The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, April 26 at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on April 12, 1994 be approved.

Chairperson Corkin opened the meeting for public comment. Richard Aho, Director of the Solid Waste Authority, was present to speak regarding the disposition of fuel contaminated soils. It appears to him the County has now withdrawn the loan agreement for the storage facility at the landfill. The Solid Waste Authority has already spent some time and dollars in the design of this building. The Payne and Dolan proposal to make blacktop with fuel contaminated soils is the result of a complete change of rules by the DNR. This will put thermal remediators out of business in the State of Michigan. There can be only one remediation facility in Marquette County, otherwise it will not be a cost effective operation.

County Administrator, Dennis Aloin, clarified the County's position. The County Board only approved the concept of a storage facility and the drafting of a contract with the Solid Waste Authority. The contract must still be approved by the County Board before any construction begins. He cautioned Mr. Aho about spending any money on the storage facility.

Chairperson Corkin pointed out that in November of 1993 the Michigan DNR changed the rules which now allows for contaminated soils to be used in the manufacturing of blacktop. By next Tuesday's County Board Meeting we should have the DNR's approval in writing for the manufacture of blacktop. The County Board has the responsibility of utilizing the most cost effective method in solving the fuel contaminated soils problem.

There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Bergdahl, seconded by Comm. Trudell, and unanimously carried by voice vote that the agenda be approved with the following late addition:

Item 11) A recommendation from Staff that Marquette County not participate in the Title II-B program for 1994; and Item 12) consideration of the Federal mandate requiring states to recover medical assistance funds from senior citizens.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried by voice vote that Claims and Accounts for the period April 9 through April 21, 1994, in the amount of $1,156,148.76 be approved.

The Committee Considered a Notice of Hearing for the customers of Michigan Gas Company, Case No. U-10515. Civil Counsel, David Payant, reported that the Attorney General's Office, on behalf of Michigan citizens, attends the Public Service Commission hearings. Michigan Gas Company has applied to use a "gas cost recovery factor" to be charged to its customers starting in July of 1994. If it is later determined that the recovery factor was too high then the Michigan Gas Company will be required to refund the excess charges to its customers. Normally Counties do not participate in these hearings because the Attorney General does so on our behalf.
It was moved by Comm. Arsenault, seconded by Comm. Joseph and unanimously carried by voice vote that the communication be placed on file.

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The Committee considered a request from Paul Hemmila, Site Manager, K.I. Sawyer Air Force Base, for permission to enter upon County lands. Deanna Aloia, County Administrator, explained that the Air Force would like to inspect twenty to thirty areas for potential environmental problems which may have resulted from Air Force activities. In return for the right of entry, the Air Force will provide a report back to the County Board on their environmental findings.

It was moved by Comm. Potvin, seconded by Comm. Trudell, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Air Force request for right of entry upon County lands and authorize Chairperson Corkin to sign the agreement.

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It was moved by Comm. Seppanen and unanimously carried by voice vote that the Committee accept and place on file a legislative alert from the National Association of Counties regarding waste flow control legislation, Senate Bill 1634, which would allow local governments waste flow control authority.

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The Committee considered a motion by Paul Arsenault to discontinue meetings or County Board involvement with the Specific Tax issue. Comm. Arsenault contended that the Specific Tax is a dead issue at this time. Continuing the debate would only serve to stir up the community. The public believes that the County Board is anti-business, anti-C.C.I., which is not true. Many miners are convinced that increasing the Specific Tax will affect their jobs. The time has come to quit beating the issue to death, and for the County Board to spend its time on other issues that we can resolve.

Comm. Potvin suggested that the County Board has not done all that it could. We have done a good job informing our legislators on the issue, but we have not done a good job in informing the public, nor did the County Board respond effectively to editorials made by the local media. It would be useless to meet with C.C.I. and Mr. Ryan, but we should continue to educate the public. We should not let the public believe that we are quitting. This gives the people the impression that we were wrong when we are right. If Cleveland Cliffs paid their fair share of taxes we would not have to ask our citizens for millages to support the Medical Care Facility, Marq-Tran, Commission on Aging, etc.

Chairperson Corkin contended that it makes no difference whether the County Board wins or loses a public relations battle. Our legislators must be willing to change the law and right now they will not.

Gary Johnson, Republican Township Supervisor, was present and once again thanked the Board for its support on the Specific Tax. Approximately $150,000 was spent in defense of the law. As public officials we have to assess the law the way it is written and the tax payers must pay to defend that law.

Republican Township has asked downstate legislators to introduce legislation so the Specific Tax debate can get out on the House floor. Republican Township has hired the people to do the work and is trying to schedule a meeting between State Senator Koivisto and State Senator Joanne Emmons. Republican Township would like the Specific Tax language clarified. They are not trying to raise C.C.I.'s taxes.
Mr. Johnson believes the County Board is fully justified in pulling away from the issue. He is sorry that it got out of hand and became a media football. With the County Board pulling away then it puts the ball completely in Republic Township's lap, exactly where it belongs. It also puts the focus on clarification of the law which is the real issue.

Chairperson Corkin pointed out that because Republic Township took the initial action and challenged C.C.I. the published price rather the prevailing price was used, therefore approximately $4,000,000.00 in tax revenues were brought into the Townships, Schools and the County which would have been lost.

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and unanimously carried by voice vote, nine (9) ayes to one (1) nay (with Comm. Potvin voting nay), that the Committee of the Whole recommend the County Board of Commissioners adopt the following statement:

"The Marquette County Board of Commissioners has made our State Legislators aware of the need for clarifications in the Specific Tax Law. It is an issue that has to be determined by State government; therefore, Marquette County will now focus on the multitude of issues that they can hopefully resolve, and have no further meetings or involvement with the Specific Tax Law."

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The Committee discussed a potential policy on absenteeism for various appointed County Boards and Commissions. Civil Counsel David Payant was present and explained that some Boards and Commissions have absentee policies built into their bylaws. For example, the Community Corrections Advisory Board has a policy that if a member misses four meetings, their board will look into the matter and possibly recommend a members removal. The County Board could ask that all Boards and Commissions establish similar policies, or the County Board could establish an absenteeism policy of its own.

Comm. Angeli suggested that rather than going by a number of meetings missed, the policy should set a percentage of meetings missed in a year. Some boards meet once a month and some meet by-monthly. Comm. Seppanen thought that the determination of whether an absence is "excused" or "unexcused" should be left to the discretion of the Chairperson of each Board or Commission.

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 direct Civil Counsel and Staff to draft a policy on absenteeism for the various Boards and Commissions appointed by the County Board, and within the policy provide for discretion for the Chairperson of the various Boards and Commissions to grant excused absences.

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The Committee considered a memo from Dennis Aloia, County Administrator, regarding the Marquette County II-B Proposal submitted to the Six County Consortium. Administrator Aloia distributed a letter from Orrin Bailey, Executive Director of the Six County Consortium, indicating that Marquette County's proposal for its Title II-B Program has been rejected.

Administrator Aloia explained that the major change by the Six County Consortium, outlined in the request for proposals, has the Six County Consortium doing all hiring and screening of employees. The County would still purchase the supplies, provide training, and run the program while accepting the liability. The Six County Consortium is not negotiating changes but rather mandating them. Mr. Bailey claims that the Six County Consortium could save Counties 10% in administrative costs, which could then be used in programs. The advantage the Six County Consortium has is that
they do not have to pay social security costs. The Commissioners from the other five Counties who make up the Six County Consortium agreed.

Administrator Aloia and Bob Taylor are not convinced that the Six County Consortium would do a better job selecting applicants. Marquette County has run a quality programs for many years under the direction of Mr. Taylor. We still have five or six other programs, one for approximately $400,000 through the Kellogg foundation.

Administrator Aloia and Bob Taylor recommend that the County Board not respond or participate in the Title II-B Program this year.

It was moved by Comm. Arsenault, seconded by Comm. Potvin, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board not participate in the Six County Consortium Title II-B program for 1994.

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The Committee considered a report from Comm. Braamse, Board Liaison to the Commission on Aging, regarding federal mandates to recover Medicaid costs for those 55 and over. The Federal government is mandating that all states establish programs and plans to recover costs for Medicaid services including such things as the sale of homestead property after a surviving spouse dies, and the sale of personal property, including family heirlooms, rings, etc.

The Commission on Aging is sending a letter to our State Legislators requesting that they adopt the six plan for State recovery of Medicaid funds. The Commission on Aging is urging our State Legislators to put together a state plan which would provide for public hearings and also exempt personal property and family heirlooms from the recovery program.

It was moved by Comm. Braamse, seconded by Comm. Joseph, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board draft a similar letter to send to our State Legislators regarding a federal mandate under the 1993 Budget Reconciliation Bill for State recovery of Medicaid funds used for long-term health care.

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

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried on a roll call vote, ten (10) ayes (Arsenault, Angeli, Bergdahl, Braamse, Joseph, Minelli, Potvin, Seppanen, Trudell and Corkin) and zero (0) nays, that the Committee of the Whole go into closed session to discuss pending litigation regarding insurance claims.

Chairperson Corkin declared a five minute recess to clear Commission chambers.

CLOSED SESSION

The Committee of the Whole came back into Open Session. No recommendations were forthcoming as a result of the closed session.

There being no further business, the meeting was adjourned.

Respectfully submitted,

David J. Roberts
Marquette County Clerk

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MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, April 26, 1994, at 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.
7. Air Force Request for Permission to Enter Upon County Owned Lands Adjacent to K.I. Sawyer.
10. Discussion of Absenteeism for Various Boards and Commissions appointed by the County Board.
11. Time Limit Proposals.
12. Other Business.
13. Closed Session to Discuss Pending Litigation Regarding Insurance Claims.
14. PUBLIC COMMENT.
15. ANNOUNCEMENTS.
16. ADJOURNMENT.