The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, July 8, 1997 at 6:00 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


A Salute to the Flag was given, followed by the Pledge of Allegiance.

It was moved by Comm. Arsenault, seconded by Comm. Roberts and unanimously carried by voice vote that the minutes of the June 24, 1997 Committee of the Whole Meeting be approved.

Chairperson Corkin opened the meeting for public comment.

Steve Pence, 509 Hillside Drive, reported that Civil Counsel Harley Andrews had responded to his FOIA request for copies of communications between the Sheriff’s Department and the KBIC regarding the cross-deputization issue. First of all, the 2% gaming monies to be paid to a local unit of government in lieu of taxes, should not be earmarked to the Sheriff’s Department. The Sheriff’s Department is not the local unit of government, the County is. Mr. Pence challenges the legality of the funds going directly to a specific department. The wealth emanating from casinos brings with it the power and the ability to influence government which would be a very dangerous relationship between the Sheriff and the KBIC.

Mr. Pence raised several concerns about a letter from Sheriff Lovelace to KBIC Attorney Joseph O’Leary. In the March 17, 1997 letter Sheriff Lovelace indicated that it is not a one way street. He will do things such as providing State certification for a tribal police officer, County Detective services, and backup support. Sheriff Lovelace even indicated that if there is an “attempted takeover or subversive activity” he will help. Mr. Pence contends this letter is very dangerous. Sheriff Lovelace does not understand the internal workings of the KBIC. Many of the citizens in commission chambers tonight are victims of the KBIC government however the guilty verdict against Fred Dakota serves to vindicate them. Mr. Pence asked the County Board to review the funding designated from gaming that goes directly to the Sheriff’s Department.

Myrtle Tollinen served 21 years on the KBIC Tribal Council and indicated her support for comments by Steve Pence. In those 21 years she has seen the KBIC government go from bad to worse.

Rodney Loonsfoot, KBIC Member and a Marquette County resident, has lived here for two years and is happy in Marquette County. He is concerned about the proposed cross-deputization agreement. He believes that the vast majority of the citizens of Marquette County don’t want such an agreement and he urges the Board to speak to Native Americans. He personally was fired and thrown in jail by the KBIC and is fearful that KBIC influence will continue to grow in Marquette County.

Jacqueline Schwartz, KBIC Member, was born on the reservation but the KBIC government will not recognize her. Her Step-Dad, Charles Loonsfoot, who served for 15 years as a KBIC Board Member was thrown out of the tribe. She urged the County Board to stay out of KBIC politics. Chocolay Township did not want to get involved and the County should not get involved.

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

It was moved by Comm. Arsenault, seconded by Comm. Tuominen and unanimously carried by voice vote that the agenda be approved as presented.

It was moved by Comm. Roberts, seconded by Comm. Rapport and unanimously carried by voice vote that Claims and Accounts for the period June 20, through July 2, 1997 in the amount of $538,835.74 be approved.
BOARD OF COMMISSIONERS      COUNTY OF MARQUETTE      JULY 8, 1997

The Committee considered grant proposals to the Upper Peninsula Area on Aging for Title III-F (Health Screening) and Title III-B (Personal Care Services). Dr. Randall M. Johnson, Director, Marquette County Health Department, was present and distributed copies of the grant applications. The two grants are the same as had been awarded to the Health Department by the UPAA for the last two years. The Grant Application for Personal Care Services will actually provide $4,000 more than the previous year. The applicant must show that their proposal for funding has been reviewed by the County government in their application target areas.

Dr. Johnson noted that the County Health Department approved the applications at their July 2nd meeting and requests the County Board's approval. The grant proposals must be submitted by July 21, 1997.

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 approve of the grant proposals to the Upper Peninsula Area on Aging for Title III-F (Health Screening) and Title III-B (Personal Care Services).

* * * * * *

The Committee considered a proposed policy change for Dental Clinic Low-Income Eligibility and Sliding Fee Schedule. Dr. Randall Johnson, Director, Marquette County Health Department, and James Hayward, DDS, were present to discuss the proposed policy and fee changes. Under Section 2444 of the State Public Health Code all fees charged by local Health Departments must be adopted by the local governing body.

The proposed policy change is in response to concerns expressed from the private dental practice sector about the potential of the County Dental Clinic competing with the private dental care providers for children in the higher levels of low income eligibility. The Dental Advisory Board has reviewed the Clinic Guidelines for low income eligibility for clinic services. The area of concern are those families whose income falls over the 185% of poverty level which equates to those children qualifying for services on the current sliding fee scale at the 40% to 0% discount level.

Comm. Rapport expressed concern about funding. It seems the Dental Department is cutting some clients who could afford to at least partially pay for their services. Dr. Hayward reported that group is very small, only 14 children, which amounts to approximately $500. It should not be a significant matter. Of greater concern is the appearance that the Dental Clinic would be in competition with local dentists. The local Dental Advisory Board endorses this proposal.

Dr. Harvey Wallace, Chairperson, Marquette County Board of Health, noted that a professional relationship has been started with these 14 children so the Dental Clinic will continue to provide services. Only future clients that fall over the 185% of poverty level would be affected.

Comm. Chak commended the Dental Clinic Staff for a well thought out plan.

Chairperson Corkin noted that the Marquette-Alger Alliance for Youth has developed a video which features the Marquette County Dental Clinic. The Dental Clinic is an accomplishment that our County can be most proud of.

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 approve of the proposed policy change for the Dental Clinic Low-Income Eligibility and the Sliding Fee Schedule.

* * * * * *

Comm. Angeli questioned Dr. Randall Johnson, Director, Health Department, and Dr. Harvey Wallace, Chairperson of the Marquette County Board of Health, regarding the Nonsmoking Ordinance that is presently being considered by the City of Marquette. Has the County Health Department gone to the City with this issue? How did this come about? Comm. Angeli contended that County Commissioners should be advised that an issue such as this is about to be brought to light. He was not aware that the City was working on a Non-smoking Ordinance and felt blindsided by the issue because he received many calls from concerned citizens.

Dr. Johnson noted that the Health Department has been working with the City of Marquette regarding this Ordinance for several years.

Comm. Seppanen contended that Commissioners were flagged about the issue earlier this year and there has been an ongoing health education effort regarding the smoking issue in Marquette County.
The County Board considered a response from Dr. Randall M. Johnson, Director of the Health Department and also Dr. Harvey Wallace, Chairperson of the Marquette County Health Department regarding Krista West's comments made at the June 17, 1997 meeting of the Marquette County Board of Commissioners.

Comm. Cihak commended Dr. Johnson on a very fine response. Its timeliness and content is significant especially when a Health Board Member blindsides the Health Department with comments and then resigns immediately and leaves town. Comm. Cihak also noted that in Branch and Hillsdale Counties the Drain Commissioner takes care of soil erosion matters and wondered if that was being considered in Marquette County.

Comm. Seppanen pointed out that there have been three meetings so far with the Drain Commissioner and Comm. Cihak is correct, most soil erosion programs in the State work under the County Drain Commissioner. Marquette County is currently looking at it. There are a number of matters that must be resolved. Comm. Seppanen also noted that he got a call from Mr. William Ayotte, who has been a Health Board member for many years but could not make tonight's Committee of the Whole Meeting. Mr. Ayotte pointed out that the proof is in the pudding, the Marquette County Health Department is one of the best in Michigan. In the last 10 to 11 years over $1 million has been returned to Marquette County and only recently the budget has been a problem.

Comm. Rapport, former Chairperson of the Board of Health, appreciates the completeness of Dr. Johnson's reply and noted is has been a pleasure to serve on the Board of Health. We can be very proud of our County Health Department and thanked Dr. Johnson and Dr. Wallace for their comments.

It was moved by Comm. Seppanen, seconded by Comm. Rapport and unanimously carried by voice vote to place the comments on file.

* * * * *

The Committee considered a notice of a Health Department Public Hearing on Tuesday, July 29, 1997 at 7:00 P.M. in Room 231 of the Henry A. Skewis Annex. The purpose of the hearing is to accept written comment from the public regarding a proposed Environmental Health Code for Marquette County.

Dr. Randall Johnson, Director, Marquette County Health Department, explained that the present Health Code was adopted in 1985 and has become outdated. All six Health Departments in the Upper Peninsula are considering adopting the same document. The proposed Environmental Health Code must come back to the Marquette County Board of Commissioners for final adoption.

Comm. Joseph expressed concern that the proposed Environmental Health Code has been drafted without input from contractors and citizens. Yes they may have the opportunity to come to the hearing but at this stage the code has been drafted. How much of what they say would affect the final outcome?

Comm. Rapport pointed out that four or five drafts of the Environmental Health Code have been distributed in the last three years. The contractors have been providing input all along, however, no private individual has been willing to spend the time required to review the standards and criteria for functions mandated by Environmental Law.

Dr. Harvey Wallace, Chairperson, Marquette County Board of Health, further explained that input from contractors and well drillers has been used. The Health Department Staff is in the field all the time and in contact with these individuals. The main concern from contractors and well drillers is continuity across the Upper Peninsula. If all six Health Departments adopt the same code it will be known as the Superior Environmental Health Code. At the hearing on August 29th Dr. Wallace does not expect to be blown out of the water with any big changes from anyone.

It was moved by Comm. Seppanen, seconded by Comm. Rapport and unanimously carried by voice vote to place the notice on file.

* * * * *
The Committee considered a recommendation from Steve Powers, County Administrator, regarding the Utility Sales Contract for sub-leased properties and facilities at KI Sawyer. Administrator Powers recommends two actions by the County Board: First, they approve of the Utility Sales Contract and authorize the Chairperson to execute the contracts with the Department of Air Force, and Second, that the Chairperson be authorized to sign the Utility Sales Contract with the Department of Air Force for future subleased buildings and facilities after staff and legal review.

Comm. Cihak noted that the recommendation indicates there would be no impact on the County budget unless the sublessee does not pay and the County is unable to collect. Then the County would be responsible for the utilities. He noted that Red Fox Woods and its affiliates as of June 10, 1997 owed approximately $29,500 in past due utility bills.

Administrator Powers reported that those past due utility bills have been paid in full.

It was moved by Comm. Arsenault, seconded by Comm. Roberts, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Utility Sales Contract and authorize the Board Chairperson to sign the contracts with the Department of Air Force for the following: MACASU (Housing and Credit Union), Red Fox Woods (Housing, NCO Club, Child Development Center), KI Sawyer Development, Inc. (Housing, Housing Office), and Airport (runway lighting, lighting vault, weather equipment); and further, authorize the Chairperson to sign future Utility Sales Contracts with the Department of Air Force for subleased buildings and facilities after staff and legal review.

* * * * *

The Committee considered a Lease Agreement between the Escanaba Paper Company and the County of Marquette for rental of tower space by Central Dispatch on the Champion Township site. Steve Powers, County Administrator, noted that the original Lease Agreement was made with Mead in April of 1983. Because of the change in ownership, the lands owned by Mead were transferred to the Escanaba Paper Company. A new lease has been prepared for County signature. The revised lease has been reviewed by Civil Counsel and Risk Management. The lease payment for rental of the Champion Tower is $2,400, the same as the previous year’s payment. Administrator Powers recommends that the Board Chair be authorized to sign the lease.

It was moved by Comm. Seppanen, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board authorize the Board Chairperson to sign the Lease with the Escanaba Paper Company in the amount of $2,400 for rental of tower space by Central Dispatch on the Champion Township site.

* * * * *

The Committee considered a recommendation from Randell Girard, Human Resources Director, to amend the Deferred Compensation Plan and Trust Agreements as provided by the Small Business Job Protection Act (SBJPA) of 1996. This Federal Act was in response to situations in other public entities where severe financial hardship caused creditors to attempt to attach, as public assets, contributed funds by staff to deferred compensation programs that were legally administered and held by the public body (e.g. Orange County). The SBJPA of 1996 provides protection by blocking access by creditors to such staff contributed funds that are held in trust for staff members to supplement their retirement incomes.

Mr. Girard further explained that a resolution must be adopted to protect the staff funds in Marquette County that are contributed to the ICMA/RC and PEPSCO Deferred Compensation Programs which are administered and held by Marquette County.

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 Resolutions to amend the Deferred Compensation Plan and Trust Agreements with ICMA/RC and PEPSCO.

* * * * *
The Committee considered a resolution to establish a Credit Card Use Policy. Steve Powers, County Administrator, explained that PA 266 of 1995 authorizes the County to allow credit card use if the County Board of Commissioners has adopted a resolution of written policy governing the control and use of credit cards. The resolution presented to the Committee of the Whole provides only for those credit cards that are currently out which include the Board of Commissioners and the Sheriff’s Department.

It was noted under Section (i) of the resolution that officers and employees that use a credit card in a manner contrary to policy shall be subject to disciplinary actions as deemed appropriate, which include verbal counseling, written reprimand, suspension, termination, and reimbursement for unauthorized expenditures.

Commissioners want it clearly stated that a County issued credit card can only be used for County business and not for any personal business. Randell Girard, Human Resources Director, noted that under County Policy, County property cannot be used by any staff for personal use. This resolution will dovetail with the County’s present personnel policies.

It was moved by Comm. Arsenault, seconded by Comm. Roberts, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board adopt the resolution governing the control and use of credit cards by County officers and employees.

* * * * *

The Committee considered a memo from Dave Roberts, County Clerk, regarding the annual distribution of Public and Local Acts Books. Clerk Roberts explained that every County Clerk in Michigan received copies of the Public and Local Acts for the previous year from the Michigan Legislative Services Bureau, Publications Division. Marquette County received 55 copies which were distributed to all Townships, Cities, and County Departments. The books were provided free by the State of Michigan.

Clerk Roberts recently received a communication from Conway Green Publishing Company, with an order form for the Public and Local Acts Books for 1996, each book costing $90 plus shipping. Clerk Roberts contacted Dennis Sullivan, Legislative Service Bureau, who indicated in late 1995, along with other privatization legislation, the Public Act Books are now contracted out for publication and distribution. This shifts the publication costs from the State to the local units.

Clerk Roberts will send the order form and a letter to each, Township, City, and County Department so they can decide whether or not to order. He will order one book for his own department.

It was moved by Comm. Seppanen, seconded by Comm. Cihak, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board direct Civil Counsel to review the publication and distribution of the Public and Local Acts Books to determine if there are Headlee implications.

* * * * *

The Committee considered a Notice from the Michigan Department of Natural Resources, Forest Management Division, that Off Road Vehicle (ORV) Grant Applications are available for 1998.

It was moved by Comm. Seppanen, seconded by Comm. Roberts and unanimously carried by voice vote to refer the Notice to the Resource Management/Development Department.

* * * * *

The Committee considered a memo from Steve Powers, County Administrator, to Jay Scherbenske, Director of the Economic Development Corporation, regarding confidentiality concerns if EDC funds were routed through the County’s Accounting Department. The confidentiality concerns are that business information from loan applicants would be made public if the County provided accounting services and possibly discourage clients from seeking EDC assistance. Also, new members may be reluctant to join the EDC because of County involvement with financial information.
Regarding the first concern, Mr. Powers noted that having the County provide accounting services will not compromise confidentiality. Approval of loans requires EDC Board action and EDC Board actions are always subject to the Freedom of Information Act and the Open Meetings Law. Terms of EDC loans are public information. Recipients of public funds should realize that the public has a right to know how these funds are being spent.

Regarding the second concern, contributors to the EDC would like a return on their investment and the assurance that their funds are being spent appropriately. Mr. Powers will discuss these matters with Mr. Scherbenske and bring closure to the question.

It was moved by Comm. Roberts, seconded by Comm. Rapport and unanimously carried by voice vote to place the communication on file.

* * * * * *

The Committee considered a memo from Steve Powers, County Administrator, regarding the Sheriff Department Vehicle Policy. Mr. Powers noted that Sheriff Lovelace, as part of his crime prevention emphasis and to improve response time, has begun a departmental policy expanding the use of personally assigned County vehicles. This new policy expansion is inconsistent with current County policy which prohibits personal use of County equipment. The Board has approved the personal use of a County vehicle for the Sheriff and also the duty related use of County vehicles by the Undersheriff, Search and Rescue Lieutenant, the Emergency Services Manager, and the Detective. Duty related use means to and from work and responding to calls for services.

Mr. Powers intends to provide a policy recommendation regarding County owned vehicles in the near future. The Sheriff's Department, Equalization Department, and the Resource Management Department use County owned vehicles. Mr. Powers has informed the Sheriff of the County policy and Sheriff Lovelace has agreed to limit the use of County vehicles to what is presently allowed by County policy. A draft Vehicle Use Policy is being reviewed by the Sheriff, Civil Counsel, Risk Management, and the Michigan Municipal Risk Management Authority.

It was moved by Comm. Seppanen, seconded by Comm. Rapport and unanimously carried by voice vote that the communication be placed on file.

* * * * * *

David Aro, Executive Director, Professional Rehab Services and Management, was present in defense of Dr. Krista West, pointed out that at the April 18th meeting of the Board of Health she expressed the opinions that were brought to the attention of the County Board. Mr. Aro contended that Comm. Seppanen, Comm. Rapport, and Board of Health Members Wallace and Ayotte, have been around for a long time and now find it hard to be objective regarding the Health Department. Krista West never had a personal agenda and saw things from a different perspective.

Mr. Aro contended that profit from private duty to be used for home health is a creative accounting procedure which is illegal. Jackson County has got out of the Home Health Care business and Mr. Aro would be happy to discuss things one on one with any Commissioner as a representative of the private sector.

Comm. Seppanen expressed concern over the Sheriff Lovelace letter to KIBC Joseph O'Leary regarding the Sheriff's pledge to assist the KIBC should any uprising or subversive activities take place. Comm. Seppanen noted that the Federal Government and the State Government stay out of the Indian affairs and believes it is incumbent that Marquette County stay out also.

Comm. Cihak requested that two items be placed on the July 22, 1997 Committee of the Whole Meeting agenda. First, the 3-17-97 letter from Sheriff Lovelace to KIBC Attorney Joseph O'Leary and second, the agreement to house KBIC inmates in the Marquette County Jail dated October 1, 1995.

Randell Girard, Human Resources Director, upon request by Commissioners, clarified the temporary assignments in the Sheriff’s Department of Ernie Grasso as Undersheriff and Bruce Mahler as the Captain. The pay range for the Undersheriff is slightly higher than the pay range for the Captain; however, because of Ernie Grasso's seniority when he was temporarily assigned to
the Undersheriff position, he will be paid at the maximum level or $1,500 per/year more. Undersheriff Grasso is certified. The Undersheriff will serve as Captain at the same rate of pay that he received as Undersheriff which was less than the maximum. When these individuals return back to their original positions they will also return back to their original rates of pay.

Chairperson Corkin recently attended a meeting of the Marquette and Alger County Alliance for Youth. They will be hosting a summit on August 18, 1997 at the Northern Michigan University Center. This event is being sponsored by the Kellogg Youth Initiative Partnerships, the United Way of Marquette, and the Marquette County Volunteer Center. Five fundamental goals have been established and our local commitment is to reach 1,000 new kids by the year 2,000: Goal No. 1: An ongoing relationship with adults, Goal No. 2: A safe place to learn and grow, Goal No. 3: A healthy start, Goal No. 4: Marketable skills through effective education, and Goal No. 5: An opportunity to give back through community service. Chairperson Corkin encouraged all Commissioners to attend this meeting if possible.

Chairperson Corkin and Administrator Powers attended an AMR Job Training Meeting and if the application is properly done by September 10th, the funds will be available as per the Memorandum of Understanding. Chairperson Corkin thanked President VanDament of NMU and Orrin Bailey.

FURTHER ANNOUNCEMENTS

Home Builders Barbecue at the Northwoods, all Commissioners invited, July 23, 1997, 6:30 p.m.

The Michigan Association of Counties Summer Conference Committee meeting at 5:00 p.m. on July 22nd in Commission Chambers just prior to the Committee of the Whole Meeting.

Negaunee Township Reuse Committee meeting regarding RFP’s for County Airport. Meeting at 3:00 p.m., Wednesday, July 9, 1997, in the Resource/Management Department Office.

The Michigan Association of Counties State Convention will be held August 17, 18, and 19 in Marquette. Commissioners are urged to preregister through Karla Hardy, Administrative Aide.

There being no further business, the meeting was adjourned at 7:32 p.m.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, July 8, 1997, 6:00 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. Review of UPCAP Grant Application for Senior Services by County Health Department.
7. Dental Clinic Fee Schedule Adjustment from County Health Department.
8. Response to Krista West's Comments made at June 17, 1997 County Board Meeting.
10. Utility Sales Contract with AFBCA.
11. Lease Agreement - Champion Towers/County of Marquette.
12. Recommendation from Randell Girard, Human Resources Director, to Amend the Deferred Compensation Plan and Trust Agreement.
13. Resolution to Establish a Credit Card Use Policy.
15. Notice from Michigan DNR that Off Road Vehicle (ORV) Grant Applications are Available for 1998.
18.
19.
20.
21. PUBLIC COMMENT.
22. ANNOUNCEMENTS.
23. ADJOURNMENT.

HAVE A SAFE AND HAPPY 4TH OF JULY!!