The Marquette County Board of Commissioners met in Regular Session on Tuesday, May 5, 1998 at 7:00 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. Bergdahl and unanimously carried by voice vote that the minutes of the Equalization Meeting held on April 14, 1998 and the Regular Board Meeting held on April 21, 1998 be approved.

Chairperson Corkin read the following proclamation and presented a plaque honoring Thomas M. Thomas on his retirement:

MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING THOMAS M. THOMAS

WHEREAS, Government has an obligation to provide its citizens with services of the highest quality; and

WHEREAS, these services can only be provided by employees of the highest caliber; and

WHEREAS, Thomas M. Thomas was hired into the 96th District Court Probation Office on May 22, 1972; and

WHEREAS, Thomas M. Thomas has provided the County of Marquette and its citizens with 26 years of excellence and professionalism as a Probation Officer;

NOW THEREFORE BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully expresses its appreciation for the services of Thomas M. Thomas from May 22, 1972 to May 31, 1998;

AND BE IT FURTHER RESOLVED, that the Marquette County Board of Commissioners wishes Thomas M. Thomas and his wife Sandra a long and happy retirement.

Adopted this 5th day of May, 1998
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

Mr. Thomas expressed his appreciation to the County Board for the Resolution and Plaque and noted that he will continue to serve Marquette County as a member of various County Boards and Commissions.

Chairperson Corkin read the following Proclamation honoring the memory of Deputy John J. Kohl:

MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING THE MEMORY OF DEPUTY JOHN J. KOHL

WHEREAS, Law enforcement officers have a duty to protect and serve the citizens; and

WHEREAS, Deputy John J. Kohl was fatally wounded while carrying out his duty in March of 1885, protecting the people of Marquette County; and

WHEREAS, That supreme sacrifice has been lost in the annals of history for more than 100 years; NOW, THEREFORE BE IT

RESOLVED, that the Marquette County Board of Commissioners, on behalf of all county residents, acknowledges its deep gratitude to Deputy Kohl for his courageous and selfless act, and BE IT FURTHER

RESOLVED, that John J. Kohl's sacrifice will never again be forgotten by the people of Marquette County.

Proclaimed this 5th day May, 1998
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners
Michael H. Lovelace, Sheriff
Chairperson Corkin read the following Proclamation designating the Week of May 10-16, 1998 as Chemical Safety Awareness Week in Marquette County:

PROCLAMATION
TO DESIGNATE THE WEEK OF MAY 10-16, 1998
AS CHEMICAL SAFETY AWARENESS WEEK
IN MARQUETTE COUNTY

WHEREAS, it is important that our citizens are aware of the role that chemicals play in their daily lives; and

WHEREAS, along with the benefits of chemicals, we need to be aware of the dangers that hazardous materials can pose to our community, especially to our children and youth, and of the preventative measure that we can take to avoid possible harm; and

WHEREAS, we must encourage continued cooperation between the Local Emergency Planning Committee and our local business, industrial, retail, service, and farming sectors to further increase participation in mitigation measures and emergency planning for hazardous material accidents; and

WHEREAS, it is essential that we work to improve the community awareness safety programs associated with chemicals manufactured, used, or sold in the factories, companies, retail stores, and farms in our communities;

NOW, THEREFORE, I, Gerald O. Corkin, Chair, Marquette County Board of Commissioners do hereby proclaim May 10-16, 1998, as

CHEMICAL SAFETY AWARENESS WEEK
IN MARQUETTE COUNTY

The citizens of Marquette County are encouraged to obtain an share information about the proper uses of chemicals in order to ensure a safe future for Marquette County.

Adopted this 5th day of May, 1998
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

Chairperson Corkin opened the meeting for public comment.

Paula Olive, Family Advocate at Lake Superior Village, expressed her support for the County Board’s action to establish an Adult Dental Clinic. Adequate dental care for indigent adults has been a big problem in Marquette County, the State of Michigan, and all over the country. She has recently served as an advocate for four people who need dental care and she encouraged the County Board to expand the program and include the working poor in the future. She is willing to assist the County Board in any way she can.

Kayla West, a Primary Care Worker and new to the area also expressed support of the County Board’s Indigent Adult Dental Services Proposal and supported the effort.

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

It was moved by Comm. Roberts, seconded by Comm. Joseph and unanimously carried by voice vote that the agenda be approved with the following late addition: Item 11a) A Closed Session to Discuss Pending Litigation in the lawsuit County Airport Board vs. DeRocha.
INFORMATIONAL ITEMS

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

b. State Boundary Commission Findings of Fact and Order regarding Proposed Annexation of Territory in Tilden Township to the City of Ishpeming.
c. Notice of Hearing before the Michigan Public Service Commission - Upper Peninsula Power Company Case #U-11179-R.
d. Letter from U.S. Senator Carl Levin to U.S. Secretary of Commerce William Daley supporting Marquette County's EDA Grant Applications for the Conversion of K.I.Sawyer.
f. Letter from Hal Pawley, Airport Manager, regarding Temporary Sawyer Airport Partial Runway Closure for the Relocation of Runway Lighting.

ACTION ITEMS

10a) It was moved by Comm. Seppanen, seconded by Comm. Arsenault and unanimously carried by voice vote that the County Board approve a Committee of the Whole Recommendation to approve the Marquette County Indigent Adult Dental Care Plan.

Commissioners thanked the Family Independence Agency Board, the Health Department, and the Dental Clinic Advisory Board for their work on this project. The County Board first initiated dental services for indigent children and now they can be proud of the new help that will be provided for indigent adults.

10b) It was moved by Comm. Rapport, seconded by Comm. Roberts and unanimously carried by voice vote that the County Board approve a Committee of the Whole Recommendation to approve of the surrender by the National Weather Service of the Easement for the property and transfer of ownership of their old building to Marquette County, and authorize the Chairperson to execute the Release of Easement and transfer documents.

10c) The County Board considered a Committee of the Whole Recommendation to adopt the Freedom of Information Act Policy No. 105.14. A written objection was received from Lynn M. Emerick, Emerick Consulting, regarding a charge for a FOIA request for a County employee's time to search for the information. She felt charge for copying cost to be appropriate but a County employee is already paid in almost all cases by taxpayers.

Commissioners noted that County employees although already paid by the taxpayers when fulfilling a lengthy Freedom of Information Request that requires a lot of search or copying time without charging the appropriate and property fees as allowed by law would be an unfair burden to taxpayers because it takes these employees away from their regular duties.

Civil Counsel Harley Andrews once again noted that there is a 30 minute period for searching or copying for which no charge would be assessed.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault and unanimously carried by voice vote that the County Board adopt the Freedom of Information Act Policy No. 105.14 as presented.

105.14 Freedom of Information Act Policy

County documents and record shall be available to the public for inspection and/or copying in accordance with the Freedom of Information Act (FOIA), upon receipt of a written request which specifically describes the exact public records desired, unless exempted from disclosure by Section 13 of the Act or other law. Compliance with FOIA does not require that the County create new public records, nor make a compilation, summary or other report of information in order to satisfy a request.

All FOIA requests must be made in writing, and will include requests made by facsimile copy or electronic mail. A FOIA request received by facsimile copy, electronic mail, or by other electronic means, is deemed received the first business day following its transmission. Written requests shall be forwarded to the FOIA Coordinator, or appropriate departmental designee, for response.
Civil Counsel is the designated FOIA Coordinator. The FOIA Coordinator has the authority to issue notices extending response time; or, to deny requests, all or in part, on behalf of any office or department of the County. The following Department Heads shall have limited authority to respond to requests, as well as to sign notices extending the response time for routine requests made to their respective departments:

- Airport
- Central Dispatch
- County Administrator
- County Clerk
- County Treasurer
- District Court
- Equalization
- Finance and Human Resources
- K.I. Sawyer
- Probate and Juvenile Courts
- Prosecuting Attorney
- Resource Management
- Register of Deeds
- Risk Management
- Sheriff

All denials and non-routine requests should be reviewed by Civil Counsel prior to response. Each designated person who accepts and answers FOIA requests must keep a copy of all written requests and responses on file for not less than one year from the date of response.

The FOIA Coordinator or designated department head shall respond in writing to a FOIA request within five (5) business days of receipt, utilizing the Notice of Freedom of Information Act Response form, with one of the following actions:

1. Grant the request;
2. Deny the request;
3. Grant the request in part and deny the request in part;
4. Issue a Notice of FOIA Response extending the deadline for response not more than ten (10) additional business days from the date of the original response deadline due to unusual circumstances. One such notice per request is permitted which shall also include the reason(s) for the extension and the date by which the coordinator or designee shall respond to the request.

In the event of a denial of the FOIA request, the Notice of FOIA Response form would explain the reasons for denial as well as the requesting party’s right to appeal or request judicial review of the denial. Reasons for denial include:

1. The exemption from disclosure of the public record under Section 13 of FOIA or as provided for in other statutes.
2. The record does not exist under the name provided by the requester or under another name reasonably known to the County.
3. The request was not sufficiently specific regarding the public record that is desired.
4. Such other reason as may be allowed by law.

In the event of an appeal, the Marquette County Board of Commissioners shall serve as the governing body responsible for hearing the appeal. Appeals should be submitted in writing addressed to the Chairperson of the Board of Commissioners in care of the FOIA Coordinator. The Board will address the appeal at the next regularly scheduled meeting after the appeal is received and will respond to the appeal within ten (10) days after the Board meeting.

Upon receipt of a written request or completion of a FOIA Request form, the County shall also make public documents and records available for supervised inspection. The records may be inspected at the time of the request if the request is made at a reasonably convenient time during the normal business hours of the department in which the records are held. If the request falls outside of normal business hours or is not reasonably convenient, a mutually convenient time shall be determined and the records will be made available within five (5) business days of receipt of the request. If unusual circumstances exist, an extension may be issued utilizing the procedure noted previously.

Inspection of public records shall be supervised by a County employee to insure the integrity of the County records. Upon completion of the inspection, the County employee will provide copies of inspected documents as requested according to the guidelines as outlined in this policy. At no time are County records to be removed from the office where they are being inspected and no alteration, defacement, or removal of records is permitted.

Fees shall be assessed as allowed by law for the services performed by County employees relating to the processing of FOIA requests, as follows:

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1. Labor costs shall be assessed for the time spent in the search for, examination of, review of, the deletion and separation of exempt from nonexempt information within, the requested records if the FOIA Coordinator determines that the failure to charge such a fee with regard to a specific request would result in unreasonably high costs to the County because of the nature of that request, and the FOIA Coordinator specifically identifies the nature of those unreasonably high costs. Where the time spent by one or more County employees, individually or in the aggregate, exceeds one-half hour in performing the above described tasks, such labor costs shall be assessed; and,

2. The actual incremental cost of duplicating the requested records, at the rate of $0.04 per page, plus the cost of labor involved in such duplication of the requested records; and

3. Actual mailing costs; and,

4. Such other fees and costs as may be allowed by law.

In calculating the labor costs authorized by this Policy the County shall not charge more than the hourly wage of the lowest paid County employee capable of retrieving the information and records necessary to comply with the request.

Should estimated fees exceed fifty dollars ($50.00), a good faith deposit of one-half of the total estimated fee will be required prior to the processing of the FOIA request. Waivers of the deposit and/or a portion of the processing fees may be granted by the FOIA Coordinator in cases of indigency.

Policy Adopted May 5, 1998

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

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin commended Comm. Joseph, his business Joseph’s Super Value was recently recognized by the Ishpeming/Negaunee Chamber of Commerce as the business of the year.

It was moved by Comm. Seppanen, seconded by Comm. Joseph and unanimously carried by roll call vote that the County Board go into closed session to discuss a Finance Committee recommendation regarding pending litigation in the lawsuit Marquette County vs. DeRocha 9 Ayes (Comm. Seppanen, Angeli, Arsenaught, Bergdahl, Chak, Joseph, Rapport, Roberts and Corkin) to 0 Nays. Chairperson Corkin declared a recess at 7:18 P.M. to clear Commission Chambers.

The County Board came back into open session at 7:36 P.M. The following action was forthcoming as a result of the closed session: It was moved by Comm. Seppanen, seconded by Comm. Roberts and unanimously carried by voice vote that the County Board direct Civil Counsel to resolve the pending litigation regarding The Duck Stop property (DeRocha) in accordance with the recommendation made in closed session.

There being no further business, the meeting was adjourned at 7:38 P.M.

Respectfully Submitted,

[Signature]

David J. Roberts
Marquette County Clerk
ROLL CALL.

2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.


4. PROCLAMATIONS, PRESENTATIONS AND AWARDS:
   b. Resolution Honoring the Memory of Deputy John J. Kohl.

5. PUBLIC COMMENT. (time limit 20 minutes total)

6. APPROVAL OF THE AGENDA.

7. PUBLIC HEARINGS. (None).

8. PRIVILEGED COMMENT.

9. INFORMATIONAL ITEMS:
   b. State Boundary Commission Findings of Fact and Order regarding Proposed Annexation of Territory in Tilden Township to the City of Ishpeming.
   c. Notice of Hearing before the Michigan Public Service Commission - Upper Peninsula Power Company Case #U-11179-R.
   d. Letter from U.S. Senator Carl Levin to U.S. Secretary of Commerce William Daley supporting Marquette County's EDA Grant Applications for the Conversion of K.I.Sawyer.
   f. Letter from Hal Pawley, Airport Manager, regarding Temporary Sawyer Airport Partial Runway Closure for the Relocation of Runway Lighting.

10. ACTION ITEMS:
   a. Committee of the Whole recommendation to approve the Marquette County Indigent Adult Dental Care Plan.
   b. Committee of the Whole recommendation to approve the Transfer of Ownership of a National Weather Service Building to Marquette County.

11. LATE ADDITIONS:
   a. Settlement of

12. PUBLIC COMMENT. (time limit 20 minutes total)

13. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.

14. ADJOURNMENT.