

The seal of Calaveras County Government is a semi-circular emblem with a textured, stippled background. The words "CALAVERAS COUNTY GOVERNMENT" are written in a curved path along the top and sides of the seal. Overlaid on the seal is the text "Board of Commissioners' Meeting" in a large, bold, black sans-serif font.

**Board of
Commissioners'
Meeting**

May 7, 2013

**NOTICE AND AGENDA FOR
MAY 7, 2013 MEETING
OF THE
KALAMAZOO COUNTY BOARD OF COMMISSIONERS**

PLEASE TAKE NOTICE that a regular meeting of the Kalamazoo County Board of Commissioners is scheduled for **Tuesday, May 7, 2013, at 7:00 p.m.** in the Board of Commissioners Room, second floor, County Administration Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, for the purpose of considering the following items:

- ITEM 1 Call to Order
- ITEM 2 Invocation
- ITEM 3 Pledge of Allegiance
- ITEM 4 Roll Call
- ITEM 5 Approval of Minutes
- ITEM 6 Communications
- ITEM 7 Citizens' Time
- ITEM 8 For Consideration

- A. Request for Approval of Resolution for National Safe Boating Week
- B. Drain Commissioner Annual Report

CONSENT AGENDA

Circuit Court

- C. Request for Approval to Purchase Video Conference Devices for Circuit Court and the Sheriff's Office

Community Corrections

- D. Request for Approval of Contract Amendment with BI, Inc.

Health & Community Services

- E. Request for Approval of Grant Agreement with Michigan Medicare/Medicaid Assistance Program (MMAP) for the State Health Insurance Assistance Program (SHIP)
- F. Request for Approval of Amendment #2 to Grant No. LCA-11-39015 with Michigan Department of Human Services (MDHS)
- G. Request for Approval of an Agreement with Eventbrite for the 2013 Health Equity Summit

Human Resources

- H. Request for Approval of Health Benefits Consultant Agreement with Nulty Insurance

Parks & Expo Center

- I. Request for Approval of 2013 Contract with the Thunderbirds R/C Club
- J. Request for Approval of 2013 Contract with Charter Township of Comstock for the River Oaks Wenke Softball Complex

Planning & Community Development

- K. Request for Approval of In-Kind Contribution to Kalamazoo Area Transportation Study (KATS)
- L. Request for Approval of an Agreement for Licensed Pictometry Products with Township of Pavilion

Sheriff

- M. Request for Approval of Secondary Road Patrol Grant

Board of Commissioners

- N. Request for Approval of Transfers and Disbursements
- O. Request for Approval of District Court Consolidation Agreement
- P. Request to Schedule a Public Hearing on the Establishment of a Groundwater Restricted Zone for Parker Hannifin

NON-CONSENT AGENDA ITEMS

The following items are Non-Consent Agenda Items and will be voted on individually.

- ITEM 9 Old Business
- ITEM 10 New Business
- ITEM 11 County Administrator's Report
- ITEM 12 Chairperson's Report
- ITEM 13 Vice Chairperson's Report
- ITEM 14 Members' Time
- ITEM 15 Adjournment

Dina Sutton

Dina Sutton
Office Manager for Administrative Services

MAY 1, 2013

MEETINGS OF THE KALAMAZOO COUNTY BOARD OF COMMISSIONERS ARE OPEN TO ALL WITHOUT REGARD TO RACE, SEX, COLOR, AGE, NATIONAL ORIGIN, RELIGION, HEIGHT, WEIGHT, MARITAL STATUS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY OR DISABILITY. KALAMAZOO COUNTY WILL PROVIDE NECESSARY REASONABLE AUXILIARY AIDS AND SERVICES, SUCH AS SIGNERS FOR THE HEARING IMPAIRED AND AUDIO TAPES OF PRINTED MATERIALS BEING CONSIDERED AT THE MEETING/HEARING, TO INDIVIDUALS WITH DISABILITIES AT THE MEETING/HEARING UPON FOUR (4) BUSINESS DAYS' NOTICE TO THE COUNTY. INDIVIDUALS WITH DISABILITIES REQUIRING AUXILIARY AIDS OR SERVICES SHOULD CONTACT THE COUNTY BY WRITING OR CALLING:

Dina Sutton
Office Manager for Administrative Services
KALAMAZOO COUNTY GOVERNMENT
201 West Kalamazoo Avenue
Kalamazoo, Michigan 49007
TELEPHONE: (269)384-8111
TDD PHONE: (269)383-6464

NATIONAL SAFE BOATING WEEK

Whereas, Michigan boasts more than 11,000 lakes and almost 3,300 miles of Great Lakes shoreline where citizens can participate in recreational boating activities; and

Whereas, numerous lakes are within the Kalamazoo County; and

Whereas, while being a marvelous source of recreation, boating, to the unprepared, can be a risky sport by not knowing or obeying nautical rules of the road; drinking alcohol or taking drugs while operating a boat; or choosing not to wear a life jacket; and

Whereas, on average, 700 people die each year in boating related accidents in the U.S.; approximately 70 percent of those accidents are caused by drowning; and

Whereas, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment or environmental factors; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

Whereas, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by the boating public.

Now therefore be it resolved, that the Kalamazoo County Board of Commissioners do hereby support the United States Coast Guard Auxiliary in its goal of recreational boating safety and proclaim May 18-24, 2013, as **National Safe Boating Week** in the Kalamazoo County and call on our citizens to give renewed attention to safe boating practices and urge all those who boat to wear life jackets and boat responsibly.

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I, Timothy A. Snow, County Clerk Register, do hereby certify the forgoing is a true copy of a Resolution adopted by the Kalamazoo County Board of Commissioners at a regular session held on May 7, 2013.

Timothy A. Snow
County Clerk/Register



2012 Annual Report



Drought and new gage at Long Lake



MDEQ visits Davis Creek S of BL I-94



Trail traffic at the Coop Rain Garden

Patricia A.S. Crowley
Kalamazoo County Drain Commissioner



Office of the Drain Commissioner

201 West Kalamazoo Avenue • Kalamazoo, Michigan 49007
Phone: (269) 384-8117 • Fax: (269) 383-8920 • email: pacrow@kalcounty.com

Patricia A.S. Crowley, PhD, Drain Commissioner

April 16, 2012

County Board of Commissioners
201 W Kalamazoo Avenue
Kalamazoo, MI 49007

Re: 2012 Annual Report

Dear Board of County Commissioners;

It is my duty and pleasure to present to you the Kalamazoo County Drain Commissioner's Annual Report for calendar year 2012 in accordance with Section 31 of the Drain Code of 1956 (Public Act 40 as amended), MCL 280.31. Section 31 requires that the Drain Commissioner inform you of the status of new drainage districts and present you with the financial statements, drain orders, and debit and credit balances for each drainage district.

There were two new drains established in 2012: Little Ranches Drainage District and Lexington Green Drainage District. The financial statements for Kalamazoo County 2012 are found in the last section of this report and include: 1) The Debit and Credit Balances of the Drainage District Funds, 2) Itemized Statements of Orders Issued for Active Drainage Districts, 3) Liability of the Drain Commissioner for Bonds and Notes, and 4), 2012 Special Assessments.

In addition to the required reports, we are including additional items about the activities of the state of the Drain Office in 2012. Our office deeply appreciates the interest and generous support that you have given us as we strive to create a more responsive and responsible stormwater utility.

At this time, I would like to recognize all of the county staff for their continuous contributions to the work of the Drain Office in 2012. The following individuals were especially helpful this last year: Mary Balkema, Greg Vlietstra, Peggy Bresnahan, Billy Jo Longenecker, Mary Wyatt, Thom Canny, Michelle Tombro-Tracy, Lotta Jarnefelt-Burns, Jason Enos, Tracie Moored, Lisa Bradshaw, Julie Hansen Rooney, Mary Keleman, Kellie Layman, John Byrnes, Joanna Johnson, Tom Hohm and Travis Bartholomew. We also wish to express our gratitude to our consultants and contractors for all their hard work. This support contributed much to our success in 2012.

Thank you for your time and consideration in the review of this annual report. If you have any questions, comments or require additional information, please contact me at 269-384-8117 or visit the Office of the Drain Commissioner at your convenience.

Respectfully submitted,

Patricia A.S. Crowley, PhD
Kalamazoo County Drain Commissioner

**KALAMAZOO COUNTY
OFFICE OF THE DRAIN COMMISSISONER
ANNUAL REPORT FOR 2012**

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2) Signage

Various County Drains	7
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none

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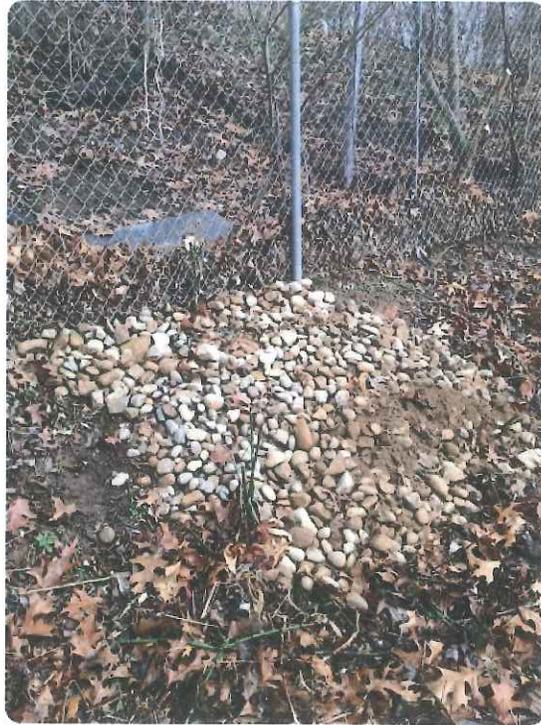
3) Liability of the Drain Commissioner for Bonds and Notes

Gilbert Drain

Townline Drain - Galesburg

4) 2012 Assessment Roll Summary

II. PHOTOS



Wendalyn Woods Basin: Cutting brush from fence and wheelbarrowing in rock for erosion control.



Davis Creek: Proposed area of repair N of Business 94



MDEQ tour of Davis Creek





Willard Street Bioretention Project: Gas Leak



Neighborhood installment



Willard Street Gang



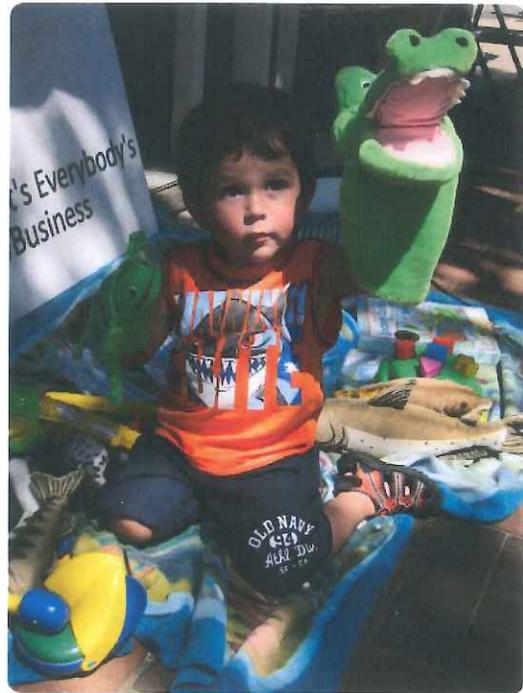
AUSTIN LAKE: Constant debris at the Dam



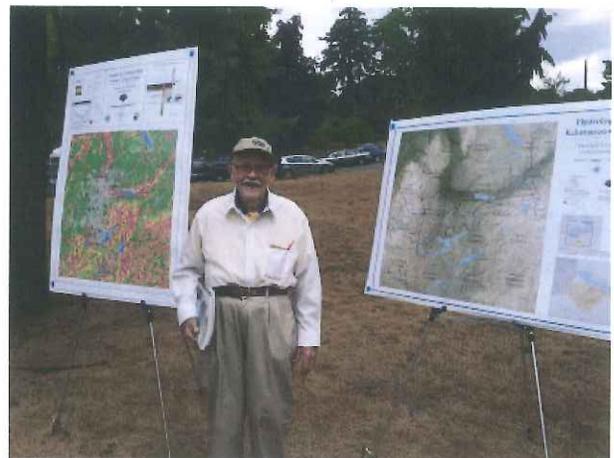
Flow between the boards



Vicksburg Car Festival



Kindleberger Festival



Map Lover



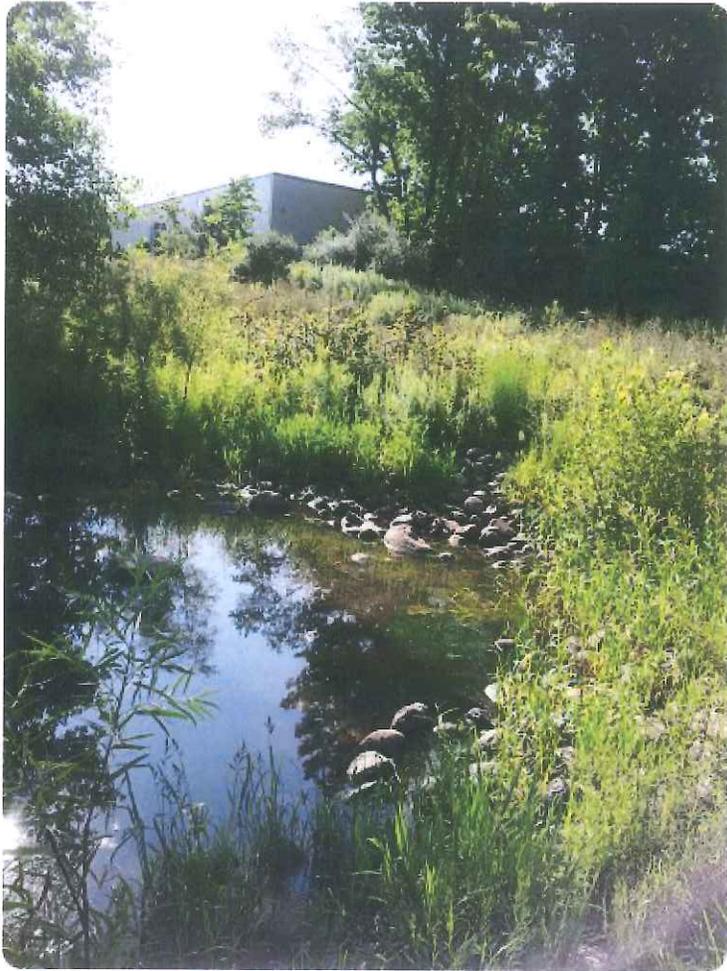
Kindleberger Festival



County Fair Friend



Portage Green A-Thon!



Beautiful Industrial
Stormwater Detention

Residential Stormwater
Detention Pond Artist





Cleaning Pease Drain after three years



One clean section



Pervious Pavers



III. INTRODUCTION

2012 was a dry year. There were no flooding emergencies. This change in conditions made it possible for the Drain Office to carry out more mid-sized drain maintenance projects, devote more time to introducing local governments to the Site Development Rules, do many more public stormwater education activities, and continue to optimize office operations.

Local rainfall averages about 36" per year, with roughly 50% of that amount evenly spaced during the growing season (May through September). In 2012, rainfall was normal until May. From May to September we were down 9 inches from average. Crops suffered, streams disappeared, lake owners grew anxious. Groundwater levels, which in 2011 had been higher than average, in some places dropped to record lows by December 2012.

Economic challenges persisted throughout the County though we did get increased marginal development. Though the Drain Office continued to be productive it held an even tighter rein on expenses: Expenditures on drains declined about 25% from 2011, and total assessments declined to \$77,000, only a third of 2011. The Drain Office made every effort to be good stewards of the resources granted to it by the County Board of Commissioners and spent less than 42% of its allocated operating budget (the part the office administers), for an average of less than 49% since 2009. Costs for excavation, contracting, engineering, mowing and financing continued to be favorable for work.

Though we worked on about twice as many plats as traditional drains, we spent about four times more money on the traditional drains. Because the drought caused a drop in the usual number of requests for service, we did more mid-sized projects than small ones. About 40% of expenditures were spent in Pavilion, Brady, Climax and Wakeshma and about 30% in Alamo, Cooper, Kalamazoo Twp/City. We continued with the MS4 permit stormwater outfall inspection program. The County has 14 Drain outfalls and 21 County Administration stormwater outfalls.

The Drain Office is responsible for the care of many valuable and fragile historic documents and we were unable to adequately protect them from damage from water and fire. So the most exciting event in the Drain Office in 2012 was the scanning of all the documents. Mr. Glen McCaw brought his high resolution equipment and scanned all documents on site. The optical character recognition feature made it possible to find references to historic drain events in pre-1900 newspaper articles. Searching for information in the files is now much a much easier and pleasant task. Since then we received many more original documents from Prein and Newhof and are beginning to realize that we have just begun our journey to using less paper.. This improvement was funded by the County Clerk Tim Snow's Technology fund. We are very grateful to be free from worrying about that particular responsibility.

The GIS Coordinator in the Planning and Community Development Department, Jason Enos, continues to significantly contribute to the improved functioning of the Drain Office. He produces updated parcel lists of drain districts, enabling apportionment models incorporating area and land use to be constructed,

new maps for communicating with the public at meetings, and makes it possible for us to quickly address a large variety of practical geographically-based inquiries that are critical for Drain Office decision-making.

In 2012, the Drain Office applied for a second EPA TMDL grant for Davis Creek with partners from the Cities of Kalamazoo and Portage, Kalamazoo, Comstock and Pavilion Townships, the County Road Commission, the Kalamazoo River Watershed Council, and Kieser & Associates. The purpose of the grant is to implement the best management practices engineered in the previously completed grant. Staff from the MDEQ district office visited Davis Creek on several occasions to help select the improvements that were ultimately funded at \$117,702.92 with a 25% match of in-kind donations and drain assessments.

We completed a Kalamazoo Community Foundation Community Demonstration Project with the Food Coop and other partners. In June, we held a public celebration of the signs being installed at the Coop. This provided three radio opportunities on WKZO to explain improved stormwater management strategies to the public.

The drought postponed progress on a second Kalamazoo Community Foundation demonstration project on Willard Street. The partners for this project included the Stewart and Willard Neighborhood Associations, Kalamazoo County Land Bank Authority, OCBA Landscape Architects, and Naylor Landscaping. We installed two rain gardens in the existing green spaces between the sidewalk and Willard Street. These rain gardens compliment the two residential rain gardens that were installed on Willard in 2012 located at the two new homes on the block developed by the Kalamazoo County Land Bank.

In 2012, the Kalamazoo County Board of Commissioners loaned the Austin Lake Governmental Lake Board \$133,000 to assure sufficient cash flow for the Austin Lake aeration project. That aeration system was installed in late summer and early measurements of muck reduction are favorable. The loan will be repaid with interest to the County over a four year period.

As of December 2012, all but \$40,485.66 debt to the \$185,000 Drain Revolving Fund had been assessed out. This assures that sufficient funds are available for more work in 2013.

In 2012 the Kalamazoo County Drain Commissioner continued to serve on the Michigan Association of County Drain Commissioners Legislative Committee. Besides maintaining good relations with other state and local partners, the Drain Office continues to reach out to the community in its efforts to increase public trust in its operations. In 2012, the Drain Office had a high degree of interaction with groups like the Kalamazoo County Stormwater Working Group, the Parks and Recreation Commission, the Disaster Committee, the Board of Public Works, the Total Maximum Daily Load (TMDL) group, the Environmental Health Advisory Committee, the Austin Lake Governmental Lake Group, and the Parks Foundation. Every staff member contributed to United Way.

Other opportunities for better understanding, partnerships, and governance were found by listening to the concerns of the Kalamazoo Environmental Council, the Greater Kalamazoo Homebuilders Association, the Chamber of Commerce Environmental Council and Council of Governments, the Kalamazoo River Watershed Council, the Kalamazoo County Farm Bureau, the Friends of the St. Joseph River, and the Natural Resources Conservation Service.

Preventable flooding and improved stormwater management is addressed in the Site Development Rules. The Site Development Rules were adopted by the County Board of Commissioners in July 2012 for all County Administration facilities and construction projects.

In 2012, there were 8 projects finished and 5 more in-progress (East Corporation County Drain, Big Marsh County Drain, Davis Creek, Austin Lake, and Big Marsh #2 Intercounty Drain). Four of the 13 projects were petitioned projects. The mowing contractor, Even Cut Services, mowed 32 basins twice in the growing season. The maintenance crew cleared brush and removed solid waste from 8 drains and 5 basins.

A total of \$77,043 for work in 13 drainage districts was assessed in 2012, down from \$223,575 in 2011. Of that total, about 68% was assessed to landowners, 19% to townships and other municipalities, 9% to Kalamazoo County; and 4% to the Kalamazoo County Road Commission.

The following report will review the duties, activities, office, and financial reports for 2012.

IV. GENERAL DUTIES

The Drain Commissioner duties:

- Provide for the operation, and maintenance of more than 170 county and inter-county drains, 180 platted basins, and numerous other stormwater collection systems necessary for stormwater management, drainage, flood prevention and stream protection to agricultural and developed lands
- Recover the costs of operation by levying special assessments on local governments, private property owners, and others who benefit from drainage and stormwater management improvement projects
- Finance drain projects through the sale of bonds and notes
- Maintain records of the establishment and operation of each drain district
- Oversee the management of all drainage district financial accounts
- Publish design standards for stormwater systems
- Review and issue approval of plans for private stormwater systems in new developments and redevelopments
- Determine the legal lake levels for petitioning lakes
- Maintain legal lake levels on four lakes and serve on governmental lake boards
- Implement the federally-mandated Municipal Separate Storm Sewer Systems (MS4) Stormwater Permit Program in 3 of the 8 sub-watersheds in the Kalamazoo River Watershed, and 1 of the 5 sub-watersheds in the St Joseph River Watershed located in Kalamazoo County.
- Participate with others in watershed plan development and implementation
- Serve on the Parks and Recreation Commission, the Parks Foundation, the Environmental Health Advisory Council, the Disaster Committee, the Kalamazoo River Watershed Council, and the Board of Public Works
- Seek stormwater management enhancement grants
- Work with local property owners, county municipalities, the County Soil Erosion and Sedimentation Control Agent, the Kalamazoo County Road Commission, the Michigan Department of Transportation, the Michigan Department of Natural Resources and Environment, and the Kalamazoo County Stormwater Management Working Group

V. ACTIVITY

A. *County Drains*

PROJECTS (not routine maintenance)

1) Petition projects

East Corporation Drain

A petition to establish a drainage district was received in August 2010. A survey was performed and a district created in October. A second petition for construction of a county drain was received in December. The project was deemed necessary by a board of determination on February 1, 2011. A request for proposals was sent out and Merritt Engineering, Inc was selected for the design work. The preliminary engineering is complete and outlines two alternatives. Easements have been acquired. Final design is nearing completion and MDOT and Norfolk Southern Railway permits have been obtained. Design will be finalized into bid documents. Bid letting and construction commencement should take place by summer.

Lexington Green

July 2011, the Portage City Council passed a resolution to petition for a drain that is a sub watershed of the Davis Creek Drain. On May 31st 2012, the Drain Commissioner affirmed the boundaries of the Lexington Green Drainage District. On February 26, 2013, the City of Portage approved a petition for drainage improvement to the Lexington Green Drain. The next step is to hold a board of determination hearing to determine if the project should move forward. This meeting should be held in early summer 2013.

2) Maintenance projects

Annis Drain

A property owner complaint led to an inspection of the Annis Drain in Brady Township. This inspection revealed that a berm had been built that was blocking flow. A survey was performed to determine elevation flow patterns. This berm was not intentionally built but filled in over time for a crossing. A culvert was installed in the berm to alleviate the flooding issue.

Austin Lake Consolidated Drain

Maintenance work on the drain was performed this year to include removal of fallen trees and general brush removal. The dam and culverts were cleaned of weed debris three times over the fall period. A new gauge was installed at Long Lake.

Bear Creek Drain

Woody debris removal continued on Bear Creek from storm damage on an area of the southern portion of the drain. A blocked outlet was cleared that provides flow from two separate drains.

Big Marsh #1 (County Drain)

Maintenance continued on the Big Marsh drain into 2012. Woody debris removal continued on the middle section. A beaver trapper was hired to remove a nuisance beaver that was obstructing flow. Outlets for tributary drains the feed into the Big Marsh Drain were cleared in several sections.

The Haas Drain, a tributary to the Big Marsh Drain, is eroding and causing water to back up. An inventory survey was done over that entire drain. This survey showed a need for an in stream structure to trap sediment. A detailed drawing is being prepared with a summer 2013 construction schedule being planned.

Seminar Drain

A petition was received to clean out Seminar Drain but the work was performed under maintenance. A survey revealed sediment build up in the drain. It also determined an outfall to another drain had been filled in by a previous owner. A crossing was installed at the property owner's request, the banks graded to improve surface drainage, and the ditch cleaned. In 2012, the drain was inspected and the flow has dramatically improved.

Vicksburg Drain

The Vicksburg Schools called about a drainage issue with the Vicksburg Drain. An engineer was hired to study the record drawings and do a site survey to determine what was the problem. The report came back that undersized pipes set at low elevation were backing up water on school property. The potential repair exceeds the Drain Office maintenance limitations so a meeting with the Village of Vicksburg is planned.

ROUTINE MAINTENANCE

1) Clearing Brush/ Removing Waste/Beavers

In 2012, the Drain Office hired a maintenance crew to remove obstructions and brush, and trappers to remove beaver.

Camp & Holland
Climax-Wakeshma
Davis Olmstead
Eldred Drain
Franklin Drain

Gilbert
Parker
State Ditch
Wendalyn Woods

2) Signage

Five signs were replaced and repairs were done to another ten as ongoing maintenance to preserve and protect the County Drain system with good signage for the general public.

B. Inter-County Drains

PROJECTS (not routine maintenance)

1) Petition projects

Big Marsh #2 (InterCounty Drain)

Flooding of roads and properties on Minges Creek, a cold water stream in suburban Battle Creek, led to a petition from the Calhoun County Road Commission to the Calhoun Water Resources Commissioner to extend the Big Marsh Intercounty Drain from eastern Kalamazoo County to Battle Creek. A meeting of practicality was held and it was agreed that a study would be done to determine if work was necessary. There are only 11 property owners in the district for Kalamazoo County. The Big Marsh Intercounty Drain report was completed which identified numerous deficiencies. A technical advisory committee was formed with land owners to hear all ideas and concerns. The hearing of necessity was scheduled for early June 2011, but before that took place, a legal challenge to the project was upheld and the case is now moving through the court system. The Court of Appeals has still not heard the case for the drain. Action on this is expected in 2013.

2) Maintenance projects

Otsego-Alamo

The Allegan County Drain Office commissioned major channel work in the City of Otsego in 2011. Kalamazoo County is responsible for 10% of all costs associated with the drain. The district apportionments were updated using historic boundaries and a Day of Review was held. Work is complete and assessments are ongoing.

Little Portage Creek

Woody debris removal was performed and an outlet from a tributary drain was cleared.

C) Plats

PROJECTS (Not routine maintenance)

1) Petition projects

Little Ranches

An inquiry from a property owner in the Little Ranches Plat in Cooper Township was received by the Drain Office. The property owner lived on a retention basin and wanted to install a pool but location was an issue. The drain commissioner's office was able to secure an additional easement and release part of an easement to allow the location of the pool. An existing pipe was extended to accommodate proper drainage. The Little Ranches Drainage District was established in September 2012.

2) Maintenance projects

none

ROUTINE MAINTENANCE

1) MS4 Illicit Discharge Inspections

Dry weather inspections were performed on drainage basins in the MS4 permit area suspected of having a discharge to waters of the state during the summer of 2012. No illicit discharges were identified and no visual circumstances were observed to determine any illicit discharge exists.

Eagle Heights Basin 1
Eagle Heights Basin 2
Englewood Estates 1-4
Pine Island 2Dwy4
The Vineyards 2
Lake Forest Estates
Kilowatt Lake Drain
Stadium Parkway

Greenfield Pointe 1,3
Pine Island 3Dwy3
Pine Island 3Dwy5
Pine Island 3Dwy8
Tiffany Woods
Lyons Lake Estates

2) Mowing

The Drain Office hires a maintenance contractor for drainage basins each year. In 2012, thirty-two drainage basins were inspected, trash removed, and mowed twice during the growing year. All complaint calls are logged and followed with a closing report. No reports or signs of any illicit dumping occurred during this reporting cycle.

Applegate Farms
AZO
Bela Sera
Bel-Villagio
Breckenridge 1
Colonial Village 1
Fleetwood 4-5-6
Fleetwood 7
Forest Glen Estates
Greenfield Pointe 3
Greenview Meadows
Meadow Wood Estates 1
Meadow Wood Estates 2
Mystic Trail Estates
Nichols Landing
Northpeak

Oshtemo Woods
Prairie Ridge Estates 2
Rolling Meadows 3
Rose Blossom Trail
Rudgate Meadows
Springbrook Meadows
Texas Heights 3
Texas Heights 5
Valleywood 1-7
Valleywood 2-3
Valleywood 5-6
Virginia Downs 4-5
Walkers Trail
WestPort Trail 1
Wildwood Hills
Woodbrook #3

3) Clearing Brush/ Removing Waste/Misc

Autumn Woods
Forest Glen Estates
Meadowood Estates 2
Mystic Trail Estates

Oshtemo Woods
Wendalyn Woods

4) Signs

There were about 5 signs that were repaired in 2012.

5) Pumping

Greystone

D) Lakes

Austin Lake

The Austin Lake Governmental Lake Board (ALGLB) was formed at the request of the City of Portage in 2009 to consider muck removal in the South Bay of Austin Lake. After a study was completed, a project was approved and a special assessment district and assessment roll defined. In 2012, the ALGLB requested a loan of about \$134,000 from the County to assure an adequate cash flow over a four year period for the project. The loan will be paid off with interest.

Sunset Lake

The Lake Level Study for Sunset Lake was completed and approved by the County Board of Commissioners on September 21, 2012. A special assessment district was created and approved by the Drain Office. The court date for the legal level has been set for April 8th 2013. First-class and newspaper notices of the court hearing are being sent out.

Long Lake

The Drain Commissioner attended a meeting of the Long Lake Governmental Lake Board to discuss potential weed control programs and a continuation of the supplemental well maintenance assessment. A public hearing supported the adoption of a new assessment for these items. Because the dry conditions, the supplemental well was run through the end of the year. While there is a pumping policy for the maintenance of the lake level, there is no policy for the continuation of pumping during drought conditions.

E) MS4 Activities

In late 2010, our 2008 MS4 permit was revoked as part of an ongoing court dispute in SE Michigan. The old permit from 2003 was reinstated. MS4 activities for 2012 were: public education, staff education, SWPPP compliance, the site development rules and grant management. The last two activities are covered in other sections of this report

1) Public Education

In 2012 the Drain Commissioner presented stormwater demonstration at the : Home Expo, Kalamazoo Nature Center Earth Day, Portage Green-a-Thon, Vicksburg Old Car Festival, Greater Galesburg Days, Kindleberger Festival, Olde Tyme Tractor & Steamer Show, Kalamazoo Bike Expo, Kalamazoo County Fair, the Kalamazoo Senior Expo Fair, Tillers Harvest Festival and Oshtemo Days. Misty Klotz was a great help in helping to communicate with the large numbers of people who showed up at our booths. We had water games and toys for kids, ample seating for tired parents, regular stormwater exhibits and small talks, and several county maps including a new map of the first survey done in Kalamazoo County, showing the unaltered hydrology before dams and drains. The layout was originally designed to attract the younger audiences so that we could capture the older audiences, but we were happy to find that many teenagers enjoyed the presentations. The Drain Commissioner also taught two environmental science classes at Gull Lake High School

Though we originally intended to simply present the Site Development Rules to the local governmental units, we realized that some basic stormwater education had to be first presented. People seemed genuinely fascinated with knowing more about stormwater and so the adoption process is somewhat slowed but hopefully more successful in the end.

The Drain Office collaborates with the Kalamazoo County Stormwater Working Group on a monthly to quarterly basis to discuss permit compliance including educational opportunities.

Drain staff participates in Kalamazoo Regional Chamber of Commerce Environmental Council most months. With the Home Builders Association of Greater Kalamazoo, the Drain Office crafted a stormwater goal as part of the Kalamazoo Regional Chamber of Commerce 2012 Business and Quality of Life Agenda. It was: "Promote effective, affordable and sustainable stormwater management practices to prevent costly damage to private property and our natural resources".

2) Staff Education

Drain Office staff attended all stormwater work group meetings in 2012. The Drain Office continues to collaborate with the soil erosion control agent, Kellie Layman, on all soil erosion issues.

The Drain Commissioner attends the Kalamazoo River Watershed Council meetings monthly and is a member of the board. She helped select a new coordinator.

The Drain Office participates in the Lake Allegan/Kalamazoo River Phosphorus Total Maximum Daily Load Implementation and Point Source Committees meetings almost every quarter.

3) Compliance

In 2012, the Michigan Department of Environmental Quality audited the County stormwater program as a part of the stormwater permit. This audit included in office document review as

well as inspection of facilities. The document review was acceptable, with some minor recordkeeping corrections.

The County Garage on Lamont Street was inspected as well as Animal Control, and the Household Hazardous Waste Facility. All facilities passed inspection with some minor housekeeping corrections. The DEQ had not been into County facilities in over 20 years.

The County Of Kalamazoo is in full compliance with the stormwater permitting program. This onsite audit will not occur again until 2017. Biannual reporting is still required as well as ongoing programs. The next report is due on December 31, 2013.

Additional work requested by MDEQ after the audit was submitted in August. This included better definition of all discharge locations and additions to the Stormwater Pollution Prevention Plan (SWPPP) part of the general NPDES permit.

The Drain Office is an active partner in supporting the Portage River Watershed Plan revisions grant. We also are partners on the e coli TMDL for Little Portage Creek in the St. Joseph River watershed.

F) New Subdivisions

The Drain Office has responsibility under The Land Division Act to review and approve the drainage for subdivisions. In 2012, we mostly worked on small additions to developments.

G) Drain Permits

In accordance with the Site Development Rules of the Kalamazoo County Drain Commissioner, a permit must be obtained from the Drain Commissioner's office if a party needs or wants to do work in a county drain and/or the work requires tapping into or crossing over or work in the drain right of way. There is a \$150.00 fee associated with this permit. A total of 9 drain crossing permits were issued in 2012. The majority were to the Kalamazoo County Road Commission for road crossings This work entailed utility crossings and other types of activity in drains.

H) Kalamazoo County Road Commission

The Drain Commissioner's Office considers the Kalamazoo County Road Commission an important partner. We share our stormwater permit with them and meet with them quarterly where we discuss common issues and goals. Their field staff functions as our eyes and ears to the county and they help us stay on top of evolving issues. Problems can be e-mailed in to the Road Commission and the area superintendents inspect and report back usually within a day. This level of cooperation is vital going forward to continue a high level of service at a reasonable cost.

I) Certifications

Zeña Vos, the Drain Office Administrative Assistant, renewed her SESC Inspector Certification and passed the Stormwater Operator test. Drain staff often attend local multicounty Soil Erosion meetings with Kellie Layman, the County Soil Erosion Enforcement Specialist. Both the Drain Commissioner and the Deputy Drain Commissioner took advantage of numerous training opportunities and public outreach. This included webinars and conferences: In addition to training offered by the Michigan Association of County Drain Commissioners (MACDC) in Spring and Fall, staff attended two days of Microsoft Excel training. The Deputy Drain Commissioner attended soil erosion training at Calvin College in March, concrete pipe training in April, and attended the southwest MI soil erosion control meeting. He presented at the December 2012 septic certification class for the Kalamazoo County Health and Community Services Department.

J) Site Development Rules

The Drain Office revised the Kalamazoo County Drain Commissioner Site Development Rules which provide procedures and design standards for stormwater management for plats, mobile home parks and condominiums. In 2012 the Drain Commissioner presented the advantages of local adoption of the new Rules to the Township Supervisors and to 14 municipal planning commissions. She also explained how the depth to groundwater affects flooding and development. Almost all townships have requested copies of that map for display at their own office. The Rules adoption effort will continue into 2013.

K) Grants

The Drain Office is interested in grants that will extend the purchasing power of drain assessments, increase public awareness of effective stormwater management techniques, and strengthen local partnerships. This involves frequent brainstorming meetings with a large variety of potential partners. In 2012, the Drain Office celebrated the completion of one grant project, worked with partners to implement another, and won a third.

The first grant was from the Kalamazoo Community Foundation to provide support and education for the rain garden at the Food Coop. Two signs were erected at the Coop describing the function of the rain garden, native plantings and pervious sidewalk. A community celebration was held in June, with articles in the Gazette and three audio interviews with personalities at WKZO.

The second grant, also from the Kalamazoo Community Foundation, was for the construction and planting of two two different Willard St. bioretention basins. The Land Band Conference visited this site. Signs describing the project are to be located near Kalamazoo River Valley Trail, with a measured traffic count of over 5000 visitors/ month in the summer.

The third grant is an EPA TMDL implementation grant for the installation of three of the seven construction projects engineered previously for Davis Creek. This project included two new partners: Comstock and Pavilion Townships. Part of that project will reconstruct the streambank south of the 94 Business Loop and the other part will improve the stability of the unlined portion of Davis Creek that travels through the neighborhoods just north of Business 94.

VI. OFFICE

The major office Drain Office improvement of 2012 was the high quality scanning of the documents. This is the first step to using less paper in our work. The Drain Office continued to update its webpage (<http://www.kalcounty.com/drain>).

VII. LOOKING FORWARD

- Affordable drain maintenance continues to be the main goal of the Drain Office.
- Now that we have our historic documents in electronic form, we realize we still need to find a more sustainable method of handling all our communications. The Kalamazoo Health and Community Services Department is leading the County in this endeavor.
- We look forward to making steady progress on the East Corporation Drain in the City of Galesburg and Charleston Township.
- The Drain Office will establish a legal level for Sunset Lake.
- The Drain Office will seek continue to seek having the Site Development Rules approved by interested local governments.
- The new Davis Creek grant will get needed work done and provides an opportunity for the Drain Office to cooperate with municipalities on a continuing difficult problem.
- MS4 activities encourage more public recognition of good stormwater management techniques.
- The Drain Office will support public and private programs that enhance good stormwater management such as wetland restoration, outdoor recreation, and wildlife habitat

VIII. FINANCIAL REPORTS

Copies of the following four financial reports are on file in the Board of Commissioner's Office as well as the Drain Office. Please note that these reports reflect the balances on December 31, 2012. Final audited numbers for 2012 will be available in May 2012.

1) *Debit and Credit Balances of the Drainage District Funds*

- a) The December 2012 ledger balance shows end of year balances for all *regular and revolving* drain funds.
- b) The December 2012 drain ledger balance show total debits, total credits and year end balances for all *special* drain funds.

2) *Itemized Statements of Orders Issued for each Active Drainage District*

- a) Historic ledgers show activity of all *active regular and revolving* district funds.
- b) Accounting expense detail for all active drain *construction* funds.

3) *Liability of the Drain Commissioner for Bonds and Notes:*

- a) Discussion:

Gilbert Drain

A final payment of 93,451 was paid on August 1, 2012.

Townline Drain - Galesburg

This principal of this bond was \$415,000. In 2012, a total of \$52,202.5 was paid on the bond for the fourth year of ten years. The assessments associated with this bond payment are paid in summer, unlike usual drain assessments. This bond will be paid off in 2018.

- b) Long Term Debt Table shows the balances, additions and subtractions to principal and interest for all drains with Notes and Bonds in 2012.
- c) Detailed Revenue and Expense accounting for all special drain funds for drains with Notes or Bonds.

4) *2012 Assessment Roll Summary*

This is the roll approved and signed by the Kalamazoo County Board of Commissioners on September 9, 2012.

C.

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: May 7, 2013

DEPARTMENT: Circuit Court / Sheriff's Department

PREPARED BY: Frank Hardester

SUBJECT: 5 HDX 7000 Polycom video conference devices and related services from Custer Workplace Interiors (3 devices for Circuit Court; 2 devices for Sheriff's Department)

SPECIFIC ACTION REQUESTED:

Board approval is requested authorizing the Circuit Court and Sheriff's Department to proceed with the purchase of 5 video conference devices. (3 will be used in Circuit Court; 2 will be installed and implemented at the new jail)

DESCRIPTION OF ACTION (dollar amount, purpose):

The proposed purchase order that will be issued to Custer Workplace Interiors will allow the Circuit Court and Sheriff's Department to add video conference capabilities at the new jail and expand video conference use at Circuit Court.

The total cost for the project is \$52,510.70. The cost per department is shown below:

Circuit Court:	\$33,297.36
Sheriff's Dept:	\$19,213.34

Circuit Court was approved to use Capital Improvement Project (CIP) funds in 2013 to purchase 3 devices for use in Circuit Court. The Jail Improvement Project funds will be used for the Sheriff's devices.

TIME FRAME OF ACTION:

Immediate.

FUNDING SOURCE IF REQUIRED (Federal, State, or Local):

For the 3 Circuit Court devices:
101-444-958.02

For the 2 Sheriff Department devices:
466-011-958.00

PERSONNEL IF REQUIRED:

(indicate if elimination or creation and list FTE; job title; grade; full-time salary range; account number; and, if known, position number)

N/A

NEW OR RENEWAL:

New

ANY OTHER PERTINENT INFORMATION:

In the spirit of cooperation, the Circuit Court, Sheriff's Department and the County Purchasing Department combined Circuit Court's CIP project with the jails request for 2 units. .

PROCUREMENT INFORMATION:

(indicate if the contract was bid out, if not, state reason(s) why; indicate last time contract was bid out; indicate if awarded bidder was the lowest bidder, if not, indicate why)

The entire project followed the County's Purchasing Policies and a request for bid proposals was submitted.

A total of 5 proposals from the following vendors:

1. Expedite VCS
2. Custer Workplace Interiors
3. C&S Products, Inc.
4. AT&T
5. JAVS

The RFP review team found that all bidders were qualified and carefully evaluated the bids to determine the most advantageous for the County. The two lowest bids, Custer Workplace Interiors and Expedite are Certified/Specialized Partners with the manufacturer of this equipment. The Circuit Court and the Sheriff's departments deemed the closer proximity of Custer Workplace Interiors (domiciled in Grand Rapids, MI) compared with the apparent low bidder (Expedite VCS domiciled in Hicksville, NY) as providing an increased level of assurance in the procurement of these devices.

Expedite VCS, filed a protest based on lowest bid. Since lowest price is only one of the factors considered and the difference in bid price is less than \$700, this protest was denied. A subsequent appeal was submitted to the County Administrator. The County Administrator affirmed the decision to recommend award to Custer Workplace Interiors.

CONTACT PERSON WITH PHONE NUMBER:

Frank Hardester, Automation and Technology Manager for the 9th Circuit Court
Phone: 269-384-8246 Email: fehard@kalcounty.com

BID TABULATION: VIDEO CONFERENCING EQUIPMENT
MARCH 29, 2013, 3:00 PM LOCAL TIME

Item No.	Vendor Expedite VCS		Vendor Custer Workplace Interiors		Vendor C&S Products, Inc.		Vendor AT&T		Vendor JAVS	
	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price
1	\$ 34,854.30	\$ 36,312.16	\$ 37,800.00	\$ 40,000.00	\$ 47,000.00					
2	\$ 7,448.49	\$ 7,829.05	\$ 8,535.00	\$ 8,367.00	\$ 8,739.18					
3	\$ 3,676.55	\$ 3,822.89	\$ 4,450.00	\$ 4,433.20	\$ 4,975.00					
4	\$ 3,975.00	\$ 2,312.13	\$ 4,050.00	\$ 2,580.00	\$ 3,907.50					
5	\$ 1,315.62	\$ 1,837.85	\$ 880.00	\$ 1,104.00	\$ 2,810.00					
6	\$ 266.32	\$ 128.84	\$ 190.00	\$ 139.20	\$ 370.00					
7	\$ 153.24	\$ 133.89	\$ 310.00	\$ 250.00	\$ 350.00					
8	\$ 153.24	\$ 133.89	\$ 310.00	\$ 250.00	\$ 200.00					
Total:	\$ 51,842.76	\$ 52,510.70	\$ 56,525.00	\$ 57,123.40	\$ 68,351.68					
Addendum 1 acknowledged?	yes	yes	yes	no	yes					
Addendum 2 acknowledged?	yes	yes	yes	yes	yes					

D.

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: May 07, 2013

DEPARTMENT: Community Corrections

PREPARED BY: Kenneth D. Bobo

SUBJECT: Approval of Contract Amendment with BI, Inc..

SPECIFIC ACTION REQUESTED:

Approve contract between Kalamazoo County and BI, Inc., relating to a newly introduced GPS tracking mechanism.

DESCRIPTION OF ACTION (dollar amount, purpose):

Adds pricing structure to existing contract, for new product.

TIME FRAME OF ACTION:

FUNDING SOURCE IF REQUIRED (Federal, State, or Local):

Grant funding from Michigan Department of Corrections and client-paid funds.

PERSONNEL IF REQUIRED:

(indicate if elimination or creation and list FTE; job title; grade; full-time salary range; account number; and, if known, position number)

N/A

NEW OR RENEWAL:

Amendment to existing contract.

ANY OTHER PERTINENT INFORMATION:

The contract amendment implements a pricing structure for a new product to BI's product line, which is in use at OCC. The pricing structure is similar to what we are paying for a similar, but older model.

PROCUREMENT INFORMATION:

(indicate if the contract was bid out, if not, state reason(s) why; indicate last time contract was bid out; indicate if awarded bidder was the lowest bidder, if not, indicate why)

N/A

CONTACT PERSON WITH PHONE NUMBER:

Kenneth D. Bobo. 269.387.7136



Kalamazoo County

Health & Community Services

3299 Gull Road, P.O. Box 42, Nazareth, MI 49074-0042

DATE: May 7, 2013
TO: County Board of Commissioners
FROM: Linda Vail, Director/Health Officer
RE: ITEMS FOR YOUR CONSIDERATION

A. APPROVAL OF GRANT FROM THE MICHIGAN MEDICARE/MEDICAID ASSISTANCE PROGRAM (MMAP) TO THE HEALTH AND COMMUNITY SERVICES/AREA AGENCY ON AGING IIIA FOR THE STATE HEALTH INSURANCE ASSISTANCE PROGRAM (SHIP)

ACTION REQUESTED

HCS Administration requests Board approval of a grant from the Michigan Medicare/Medicaid Assistance Program (MMAP) to the Kalamazoo County HCS/Region IIIA Area Agency on Aging to support the State Health Insurance Assistance Program (SHIP), in the amount of \$15,023.00. The grant period is April 1, 2013 through March 31, 2014.

DESCRIPTION OF SUBJECT

These funds are intended to recruit, train, and support volunteers whose objective is to provide health benefits counseling and information on Medicare, Medicaid, Medigap, long-term care insurance and related issues to Kalamazoo County's older adults and disabled population and their family members.

RELATIONSHIP TO GOALS

This program meets the goal of strengthening the capacity of individuals and families at risk within the community to take control of their lives and work towards self-sufficiency.

FUNDING SOURCE

There are no County funds associated with this request. Funding is from the state via a grant from the Center for Medicare/Medicaid Services.

PERSONNEL

There are no personnel issues associated with this request.

PROCUREMENT

There is no procurement issue associated with this request.

ISSUES/CONCERNS

There are no issues or concerns. If you have any questions, please contact Judy Sivak, Director, Older Adult Services at 373-5153 or at jasiva@kalamazoo.com.

B. ACCEPTANCE OF AMENDMENT #2 TO THE AGREEMENT (GRANT NO. LCA-11-39015) BETWEEN THE MICHIGAN DEPARTMENT OF HUMAN SERVICES (DHS) AND THE COUNTY OF KALAMAZOO COMMUNITY ACTION AGENCY (CAA)

ACTION REQUESTED

HCS Administration requests Board approval to accept amendment #2, an increase of funding of \$14, 790 to the agreement with DHS, Grant No. LCA-11-39015 for a total funding amount of \$86,190 for the period of August 31, 2012 through August 31, 2013. The original agreement was approved on 8/87/12 (CAA) and 8/24/12 (DHS).

DESCRIPTION OF SUBJECT

This is an increase in funding to the agreement between DHS and CAA in regards to the Grant No. LCA-11-39015 provides the means for Deliverable Fuel Assistance. A recent funding redistribution allows for this increase in funding.

RELATIONSHIP TO GOAL

The increase in funding will help to foster and build stronger inter-agency relationships. These relationships will in turn allow the goal of the Community Action Agency, of promoting, teaching and providing means of self-sufficiency to peoples in our community, to continue.

FUNDING SOURCE

No County funds are requested for the implementation of this amendment. The increase of funds to the original agreement, LCA-11-39015 will be the only funds required.

PERSONNEL

There are no personnel associated with this request.

PROCUREMENT

There is no procurement associated with this request.

ISSUES/CONCERNS

There are no issues or concerns. If you have questions, please contact Josh Jacobs, Deputy Director, HCS at 373-5028 or at jejaco@kalcounty.com.

C. REQUEST FOR ACCEPTANCE OF AN AGREEMENT BETWEEN EVENTBRITE AND HEALTH AND COMMUNITY SERVICES (HCS)

ACTION REQUESTED

HCS Administration requests Board approval of an agreement with Eventbrite for the registration process for the 2013 Health Equity Summit.

DESCRIPTION OF SUBJECT

This agreement will provide online registration for the 2013 Health Equity Summit. Through the use of this service and agreement with Eventbrite, the Center for Health Equity (CHE) will be able to accept online forms of payment, streamlining the registration process for accessibility and efficiency.

RELATIONSHIP TO GOALS

This request closely aligns with the goals of HCS Center for Health Equity to promote and provide for an equitable means to access and to participate in community events for all peoples. This allows for increased community knowledge and awareness, eliminates access/registration barriers and promotes and supports self-sufficiency within community residents.

FUNDING SOURCE

There are no county funds associated with this request. Eventbrite collects a fee of 2.5% + \$.99 per ticket sold. There is no monetary charge for listing an event or for unsold tickets.

PERSONNEL

There are no personnel associated with this request.

PROCUREMENT

There is no procurement associated with this request.

ISSUES/CONCERNS

There are no issues or concerns. If you have any questions, please contact Josh Jacobs, Deputy Director, HCS at 373-5028 or jejaco@kalcounty.com.



Human Resources Department

201 West Kalamazoo Avenue, Ste 310 • Kalamazoo, Michigan 49007-3777

Phone: (269) 383-8998 • Fax: (269) 384-8099

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BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: April 16, 2013

DEPARTMENT: Human Resources

PREPARED BY: Jason Gainsley, Human Resource Director
Jean Michaud, Benefits Specialist

SUBJECT: **Nulty Insurance – Broker Agreement**

SPECIFIC ACTION REQUESTED: Presentation regarding RFP process and partnership decision at Committee of the Whole, action at Board Meeting (5/7/2013).

DESCRIPTION OF ACTION: We are requesting approval to partner with Nulty Insurance for our health and benefits lines of business. We are requesting the agreement be in place for 3 ½ years beginning May 1, 2013 and ending December 31, 2016.

Kalamazoo County completed a Request for Proposal (RFP) process for its brokerage services as part of the due diligence process. We received six responses to our RFP; of the six received, three finalists were chosen for presentations to Administration. Nulty Insurance, Mercer and Segal completed finalist presentations the week of March 25. Nulty and Mercer came in at the same consulting fees of \$150,000 annually; Segal had the lowest bid of \$95,000 annually. The team did not select Segal due to the differences in vision and service level.

We have been working with Mercer out of Grand Rapids and have been very happy with their services. However, throughout the RFP process it became apparent to the group that a partnership with Nulty Insurance could be very beneficial to the County. The Nulty group provided a very detailed presentation on health reform, which is a focus at Kalamazoo County; neither of the other groups handled the health reform discussion as professionally. Nulty offered services the other two groups could not offer, which is assistance with employee insurance claims. This is an area the Benefits Specialist spends a significant amount of time on, which will free her up to focus on more critical projects for the County. Another factor in our decision was Nulty is a local firm and we know Kalamazoo County will be a large account for them, with Nulty committing a great deal of time and effort to our plan designs.

Nulty Insurance is a local brokerage firm, serving the Kalamazoo area since 1945. They have a very experienced team of professionals to serve Kalamazoo County with its benefits and insurance programs. While the County continues to navigate the complexities of Health Care Reform, we are excited to partner with a broker who understands the potential challenges and changes we must undertake to conform with Health Reform. As you are aware, Kalamazoo County is required to comply with most of the requirements of Health Reform. We will need to partner with a group that receives legislative information timely, so we can react appropriately and remain in compliance from 2014 and into the future. As you are aware, Health Reform will evolve slowly over the next few years, with many changes required each year. This will require Kalamazoo County to review benefits structures, complete claims analysis, project for future expenses and communicate significant changes to employees. We will ensure compliance with Health Reform with the aid of Nulty Insurance.

The gross cost of this partnership is \$150,000 annually; however, this fee will be offset from commissions that are built into insurance contracts with Humana, Reliance Standard and Blue Cross Blue Shield. While it is uncertain what the net cost will be, we estimate \$35,000. In 2012 the commissions paid directly to our broker (Mercer) from the vendors was \$226,343 (BCBS \$139,366, Reliance Standard \$70,277.63 and Humana \$16,700), and we had no costs to Mercer. Effective in 2013 BCBS will no longer pay broker commissions directly from administrative fees on their self-funded groups, but they will continue to pay commission on the stop loss fees. As a result of the change at BCBS, our \$150,000 broker commission to Nulty will be paid by Reliance Standard, BCBS (from stop loss fees), Humana, but not at the full amount as in the past. The County will make up the difference, again, approximately \$35,000. It should be noted that this net cost would have been incurred if we had stayed with Mercer so comparative cost between the two was not a consideration in our recommendation.

FUNDING SOURCE: Employee Benefit Fund

NEW OR RENEWAL: New, to be effective 5-1-13 through 12-31-16.

ANY OTHER PERTINENT INFORMATION: Staff recommends approval; contract has been reviewed by Corporate Counsel.

CONTACT PERSON AND PHONE NUMBER: Jason Gainsley, 384-8101, or jrgain@kalcounty.com; or Jean Michaud, 383-8953, or jmmich@kalcounty.com

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: May 7, 2013

DEPARTMENT: Parks & Expo Center

PREPARED BY: David Rachowicz

SUBJECT: River Oaks Thunderbirds R/C Club Contract

SPECIFIC ACTION REQUESTED:

Approve the 2013 contract between Kalamazoo County and the Thunderbirds R/C Club for the club to operate remote controlled airplanes, helicopters, and control-line flight planes at River Oaks County Park.

DESCRIPTION OF ACTION (dollar amount, purpose):

The proposed contract is a renewal of an existing agreement. The Club reimburses the County for the maintenance expense. The area used for remote controlled airplanes is located at the north-east corner of River Oaks County Park.

The River Oaks Aero Modeler's Club will provide liability insurance policy with limits of at least \$2,500,000 per occurrence. The County will be named as additional insured.

TIME FRAME OF ACTION:

This agreement

FUNDING SOURCE IF REQUIRED (Federal, State, or Local):

Incremental mowing cost, based on seasonal staff labor rate for this area is estimated at \$152 per month. This cost will be reimbursed by the club. In addition, all members of the club will be required to purchase annual park passes and visitors to the site will be required to purchase daily or annual passes.

PERSONNEL IF REQUIRED:

NEW OR RENEWAL:

This is a renewal of existing contract.

ANY OTHER PERTINENT INFORMATION:

The Kalamazoo County Park Commission approved the agreement on April 4, 2013.

PROCUREMENT INFORMATION:

NA

CONTACT PERSON WITH PHONE NUMBER:

David Rachowicz, (269) 383-8787
dmrach@kalcounty.com

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: May 7, 2013

DEPARTMENT: Parks & Expo Center

PREPARED BY: David Rachowicz

SUBJECT: River Oaks Wenke Softball Complex Contract with Comstock Township

SPECIFIC ACTION REQUESTED:

Approve the 2013 contract between Kalamazoo County and the Charter Township of Comstock for the River Oaks Wenke Softball Complex.

DESCRIPTION OF ACTION (dollar amount, purpose):

The Wenke Softball complex was completed in 1998 and it was a joint project between Kalamazoo County Parks and Comstock Township. The Township contributed \$231,184 towards the construction of the project. The proposed lease is for one year and the Township will pay the County \$1,214. Under the agreement, the Township will complete all routine maintenance at the site, will maintain the restroom building, pay electric bills, pay for trash service, and will provide staffing for softball events. The lease payment contributes to the overall efforts County staff make towards maintaining River Oaks County Park.

TIME FRAME OF ACTION:

Agreement ends December 31, 2013. We typically have had five year contracts but are recommending this one year contract because construction is planned on the new spray park, playground, dog park, and picnic areas at River Oaks in 2014. Due to how this will increase usage at River Oaks, we will likely have modifications to include for future operations of River Oaks County Park.

FUNDING SOURCE IF REQUIRED (Federal, State, or Local):

Incremental mowing cost, based on seasonal staff labor rate for this area is estimated at \$152 per month. This cost will be reimbursed by the club. In addition, all members of the club will be required to purchase annual park passes and visitors to the site will be required to purchase daily or annual passes.

PERSONNEL IF REQUIRED:

NEW OR RENEWAL:

This is a renewal of existing contract.

ANY OTHER PERTINENT INFORMATION:

The Kalamazoo County Park Commission approved the agreement on April 4, 2013.

PROCUREMENT INFORMATION:

NA

CONTACT PERSON WITH PHONE NUMBER:

David Rachowicz, (269) 383-8787
dmrach@kalcounty.com

K.

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: May 7, 2013

DEPARTMENT: Planning and Community Development

PREPARED BY: Lotta Jarnefelt, Director

SUBJECT: KATS (Kalamazoo Area Transportation Study) In-kind Contribution for FY 2014 Unified Planning Work Program

SPECIFIC ACTION REQUESTED:

Approval of Assurances in support of in-kind contributions for KATS

DESCRIPTION OF ACTION (dollar amount, purpose):

KATS staff must satisfy federal and state requirements in the planning process in order to remain certified. Being certified allows federal transportation funding to come to Kalamazoo County for use by local county road and public transit agencies. KATS office operations are paid through Federal Highway Administration and Federal Transit Administration planning dollars.

The Assurance is provided in support of KATS's request to use in-kind contributions as match to their legislated funding. In the past, the Department of Planning and Community Development has reported to KATS the number of hours devoted to planning and transportation that relate to KATS's function, and KATS has counted the value of these hours as an in-kind contribution and a part of their match for funding.

In FY 2014, the in-kind contribution from the Department of Planning and Community development is estimated at \$6,100. If, for some reason, the Department does not meet this match, and other agency/municipalities also fall short of their match, there is a potential for KATS invoicing the difference of the pledged contribution and the realized contribution. The likelihood of this happening is very slim, but since there is a potential of a contractual expense of more than \$1,000, Board approval for the Assurance is hereby requested.

TIME FRAME OF ACTION:

Board approval of the Assurance is requested at the May 7, 2013 BOC meeting for the KATS FY 2014 (Oct 2013-September 2014)

FUNDING SOURCE IF REQUIRED (Federal, State, or Local):

In the unlikely event that in-kind contributions fall short of the \$6,100 value, the difference would be taken from the Planning Department budget (Acct nr 101-801-)

PERSONNEL IF REQUIRED:

NA

NEW OR RENEWAL:

Renewal of agreement 06-05-2012.

L.

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: May 7, 2013

DEPARTMENT: Planning and Community Development

PREPARED BY: Lotta Jarnefelt, Director

SUBJECT: Agreement for Licensed Pictometry Products between County of Kalamazoo and Township of Pavilion.

SPECIFIC ACTION REQUESTED: Approve the Authorized Subdivision Agreement for Licensed Pictometry products between County of Kalamazoo and Township of Pavilion.

DESCRIPTION OF ACTION (dollar amount, purpose):

For the purpose of consistency of terms used in the contract language with Pictometry Corp., the governmental unit is called "Subdivision" in this agreement. The agreement is made with the Pavilion Township for gaining access to the software, aerial imagery and training that is offered in the contract of January 25, 2012, amended June 19, 2012 between the County of Kalamazoo and Pictometry Corp. Each participating unit that wanted this access have signed similar agreements.

The fee for Pavilion Township for 18 sectors (western half of the township) to be flown in a higher resolution is a total of \$3,600 to be paid in 3 equal parts over the next 3 years.

TIME FRAME OF ACTION:

First 1/3 of payment is due at the time of initial delivery of the imagery, estimated in early summer of 2013. The second and third 1/3 payment is due 12 months and 24 months later respectively.

FUND TO BE CREDITED:

The fees will be reimbursed to the County Clerk/Register of Deeds Automation Fund.

PERSONNEL IF REQUIRED:

(indicate if elimination or creation and list FTE; job title; grade; full-time salary range; account number; and, if known, position number) NA

NEW OR RENEWAL OR AMENDMENT:

(If an amendment to a contract/agreement please provide the date in which the original was approved by the Board of Commissioners)

New agreement. Replaces agreement from March 3, 2009.

ANY OTHER PERTINENT INFORMATION:

Similar Subdivision agreements with additional townships, villages and cities were approved in 2012 before the flight was postponed to 2013

PROCUREMENT INFORMATION:

(indicate if the contract was bid out, if not, state reason(s) why; indicate last time contract was bid out; indicate if awarded bidder was the lowest bidder, if not, indicate why)

NA

CONTACT PERSON WITH PHONE NUMBER:

Lotta Jarnefelt 384-8115, lmjarn@kalcounty.com

M.

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: May 7, 2013

DEPARTMENT: Sheriff's Office

PREPARED BY: Paul Matyas, Undersheriff

SUBJECT: Approval Secondary Road Patrol Grant Additional Funding

SPECIFIC ACTION REQUESTED:

Approve the additional funding for the Secondary Road patrol being offered by the State of Michigan

DESCRIPTION OF ACTION (dollar amount, purpose):

\$12,060.00 to be added by the State to the Secondary Road Patrol Grant which will reduce the amount the Sheriff will need to budget at the end of the year.

TIME FRAME OF ACTION:

Added to the 2012-2013 Grant

FUNDING SOURCE IF REQUIRED (Federal, State, or Local):

State of Michigan

PERSONNEL IF REQUIRED:

The grant currently pays for two Deputies for Traffic patrol. No more personnel are being added.

NEW OR RENEWAL OR AMENDMENT:

Amendment to the Grant

ANY OTHER PERTINENT INFORMATION:

The Sheriff current is required to pay \$36,484.00 as part of the grant to fund both positions. The additional funds offered by the State will reduce that to \$24,424.00

PROCUREMENT INFORMATION:

CONTACT PERSON WITH PHONE NUMBER:

Paul Matyas, Undersheriff ph: 385-6176



Peter Battani, County Administrator
201 West Kalamazoo Avenue • Kalamazoo, Michigan 49007
Phone: (269) 384-8111 • Fax: (269) 384-8032

To: Board of Commissioners
From: Peter Battani 
Date: April 18, 2013
Re: District Court Consolidation Agreement

Attached is the amendment to the District Court Consolidation Agreement. This item will appear on your Consent Agenda for May 7. Also attached is the communication I provided you for the April 16 Committee of the Whole, for your review. Once you approve it, it will go for approval to the other signatories.

Please keep in mind, this only deals with the amendment to the Consolidation Agreement. The allocation to the 8th District Court of \$150,000 for Sobriety Court will be dealt with during the budget process, and will be formalized in a proposed Board policy for adoption at that time.

In the interest of time management for the Board, this item will not appear on your Committee of the Whole agenda, so, if you have questions about Amendment language, please contact either Mr. Canny or myself before the meeting. Of course, if you want the item pulled from Consent at the 7 p.m. meeting, please let us know.

Attachment

Proposed Amendment to the District Court Consolidation Agreement/Shaver Road Facility

INTRODUCTION

We have reached tentative agreement with the City of Portage on resolving the Shaver Rd facility issue.

The issue will be brought to the Board of Commissioners for public discussion and presentation on April 16, with a vote on the issue at the first meeting in May.

Any amendment to the DCCA (District Court Consolidation Agreement) must be approved by all the original signatories to the main agreement signed in 1997: City of Portage, City of Kalamazoo, District Court, and the County of Kalamazoo. There have been two prior Amendments, sought by the City of Kalamazoo, prior to this one.

To date, this proposed amendment has been tentatively agreed to by all parties, except the City of Kalamazoo, though tentative conversations indicate they are likely to agree.

The Court has already vacated the facility. The need to amend the Agreement is to resolve disagreements among the parties, particularly between the City of Portage and the County, in such a way that the integrity of the original agreement (which to-date is the most significant intergovernmental, multi-party consolidation in the County) is maintained, thus continuing to build on a foundation of trust and cooperation among multiple units of government for future consolidations and cooperative agreements.

MAIN PROVISIONS OF THE AMENDMENT

For a period of ten years, the County would pay to the City \$70,000 per year. That amount is determined based on the following: Current rent and maintenance costs in the facility, which the County/District Court currently pays, amounts to \$40,500. This is income lost to the City of Portage. Portage can document at least an additional \$30,000 per year in increased staffing costs for its attorneys, public safety and community development staff, as a result of cases that used to be adjudicated in Portage, but will now be adjudicated in Kalamazoo.

Payment of this \$70,000 would be made out of the first \$70,000 of Portage's share of fines and costs related to Portage *Ordinance prosecution* cases. Currently, Portage has agreed that the Court shall retain the first \$134,000 of the City's Ordinance Prosecution Fines and Costs. The proposed amendment will alter this relationship for ten (10) years so that Portage receives the first \$70,000 of the Ordinance prosecution costs and the County retains the difference between the \$70,000 and \$134,000. If Portage does not attain \$70,000, whatever the amount they generate less than \$70,000 would be remitted. Other provisions in the existing Agreement concerning the sharing of fine and cost revenue would remain unchanged.

The City of Portage will relinquish any further arguments or claims that could be made against the County or the District Court concerning the Shaver Rd issue.

The amendment would be effective July 1, 2013 if approved by all parties.

FINANCIAL ISSUES

Please see the attached spreadsheet identifying savings to the County as a result of the facility closure and as a result of the loss of a District Court Judgeship.

Total savings to the County for these two separate but related events over a 12-month period amount to about \$273,000. Total savings would be split as follows:

\$70,000 (or whatever Portage's first 1/3 share of fines and costs reaches to a maximum of \$70,000) goes to Portage.

Remaining \$203,000 is retained by the County and allocated as follows:

\$150,000 allocated exclusively to the District Court's Sobriety Court (a condition of the District Court agreeing to the Amendment). The District Court, because it can charge fees, and raise other revenue will likely not need to spend the full \$150,000 per year, but is requesting this be committed annually as a base/floor of funding. What it does not spend in a given year would be returned to the General Fund. This would be codified in a Board of Commissioners budget policy.

\$53,000 (at minimum) returned to the General Fund to reduce ongoing expenditures.

BENEFITS TO THIS AMENDMENT

Maintains the integrity of the original DCCA.

Resolution of the issue requires all sides to compromise their respective positions for the sake of the entire county, for the good will for future agreements and the working relationship among the parties. If we fail to reach agreement, that will likely result in unproductive discourse among the parties and, though no one really wants it, possible litigation. Portage asserts that at the time of the original DCCA, its main condition of joining that agreement was to maintain a court in Portage. By agreeing to this Amendment, the County is at the same time acknowledging Portage's position and addressing the current reality of public funding and conditions leading to the need to close the facility that could not be foreseen in 1997. This is a situation that is unique to Portage in that they are the only local unit in the County to have had its own court facility now being closed under this Amendment.

Assists the City of Portage with its public safety needs and costs for a 10 year duration.

The Amendment is time-limited and eliminates the concept of "perpetuity" in the original agreement.

Provides a floor level of support for an important diversion alternative program, the Sobriety Court.

Relieves pressure on the Drug Court Reserve because the Sobriety Court would not in the future make requests from the Reserve.

Restores a minimum of \$53,000 of annual savings to the General Fund on a 12 months basis, and likely more than that, depending on the funding issues in the Sobriety Court.

K:\Battani\BOC\2013\Proposed Amendment to the District Court Consolidation Agreement.doc

**ADDENDUM NO. 3
TO DISTRICT COURT CONSOLIDATION AGREEMENT**

This Addendum is entered into on this _____ day of April, 2013 by and between the City of Kalamazoo, the City of Portage, the County of Kalamazoo, and the Kalamazoo County 8th District Court.

WHEREAS, on April 10, 1997, the parties to this Addendum signed a District Court Consolidation Agreement (Agreement) whereby the parties agreed to administratively consolidate the 8th District Court and the 9th District Court, Divisions I and II, effective January 1, 1999; and

WHEREAS, the Agreement was amended by Addendum No. 1 on June 20, 2000; and

WHEREAS, the Agreement was amended by Addendum No. 2 on March 18, 2003; and

WHEREAS, it is necessary to amend the Agreement a third time to accommodate further developments that have occurred since the signing of said Agreement and Addendums No. 1 and No. 2.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the first paragraph of Section 1 LEASE OF REAL PROPERTY to read as follows:

The Cities hereby agree to lease to the County on January 1, 1999, facilities occupied by the respective District Courts on the effective date of this agreement, together with all improvements now erected thereon for the amount of One Dollar (\$1.00) and other valuable consideration, part of said consideration being the assumption and payment by the County of operations, such as utilities, custodial, normal maintenance, etc. which are involved due to the County presence. The Cities and the County will agree to an annual fee for these services which shall be remitted to the Cities on a quarterly basis. The City of Portage and the County agree that the lease between the City of Portage and the County, as set forth in this paragraph, shall end on June 30, 2013. The City of Portage and the County agree that beginning on July 1, 2013, the City possesses the sole discretion to determine the use and tenant(s) for this space.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the fourth paragraph of Section 1 LEASE OF REAL PROPERTY to read as follows:

The City of Portage and the County agree that the County shall assume responsibility for all normal repairs and maintenance for the City of Portage court facility leased by the County upon the effective date of this agreement. Thereafter, the determination of the necessity for major improvements/expansion at the Portage court facility and the responsibility for the costs of

any improvement or expansion shall be the County's responsibility. The City of Portage and the County agree that the responsibilities assumed by the County in this paragraph shall cease when the lease between the City of Portage and the County, ends on June 30, 2013.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to strike, in its entirety, the last paragraph of Section 1 LEASE OF REAL PROPERTY, of the 1997 Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the portion of the last paragraph of Section 3A STATUTORY DISTRIBUTION OF FINES AND COSTS entitled "B. CITY OF PORTAGE" of the Addendum No. 2 dated March 18, 2003 as follows:

The cities agree that the County shall retain the cities' statutory share of the ordinance fines and costs, beginning with the effective date of this Addendum No. 2, subject to the following exceptions which are all based upon an annual (calendar budget year) basis:

B. CITY OF PORTAGE

1a. Effective July 1, 2013, the County shall, on an annual basis, remit the first \$70,000 of the City of Portage's share of the ordinance fines and costs to the City of Portage. The first payment shall be made October 25, 2013 and shall be in the amount of \$17,500 for the City of Portage's share of the ordinance fines and costs for July 1, 2013-September 30, 2013 (i.e. one-fourth of the annual amount of \$70,000). Payments shall thereafter be paid in the same manner on January 25, April 25 and July 25 based upon the prior calendar quarter. Provided that if the City of Portage's share of the ordinance fines and costs in any calendar year do not reach \$70,000, the County is only required to remit the full amount of the City of Portage's share of the ordinance fines and costs in that calendar year.

1b. Effective July 1, 2013, after the County has remitted \$70,000 of the City of Portage's share of ordinance fines and costs to the City of Portage, the County shall retain the next \$64,000 of the City of Portage's share of the ordinance fines and costs.

1c. Any monies that the County receives in excess of the \$64,000 set forth in Paragraph 1b immediately above based upon the City of Portage's share of the ordinance fines and costs shall be remitted to the City of Portage on an annual basis, and in a single sum paid, within thirty (30) days of the end of the calendar year in which the ordinance fines and costs were received.

1d. At the end of each calendar year, the parties shall perform a reconciliation so the quarterly payments described above do not result in the Parties receiving more or less than it should based upon the annual total excess revenues (note: for 2013, the annual figure will be prorated to \$35,000). Those sums paid by defendants in OUIL/OWI cases

as "cost recovery" shall be paid directly to the City and are outside the scope of paragraphs 1a, 1b, 1c and 1d.

BE IT FURTHER RESOLVED that the effective date of this Addendum No. 3 shall be July 1, 2013 and the amendments to Section 1 Lease of Real Property set forth in this Addendum are permanent. The amendments to Section 3A Statutory Distribution of Fines and Costs shall be effective until June 30, 2023. On July 1, 2023 the provisions of Section 3A Statutory Distribution of Fines and Costs shall be the same as they were on June 30, 2013.

CITY OF KALAMAZOO

By: _____
Kenneth Collard, City Manager

Date: _____

CITY OF PORTAGE

By: _____
Maurice Evans, City Manager

Date: _____

COUNTY OF KALAMAZOO

By: _____
David Maturen, Chairperson

Date: _____

By: _____
Timothy A. Snow, Clerk/Register

Date: _____

KALAMAZOO COUNTY 8th DISTRICT COURT

By: _____
Paul J. Bridenstine, Chief Judge

Date: _____