The new legislation requires that a Metallic Mineral Permit be obtained by all metallic mineral operators, with existing operations having up to one year to file an application and also that a Mine Reclamation Plan be developed and filed with the application. One of the major changes in the new legislation is to provide a means to pay for the surveillance, monitoring, administration, and enforcement of the Act. The funding will be provided through fees on the metallic mineral industry. The DEQ will be empowered to annually assess fees sufficient to cover the Department's actual cost to implement the Act.

Jim Sodergren, County Treasurer, was present with a review of the proposed amendment to the Mine Reclamation Act and encouraged the County Board to support it. He also had some suggestions for change to various sections of the Act (list attached). Treasurer Sodergren, (also Debbie Pellow, MCTA President) have reservations regarding confidentiality. The records upon which the Annual Report are based should be open to the public.

Mr. Sodergren noted that records as to how the Specific Ore Tax was calculated are sealed in the Equalization Department office. It is difficult to determine if the appropriate tax dollars are being collected if the information is kept confidential. He has similar concerns regarding the Reclamation Act records. The Amendment also indicates that these records should be held for only three years but Treasurer Sodergren believes they should be held for as long as the mine is in operation.

It was moved by Comm. Seppanen, seconded by Comm. Corkin, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board support the proposed Amendments to the Mine Reclamation Act including the concerns raised by County Treasurer James Sodergren with permanent records and reports to be filed in the County Clerk's Office.

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The Committee considered a presentation by members of the Lake Superior Jobs Coalition (LSJC) for the formation of an umbrella economic development organization entitled "A Partnership for the Future." LSJC Members present included John Marshall, the presenter, Co-Chairperson Judith Bailey, NMU President, Elwood Mattson, Mike Skytta, and Herb Parsons. John Marshall noted that the LSJC Chair, Father Louis Cappo, could not attend because of medical problems.

John Marshall, with the assistance of Mike Skytta, presented a slide presentation outlining a brief history of the LSJC and the organizational plan for the "Partnership." The mission of the "Partnership" includes a long term commitment to community improvement, sustainable employment and increased opportunity, collaborative decision making, and a progressive change for a positive community. They envision a growing diversified sustainable Upper Peninsula economy which would be a rewarding place to live, work, and raise a family.

Mr. Marshall outlined the proposed membership and governance of the "Partnership" which will be open to individuals, organizations, units of government, and businesses. A 45 member board will be a combination of elected and appointed individuals with a 15 member executive board. The Board of Directors will include 30 elected members, 10 appointed members, and 5 designated seats for units of government. Terms will be limited to two 3-year terms. The "Partnership" will contain four standing committees as follows: Economic Development, Commerce/ Technology, Education/Human Resources, and Culture/Recreation.

A goal of $185,000 has been established for funding for the first year of which $85,000 requested from the County. The full implementation of this "Partnership" will likely be a slow and deliberate long-term effort to build support across the community. The "Partnership" organizers expect that it will be staffed, at least initially, by current Marquette County EDC Staff and will also be housed in the current offices of the County EDC. Membership recruitment for the partnership will focus on obtaining an agreement with major partners this fall and early winter prior to the actual transition into the new organization. A general membership campaign will follow and continue as an ongoing activity of the Board and its membership. The organizing board will ask for three to five year commitments from members in order to provide financial stability to the organization. Mr. Marshall presented an outline of the dues and fee structure proposed for the "Partnership."

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Steve Powers, County Administrator, recommended that the County Board support the organization plan and bylaws with a number of modifications. One would be to limit public support (county, cities, townships, university) to 50% of the total annual operating cost of the "Partnership." The County's sum would be $83,250 for the first year, however, the second and third year support would be determined by the organization's performance and the County's ability to provide the funding. Staffing should be based on clearly identified and communicated needs of the organization and the experience, expertise, and qualifications of individuals.

Mr. Powers suggested modifications of by-laws including reducing the number of elected voting members from 30 to 20, and reducing the number of voting members appointed by the Chair from 10 to 5. An elected County Commissioner to the Executive Committee. Should the County Board agree to provide funding to the "Partnership", there must be a contract arrangement for services which would include revolving loan fund administration, investment support for businesses, industrial recruitment and expansion, and other specified services identified by the County through the Partnership's Annual Plan. Also included there should be a requirement for an annual financial audit and an annual report on progress.

It was moved by Comm. Roberts, seconded by Comm. Cihak (for discussion purposes), that the Committee of the Whole recommend the County Board approve the "Partnership" in concept and refer the Organization Plan and Bylaws to the EDC and the KI Sawyer Economic Development Board for review. Commissioners engaged in a lengthy discussion and expressed concerns regarding the details in the Partnership's Organizational Plan. Concerns were mainly regarding membership and financial support. Motion defeated 1 Aye (Comm Roberts) to 8 Nays.

Judith Bailey, NMU President, Co-Chair of the LSJC, noted that she participated in a similar organization in Bangor, Maine before coming to Northern Michigan University. The community had many of the same basic needs as expressed here. It has taken 18 months for the Maine organization to settle in with its membership and financial structure. It is important that this organization have funding provided in partnership between public and private groups so no one side has financial stress. When Dr. Bailey left Maine the bylaws were being finalized, however, the intent of the group was to have flexibility and refine many of the details as the organization continued to grow both in funding and in membership. The formation of the Maine organization was the largest unifying force in the area for many years.

It was moved by Comm. Angeli, seconded by Comm. Seppanen, and unanimously carried by voice vote that the Committee of the Whole recommend that the County Board approve the Upper Peninsula Community Partnership Organization Plan and Bylaws in concept and that further discussions be arranged with the Lake Superior Jobs Coalition.

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The Committee considered a memo from Rudolph Kemppainen, Superior Behavioral Health Chairperson, regarding the Superior Behavioral Health Board Membership and the upcoming merger with the Delta Community Mental Health. Mr. Kemppainen requested that the County Board terminate the present 11 members appointments to the Superior Behavioral Health effective December 31, 1997, and then reappoint 9 new members to Pathways effective January 1, 1998 with staggered terms as follows: Three members given terms of 3 years 3 months, three members given terms of 2 years 3 months, and three members given terms of 1 year 3 months.

Mr. Kemppainen also requested that a public hearing and adoption of the resolution approving the new authority status for the four county merged entity entitled Pathways be scheduled on a November County Board Meeting agenda.

It was moved by Comm. Seppanen, seconded by Comm. Roberts, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board terminate all current Marquette County Member appointments to Superior Behavioral Health effective 12/31/97, and appoint 9 new members to the merged entity Pathways as requested and further, that the County Board schedule a public hearing for consideration of the Resolution approving the new authority at the November 18, 1997 County Board meeting.

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The Committee considered a presentation by Gary Walker, Marquette County Prosecutor, regarding a $249,000 grant award from the Office of Justice Programs, Violence Against Women Grants Office.

Prosecutor Walker was present to review the grant award and answer questions. The general goal of the project is to provide a more effective response to domestic violence in Marquette County by providing enhanced victim services through the criminal justice system. The Prosecutor's Office will be called upon to produce a written model protocol that other rural jurisdictions can adopt as a response to domestic violence. The attaining of project goals requiring the establishment of a domestic violence team consisting of two Assistant Prosecuting Attorneys, a legal secretary, and the current Victim/Witness Coordinator.

Prosecutor Walker noted that the grant requires no local match and will provide funding for 18 months. A few minor expenses may be required for office remodeling and furniture but there should be no need for additional appropriations from the County Board.

Prosecutor Walker noted that the grant will benefit Marquette County in that the response to domestic violence will be faster and will allow the victim to meet with the Prosecutor within 48 hours, and receive assistance with Court filings. Also, many perpetrators of domestic violence will be given a choice of counseling or jail. This can be an effective tool in reducing repeat offenses. The grant also provides for the creation of a domestic violence data base.

Prosecutor Walker again emphasized that domestic violence is a crime, no one deserves to be beaten and those individuals committing domestic violence crimes will be arrested in Marquette County and prosecuted to the full extent of the law.

The County Board congratulated the Prosecutor's Office on their past work with domestic violence and the receipt of an excellent grant award.

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 approve of the U.S. Department of Justice Grant Award for $249,567 to the Marquette County Prosecutor's Office under the Violence Against Women Act and authorize the appropriate signatures.

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The Committee considered a recommendation from Steve Powers, County Administrator, regarding the reorganization of the Soil Erosion Program. He recommends moving soil erosion and sedimentation control responsibilities to the Resource/Management Department effective January 1, 1998. The Soil Erosion and Sedimentation Control Act was enacted in 1972 and the Health Department has been responsible for administering this program for Marquette County. The Act requires a permit for projects of more than one acre, or those located within 500 feet of a stream or body of water. The purpose of the Act is to control soil erosion and to protect the waters of the State from sedimentation.

For several years the Health Department has been concerned that soil erosion is unrelated to public health and should be moved to an agency or County department whose purpose is closer to the goals of soil erosion. At the direction of the Board of Health, Dr. Johnson and Comm. Seppanen, as a Board of Health Member and Commissioner Liaison, begin looking for alternatives. Discussions took place with Resource Management, the Drain Commissioner, and the Soil and Water Conservation District. A significant obstacle to moving Soil Erosion from the Health Department was the County's continued Maintenance of Effort required by the State for the Health Department. The net cost of the program requires General Fund support and the General Fund would still be required to fund the Maintenance of Effort. This year clarification was sought from the State Department of Health which has approved the reduction in the County's Maintenance of Effort requirement to the Health Department by $28,494. The Board of Health has changed the program and the Environmental Health Engineer position assigned to the program was reduced from full-time to part-time in the winter months.

Administrator Powers' recommendation to move Soil Erosion and Sedimentation Control to the Resource Management is based on the low program cost in Resource Management, the department's ability to meet State requirements, and the customer convenience through consolidation with other permits. The SWCD would provide a program focused on outreach, public information, and education, and proactive work with landowners and contractors. These are excellent objectives, however, the additional general fund expenditures prevent assigning the program to SWCD.

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Henry DeGroot, Wells Township Supervisor, and Director of the Marquette County Soil Conservation District, distributed a memo providing information which supports that Soil Erosion Sedimentation Control responsibilities to go to the Marquette County Soil Conservation District. Mr. DeGroot believes it is their mission, it is what they do best, and with the assistance of the personal staff on board the enabling legislation created in Michigan would be in the best interest of the citizens of Marquette County.

Mr. DeGroot explained the major objectives of the Marquette County Soil Conservation District and some of the SWCD powers and responsibilities which are detailed in Section of Public Act 297 of 1937.

The following individuals made comments supporting Henry DeGroot and urged Commissioners to move the Soil Control and Sedimentation Act responsibilities to the SWCD:

Bill Hennigan, Chief Forester with Holli and Sawyer Lumber
Kenneth Salo, Rt. 1, Box 338, Republic, a Forestry Consultant
Jake Hayrynen, Forest Operation Manager, Longyear Corporation
Laurie Dhondt, Administrator, Soil and Water Conservation District

Administrator Powers noted that he received a call this afternoon from the President of the Marquette County Homebuilders Association. The Homebuilders requested that the County Board table this matter until after the Homebuilders meet on November 6th so they can provide comments to the County Board. Administrator Powers agreed that the Soil and Water Conservation District could do a good job as would Resource Management, but the he bottom line is cost. General Fund costs to SWCD would be approximately $43,356 while the Resource Management costs would be $20,132.

Randy Gentz, Chairperson, Marquette County Conservation District, contended that if the County Board would table action on the Soil Erosion and Sedimentation Control Program this evening the SWCD would make an effort to rework its proposal for administering the program.

The Committee consensus was to table the matter until the next Committee of the Whole meeting, Monday, November 10, 1997.

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The Committee considered a memo from Gary Yoder, Finance Manager, regarding the Rescue Safety Fund benefiting from the COPS Program. The State of Michigan has begun to fund the Snowmobile Program and has initiated an ORV Program. With this increase in funding comes an increase in the manpower to provide the services. Mr. Yoder believes that the Rescue Safety Fund could benefit from the COPS Program. A full-time deputy could provide a lot of the increased hours to fulfill the expanding programs. Mr. Yoder provided a budget projection for the Rescue Safety Special Revenue Fund, expenditures, and changes in fund balance from 1995, 1996 actual, through 1997 through 2002 estimates.

Undersheriff Jim Bjorne was present and noted that although the full-time deputy for the Snowmobile and ORV Program would be 100% funded for three years under the COPS Grant Program, every COPS Grant hiree in the Sheriff's Department knows that there is no guarantee that their position will continue.

It was moved by Comm. Roberts, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of a full-time Sheriff's Deputy for Snowmobile, ORV, Marine, and Rescue Safety Enforcement.

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The Committee considered a request from Myron DeBolt, Superior Extrusion Inc. for an extension of 120 days for SEI to sign the sublease.

Chief Civil Counsel Harley Andrews was present and explained that the County Board previously approved the Prime Lease/Sublease for Superior Extrusion Inc. at KI Sawyer. A problem has arisen in that the environmental review is not complete, yet the Air Force requires that the County must sign the Prime Lease by November 6, 1997. If the Prime Lease is not signed between the US Air Force and the County of Marquette by this date the Prime Lease would need to be returned to Washington D.C. for review. This would cause an additional several months delay and perhaps put an end to the SEI Project. SEI cannot secure equity and debt financing without a viable lease.

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Myron DeBolt, of SEI, requested the County of Marquette approve of the following proposal: That the County of Marquette sign the Prime Lease on Building 661 with the U.S. Air Force prior to November 7, 1997 and in return SEI will pay for insurance coverage for Building 661 from the date the Prime Lease is signed for general liability in the amount of $1 million and property loss damage in the amount of $316,000. This insurance would remain in effect until such time as the Sublease is signed by SEI (approximately March 1, 1997) or the County terminates the Prime Lease.

Myron DeBolt also explained that he brought this matter before the KI Sawyer Economic Development Committee last evening, Monday, October 27th, however it was a Committee Meeting and KISEDC could not take final action. He was directed to bring this to the Committee of the Whole and consequently the County Board Meeting on November 4th in order to get the Prime Lease executed in time. There is no cost to the County by signing the Prime Lease. SEI will have the necessary insurance in hand by the November 4th Regular Board Meeting.

It was moved by Comm. Joseph, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board authorize the Chairperson to execute the Prime Lease for Building 661 at KI Sawyer with the U.S. Air Force and grant up to a 120 day extension with SEI for the execution of the Sublease, conditional upon SEI providing general liability ($1,000,000) and property loss damage ($316,000).

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It was moved by Comm. Seppanen, seconded by Comm. Joseph and unanimously carried by voice vote that a report from Mike Zorza, Emergency Program Manager, on the 1997 Marquette County Major Accident Response Exercise held on October 25, 1997 at the Empire Mine, Palmer, MI, and also a memo from Peter VanSteen, Senior Planner, CUPPAD Regional Commission, announcing that the Marquette City Housing Commission has been awarded a grant of $387,837 to make improvements at both the Lake Superior Village Apartments and the Pine Ridge Apartments be accepted and placed on file.

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The Committee considered the Sawyer Airport Instrument Landing System (ILS) Project Bid Award. Steve Powers, County Administrator, explained that the County Board previously considered the ILS bid for Sawyer Airport, however, the cost difference between the engineering estimate and the bid award was very significant and the bid was tabled with directions for continuing negotiations to reduce the bid costs. Through negotiations with the contractor and the FAA the proposal is now to install a single frequency ILS, eliminate the DME, and shift the cost of clearing and fencing the outer marker site to an AIP funding project, thereby reducing the cost of the ILS Project from the first bid price of $866,700 to a negotiated price of $599,858. The total EDA Grant amount for aviation products is $827,500 which includes $200,000 for aviation fuel storage which hasn't been designed or bid yet. Administrator Powers recommends approval of this project which will require EDA funds not primarily budgeted for this project.

Hal Pawley, Airport Manager, was present to answer questions and further explained that the FAA required initially, when Marquette County bid the ILS System for Sawyer Airport, that it bid a dual frequency ILS with a Distance Measurement Navigational Equipment (DME). The FAA felt that these should not greatly increase the cost of the project even though Category 1 landing capability (single frequency ILS) is standard for airports of Marquette County's size. Dual frequency ILS are common at the larger airports with a huge number of landings. The FAA also felt that by building a dual frequency ILS with a DME, future project costs at the Sawyer Airport would be minimal.

The cost differential in the bids between a single frequency and the dual frequency has shown to be significant. Now the FAA has agreed to allow Marquette County to install a Single Frequency ILS System. The engineering cost for the two contracts already awarded total $276,690 leaving a balance in the Aviation Project Fund of $550,810. In order to fund the new negotiated ILS Project price Mr. Pawley recommends using $200,000 from the fuel storage project and not doing it at this time. The ILS is more important to the operation of the Sawyer Airport. There are a number of approvals required to proceed with the ILS Project. First, is approval not to do the fuel storage project at this time, but rather use the funding for the ILS. This requires both local and EDA approval. Jay Scherbenske, EDC Director, is already working with the EDA to get their approval. Also, local approval and perhaps EDA approval is needed to use Contingency Funds for the ILS Project, including land purchase. Also, local approval is needed to award the construction contract for the ILS Project at the negotiated price.

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Hal Pawley noted that these approvals are needed quickly in order to have ILS equipment installed yet this year, without it AMR Eagle will have difficulty landing at Sawyer during adverse weather. He requests the Board of Commissioners take immediate action to approve execution of the Notice of Award and execute subsequent contract documents contingent on other approvals outlined for the ILS Project.

It was moved by Comm. Roberts, seconded by Comm. Corkin, and carried by voice vote 8 Ayes to 1 Nay (Comm Cihak), that the Committee of the Whole recommend the County Board approve of the $599,858 ILS Project at KI Sawyer conditional on EDA approval.

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The Committee considered Change Order No. 1 for the Youth Home Roof Replacement Contract with Seelen Construction. The original contract was for $21,855, however, the Change Order incorporates some of the recommendations made by Building Official Gordon Uren. This additional work costs $3,870. The budget for this project is $29,000 and in addition to the contract Resource Management Department Staff will be repositioning the vent fans to reduce attic/roof heating as suggested by Mr. Uren

It was moved by Comm. Rapport, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of Change Order No. 1 Youth Home Roof Replacement Project with Seelen Construction, new contract sum amount will be $25,725.

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

It was moved by Comm. Seppanen, seconded by Comm. Tuominen and unanimously carried on a roll call vote 9 Ayes (Comm. Seppanen, Angeli, Bergdahl, Cihak, Joseph, Rapport, Roberts, Tuominen and Corkin to 0 Nays that the Committee of the Whole go into closed session to discuss pending litigation. NyFries vs. Marquette County et al.

Chairperson Corkin declared a brief recess to clear commission chambers at 8:45 p.m.

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 at 9:30 p.m.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk

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MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, October 28, 1997, 6:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
2. APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON OCTOBER 14, 1997.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. R Mine Reclamation Legislation.
7. R Lake Superior Jobs Coalition - Draft of Upper Peninsula Community Partnership Organizing Plan.
8. R Superior Behavioral Health Board Appointments.
9. BA R District Court Line Item Transfer Request.
10. R Domestic Violence Grant Award to Prosecutor's Office.
11. Tabled Soil Erosion Program Recommendation.
12. R COPS Grant Recommendation for Rescue Safety Position.
13. file Information on 1997 Marquette County Major Accident Response Exercise, Saturday, October 25, 1997, Empire Mine, Palmer.
14. file Information from CUPPAD regarding Marquette Housing Commission: HUD Comprehensive Grant Program.
15. R SEI Proposal Jones / Savage
16. R Bid Award ILS
17. R Change Order Youth Home Roof
18. PUBLIC COMMENT.
19. ANNOUNCEMENTS.
20. ADJOURNMENT.

Closed Session
Ny Fries vs Marquette County

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The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, October 28, 1997 at 6:00 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.

Chairperson Corkin called the Meeting to order. Present: Comm. Angeli, Comm. Bergdahl, Comm. Cihak, Comm. Joseph, Comm. Rapport, Comm. Roberts, Comm. Seppanen, Comm. Tuominen, and Comm. Corkin. Absent and excused: Comm. Arsenault.

It was moved by Comm. Rapport, seconded by Comm. Roberts, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on October 14, 1997 be approved.

Chairperson Corkin opened the meeting for public comment. Laurie Dhondt, Administrator, Soil and Water Conservation District, requested that they be allowed to address the Board when Item 11) Soil Erosion Control Recommendation, comes before the Committee.

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

It was moved by Comm. Roberts, seconded by Comm. Tuominen and unanimously carried by voice vote that the agenda be approved with the following late additions: Item 15) Superior Extrusion, Inc. Proposed Prime Lease/Sublease, Item 16) Bid Award for the Instrument Landing System at Sawyer, and Item 17) Change Order No. 1 for Youth Home Roof Replacement Project.

It was moved by Comm. Seppanen, seconded by Comm. Roberts and unanimously carried by voice vote that Claims and Accounts for the period October 10, 1997, through October 23, 1997 in the amount of $692,295.54 be approved.

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The Committee considered a line item transfer request from the 96th District Court. District Court Judge Patricia Micklow was present and explained that the request is for a $4,000 line item transfer from jury fees to clerical pool support ($800 and over time $3,200). The transfer would enable District Court to employ a temporary worker through the end of 1997. Erik Racine, a temporary worker and college student, is trained in the process of manually adding the open and unsatisfied records from the former computer system into the judicial information system. District Court is close to completion of this process and all records must be in the JI System before January 1, 1998. Mr. Racine has been trained in District Court practices and procedures and would like to continue his appointment without interruption. Judge Micklow added that as of September 30th District Court revenues are over expenses by $59,522.

Gary Yoder, Finance Manager, was present and noted that the line item transfers would have no effect on the overall District Court budget. The reason that a budget transfer is required is that departments are not allowed to transfer line items between personnel and office expenses without Board approval.

It was moved by Comm. Cihak, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the line item transfer request by the 96th District Court with the appropriate budget amendment.

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The Committee considered legislation introduced by State Senator Don Koivisto and Representative Mike Prusi to amend Michigan's Mine Reclamation Act. Concerns were raised in 1996 when the Michigan DEQ proposed to repeal the rules implementing the Act because of lack of funding for enforcement of the Act. Environmental, local government, and industry groups opposed the DEQ recommendation. The legislation being introduced by Senator Koivisto and Representative Prusi would provide the DEQ with the necessary funding for enforcement and address other deficiencies in the existing Act.

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