

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

June 2, 2005

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, June 2, 2005 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll Call: Present: Comrs. Bolger, Miller, Moore, Segal, Solis, Strowbridge and Todd.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

“Motion by Comr. Segal, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the June 2, 2005 agenda, with correction to the verbiage of Item 12.A. (4) - Resolution Imposing 2005 Summer Property Tax Levy and Notice of Certification of County Allocated Tax Levy.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Moore, supported by Comr. Strowbridge, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the May 5, 2005 minutes as presented.”

Voice Vote: Motion CARRIED

SPECIAL ORDER OF BUSINESS:

Special Tribute to William H. Burgess

Chairman Miller read, and accompanied by Sheriff Byam, presented the following tribute to William Burgess and his wife.

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Res. 82-2005

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

WHEREAS, **WILLIAM BURGESS**, Lieutenant and Commander of the Law Enforcement Division, retired effective June 1, 2005 after Twenty-Eight {28} years of dedicated service to the *Calhoun County Sheriff Department* and the citizens of Calhoun County; and

WHEREAS, William Burgess has served the Department under four administrations during his career and has worked in Dispatch, Corrections, the Marine Division, and during the past nine years, in the Law Enforcement Division; further, has been an active member of the A.L.U.R.T. Dive Team.

William came to work for the Department on March 14, 1977 and held the position of Deputy Sheriff from 1977 through 1992 when he was promoted to Sergeant, and served in that capacity until his promotion to Lieutenant on November 3, 1995; and

WHEREAS, while being employed full time and raising four children with his wife Barb, William received his Associate Degree in 1982 from Kellogg Community College, completed Eastern Michigan University School of Police Staff and Command in 2001, and earned his Bachelors Degree in 2003 from Spring Arbor University; and

WHEREAS, William Burgess took advantage of every opportunity to attend training during his career including: Criminal Justice Leadership Academy, Community Policing Consortium, Barricaded/Hostage Initial Response/Tactical Alternatives, Forensic Science Seminar, Arson Investigation training, Pressure Point Control Tactics, Latent Print School, Bomb Threat Response training, Firearms training, and Preliminary Breath Test training; only to mention a few; and

WHEREAS, William has received numerous commendations, a few being, Battle Creek Exchange Club Officer of the Year in 1980, the Michigan State Police Citation for Professional Excellence in 1981, Battle Creek Exchange Club A.L.U.R.T. Dive Team Officer of the Year in 1984, Marshall Exchange Club Officer of the Year in 1986, A.L.U.R.T. Dive Team Member of the Year in 1988, the Distinguished Service Medal and Certificate of Merit from the Calhoun County Sheriff Department; further, ten {10} departmental Letters of Commendation; and

WHEREAS, William Burgess has been recognized by many organizations for volunteering and for career development programs, and has received numerous letters of appreciation from citizens.

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NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners offer our thanks to **LT. WILLIAM BURGESS** for his many years of dedicated service and wish him a healthy, happy and a well-deserved retirement.”

Voice Vote: Motion CARRIED

Resolution of Support for Michigan State University Extension in Calhoun County

Chairman Miller read and presented the following resolution to Rita Klavinski and members of the M.S.U. Extension staff.

Res. 83-2005

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

WHEREAS, MSU Extension utilizes the research and knowledge base of the state’s land grant university to connect the campus to Calhoun County, providing educational programming to assist youth, families, businesses and the community; and

WHEREAS, Calhoun County provides \$185,616 to help support MSU Extension programming and this county investment is coupled with state and federal appropriations, as well as grants, ensuring that the programming will meet the needs and interests of the county’s residents; and

WHEREAS, the investment of state funding enables the Calhoun County MSU Extension Department to annually leverage \$144,000 in grants for program and staff resources from federal, foundation and public funds; and

WHEREAS, MSU Extension further leverages support by recruiting, training and mobilizing over 250 volunteers who contribute to the community by donating their time and talent to over 1,000 youth members of the 4-H Youth Development Program, and through 4-H, youth are learning leadership, responsibility, career development and higher education goals; and

WHEREAS, the Family Nutrition Program teaches low-income youth and families how to practice healthy behaviors and consume nutritious diets through in-home and group instruction; and

WHEREAS, MSU Extension provides the most current research to help the agricultural community deal with environmental management practices, and land use issues; and

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WHEREAS, the state currently provides \$28.6 Million in funding for MSU Extension and reductions of that funding would severely impact this important educational network, and adequate state support for MSU Extension is essential for the survival of the county-state-federal partnership.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners support full state funding for MSU Extension; and

BE IT FURTHER RESOLVED, that this Board conveys to Governor Jennifer Granholm and the State Legislature that full funding of MSU Extension will continue programs critical to the agricultural community, our youth citizens, limited income families and community members of Calhoun County. Copies of this Resolution will be forwarded to Senator Mark Schauer, Representative Mike Nofs and Representative Lorence Wenke.”

Voice Vote: Motion CARRIED

Resolution of Support for YouthBuild Battle Creek Grant Funding

Comr. Segal read and presented the following resolution to Community Action Board Member Matt Lind.

Res. 84-2005

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

WHEREAS, YouthBuild Battle Creek, a program of *Community Action Agency of South Central Michigan*, has been working in our communities to improve the lives of young people between the ages of 17 and 24 years old; and

WHEREAS, YouthBuild Battle Creek offers educational, leadership and job readiness skills to assist young people who reside at the lowest levels of the economic ladder to advance economically and socially; and

WHEREAS, YouthBuild Battle Creek is in the process of seeking Housing and Urban Development funding to continue this effective and important program in our community; and

WHEREAS, YouthBuild Battle Creek will be seeking an increased amount of funding to allow for increase program services, including entrepreneurship training and the servicing of more youth.

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THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners support the federal Housing and Urban Development YouthBuild grant at an increased level of funding for YouthBuild Battle Creek; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Senator Levin, Senator Stabenow, Congressman Schwarz, Governor Granholm, Lt. Governor Cherry, State Senator Schauer, State Representative Nofs, and State Representative Wenke.”

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 85-2005

“Motion by Comr. Stowbridge, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following June 2, 2005 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Notice of a public hearing scheduled for May 17, 2005 regarding granting an Industrial Facilities Exemption Certificate to Hoover Universal, Inc. received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director Richard Gruber)
- (2) Copy of a communication remitted to Halloo Farms, LLC received from the Michigan Department of Agriculture advising that the dairy facility is now in compliance with manure management and utilization practices. (Received and placed on file, with a copy remitted to Environmental Health Director Ted Havens and Drain Commissioner Blaine Van Sickle)
- (3) Communication received from the Department of Health & Human Services advising that the initial review of Calhoun County’s 2003 Audit Report meets Federal audit requirements and that no findings have been identified for formal action by the Department. (Received and placed on file, with a copy remitted to County Administrator/Controller Greg Purcell and Finance Director James Latham)
- (4) Resolutions received from Antrim County {1} opposing funding reduction of community development programs, and {2} expressing gratitude to Representative William Huizenga for sponsoring House Bill 5657 {Records

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Media Act}. (Referred to the Legislative Liaisons, with a copy of { 1 } remitted to Road Commission Managing Director Dennis Randolph)

- (5) Copy of a communication remitted to Denso Manufacturing Michigan, Inc. received from the Michigan Department of Environmental Quality advising that Permit to Install No. 277-04 has been approved and Permit to Install No. 23-03B has been voided. (Received and placed on file, with a copy remitted to Equalization Director Richard Gruber and Environmental Health Director Ted Havens)
- (6) Copy of a communication remitted to C & C Expanded Sanitary Landfill received from the Michigan Department of Environmental Quality apologizing for an oversight regarding acceptance of solid waste from St. Joseph County. (Received and placed on file)
- (7) Notice received from the Michigan Department of Treasury advising that the real and personal property components of Industrial Facilities Exemption Certificate No. 1997-741 for Surfinco Inc. in the City of Albion has been revoked effective December 30, 2004. (Received and placed on file, with a copy remitted to Equalization Director Richard Gruber)
- (8) Calhoun County Planning Department 2004 Annual Report

B. Resolutions:

- (1) Community Corrections Advisory Board Appointment
 - {a} Robert Coles -- City Law Enforcement Representative
(Replacing Dwayne Hartup)
- (2) Criminal Justice System Workshop Appointments
(Terms Expire December 31, 2006)
 - {a} Judge Allen Garbrecht
 - {b} Laraine VanLopik
 - {c} Greg Purcell
 - {d} Jeffrey Albaugh
 - {e} Judge John Holmes
 - {f} Michelle Hill
 - {g} Trina McGaffigan
 - {h} Judge Gary Reed

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- {i} Michael Boltz
- {j} Allen Byam
- {k} Marshall Weeks
- {l} John Hallacy
- {m} Matthew Glaser

(3) Keyperson Committee Appointment

- {a} Benjamin Miller -- Term Expires December 31, 2006

(4) Southwest Michigan Solid Waste Consortium Appointments
(Terms Expire December 31, 2006)

- {a} Terris Todd
- {b} Tiffany Seymour"

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Employee Recognition and Relations Committee

Committee Chairperson Segal advised that she will be providing the birthday luncheon for this month at Palermo Ristorante. Comr. Segal announced the winner to be Dave Tendziegloski, and wished a happy birthday to Mr. Tendziegloski, whose birthday is June 21.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

FY 2004/2005 Amended Health Department Budget and Staffing Plan

Health Officer Heidi Oberlin addressed revenue and expenditure changes provided in her cover memorandum; and advised that the Department was able to carry over funds from the Healthy Communities Access Program, reprogram and continue with the work from year one. Ms. Oberlin advised that there was state funding reduction to the Hearing and Vision Screening Program which the Department was able to pretty much absorb with a staffing change; however that unfortunately, the reduction did result in decreased services towards the end of the school year. Ms. Oberlin stated that as the Program goes into the summer the pre-school screenings will have to be done with only half the staff, and that the Department still does not know whether the Program will be preserved after October 1. Ms. Oberlin advised that the Department is looking at some other sites and shall employ as many techniques as possible to do more group screenings so as not to compromise the quality of the Program.

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Ms. Oberlin reported that there were some other funding changes within the Emergency Preparedness Program and a small change within the Breast and Cervical Cancer Screening Program. Ms. Oberlin stated that there were some increases, one being within the W.I.C. Program allowing the Department to allocate the lease for Albion, pay for renovations and create a couple of part time positions within the W.I.C. Program. Ms. Oberlin further advised that because of some increases in the grant funds, the Department was able to adjust the staffing in the Care Source area.

Res. 86-2005

“Motion by Comr. Segal, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the amended FY 2004/2005 Health Department budget and staffing plan, as recommended by the Board of Health.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Meningococcal Vaccine Fee Increases

Ms. Oberlin advised that the cost of the products increased from last year. Ms. Oberlin stated that the vaccines are primarily for college students, and advised that last year Calhoun County had five cases of bacterial meningitis.

Res. 87-2005

“Motion by Comr. Segal, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve increase in the Menomune vaccine fee from \$86.00 per dose to \$96.00 per dose, and increase in the Menactra vaccine fee from \$82.00 per dose to \$92.00 per dose, as recommended by the Board of Health.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Calhoun Health Plan Creation and Authorization of Intergovernmental Funds Transfer

Ms. Oberlin stated that the result is that people classified as the working poor will have access to health care, particularly preventive health care.

Res. 88-2005

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

WHEREAS, Calhoun County has an objective to assure access to appropriate levels of health care for Calhoun County residents; and

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WHEREAS, the County has supported the development of the Calhoun Health Plan Corporation to serve as a vehicle for a health benefit plan to serve uninsured citizens of Calhoun County; and

WHEREAS, Calhoun County, the State of Michigan and the Federal Government will contribute to the funding to be made available to the Calhoun Health Plan Corporation to implement the health benefit plan, which is likely to include: a) primary care physician services, b) specialist physician services, c) laboratory services, d) pharmacy services; and

WHEREAS, the State of Michigan will issue a Medicaid Policy Bulletin to authorize a special Disproportionate Share Hospital (DSH) Program to facilitate payments to Calhoun County hospitals that meet the federal minimum requirements for Medicaid DSH and have a signed Indigent Care Agreement to purchase managed health care for indigent patients; and

WHEREAS, the Medicaid Policy Bulletin will establish that the DSH payments will be funded by local funds supplied using an intergovernmental transfer, state funds which will not exceed the estimated level of funds that would have been expended for the State Medical Program in Calhoun County and Federal matching funds; and

WHEREAS, the non-profit Calhoun Health Plan Corporation has been formed with purposes which include promoting, arranging, and managing an effective system for quality coordinated health care in a manner which decreases the cost of health care services to the community at large for persons unable to pay for such care; and

WHEREAS, the Calhoun Health Plan Corporation is prepared to contract with Ingham County to secure the resources of the Nursing Clinic of Battle Creek, Family Health Center, and private providers to serve persons enrolled in the Calhoun Health Plan; and

WHEREAS, the Health Officer recommends that the Board of Health and the Board of Commissioners authorize the intergovernmental transfer of up to \$500,000 on an annual basis from the annual appropriation to the Health Fund.

THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners authorizes the County Treasurer and the County Controller to implement an intergovernmental transfer of up to \$500,000 on an annual basis to the State of Michigan with the purpose of contributing to a new Disproportionate Share Hospital pool which will be used to ensure access to medical care for the indigent population in Calhoun County, said funds to be added to State funds budgeted for the State Medical Program in Calhoun County and matched by Federal funds, to be paid to Calhoun County hospitals that have signed Indigent Care Agreements with the Calhoun Health Plan Corporation; and

BE IT FURTHER RESOLVED, that the intergovernmental transfer is authorized once the following conditions are in place:

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- ◆ The State has issued policy bulletins to direct State Medical Program benefits in Calhoun County to be provided through the Calhoun Health Plan Corporation, and to create a disproportionate share hospital pool for hospitals that meet federal minimum requirements and have signed Indigent Care Agreements to purchase managed health care for indigent patients.
- ◆ The Calhoun County hospital(s) participating have signed the Indigent Care Agreement with the Calhoun Health Plan Corporation.
- ◆ The Calhoun Health Plan Corporation has executed an agreement with the Ingham County Health Department to purchase administrative support services for the Corporation.
- ◆ The Calhoun County Health Plan Corporation has executed an agreement with the Calhoun County Public Health Department to facilitate the prompt return of the County funds to be applied for their original purpose.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Resolution Imposing 2005 Summer Property Tax Levy and
Notice of Certification of County Allocated Tax Levy

Res. 89-2005

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

WHEREAS, Calhoun County is authorized under the General Property Tax Act, Public Act 206 of 1893, as amended, to levy and collect County allocated property taxes; and

WHEREAS, a public hearing concerning the budget was held on December 2, 2004; and

WHEREAS, the Calhoun County Board of Commissioners adopted a Fiscal Year 2005 Appropriation Act on December 16, 2004; and

WHEREAS, the General Property Tax Act has been amended by Public Act 357 of 2004, being MCL 211.44a, to require all Michigan Counties to impose a summer tax levy, with the summer tax levies for 2005 and 2006 to be in the amount of 1/3 and 2/3, respectively, of the total County allocated tax, with the full amount of County allocated tax to be levied and collected as a summer tax levy in 2007.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Public Act 357 of 2004, the Calhoun

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County allocated tax shall be levied and collected on July 1, 2005, at the rate of 1/3 of the amount allocated after application of the "Headlee" millage reduction fraction, or 1.7926 mills; and

BE IT FURTHER RESOLVED, that the Treasurer of each city, village and township in Calhoun County is directed to account for and deliver the 1/3 County allocated tax collections for 2005 in accordance with the provisions of Public Act 357 of 2004; and

BE IT FURTHER RESOLVED, that this Resolution constitutes certification of the levy of the County allocated tax and authorized collection of the County allocated tax on July 1, 2005, at the rate of 1/3 of the amount allocated after application of the "Headlee" millage reduction fraction, or 1.7926 mills; and

BE IT FINALLY RESOLVED, that the County Clerk shall deliver a copy of this Resolution by first class mail to the Treasurer of each city, village and township in Calhoun County."

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CDBG Housing Rehabilitation Program Grant Agreement, Authorized Signature Designation
and Certifying Officer Designation

Planning Director Jennifer Bomba introduced Mary Jo Crumpton, Secretarial Clerk for the Community Development Department, whom the Commission is requested to authorize to execute and submit the grant related reports and documents.

Ms. Bomba addressed the time line for the grant and release of funds.

Res. 90-2005

"Motion by Comr. Segal, supported by Comr. Strowbridge, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the CDBG Housing Rehabilitation Program Grant Agreement between the Michigan State Housing Development Authority and Calhoun County in the amount of \$121,900 for the period of April 1, 2005 through March 31, 2007, the Authorized Signature Designation Form, and the Certifying Officer Form; further, authorize the Board Chairman to execute said Agreement and accompanying forms on behalf of Calhoun County."

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Haley vs. Norlander Lawsuit Estimated Legal Fees and Costs

County Administrator/Controller Greg Purcell advised that the Board Chairman and Commissioner Moore requested he do some review of estimated legal fees and costs for the litigation of Haley versus Norlander. Mr.

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Purcell advised that the estimated fees and costs for Miller, Canfield, Paddock and Stone are \$67,750, and the estimated settlement cost is \$30,000 for a total of \$97,750.

Mr. Purcell stated that the Clerk specifically requested he advise the Commission that she has been raising contributions to cover some the cost, and at this point has raised \$8,000 from the County Clerks Association and the Municipal Clerks Association. Mr. Purcell pointed out that there also have been in-house costs of the General Counsel's time as well, and thanked Atty. Mullett for taking the initiative to assist in resolving the issue.

Comr. Moore stated that this settlement is particularly troubling to him, because this Board discussed this case at great length as far back as the first Board Retreat in March and made at least two attempts to resolve this issue to no avail. Comr. Moore questioned what changed from that time to the current date of settlement, and submitted that nothing changed, that the only ones that made out in this case were the attorneys. Comr. Moore stated that this whole sordid mess just irritates him to no end, pointing out that the Board heard at least two or more times that the lawsuit was all about doing what was right for the taxpayers; and in the end all the taxpayers got was a bill.

Comr. Moore further stated that another thing that disturbs him is that Calhoun County was left holding the bag for the entire cost of the lawsuit while there were other parties to the suit that could have been held liable; and that it is interesting to him that when there was the potential that those others could be enjoined in the case and their budgets could be potentially tapped, suddenly the log jam regarding settlement was broken. Comr. Moore pointed out that now the county will not have almost \$100,000 that should have gone to fund other services.

Comr. Moore thanked Atty. Mullett for her work, and the Clerk for raising funds to help offset the cost.

Comr. Bolger echoed Commissioner Moore's frustration. Comr. Bolger also thanked Atty. Mullett for her work and constant drive to put the case to bed on behalf of the taxpayers.

Chairman Miller echoed both Commissioners' comments and expressed his disappointment that the county taxpayers have been stuck with the bill. Chairman Miller expressed his appreciation to Atty. Mullett for all her work on the case.

CITIZENS' TIME:

Mr. Gardy Berezonsky, Marengo Township resident, addressed the Board regarding Sheridan Township's proposed ethanol plant, advising that the Township has not conducted a public hearing yet because they have not followed the proper procedure in publishing notice of their meetings.

COMMISSIONERS' TIME:

Comr. Segal reminded Board members that next Friday is the Juvenile Home Golf Outing, and encouraged everyone to attend.

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Comr. Segal announced that next Saturday is the World's Longest Breakfast Table in downtown Battle Creek and encouraged everyone to attend.

Comr. Moore wished Veterans Service Officer Jude Lonergan a happy birthday.

Chairman Miller announced that the Beans and Corn Bread Celebration is this Saturday at the Upton Avenue Original Church of God from 2:00 p.m. to 4:00 p.m. Chairman Miller advised that the N.A.A.C.P. fund raiser is for the Youth Program, and encouraged everyone to attend.

Chairman Miller also wished Ms. Lonergan a happy birthday.

Chairman Miller announced that he is selling forget me nots for \$1 each, also purple bracelets of hope on behalf of the Alzheimers Association.

CLAIMS PAYABLE LISTINGS:

Res. 91-2005

“Motion by Comr. Strowbridge, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the county in the total amount of \$1,835,623.67 for the week of May 17, 2005; further, approve payment of the list of claims against the county in the total amount of \$431,948.56 for the week of May 24, 2005.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ADJOURNMENT:

Res. 92-2005

“Motion by Comr. Segal, supported by Comr. Strowbridge, adopt the following: Resolved by the Calhoun County Board of Commissioners adjourn the June 2, 2005 Board of Commissioners Meeting.”

Voice Vote: Motion CARRIED

The meeting adjourned at 8:10 p.m.

kk/mlb