and ICS had completely different points of view on the FCC ruling. He explained that the FCC issued a long order that they are opposed to allowing the commissions to be paid, as recidivism has increased because loved ones can't talk to inmates. He stated that this was a significant source of income for jails across the country and would be contested. He stated they issued the order and then proposed a safe harbor, so if you charge within their minimums you would be safe. He noted that if you were between the safe harbor and the max, the FCC could question it. He explained that Securus contested the ruling, and it was changed to state the minimum safe harbor didn't apply but the max was still in place. He stated the difference between Securus and ICS was that ICS agreed to pay commissions for the length of the seven year contract but Securus wanted to negotiate if there were changes in the FCC's ruling because the provider was regulated. He noted ICS had said they will hold us harmless if any claims came up but he had seen no evidence Securus would do the same.

Comr. Kale stated that he was in sales for 40 years and the Securus presentation earlier in the meeting was less than impressive. He was not happy with a company that came in threatening our administration and staff and he couldn't imagine why they would approach us that way.

Comr. Frisbie stated he was comfortable moving forward after hearing from Corporation Counsel Lindsey, who had given the Board five years of sound legal advice.

Comr. King congratulated Assistant Administrator Wilcox on one of the best explanations, very detailed, organized presentation he's ever heard. He believed the Purchasing Team was thorough in their research and he was very comfortable with the decision.

Comr. Dunn stated she agreed with Chair Kale and found it interesting when someone in sales disparages their competitor.

Res. 140-2014

"Moved Comr. Frisbie, second by Comr. Todd to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the agreement with IC Solutions to provide inmate phone services as presented."

On a roll call vote – Yes – 7. Motion **CARRIED**.

7. Lease Agreement with Forks Senior Center

Administrator/Controller Scott stated this agreement was an arrangement to have the Forks Senior Center housed within the Albion County building. She stated this arrangement was supported by the Senior Millage Allocation Committee. She stated it was a reasonable and affordable deal for a nice space, \$6.42/square foot for the first year, \$7.00/square foot each year after, including remodeling. She stated Assistant Administrator Wilcox did a wonderful job making sure we utilize county owned space.

Assistant Administrator Wilcox stated he was excited about his project and they had worked with a lot of people to be a community partner. He stated they would start construction tomorrow and hoped to have the building ready to occupy on November 1.

Res. 141-2014

“Moved Comr. VanSickle, second by Comr. Haadsma to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the lease agreement with Forks Senior Center for office space in the Calhoun County Human Services Building in Albion as presented.”

On a roll call vote – Yes – 7. Motion **CARRIED**.

8. July 2014 Financial Statement

Administrator/Controller Scott presented for information the financial statements year to date through July. She stated there were no significant items to note, just basically the same message we brought after June. She stated half way through the year we are still providing cautious information provided by Department Heads, Elected Officials and Judges after their mid-year review that shows we could have a potential revenue shortfall. She stated a worst case scenario would be to have to transfer funds from other reserves to cover. She stated property tax bills, our main source of revenue, went out in July so we would start to track that source of revenue and make sure we would be in line with our budgeted amounts for property taxes. She stated we had begun the budgeting process for 2015 and all departments were working on their budget submissions to be turned in the first week of September at which time the Budget Committee will be reconvened and budget hearings would be scheduled.

Res. 142-2014

“Moved Comr. Haadsma, second by Comr. Todd to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby accept the July 2014 Financial Statement for information as presented.”

On a voice vote, Motion **CARRIED**.

13. CITIZEN’S TIME

The Securus representative stated her comment was not meant to be a threat, but rather she was trying to convey the severity of the FCC ruling. She stated there was a current ruling in place consequences and there was a future. She apologized if her statement came across as a threat.

14. COMMISSIONERS TIME

Comr. Todd thanked Mr. Reniger for coming to speak about his road in Pennfield Township and assured him he was in good hands with Comr. Frisbie. He stated that he was touched that Mr. Reniger not only came to the Board with a problem, but with solutions.

Comr. Frisbie announced the Calhoun County Consolidated Dispatch was in the exploratory phase with St Joseph County for a possible collaboration in 9-1-1 dispatch.

15. CLAIMS PAYABLE

- A. Calhoun County Claims Payable for July 31 - August 14, 2014 in the amount of \$667,422.52, Road Department Claims for August 12, 2014 in the amount of \$516,433.76 and Road Department P-Card claims for August 12, 2014 in the amount of \$6,760.98

Res. 143-2014

"Moved Comr. Haadsma, supported by Comr. Frisbie to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Calhoun County Claims Payable for July 31 - August 14, 2014 in the amount of \$667,422.52, Road Department Claims for August 12, 2014 in the amount of \$516,433.76 and Road Department P-Card claims for August 12, 2014 in the amount of \$6,760.98 as presented."

On a voice vote, Yes – 7. Motion **CARRIED**.

16. ANNOUNCEMENTS

There were none.

17. CLOSED SESSION TO DISCUSS LABOR NEGOTIATIONS AND PENDING LITIGATION

Res. 144-2014

"Moved Comr. Haadsma, second by Comr. Frisbie to approve the following: Resolved the Calhoun County Board of Commissioners does hereby retire to closed session to discuss labor negotiations and pending litigation at 9:45 p.m. on August 21, 2014."

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

The Board returned to open session at 10:07 p.m.

18. SETTLEMENT AS PROPOSED BY COUNSEL IN CASE NO. 113-cv-01274

Res. 145-2014

“Moved Comr. Haadsma, second by Comr. Frisbie to approve the following: Resolved the Calhoun County Board of Commissioners does hereby Counsel's proposed settlement in Case No. 1:13-cv-01274 as presented.”

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

19. ADJOURNMENT

The meeting was adjourned at 10:08 p.m. at the call of the Chair.

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Chairman
Calhoun County Board of Commissioners

Clerk
Calhoun County