

**PROCEEDINGS OF THE
BOARD OF COMMISSIONERS**

NOVEMBER 17, 2022

1. Call to Order/Roll Call

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00p.m., Thursday, November 17, 2022, in the Commissioners' Meeting Room, County Building, Marshall, MI.

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

Present: Comrs. Steve Frisbie, Derek King, Tommy Miller, Gary Tompkins, and Jake Smith.

Excused: Comr. Rochelle Hatcher; Comr. Kathy-Sue Vette

Staff Present: Administrator/Controller Kelli Scott, Corporation Counsel Jim Dyer, HR/Labor Relations Director Kim Archambault, Communications Manager Lucy Blair, and Deputy Clerk Susan Connolly.

2. Moment of Silence/Invocation

Chair Frisbie called for a Moment of Silence.

3. Pledge of Allegiance

Comr. Smith led the Pledge of Allegiance.

4. Approval of Agenda

Res.180-2022

"Moved Comr. Miller, second by Comr. Smith to approve the agenda of the November 17, 2022, 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 October 20, 2022 Property Tax Apportionment Session according to MCL211.37*

Minutes of the October 20, 2022 Property Tax Apportionment Session according to MCL211.37.

Res.181-2022

"Moved Comr. Tompkins, second by Comr. Miller to approve the Minutes of the October 20, 2022 Property Tax Apportionment Session according to MCL211.37, as presented."

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

6. Citizens' Time

Attorney Nelson Karre, representing Ace Investments and Bill Dobbins announced that he would be filing suit against the County alleging breach of the Albion lease, claiming our termination was without cause.

SMAC Appointee on the Consent Agenda, Isabell Nazar, introduced herself to the board.

7. Elected/Appointed County Officials' Comments

There were none.

8. Special Order of Business

A. 2023 Administrator/Controllers Budget Recommendation and Public Hearing

Res.182-2022

“Moved Comr. Smith, second by Comr. Miller to Open the Public Hearing.”

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

Finance Director Megan Banning provided a presentation explaining the budget process, budget assumptions, and summaries of total expenditures and revenues and the long-term forecast for both the General Fund and the Road Department Fund, along with key special revenue funds.

Ms. Banning also noted that for the General Fund, there is an expected 6% increase in state revenue sharing and that the proposed budget requires a \$3.9 million American Rescue Plan Act appropriation as budget stabilization for 2023.

Ms. Scott expressed gratitude to the Board of Commissioners budget committee, internal budget committee and all countywide leadership, and especially that of Finance Director Megan Banning and her staff that has resulted in the presentation of a balanced budget for 2023.

Comr. Frisbie asked if there was any public comment.

Comr. Frisbie stated that there was not any public comment and asked for a motion and second to Close Public Hearing.

Res.183-2022

“Moved Comr. Tompkins, second by Comr. Smith to Close Public Hearing.”

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

9. Consent Agenda

A. Petitions, Communications, Reports

1. *Financial Statements for Information Only October 2022*
2. *DRAFT Calhoun County Board of Commissioners 2023 Meeting Schedule - for information only*
- B. *Resolutions*
 1. *Appointment to the Senior Millage Allocation Committee, Isabell Nazar*
 2. *Contract Amendment: Senior Millage-funded Nutrition Program*
 3. *MERS Service Credit Purchase - Brian D Hatch*
 4. *Contract Amendment: CareHere/Premise Health Medical Services Agreement*
 5. *Supplemental Funding: Sheriff's Office Secondary Road Patrol Program*

Res.184-2022

"Moved Comr. Miller, second by Comr. Tompkins to approve the Consent Agenda of the November 17, 2022, Board of Commissioner's Regular Session, as presented."

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

10. Special Committee/Workshop/Board Reports

Comr. Miller shared information regarding the Marshall Downtown Development Authority's recent meeting, where downtown parking was discussed.

11. Unfinished and Old Business

A. *New Ordinance Calhoun County Off Road Vehicle Ordinance*

Comr. Frisbie noted the Ordinance incorporates revisions requested by the Board when the item was tabled at a previous meeting in October, and noted that Corporation Counsel Jim Dyer was present to answer any questions.

Res.185-2022

"Moved Comr. King, second by Comr. Miller to approve the proposed text of the Calhoun County Off-Road Vehicle (ORV) Ordinance; authorize the Calhoun County Sheriff and Road Department to create a proposed list of County roads to be closed to ORV use for inclusion as Appendix A of the Ordinance; schedule a public hearing on the ORV Ordinance not sooner than 45 days after notice of the proposed ordinance is given as provided by law, and provide certified mail notice to the Michigan Department of Transportation and to all townships and municipalities within the County, as required by MCL 324.81131 (3), as presented."

On a roll call vote, Yes – 5, Comrs. Frisbie, King, Miller, Tompkins, and Smith.
Absent - 1, Comr. Hatcher
Excused - 1, Comr. Vette
Motion **CARRIED**.

12. New Business and County Administrator's Report

A. *Administrator/Controller's Report*

Administrator/Controller Kelli Scott informed the Board that the County recently deactivated the Joint Operation Center for COVID-19 response. She thanked the Public Health Department and also City of Battle Creek staff who provided guidance and support throughout the pandemic.

B. *New Business*

1. *2023-25 Senior Millage Contracts: Dental Assistance; Fitness & Fun*

Kelli Scott highlighted the recommendation for two three-year Senior Millage contracts following an annual RFP process led by the purchasing department with Assistant County Administrator Brad Wilcox working with the Senior Millage Allocation Committee to evaluate the proposals.

Res.186-2022

“Moved Comr. Tompkins, second by Comr. Miller to approve Senior Millage-funded contracts from RFP #115-22 for 2023-2025 for the Senior Dental Assistance Program with the Fountain Clinic for \$375,000 annually for three years, and the Senior Fitness and Fun Program with Comprehensive Care Corporation doing business as Senior Health Partners for \$170,000 annually for three years, and authorizes the Board Chair to sign the contracts, as presented.”

On a roll call vote, Yes – 5, Comrs. Frisbie, King, Miller, Tompkins, and Smith.
Absent -1, Comr. Hatcher
Excused -1, Comr. Vette
Motion **CARRIED**.

2. *FY2023 Sexual Assault Prosecutor and Investigator Contracts*

Kelli Scott noted that these contracts continue state funding through Sept. 30, 2023 for sexual assault kit investigation. Scott added that the Memorandum of Understanding between the Prosecutor and the State Attorney General outline full payment to the County for this staffing, and that the independent contract provided for Jerry Stonebraker to continue in this program as well with the State funding 100% of the cost.

Prosecutor Dave Gilbert commented that he believes this program will be concluded soon.

Res.187-2022

“Moved Comr. King, second by Comr. Smith to approve the Memorandum of Understanding between the Michigan Attorney General and the Calhoun County Prosecutor and a contract for one limited term

investigator to implement the current Public Act 166 of 2020 appropriation funding the investigation of previously untested sexual assault kits, as presented.”

On a roll call vote, Yes – 5, Comrs. Frisbie, King, Miller, Tompkins, and Smith.

Absent - 1, Comr. Hatcher

Excused -1, Comr. Vette

Motion **CARRIED**.

13. Citizens' Time

Jim Stahl shared his disagreement and opposition to the 911 millage and the levy of other millage that require more of his taxpayer dollars.

Adam Heikkela of Bedford Township shared his disagreement with the budget recommendation.

14. Commissioners' Time

Comr. Tompkins wished county employees and commissioners and audience members a Happy Thanksgiving.

15. Claims Payable Listing

A. *Claims Payable for October 13, 2022 through October 26, 2022, in the amount of \$11,767,110.71*

B. *Claims Payable for October 27, 2022 through November 9, 2022 in the amount of \$14,372,670.04.*

Res.188-2022

“Moved Comr. Miller, second by Comr. Smith to approve the Calhoun County Claims Payable for October 13, 2022 through October 26, 2022, in the amount of \$11,767,110.71 and Claims Payable for October 27, 2022 through November 9, 2022 in the amount of \$14,372,670.04, as presented.”

On a roll call vote, Yes – 5, Comrs. Frisbie, King, Miller, Tompkins, and Smith.

Absent -1, Comr. Hatcher

Excused -1, Comr. Vette

Motion **CARRIED**.

16. Announcements

Comr. Miller announced the upcoming Marshall Christmas parade on November 28.

Comr. Frisbie announced the upcoming Battle Creek parade on Nov.19.

17. Closed Session

A. *Closed Session to Discuss Pending Litigation*

At this time, the Board is requested by legal counsel to conduct a closed session pursuant to MCL 15.268(1)(e), to consult with its attorney concerning settlement strategy in connection with Wayside Church v. Van Buren County, et al., pending as case number, 1:14-cv-01274, in the US District Court for the Western District of Michigan.

Res.189-2022

“Moved Comr. Miller, second by Comr. Tompkins to approve retiring to closed session pursuant to MCL 15.268(1)(e), to consult with its attorney concerning settlement strategy in connection with Wayside Church v. Van Buren County, et al., pending as case number, 1:14-cv-01274, in the US District Court for the Western District of Michigan.”

On a roll call vote, Yes – 5, Comrs. Frisbie, King, Miller, Tompkins, and Smith.

Absent - 1, Comr. Hatcher

Excused -1, Comr. Vette

Motion **CARRIED.**

18. Adjournment

The meeting was adjourned at 8:12p.m. at the call of the Chair.

smc

Susan M. Connolly
Deputy Clerk to the Board of Commissioners