The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, February 18, 2003, 7:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.


A salute to the flag was given followed by the Pledge of Allegiance.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the minutes of the February 4, 2003 meeting be approved.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

It was moved by Comm. Joseph, seconded by Comm. Girard, and unanimously carried by voice vote that Claims and Accounts for the period February 7, 2003 through February 13, 2003 in the amount of $1,508,053.01 be approved.

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

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

a. Update on the National Prescription Health Plan.
b. Notice of Court Equity Fund Distribution for 1st Quarter of FY 2003
c. Letter from State Sen. Mike Prusi regarding the Status of Revenue Sharing to Local Units of Government.
f. Michigan Department of Transportation Informational Meeting, Friday, February 21, 2003, Wawonowin Country Club, 9:00 a.m. - Noon.
g. Marquette County Solid Waste Management Authority Rate Schedule for 2003.
h. Letter of Thanks from Marquette County Conservation District and the Central Lake Superior Watershed Partnership for County Board Continued Financial Support.

ACTION ITEMS
It was moved by Comm. Nordeen, seconded by Comm. Tuominen, and unanimously carried by voice vote that Action Items 10a, 10b, 10c, and 10d be approved as follows:

10a) Committee of the Whole Recommendation to approve the Resolution for Distribution of the Hazard Mitigation Plan and the County Board will act as the adopting authority when it is time to adopt the Hazard Mitigation Plan for Marquette County, resolution as follows:

RESOLUTION

MARQUETTE COUNTY BOARD OF COMMISSIONERS APPROVES DISTRIBUTION OF THE HAZARD MITIGATION PLAN AND THE MARQUETTE COUNTY BOARD OF COMMISSIONERS WILL ACT AS THE ADOPTING AUTHORITY WHEN IT IS TIME TO ADOPT THE HAZARD MITIGATION PLAN FOR THE COUNTY OF MARQUETTE, MICHIGAN

WHEREAS, recent amendments to Michigan Public Act 283 of 1945 (being the County Planning Act) require new products for County Plan adoption that will lead to a well planned, coordinated and zoned county;

WHEREAS, based on the requirements of the act, the Marquette County Board of Commissioners must approve distribution of the draft Hazard Mitigation Plan for review by the required entities;

WHEREAS, entities receiving the Hazard Mitigation Plan for Marquette County have 65 days to review and comment on the plan;
WHEREAS, development of the Hazard Mitigation Plan was funded through a grant from the Flood Mitigation Program of the Federal Emergency Management Agency which requires the Marquette County Board of Commissioners be the adopting authority for the Hazard Mitigation Plan for the County of Marquette, Michigan.

NOW THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners hereby approve the distribution of the Hazard Mitigation Plan for Marquette County, Michigan for review and comment. Furthermore, the Marquette County Board of Commissioners hereby agrees to be the adopting authority for the Hazard Mitigation Plan for the County of Marquette when the plan has exceeded the 65 day period for review and comment required by the act.

Adopted this 12th day of February, 2003
Gerald O. Corkin, Chair
Marquette County Board of Commissioners

10b) Committee of the Whole Recommendation to approve of an Amendment to the Engineering Services Agreement with URS Corporation for an Exhibit A Property Map at a cost of $6,000, and authorize the Chairperson to execute the Agreement. Local 10% match to come from sale proceeds of the former airport.

10c) Committee of the Whole Recommendation that the County Board approve the Amendment to the IRP Loan Terms with CANUSA, Inc. to allow interest only payments for January 15, February 15, and March 15, 2003 under the condition that there be a review and approval of the CANUSA, Inc. Budget Control Plan.

10d) Committee of the Whole Recommendation to approve the Amended Lease Agreement with CANUSA, Inc. to expire May 31, 2009 as per terms outlined:

- Lease expiration – extend current expiration date of May 31, 2009
- Rental rates effective
  June 1, 2003 $2.40 per sq. ft.
  June 1, 2004 $3 per sq. ft.
  June 1, 2005 $3.25 per sq. ft.
  June 1, 2006 through 2008 $3.50 per sq. ft.

ACTION ITEMS CONTINUED

10e) The County Board considered a Committee of the Whole Recommendation to approve a 2% gaming revenue donation from the Sault Ste. Marie Tribe of Chippewa Indians for the AM CAB Nutritional Services Program “Meal While You Heal.”

Cheryl Hill, Civil Counsel, noted several amendments to the agreement and the resolution that was in the Commissioners’ packets. The Resolution’s sixth paragraph she added the words “who reside in Marquette County.” The Agreement between the County of Marquette and AM CAB has a new paragraph 2 which indicates that monies received by AM CAB are to be used only to support the “Meals While You Heal” Program for Marquette County residents. Anywhere the phrase “Meals on Wheels” appears in the previous agreement and resolution are changed to “Meals While You Heal.” The program specifically provides meals to Marquette County seniors 60 years of age who are recuperating at home from medical treatment.

It was moved by Comm. Cihak, seconded by Comm. Joseph, and unanimously carried by voice vote that the County Board approve the agreement and resolution for the Sault Ste. Marie 2% gaming revenue donation of $3,000 for the AM CAB Nutritional Services Program “Meals While You Heal”, resolution as follows:

RESOLUTION FOR THE APPROPRIATION OF FUNDS PURSUANT TO THE ACTIVITIES OR SERVICES FOR OLDER PERSONS ACT, 1976, PA 39, MCL 400.571 ET SEQ.

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians will give to the County of Marquette (hereinafter referred to as the County), $3,000.00 as part of its two-percent payment obligation pursuant to the tribal compact with the governor of the State of Michigan.

WHEREAS, the County, pursuant to the Activities or Services for Older Persons Act, 1976, PA 29, MCL 400.571, et seq., is an act to authorize local units of government to appropriate funds for purposes of providing activities or services to older persons; and

WHEREAS, Section 1 of the Act declares that it is a valid public purpose to provide services to older persons, where are defined in Section 2(d) as persons 60 years of age or older; and
WHEREAS, Section 3 of the Act provides that a local unit of government may appropriate funds to public or private non-profit corporations or organizations for the purpose of planning, coordinating, evaluating, and providing services to older persons; and

WHEREAS, the County is desirous of giving the $3,000.00 that came from the Sault Ste. Marie Tribe of Chippewa Indians to the Alger-Marquette Community Action Board (hereinafter AMCAB) for its Community Nutrition Services Program; and

WHEREAS, the Marquette County Board of Commissioners believes that the Community Nutrition Services Program has valid public purpose and provides services to older persons 60 years of age or older who reside in Marquette County;

NOW THEREFORE, the Marquette County Board of Commissioners resolves to enter into an agreement with AMCAB for the payment by the County to AMCAB the sum of $3,000.00 to be used for Community Nutrition Services Program.

FURTHER, IT IS RESOLVED that publication of this appropriation will occur in a local newspaper not less than ten days following approval of this resolution.

FINALLY, the Marquette County Board of Commissioners resolves that Gerald O. Corkin, as Chair of the Board of Commissioners, is hereby authorized to execute the agreement to be entered into between the County of Marquette and AMCAB.

Adopted this 18th day of February, 2003
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

10f) The County Board considered a Committee of the Whole Recommendation that they continue to consider and act as a contractual agent for 2% gaming revenues for non-profit organizations in Marquette County.

Chery Hill, Civil Counsel, noted this policy does not mean that the Marquette County Board must approve gaming revenues for every non-profit organization that applies. The County Board would have the authority to review each request on a case by case basis. Also, The County Board can only contract for services for which it has the authority to do so. For example, in the case of AMCAB Nutritional Services the County Board has the authority to contract for services to senior citizens.

It was moved by Comm. Wallace, seconded by Comm. Nordeen, and unanimously carried by voice vote that the County Board approve of the Committee of the Whole Recommendation to continue its policy to consider and act as a contractual agent for 2% gaming revenues for non-profit organizations in Marquette County.

10g) The County Board considered the request by Civil Counsel Cheryl Hill to Mike Cox, Michigan Attorney General, regarding the proposed County Board of Health regulation prohibiting smoking in public and private workplaces and enclosed public places, not including bars and restaurants. The Marquette County Board of Commissioners has requested a legal opinion as to the following issues.

1) Does the local County Health Department have the authority to adopt the regulation proposed providing unfettered access to all Public and Private workplaces?

2) If there is authority to adopt such a regulation, is the regulation prohibited by the doctrine of pre-emption, and

3) If there is such authority, may such a regulation be applicable to such places that are owned by other government entities (city halls, and township halls), and all private workplaces such as warehouses, plants, and offices?

During discussion Commissioners expressed several concerns including liability, making the owner of a building responsible rather than the violator, and no allowance for designated smoking areas.

Ms. Hill noted the smoking regulation does not provide immunity from liability, people could sue the County if they desire. The Michigan Public Health Code is written in such a way that the owner in charge is responsible for health issues. Two other Michigan Counties, Ingham and Washtenaw, have adopted smoking regulations and in both cases the people apparently are voluntarily following the regulation. There has been no enforcement issues or lawsuits resulting from their regulations.

Comm. Wallace, County Board Member of the Health Board, noted the Health Department nor the County Board of Health has any intent to arrest or impose fines. Washtenaw and Ingham Counties have had their smoking regulations in place for less than one year. Comm. Wallace believes it is important that the County Board present a consistent message to kids about smoking. The major reason for the continued increase in health care costs is the use of tobacco and a clear public policy to discourage tobacco use should be in place. Marquette County has come a long way in the last 10 years and this is just one more step.
Civil Counsel Cheryl Hill also noted normally an AG Opinion takes from 3-6 months, however because of the complexity of this issue she believes this AG Opinion may take as long as 8 months.

It was moved by Comm. Wallace, seconded by Comm. Nordeen, and unanimously carried by voice vote that the County Board forward the request to Mike Cox, Michigan Attorney General, regarding the County Health Department's regulation prohibiting smoking in public and private workplaces and enclosed public places, not including bars and restaurants.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

**COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS**

Chairperson Corkin noted Comm. Cihak has been appointed to the Michigan Association of Counties (MAC) Judicial Committee.

Comm. Nordeen requested the County Board reconsider a County-wide ORV Ordinance at a future meeting.

Comm. Tuominen reported the Kelly Johnson Memorial Drive, the Northwest Access Road to KI Sawyer, is heaving again. An engineering assessment of the matter will be conducted.

There being no further business, the meeting was adjourned at 7:35 P.M.

Respectfully Submitted,

[Signature]

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, February 18, 2003, 7:00 P.M.
Room 231, Henry A. Skewis Annex
Marquette, Michigan 49855

1. CALL TO ORDER - SALUTE TO THE FLAG - PLEDGE OF ALLEGIANCE.
3. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
4. PUBLIC COMMENT. (time limit 20 minutes total)
5. REVIEW OF CLAIMS AND ACCOUNTS.
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
9. INFORMATIONAL ITEMS:
   a. Update on the National Prescription Health Plan.
   b. Notice of Court Equity Fund Distribution for 1st Quarter of FY 2003
   c. Letter from State Sen. Mike Prusi regarding the Status of Revenue Sharing to Local Units of Government.
   f. Michigan Department of Transportation Informational Meeting, Friday, February 21, 2003, Wawonowin Country Club, 9:00 a.m. - Noon.
   g. Marquette County Solid Waste Management Authority Rate Schedule for 2003.
   h. Letter of Thanks from Marquette County Conservation District and the Central Lake Superior Watershed Partnership for County Board Continued Financial Support.
10. ACTION ITEMS:
    a. Committee of the Whole Recommendation to Approve the Resolution for Distribution of the Hazard Mitigation Plan and Act as the Adopting Authority.
    b. Committee of the Whole Recommendation to Approve an Amendment to the Engineering Services Agreement with URS Corporation for an Exhibit A Property Map of SIA.
    c. Committee of the Whole Recommendation to Approve an Amendment to the IRP Loan Terms with CANUSA, Inc.
    d. Committee of the Whole Recommendation to Approve an Amended Lease Agreement with CANUSA, Inc.
    e. Committee of the Whole Recommendation to Approve a Sault Ste. Marie Tribe of Chippewa Indians 2% Gaming Revenue Donation of $3,000 for the AMCAB Nutritional Services Program.
    f. Committee of the Whole Recommendation Directing the County Board Continue to Consider and Act as a Contractual Agent for 2% Gaming Revenues for Nonprofit Organizations.
    g. Consideration of the Request for an AG Opinion on the County Smoking Ordinance (materials previously distributed).
11. LATE ADDITIONS:
    a.
    b.
    c.
12. PUBLIC COMMENT. (time limit 20 minutes total)
13. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
14. ADJOURNMENT.