The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, October 25, 1994 at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Potvin, seconded by Comm. Seppanen, and unanimously carried that the minutes of the Committee of the Whole meeting held on October 11, 1994 be approved.

Chairperson Corkin opened the meeting for public comment. None was forthcoming.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault and unanimously carried by voice vote that the agenda be approved with the following change: That Item 23: "Closed Session to consider labor negotiations," be moved up on the agenda to approximately 5:15 P.M.

It was moved by Comm. Seppanen, seconded by Comm. Minelli and unanimously carried by voice vote that Claims and Accounts for the period October 7, through October 20, 1994 in the amount of $1,154,084.21 be approved.

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The Committee considered a request from Linda Rossberg, Marquette County Cooperative Extension Director, for a $1,000 donation from Marquette County for participation in a "Needs Survey" being conducted by a Human Services Coordinating Body. Linda Rossberg was present and explained the Needs Assessment Survey will be conducted as both a phone survey and a mail-in survey. Approximately 300-400 households of Marquette and Alger County will be surveyed by phone. The purpose of this assessment is to provide many agencies with information about the needs/issues facing Marquette and Alger County and to identify where gaps and services may lie.

The cost for this twelve to eighteen month process will be approximately $15,000. The Cooperative Extension is requesting that agencies in both Counties make a donation to this fund. Currently donations have been received from the Kellogg Foundation, NEI Corp., Marquette General Hospital, United Way, Department of Social Services, Juvenile Court, AM CAB, NMU, the Health Department, the Marquette-Alger Intermediate School District, and others are forthcoming.

County Administrator Dennis Aloia distributed a list of Kellogg Grants that have been received by various agencies in Marquette County which have totaled almost $900,000 in the past decade. He recommends that the County participate by donating $1,000, the funds to come from the Community Development Fund. Currently there is $50,000 in this fund which has not been committed to the HUD Project.

It was moved by Comm. Arsenault, seconded by Comm. Braamse, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board donate $1,000 and participate in the Needs Survey conducted by the Human Services Coordinating Body with the funds to come from the Community Development Fund.

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The Committee considered the 1993 Audit Report from John Blemberg, Anderson, Tackman and Co. Mr. Blemberg gave a general overview of the Audit including a slide presentation and answered questions by the Commissioners. Mr. Blemberg reported that there are no material weaknesses or procedural deficiencies in Marquette County's Accounting System.
A complete report of the Audit is available for public inspection in the County Administrator’s Office or the County Clerk’s Office, Courthouse Complex, Baraga Avenue, Marquette, Michigan.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault and unanimously carried by voice vote that the Committee of the Whole accept the Audit Report and place it on file.

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The Committee considered a memo from the Marquette County Planning Commission regarding several legislative proposals administering solid waste disposal. James Kippola, Senior Planner, was present and explained that HR 4779 and SB 2345 have passed both the national House and the Senate respectively. Both HR 4779 and SB 2345 would improve the enforceability of Michigan’s Act 641 and local solid waste plans prepared pursuant to its regulations.

Mr. Kippola further reported that it is the Planning Commission’s opinion that of the two bills, HR 4779 best addresses issues raised by local governments. Unfortunately, because of procedural problems, neither bill will make it to the President for signature before the legislature adjourns. It is possible that during the lame duck session that convenes after the election these legislations may be reconsidered.

Mr. Kippola’s recommendation is that the County Board support HR 4779 and SB 2345, even though HR 4779 appears to be the best. These provide for improvements in the ability to enforce our import/export provisions to our local solid waste planning. Congressman Bart Stupak’s support should be encouraged as well as Senator Levin ought to be informed of the need for HR 4779 to prevail over SB 2345.

It was moved by Comm. Seppanen, seconded by Comm. Potvin, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board write to our Federal Legislators encouraging their support for HR 4779 and SB 2345, with HR 4779 being the better of the two.

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The Committee they considered a memo from Randall M. Johnson, Director, Marquette County Health Department, regarding the dental services sliding fee schedule revision. Dr. Johnson was present along with County Dentist Dr. James Hayward and explained that effective August 1, 1994 Michigan’s Medicaid Dental Program made extensive revision of services covered, procedure codes, and prior authorization requirements. These revisions require that our local dental clinic change service codes and add or delete certain services listed.

In addition, over the past year Marquette County has found a need to provide some preventative services (topical fluoride treatments and pit fissure sealants) to patients where these services were not covered by Medicaid or insurance programs. When these services were offered under our present sliding fee structure, many numerous cases developed where a parent did not have the money to pay for the work so they did not show for the appointment. It was the intent of the Kellogg Grant to increase provision of preventive services to low-comes children in our county. It would seem appropriate to consider using the financial support from the Kellogg Foundation to fund provisions for these preventives to clients at no charge, where economic hardship has been determined by the dental staff.

Dr. Johnson, Dr. James Hayward, and the Marquette County Health Board, took action to approve of the proposed dental clinic fee changes and recommend their adoption by the County Board. Dr. Johnson also introduced Dr. James Hayward, Marquette County’s Dentist, to the County Board.

It was moved by Comm. Braamse, seconded by Comm. Minelli, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the revised dental services fee schedule as presented.

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The Committee they considered amendments to the resolution creating the County Forestry Commission. County Administrator, Dennis Aloia, explained that he asked Ron Koshorek to draft the amendments to the resolution. Paragraph two of the resolution directs the Forestry Commission to advise the County Board regarding the harvest and management of timber on a number of County properties, which include: Acocks, County Airport, Big Bay Harbor of Refuge, Perkins Park, Sugar Loaf Natural Area, and the Valente Medical Care Facility.

Comm. Seppanen noted that the Honor Camp is not included in this resolution. He wanted to make it clear that the Honor Camp Property would be shifted to the Forestry Commission's control by adopting this resolution.

It was moved by Comm. Seppanen, seconded by Comm. Bergdahl, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board adopt the resolution which amends the County Board charge to the Forestry Commission.

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The Committee considered an agreement between Alger-Marquette Community Mental Health and the Marquette and Alger County Boards that was recently approved. Part of the agreement calls for the review of the salary and wage compensation program for Alger-Marquette Community Mental Health. Community Mental Health will hire an outside consultant to evaluate their current wage and compensation system, and if found inadequate, redo it. The estimated cost of this project will be $30,000. Community Mental Health has agreed to pay $20,000 of that, and is asking the two counties to pay the other $10,000. Alger County will commit $1,000.00 and Marquette County will commit $9,000.

Comm. Arsenault pointed out that should the cost for this project be less than $30,000 then the two County’s portions would be reduced. Approving this does not automatically mean that we will be spending $9,000.

It was moved by Comm. Seppanen, seconded by Comm. Potvin, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board authorize up to $9,000.00 from Contingency to be set aside in the Commissioner’s budget to pay for the Community Mental Health wage and compensation study.

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The Committee considered a memo from David A. Payant, Civil Counsel, regarding State Court Funding lawsuits. Marquette County initially joined with other counties in Michigan to sue the State to compel it to fund Michigan Trial Courts, based on two arguments: that statute requires the State to assume 100% trial court funding in all counties, and the State Constitution indicates that judicial power of the State is vested exclusively in a “one Court of justice” system.

The Counties were successful at the Trial Court level, however, the case was appealed to the Court of Appeals by the State of Michigan. The Court of Appeals ruled that the statute did require the State to fund all trial courts, however, the Court also determined that since Counties had paid for trial courts "voluntarily" they should not be compensated for past expenses. The Court also ruled that the State Constitution does not require that the State fund trial courts. This case is now on appeal to the Michigan Supreme Court.

After the Court of Appeals decision the State Legislature enacted a law requiring the State to pay 21.5% of trial court expenditures. The statute contains confusing language as how to calculate the amount the State will pay. Lawsuits asking for less restrictive interpretations were filed in Ingham and Saginaw Counties. Attorney Douglas Van Essen successfully entered the Saginaw suit in a class action on our behalf. Many Counties adopted resolutions to cut trial court funding in reliance on the protections of the Stipulation and Order from the case in Saginaw County, which require the State to pay for trial court expenditures using a formula of payment that has been advocated by the counties. The State may refuse to obey the Order due to lack of funds.
or other causes, however, Counties may ask for additional prejudgment relief in 1995. As part of Marquette County’s participation in this class action suit, Attorney Douglas Van Essen has requested that we adopt Resolution "A".

Mr. Payant recommends the County Board adopt Resolution A also, but cautioned the Board. Should the State agree to pay for trial court funding according to our formula, Marquette County should not spend the money until the Supreme Court decision has been rendered. The Michigan Supreme Court may rule in favor of Counties because the Supreme Court would like to see trial court funding removed from control by local officials. State funding would provide uniformity in the financial arrangements made to all Michigan trial courts.

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board adopt Resolution "A".

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The Committee considered an agreement between the Marquette County EMS Medical Control Authority and Tom Flynn, Professional Services for the Pre-Hospital "E-Coding" Project. A memo from Michael Zorza, Emergency Program Manager, explained that the Michigan Department of Public Health is providing 100% funding in the amount of $9,000.00 for the continued implementation of this project. The development of this information data base, data entry, and collating required of this program could not be adequately provided by existing Emergency Services Administrative and Secretarial Staff. As a result, a one-year contract is necessary for professional services which was recommended and approved by the Marquette County EMS Medical Control Authority. The purpose of the project is to insure the collection, collation, and submission of external cause of injury data through pre-hospital run report information for the Marquette County EMS Medical Control Authority.

A copy of the proposed agreement was forwarded to County Administrator, Dennis Aloia, and Civil Counsel, David Payant, for their review. Administrator Aloia recommends its approval.

It was moved by Comm. Seppanen, seconded by Comm. Minelli, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the agreement between the Marquette County EMS Medical Control Authority and Tom Flynn, Professional Services for the Pre-Hospital "E-Coding" Project.

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The Committee considered the Substance Abuse Prevention Grant to Project Marquette County Team Voice. Marquette County Team Voice is a community-wide youth impaired driving prevention project. The project coordinator is Sue Girard-Jackson.

The Eastern Upper Peninsula Substance Abuse Services Board has awarded a grant to Dr. Gary Ebrench, Marquette-Alger Intermediate School District for a Substance Abuse Prevention Program. The Marquette-Alger ISD intends to subcontract with the Sheriff’s Department to provide various prevention services, including community coalition building, dissemination of public information and education, and enforcement projects. Funds in the amount of $10,976.00 will be reimbursed to project MCTV for the period November 1, 1994 through September 30, 1995. The Sheriff’s Department is happy to have negotiated this agreement as a step towards self sufficiency for this program, and to help offset the current 50% County matching funds toward the MCTV Project Coordinator’s salary.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the contract and authorize the Board Chairperson to sign the agreement for contractual services between the Marquette-Alger Intermediate School District and the Marquette County Sheriff’s Department for the MCTV project.

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At 5:20 P.M. Chairperson Corkin opened the meeting for public comment, none was forthcoming.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen and unanimously carried on a roll call vote, 10 Ayes (Comm. Arsenault, Angeli, Berghdahl, Braamse, Joseph, Minelli, Potvin, Seppanen, Trudell and Corkin) to 0 Nays that the Committee of the Whole go into Closed Session to consider labor contract negotiations.

Chairperson Corkin declared a brief recess to clear Commission Chambers.

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CLOSED SESSION

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The Committee of the Whole came back into open session at 7:30 P.M., and made the following recommendation:

The Committee considered a memo from the Marquette County negotiating team comprised of Gary L. Walker, Prosecuting Attorney, Dennis Aloia, County Administrator, and Randall Girard, Director of Human Resources, regarding the Collective Bargaining Authority and Guidelines Resolution and the Statement of Bargaining Philosophy. The negotiating team must have the authorization and guidelines approved by the County Board to bargain in good faith on the Board's behalf as the County Employer. These documents provide the necessary framework for negotiations and are the same as adopted in the last bargaining cycle, with one exception.

The one exception is the composition of the Ad Hoc Bargaining Committee. With the expansion of the County Board from five to ten Commissioners the Ad Hoc Bargaining Committee should be increased from two Commissioners to four Commissioners comprised of the Chairperson of the Board, and three County Commissioners appointed by the Board. The negotiating team would be authorized to negotiate on behalf of the Board, wages, fringe benefits, hours and conditions of employment, subject to the general policies and economic guidelines established by the Board through the Ad Hoc Bargaining Committee.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board adopt the Statement of Bargaining Philosophy and the Collective Bargaining Authority and Guidelines Resolution as recommended by the negotiating team.

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The Committee considered a request from Sheriff Joseph Maino to replace a patrol car that was damaged in an accident on September 6, 1994 at the intersection of U.S. 41 and McClellan Street in the City of Marquette. The County's insurance adjuster has reviewed the damage and determined that the car has been totaled. Payment has been made for the damaged vehicle to the County in the amount of $11,500.

Undersheriff Michael Quayle explained that in the beginning of 1994 the Sheriff's Department purchased three patrol vehicles for approximately $15,000 each, which was substantially under budget. The excess funds was returned to the County. The Sheriff's Department has an approved capital budget for January of 1995 to purchase three patrol vehicles. The Sheriff's Department is presently one patrol vehicle short because of the accident. Undersheriff Quayle believes there are 1994 patrol cars still available for $15,000 or less, and desires to apply the $11,500 check and requested the Commissioners to pay the balance. Then in January of 1995, when the three patrol vehicle bids are let out, Undersheriff Quayle is confident there will be leftover funds. The Sheriff's Department requested to purchase a 1994 patrol vehicle immediately, and then purchase the three new vehicles in 1994. The Sheriff's Department
currently has four patrol vehicles whose mileage average is around 90,000 miles. Even though the patrol vehicles are bid in January the Sheriff’s Department will not receive these vehicles until June or July of 1995. By then, the Patrol vehicles will have 160,000 miles on them. The Michigan State Police replace their patrol cars with the average of 60,000 miles on them.

County Administrator Dennis Aloia recommended one of two options: either the Sheriff’s Department wait four months and purchase three new patrol vehicles, or if they purchase one now then they buy two new vehicles in January. If there are excess funds in the Capital Budget for patrol vehicles then these items were over budgeted.

The Committee of the Whole consensus was to concur with the Administrator’s recommendation and have the Sheriff either purchase one vehicle now and two later, or wait until January to purchase three new vehicles. Undersheriff Quayle pointed out that it is very urgent that the Sheriff’s Department get a new patrol vehicle as soon as possible. Undersheriff Quayle will check to see what vehicles may be available among area dealers and at what price.

It was moved by Comm. Arsenault, seconded by Comm. Potvin and unanimously carried by voice vote that the Sheriff’s Department come back to the next Committee of the Whole meeting with details on the cost of a 1994 patrol vehicle. The Board will consider its purchase at that time.

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The Committee they considered a recommendation from the Sheriff’s Job Classification Committee which consisted of Comm. Seppanen, as Chairperson, and Comm. Joseph, Minelli and Potvin. They met on Wednesday, October 18 to discuss issues brought forth by the Sheriff regarding his compensation.

Comm. Seppanen explained that it became clear to the Committee there had been some miscommunication and Sheriff Maino has some justifiable concerns. The Committee voted unanimously to have Randall Girard review the point factoring. Should the Sheriff be classified at a higher compensation level, then he gets back pay retroactive to the beginning of the elected official salary schedule adopted by the Board for 1992. If the point factoring indicates no increase is warranted the Sheriff has agreed to abide by that.

Randall Girard, Human Resources Director, was present and completed the review and provided documentation of his analysis. The results indicate that the 1992 wage for the Sheriff should have been based upon placement in the Non-Union Managerial Grade 11, rather than the Non-Union Managerial Grade 10. This grade level would have provided Sheriff Maino with approximately $4,000 more in salary for 1992, 1993 and 1994.

Comm. Potvin, who hesitatingly voted with the Ad Hoc Committee’s recommendation, maintained that he still has the right to speak in opposition. He read a statement pointing out his concerns, the main objections include: Sheriff Maino should have come forward in 1992 to make his appeal rather than waiting until late in 1994. There was an appeal period and process provided for all union and non-union employees, and many successfully did appeal, including the Register of Deeds. Comm. Potvin has no problem with the point factoring and upgrading of Sheriff Maino’s salary, however, it should begin now and not be retroactive to 1992. This casts a shadow on the Board’s credibility and opens the door for similar appeals during a negotiating period.

Chairperson Corkin pointed out that Sheriff Maino has always been a team player taking the whole County’s interest into account. The analysis shows that he is entitled to the additional compensation retroactively and Sheriff deserves it.

It was moved by Comm. Seppanen, seconded by Comm. Minelli, and carried by voice vote 9 Ayes to 1 Nay (Comm. Potvin), that the Committee of the Whole recommend the County Board implement the point factoring for the Sheriff’s position placing him in the Non-Union Managerial Grade 11, provide back pay to the Sheriff beginning January 1, 1992 to bring him up to the present salary, funding to come from the Budget Stabilization Fund, the wage variance calculations are as follows:
<table>
<thead>
<tr>
<th>Grade</th>
<th>1992</th>
<th>1993</th>
<th>1994</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-11</td>
<td>$50,370</td>
<td>$52,385</td>
<td>$54,480</td>
<td></td>
</tr>
<tr>
<td>M-10</td>
<td>$46,287</td>
<td>$48,138</td>
<td>$50,064</td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>$ 4,083</td>
<td>$ 4,247</td>
<td>$ 4,416</td>
<td>$12,746</td>
</tr>
</tbody>
</table>

These calculations represent placement at the four year step of the grade, and include approved 4% increases for 1993 and 1994.

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It was moved by Comm. Joseph, seconded by Comm. Trudell and carried by voice vote 9 Ayes to 1 Nay (Comm. Angeli) that the Committee of the Whole table the discussion on the K.I. Sawyer governance until the next Committee of the Whole meeting.

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It was moved by Comm. Arsenault, seconded by Comm. Potvin and unanimously carried by voice vote that the following informational items be accepted and placed on file:

18) A letter from John Beerling, Superintendent/Engineer of the Road Commission, regarding County Road JAD bridge in Negaunee Township.

19) A Letter from Brad Stermer, Land and Water Management Division, Michigan DNR, to Robert Haapala, Marquette City Engineer, regarding soil erosion and sedimentation control.

20) The Marquette County Solid Waste Management Authority will have a technical informational meeting on Monday, October 24, 1994 at 4:30 p.m. at the landfill.

21) The Mining Journal Focus Group Meeting, October 27, 1994, 6:30 P.M., Peter White Library, to collect opinions on coverage of local courts.

22) Response from Ron Koshorek, Resource Management Director, to Don Pauloski, Home Builder’s Association, summarizing results of an investigation into several complaints regarding County Building Code Inspectors.

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Chairperson Corkin opened the meeting for public comment. None was forthcoming.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, October 25, 1994, 4:30 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Request from Linda Rosberg, Cooperative Extension Director, for $1,000 to help Support a Needs Survey.
9. Dental Services Sliding Fee Schedule Revision.
10. Amendments to the Resolution Establishing a County Forestry Commission.
11. Agreement between the Marquette and Alger County Boards and Community Mental Health to review the Salary and Wage Compensation Program.
12. Memo from Civil Counsel David Payant regarding Resolution A - State Court Funding.
13. Memo from Michael Zorza, Emergency Program Manager, regarding the Pre-Hospital E - Coding Project Agreement.
14. Substance Abuse Prevention Grant to Project Marquette County Team Voice.
15. Request from Sheriff Joseph Maino to Replace Damaged Patrol Vehicle.
16. Sheriff's Job Classification Committee Report. (Forthcoming at Meeting).
20. The Marquette County Solid Waste Management Authority will have a Technical Information Meeting, Monday, October 24, 1994 at 4:30 P.M. at the Landfill.
22. Response from Ron Koszorek, Resource Management Director, to Don Pauloski, Home Builders Association, summarizing results of Investigation Into Several Complaints regarding Building Code Inspectors.
23. CLOSED SESSION TO CONSIDER LABOR CONTRACT NEGOTIATIONS
25.
26. PUBLIC COMMENT.
27. ANNOUNCEMENTS.
28. ADJOURNMENT.