The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, April 11, 1995 at 5:30 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 March 28, 1995 be approved.

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

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried by voice vote that the agenda be approved with the following late additions: Item 20) Social Services Board Appointment; and Item 21) Community Mental Health Expenditures.

It was moved by Comm. Joseph, seconded by Comm. Trudell, and unanimously carried by voice vote that Claims and Accounts for the period March 24, 1995 thru April 6, 1995, in the amount of $1,317,453.32 be approved.

The Committee considered a communication from Jon G. LaSalle, Field Investigator, Upper Peninsula Building and Construction Trades Council, regarding the Marquette County Prevailing Wage Resolution. Commissioners discussed the comparison of the State and Federal prevailing base wage determination(s) for the past five years for selected trades. Wages are derived from collective bargaining agreements.

Civil Counsel, David Payant, stated that Marquette County has adopted a policy whereby we require all contractors working for the County to pay prevailing wages that are set by the Michigan Department of Labor. A recent lawsuit challenged the Michigan Department of Labor prevailing wage system and the Federal Courts have declared that the Michigan prevailing wage is unenforceable because it conflicts with federal laws.

It was moved by Comm. Seppanen, seconded by Comm. Braamse, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt the Marquette County Prevailing Wage Resolution as provided by Federal Standards (Davis-Bacon).

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The Committee considered the Six County Consortium for Employment Training/Marquette County Interlocal Agreement. Mr. Orrin E. Bailey, Director, Six County Employment Alliance, was present to briefly address the Committee and explain the work that the Six County Employment Alliance is doing as it relates to Marquette County.

It was recommended to the Committee that contact be made with the State to see if the State would accept a guarantee by Marquette County of any disallowed costs incurred by the Six County Consortium. If the State will accept the guarantee it is recommended that the Six County Consortium be reorganized as a corporation.

It was moved by Comm. Rapport, seconded by Comm. Seppanen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board direct Civil Counsel to send a letter to the State to allow the Six County Employment Alliance to form a corporation and provide wording in the Interlocal Agreement acknowledging the County’s liability regarding disallowed costs.

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The Committee considered a communication from James F. Sodergren, County Treasurer, regarding Iron Ore Specific Tax. Mr. Sodergren was present and explained that P.A. 367 was signed by the Governor on December 26, 1994. This bill reduced Negaunee school revenue approximately $55,000. It also reduced the county portion approximately $300,000. Mr. Don Mourand, Superintendent, Negaunee Schools, is asking Senator Koivisto to amend P.A. 367 of 1994. Mr. Mourand's suggestion will reduce the county portion by $13,348 +.

Mr. Sodergren further stated that the 1994 amendments made to specific taxes (CFA and iron ore) using 1993 tax rates were drafted in haste and were designed to benefit the State Treasury. He opposes Mr. Mourand's proposal, but could support a proposal to repeal P.A. 367 of 1994 and P.A. 94 of 1925 as amended. Repealing the act would reinstate the 1 mill that Mr. Mourand is seeking.

It was moved by Comm. Seppanen, seconded by Comm. Rapport and unanimously carried by voice vote that the Committee of the Whole recommend the County Board direct Staff to send a letter to our Legislators to repeal P.A. 367 of 1994 and P.A. 94 of 1925 as amended.

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The Committee considered a communication from Ernest F. Grasso, CCAB Chairperson, regarding the Community Corrections Coordinator/Electronic Monitor Technician Contract. This contract is recommended by the Marquette County Community Corrections Advisory Board (CCAB) for County Board approval. The position has been filled by Lyn L. Nelson since May 14, 1993.

It was moved by Comm. Seppanen, seconded by Comm. Braamse, and unanimously carried by voice vote that the County Board approve the Community Corrections Coordinator/Electronic Monitor Technician contract filled by Lyn L. Nelson.

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The Committee considered a memo from Cynthia L. Beaudry, Risk Management Specialist, regarding Quarterly Litigation Reports. During the last quarterly litigation report, Commissioner comments and questions left staff uncertain as to whether the Board desired continued quarterly litigation reports. In the past, quarterly litigation reports were designed to bring the Board up to date on insurance claims which resulted in lawsuits being filed against the County of Marquette. In addition, if a decision was required concerning a specific lawsuit, the Board was advised and a necessary decision was obtained. Ms. Beaudry is asking the Board if they would like to continue with this practice or would they prefer if she only reported to the Board when a decision is required.

It was moved by Comm. Seppanen, seconded by Comm. Trudell, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board continue quarterly litigation reports as done in the past.

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The Committee considered a memo from Carolyn L. Hanson, Friend of the Court, regarding Child Support Enforcement System (CSES). Ms. Hanson stated that since their office was placed on the CSES System in December 1993, they have suffered a significant set back in the provision of services. The CSES System is time consuming and difficult to use. They do not function on the "new" system as well as they did on the old system. The most disturbing loss of functionality has been in enforcement. On the old system delinquency reports were automatically generated, staff was able to review every account monthly and select those cases needing enforcement action. The old system allowed staff to select the cases and automatically run delinquency notices for mailing. They have been unable to regain this level of enforcement services on the "new computer", and are back to doing enforcement on demand (as they did before they were initially computerized in 1985). Ms. Hanson stated that it has been extremely difficult for her staff...
but they have met the challenge with intelligence and humor. This never should have happened and she would concur with the proposed resolution and recommend that CSES not be implemented in further sites until the system is working properly.

It was moved by Comm. Trudell, seconded by Comm. Rapport, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt the resolution regarding the implementation of the state-wide Child Support Enforcement System (CSES).

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The Committee considered a communication from Robert Niemi, Executive Director, regarding Marq-Tran Contract Novation. This novation is between the Michigan Department of Transportation, the Board of County Commissioners of the County of Marquette, and the Marquette County Transit Authority. It is the intent of the parties to remove the Board of County Commissioners of the County of Marquette as a party to the agreement and place in its stead the Marquette County Transit Authority, who will assume all title, right, equity, liability and obligations of the Board of County Commissioners of the County of Marquette. The contract would provide senior citizens transportation needs.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt the Marq-Tran Contract Novation removing the County of Marquette as a party to the agreement.

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The Committee considered a memo from Ron Koshorek, Director, Resource Management, regarding Perkins Park Water Meter. Powell Township is requiring the installation of water meters at Perkins Park. The estimated cost is $8,000.00 to $10,000.00 plus engineering. Given the serious financial problems facing the County Mr. Koshorek is asking for direction.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board ask Powell Township for a continuance of the same flat rate for this season and consider the installation of water meters during budget discussions.

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The Committee considered a memo from Ron Koshorek, Director, Resource Management, regarding Big Bay Harbor Improvements. Mr. Koshorek states that the County operates and maintains the Big Bay Harbor and dock pursuant to a 1960 agreement with the State Waterways Commission which requires the County "to provide suitable public restroom facilities for the use of the boatmen... located conveniently near, or upon, the dock structure." The agreement does not obligate the State to participate financially or otherwise in the operation or maintenance of the facilities. Modifications to the Harbor service building are required in order to comply with the Americans with Disabilities Act (ADA). A renovated facility must be available this boating season. Funds have been budgeted to do this work and plans are bid ready. The estimated cost of the project is $15,000.00. Mr. Koshorek is requesting direction on whether or not to proceed with the bidding of this project due to the County’s difficult financial situation.

It was moved by Comm. Braamse, seconded by Comm. Angeli, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board direct Staff to request the State to take over the responsibility of running the Big Bay Harbor.

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The Committee considered a memo from Gary Yoder, Finance Manager, regarding budget amendments #3 - #7, which will carry forward balances from 1994 into 1995.

Amendments #3 & #4 carry forward budget balances in the Public Improvement Fund for various 1994 projects which have not been completed. Money to complete these projects has been previously appropriated and remains in the "Fund Balance." This causes the "Use of Fund Equity" revenue item. No additional appropriations are needed.

Amendment #5 carries forward encumbered items in the General Fund. These are items for which a Purchase Order has been issued or that otherwise have been committed. Again "Use of Fund Equity" is the revenue side and, if not carried forward, the budgeted amount for these items would revert to 1994's year end Fund Balance.

Amendment #6 carries forward amounts which were set aside in the Service Center budget in 1994 for roof repairs and lawn improvements.

Amendment #7 carries forward and adjusts three grant budgets. The first is for a grant received by the Probate Court's Juvenile Division. Final approval and budget amounts were received after budget adoption last fall. This sets up the balance of the budget through September 30, 1995. The Sheriff G.E.D. Grant is a small grant from Marquette-Alger I.S.D. to help in having jail inmates pursue their degree. The balance at year end is carried into the following year. At budget adoption in October the grant request for Community Corrections was used. The actual grant amount received was reduced by $37,742. This portion adjusts the budget downward.

Mr. Yoder recommends adoption of these amendments.

It was moved by Comm. Rapport, seconded by Comm. Joseph, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt these budget amendments.

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The Committee considered a memo from Dennis Aloia, County Administrator, regarding the Revised EDC Agreement. At the April 4, 1995 County Board meeting staff was directed to prepare a revised agreement with the Marquette County Economic Development Corporation regarding the EDA grant application for the EDC. Administrator Aloia explained that he has prepared an amended agreement using discretion in two places. In the first paragraph under Funding changed the word will to may because of the current budget situation. And on the last page he added: Annual audits of all grants required by granting agencies including CDBG and EDA will be provided to the Marquette County Board of Commissioners at the time it is submitted to the granting agency as stipulated in the grant agreements.

Comm. Seppanen stated that he would like to keep the word will in the first paragraph under Funding.

It was moved by Comm. Joseph, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt the proposed Revised EDC Agreement but change the word may back to will under Funding in the first paragraph.

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The Committee considered a memo from David Payant, Civil Counsel, regarding County Liability for Badger Creek Drainage District. Mr. Payant was present and explained that a notice was received from the County Road Commission refusing to pay for assessments made by the Drain Commissioner for the benefits received by county roads in the areas served by the Badger Creek drain. According to the Road Commission, they are only liable for 50% of the cost of such assessments. Mr. Payant reviewed an Attorney General's Opinion cited by their letter from the Dept. of Treasury and it appears the Road Commission is correct. Attorney General Opinion #1537 of 1943 holds that the County at large is liable for benefits received to county roads because of the construction of a drainage district. He questioned whether or not an assessment
against the County at large meant individual assessments against all properties in the County or an assessment against the County general fund. Mr. Farrell advised that the assessment against the County was against the County general fund and not against individual properties in the County. Civil Counsel Payant stated that the County will be liable for paying 50% of the cost of benefits to county roads that are given by the Badger Creek drainage project.

It was moved by Comm. Seppanen, seconded by Comm. Rapport, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board authorize payment for the Badger Creek Drainage District by adopting the appropriate budget amendment. Funds to be taken from Contingency in the amount of $7,092.00.

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The Committee considered communications regarding Enforcement of Domestic Relations Injunctive Orders. The Michigan Legislature recently adopted the Domestic Violence Act, P.A. 61 of 1994 (MCL 600.2950). This Act creates significant increases in costs for county clerks, prosecutors, courts and county jails. Under the terms of this Act, various individuals may obtain a restraining order from a spouse, former spouse, or individual with whom he or she has a child in common, or an individual residing in the same household. Furthermore, the Legislature has, in Public Acts 62 through 70 of 1994, created a comprehensive statutory system which must be enforced, and which requires court personnel, prosecutors and jails to take immediate action. The financial impact on the counties who are required to enforce this is obvious.

The Saginaw County Board of Commissioners believes that a lawsuit should be instituted against the State of Michigan alleging that the extra costs incurred because of the implementation of this Act is clearly a violation of the Headlee Amendment, and requests other counties to participate in this litigation.

It was moved by Comm. Seppanen, seconded by Comm. Braamse, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board authorize support of this litigation and adopt the resolution as submitted by Comm. Rapport and urge our Legislators to enact appropriations for P.A. 61 by sending copies of the resolution to our Governor, Legislators, Michigan Association of Counties and the other 82 Counties.

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The Committee considered contractual agreements for Supplemental Police Services between the Marquette County Sheriff’s Department and Marquette and Tilden Townships. Commissioners had questions regarding the supplemental services, but no one was present from the Sheriff Department to answer questions.

It was moved by Comm. Trudell, seconded by Comm. Seppanen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the contractual agreements for Supplemental Police Services between the Marquette County Sheriff’s Department and Marquette and Tilden Townships and request Sheriff Maino to attend the County Board meeting to discuss and answer questions on April 18, 1995.

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The Committee considered appointment to the Marquette County Board of Social Services. Earlier this year the Governor made an appointment to the Marquette County Board of Social Services, and shortly after making the appointment he cancelled and rescinded the appointment. The Board of Social Services manages a 120-bed nursing care facility for the County. Currently, there are only two board members on the Board of Social Services.

It was moved by Comm. Angeli, seconded by Comm. Joseph, and unanimously carried by voice vote that the Committee direct Civil Counsel Payant to write a letter to the Governor requesting that he make the appointment as soon as possible because the lack of a third member makes it difficult to conduct business.
The Committee considered Community Mental Health expenditures. Comm. Angeli questioned whether or not the County was responsible for expenditures by Community Mental Health. Civil Counsel, David Payant, explained that CMH is an agent of the County, therefore the County is ultimately responsible for their expenditures. County Administrator, Dennis Aloia, added that a recent audit of CMH raises several concerns, and he is waiting for CMH’s response to those concerns. Administrator Aloia will provide further information to Commissioners when available.

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

Commissioner Comment

The Committee considered a recommendation from Comm. Seppanen, Chair of the Finance Committee, that the level of service for the Sheriff’s Road Patrol in 1996 be reviewed by the Committee of the Whole in late May. Comm. Seppanen discussed the matter with members of the Finance Committee and their consensus is that the Road Patrol funding issue would best be reviewed by the Committee of the Whole rather than the 5-member Finance Committee. The sooner the Committee of the Whole can determine the 1996 level of service for Road Patrol, the easier it will be to determine the remainder of the 1996 budget.

Several Commissioners thought it better to review the Road Patrol level of service during the regular budget process when all departments have their budget requests prepared and the Administrator can make recommendations.


There being no further business to come before the Committee of the Whole the meeting was adjourned.

Respectfully submitted,

Connie M. Branam
Deputy County Clerk
ROLL CALL.


3. PUBLIC COMMENT.

4. APPROVAL OF THE AGENDA.

5. Review of Claims and Accounts.

6. Orrin E. Bailey, Director, Six County Employment Alliance, to address the Board regarding the Six County Consortium for Employment Training/Marquette County Interlocal Agreement.

7. Communication from James F. Sodergren, County Treasurer, Regarding Iron Ore Specific Tax.


9. Memo from Cynthia L. Beaudry, Risk Management Specialist, regarding Quarterly Litigation Reports.

10. Memo from Carolyn L. Hanson, Friend of the Court, regarding Child Support Enforcement System (CSES).

11. Communication from Robert Niemi, Executive Director, regarding Marq-Tran Contract Novation.

12. Memo from Ron Koshorek, Director, Resource Management, regarding Perkins Park Water Meter.

13. Memo from Ron Koshorek, Director, Resource Management, regarding Big Bay Harbor Improvements.

14. Memo from Gary Yoder, Finance Manager, regarding Budget Amendments.

15. Memo from Dennis Aloia, County Administrator, regarding Revised EDC Agreement.

16. Memo from David Payant, Civil Counsel, regarding County Liability for Badger Creek Drainage District.

17. Communications regarding Enforcement of Domestic Relations Injunctive Orders.

18. Prevailing Wage Policy.

19. Agreements for Supplemental Police Services with Marquette Township and Tilden Township from Sheriff Joseph I. Maino.

20. Social Services, DSS, Mental Health.

21. PUBLIC COMMENT.

22. ANNOUNCEMENTS.

23. ADJOURNMENT.