The Marquette County Board of Commissioners met in Regular Session on Tuesday, July 25, 1995 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. Trudell, seconded by Comm. Braamse and unanimously carried by voice vote that the minutes of the July 11, 1995 Regular Board Meeting be approved.

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

It was moved by Comm. Arsenault, seconded by Comm. Trudell and unanimously carried that the agenda be approved with the following late additions: 11a) EDC Procurement Grant and 11b) EDC Loan Report.

INFORMATIONAL ITEMS

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

9. INFORMATIONAL ITEMS:
   a. Memo from Lyn Nelson, CC Coordinator, regarding the Governor’s Executive Reorganization which Reestablishes the OCC as a Type II Agency Within the Department of Corrections.
   b. Communication from United States EPA regarding Activity Taking Place on Property at the Cliffs - Dow Disposal Area.
   c. Communication from State Court Administrator’s Office regarding Compensation Pay to Jurors.

ACTION ITEMS

It was moved by Comm. Braamse, seconded by Comm. Joseph and unanimously carried by voice vote that action items 10b, 10c, 10d, 10e, 10f and 10g be approved as follows:

10b) A Committee of the Whole recommendation that the County Board accept a grant in the amount of $36,750 for the Marquette County Diversion Program to operate a program entitled Youth Empowerment Services (YES), grant detail as follows:

STATE OF MICHIGAN
OFFICE OF DRUG CONTROL POLICY
Drug-Free Schools & Communities Act of 1986, as Amended

GRANT CONTRACT

<table>
<thead>
<tr>
<th>Grantee</th>
<th>ODCP Control No.</th>
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</thead>
<tbody>
<tr>
<td>County of Marquette, Michigan</td>
<td>53920-1KK94</td>
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<tr>
<td>Project Title</td>
<td>Federal ID No.</td>
</tr>
<tr>
<td>Youth Empowerment Services &quot;YES&quot; Program</td>
<td>38-6004869</td>
</tr>
<tr>
<td>Program Area</td>
<td>Start Date</td>
</tr>
<tr>
<td>94-02</td>
<td>End Date</td>
</tr>
<tr>
<td></td>
<td>July 1, 1995</td>
</tr>
<tr>
<td></td>
<td>December 31, 1995</td>
</tr>
</tbody>
</table>
BOARD OF COMMISSIONERS      COUNTY OF MARQUETTE    JULY 25, 1995

BUDGET SUMMARY

<table>
<thead>
<tr>
<th>BUDGET CATEGORY</th>
<th>APPROVED BUDGET</th>
<th>SOURCE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel (Salary + fringe)</td>
<td>$15,028</td>
<td>Federal</td>
<td>$36,750</td>
</tr>
<tr>
<td>Consultant/Contractual</td>
<td>14,827</td>
<td>Local</td>
<td>-0-</td>
</tr>
<tr>
<td>Travel</td>
<td>3,645</td>
<td>Other</td>
<td>-0-</td>
</tr>
<tr>
<td>Supplies &amp; Materials, Operating Expenses, Other Direct</td>
<td>3,250</td>
<td>TOTAL</td>
<td>$36,750</td>
</tr>
</tbody>
</table>

**TOTAL** $36,750

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10c) A Committee of the Whole recommendation that the County Board approve and pass on to our State Legislators concerns regarding the Mine Reclamation Act (House Bill 4544) which were drafted by the Ad Hoc Mine Reclamation Committee, (Mine Inspector Rudy LaFreniere, Civil Council David Payant, and County Treasurer James Sodergren).

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10d) A Committee of the Whole recommendation that the County Board purchase two, 7 Bay CD-ROM Towers, from the low bidder, Business Technology Services, for $5,510, and an addition 8 MB of RAM for the towers to enhance their performance at a cost of $400.

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10e) A Committee of the Whole recommendation that the County Board impose the following tobacco use restrictions:

1. No smoking in entryways.
2. No smoking in County vehicles.
3. Submit a CIP project request to bring the current smoking room in the Courthouse Annex up to EPA standards at a cost of approximately $3,000.

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10f) A Committee of the Whole recommendation that the County Board adopt a new Personnel Policy - No. 111.13 "Donated Leave Time", as follows:

111.13 DONATED LEAVE TIME

Employees may donate a portion of their accumulated vacation and personal leave time to assist another regular part-time or regular full-time employee (donee) who has exhausted all accumulated leave as a result of their non-work related injury or illness, or that of their spouse, dependent children, or parents. Such donation is voluntary, may be anonymous, and regulated by the following guidelines.

1. Request for Donations

   a. An Employee who has exhausted all accrued leave time, as detailed above, may initiate a donated leave time request to their department head. Such request will be supported by appropriate physician certification of condition.
b. Donated leave time requests will be submitted by the department head in writing on the approved form. Completed donated leave time request forms will be forwarded to the Director of Human Resources for processing.

c. Authorized donated leave time request will be distributed to departments and employee organizations to inform of needed assistance. A maximum of one hundred sixty (160) hours donated leave will be available per request.

d. As necessary, a follow-up donated leave time request may be processed. Such request will follow the procedure as detailed above, and will be supported by appropriate physician certification of current condition.

2. Donor Eligibility

a. All donations are strictly on a voluntary basis.

b. An employee may donate accumulated vacation and personal leave in an amount that will not exceed the established maximum. Such donation will be authorized in writing, signed and dated, and submitted to the Director of Human Resources.

c. Once submitted, authorized donations may not be revoked.

d. Donated vacation and personal leave that is unused will not be returned.

e. Authorized donation will be immediately transferred - on an hour for hour basis - as vacation, and will be available for use by the donee immediately. Unused donations will be retained as vacation by the donee.

* * * * * * *

10g) A Committee of the Whole recommendation that the County Board appoint Human Resources Director Randell Girard as Employer Delegate, and Finance Manager Gary Yoder designated as the Employer Alternate Delegate, to attend the Municipal Employees Retirement System Annual Meeting at the cost of $680 to be taken from contingency, budget amendment as follows:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal Year 1995 Amendment No. 17

WHEREAS, budgets were adopted by the County Board on October 11, 1994, to govern the receipts and expenditures of the various County funds for the next fiscal year of the County; and

WHEREAS, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget; and

WHEREAS, such modification will still maintain a balanced budget between revenues and expenditures as required by P.A. 621 of 1978.

NOW THEREFORE, BE IT RESOLVED that the aforesaid budget be hereby modified as follows:
BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  JULY 18, 1995

<table>
<thead>
<tr>
<th>Expense Budget Acct.</th>
<th>Previous Budget</th>
<th>Amended Budget</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff Training</td>
<td>4,000.00</td>
<td>4,680.00</td>
<td>680.00</td>
</tr>
<tr>
<td>Contingency Account</td>
<td>97,281.00</td>
<td>96,601.00</td>
<td>(680.00)</td>
</tr>
<tr>
<td>Total Expenditure Changes</td>
<td>101,281.00</td>
<td>101,281.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rev. Budget Acct.</th>
<th>Previous Budget</th>
<th>Amended Budget</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Changes Made</td>
<td>0.00</td>
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<tr>
<td>Total Revenue Changes</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

Motion was made by Comm. Braamse, Seconded by Comm. Joseph, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

<table>
<thead>
<tr>
<th></th>
<th>Aye</th>
<th>Nay</th>
<th></th>
<th>Aye</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td>L. Angeli</td>
<td>X</td>
<td></td>
<td>N. Joseph</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>P. Arsenault</td>
<td>X</td>
<td></td>
<td>J. Minelli</td>
<td></td>
<td>Absent</td>
</tr>
<tr>
<td>C. Bergdahl</td>
<td>X</td>
<td></td>
<td>K. Rapport</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>P. Braamse</td>
<td>X</td>
<td></td>
<td>G. Seppanen</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>G. Corkin</td>
<td>X</td>
<td></td>
<td>C. Trudell</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

The Chairperson declared the motion carried and the resolution duly adopted this 25th day of July, 1995.

* * * * *

ACTION ITEMS CONTINUED

10a) The County Board considered a recommendation from the Committee of the Whole to approve $200 compensation for the Assistant Prosecuting Attorneys and District Court Magistrates for each duty week, in exchange for them receiving no “comp” time during the time they are one call; and additional expenditures for three cellular phones, two for the Prosecutor’s Office and one for the District Court; and that two additional Court Clerks be upgraded to Certified Electronic Operators (CEO’s). Chairperson Corkin declared a brief recess in order for Commissioners to review communications from the Marquette County Juvenile Staff and Jackie Lykins, Chapter Chairperson, Local 2914, AFSCME.

Juvenile Court Staff, both union and management, have provided on-call emergency services for years and anticipate the same compensation of $200 per week that would be provided to the Prosecutor’s Office and to District Court.

The Courthouse Employees Chapter, Local 2914, pointed out the labor agreement provides that if during the term of the labor agreement, other employees of Marquette County are granted increases in wages or benefits that result in an increased expenditure of County Funds that is not offset by a reduction within that employee group, the union will have the option of reopening the labor agreement to negotiate wages only. Should the County Board approve on-call pay for Assistant Prosecutors and District Court Magistrates. Local 2914 would assume it is the Board’s intention to reopen the contract.
Chairperson Corkin returned the meeting to open session. Marquette County Prosecutor Gary Walker was present and contended that the Mining Journal wrote an editorial without consideration of the facts. They suggested that this is a new voluntary program being presented by the Prosecutor and District Court, but it is not. This is not a program drafted by the Prosecutor, or by District Court, nor even by the County Board, but rather it is the law which was drafted by our State Legislature. The law requires that all who are arrested for drinking and/or domestic violence violations must be arraigned as soon as possible, therefore, the County must hold Court on the weekends.

Prosecutor Walker pointed out that the leading cause of emergency medical visits among women is domestic violence. The leading cause of birth defects is also domestic violence. The County will be assessing fines and costs against these convicted criminals. The union may claim that the compensation for on-call duty is a wage increase, however, this is not so. Assistant Prosecutors are being asked to work more hours for the same amount of pay. Presently they are given comp time at 1-1/2 hours per hour worked, however, Assistant Prosecutors seldom have the opportunity to utilize all their accumulated comp time. If they did utilize it, that in turn would put a tremendous strain on the Prosecutor’s Office because it would be short staffed. The proposal for on-call duty pay would save the County money. The anticipated collected costs and fines would more than offset the $10,400 on-call duty pay for the remainder of 1995. Otherwise, the Prosecutor’s Office is one attorney short all the time, and it would cost more to hire another attorney.

James Collins, 96th District Court Judge, was present and pointed out that Lynn Ketchum has lost 130 hours so far, Jennifer Bennon has lost 40 to 50 hours, and Cindy Cope approximately the same. The State Law now requires District Court to hold sessions on Saturdays and Sundays. Aside from receiving interruptive calls in the middle of the night on the weekends, Judge Collins contended it is unfair to make staff work on the weekends without compensation. If a union employee is called to work overtime on Saturdays and Sundays they are paid at time and a half.

District Court Judge Patricia Micklow was also present and explained that the request is appropriate for both the Prosecutor’s Office and Court Staff. They are anticipating approximately 400 domestic violence arrests cases per year, and the perpetrator must be arraigned within 24 hours.

Chairperson Corkin believed the request to be fair however he is concerned with the issues raised by the Union which may require a Contract reopener. It is the County Board’s responsibility to look into the matter. Several Commissioners thought it best that the County monitor the amount of revenues collected compared to the amount of hours worked for on-call duty and review the matter during the budget process.

It was moved by Comm. Rapport, seconded by Comm. Arsenault (for discussion purposes) that the County Board approve the recommendation from the Committee of the Whole and also communicate with our Governor and State Legislators their concerns regarding legislation that creates unfunded mandates.

The County Board engaged in a lengthy discussion with District Court Staff, the Prosecutor, and the Administrator, after which Comm. Arsenault withdrew his support for the motion.

No other Commissioner supported the motion. Chairperson Corkin declared motion dead because of lack of support.

It was moved by Comm. Bergdahl, seconded by Comm. Braamse and carried by voice vote 6 Ayes (Comm. Bergdahl, Braamse, Joseph, Seppanen, Trudell and Corkin) to 3 Nays (Comm. Angelii, Arsenault, and Rapport) that the County Board deny the recommendation from the Committee of the Whole but rather monitor the on-call hours worked and the amount of fees and fines collected and for review during the FY 1996 budget process.

Prosecutor Gary Walker contended that by passing on work to employees without additional compensation because of concern raised by the Union is bad management. He disagreed with putting off the issue for further study.

Judge Micklow explained that if the Board approves the request during the budget process she would like to see retroactive pay for District Court employees. They can document their time.
District Court Judge James Collins though it is not fair to charge fees and then later consider utilizing the funds for on-call duty. He believed that District Court is able to find enough funds in its budget to cover the new telephone and certifying two Court Clerks as CEO’s.

It was moved by Comm. Seppanen, seconded by Comm. Trudell and unanimously carried by voice vote that the County Board allow District Court to adjust their revenues for the additional expenditure of a cellular phone and upgrading two Court Clerks to CEO’s, and further that an appropriation be made from contingency for two cellular phones for the Prosecutor’s Office, Budget Amendment as follows:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal Year 1995 Amendment No. 16

WHEREAS, budgets were adopted by the County Board on October 11, 1994, to govern the receipts and expenditures of the various County funds for the next fiscal year of the County; and

WHEREAS, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget; and

WHEREAS, such modification will still maintain a balanced budget between revenues and expenditures as required by P.A. 621 of 1978.

NOW THEREFORE, BE IT RESOLVED that the aforesaid budget be hereby modified as follows:

<table>
<thead>
<tr>
<th>Expense Budget Acct.</th>
<th>Previous Budget</th>
<th>Amended Budget</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
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<td>6,100.00</td>
<td>300.00</td>
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<tr>
<td>Prosecuting Attorney</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency Account</td>
<td>97,581.00</td>
<td>97,281.00</td>
<td>(300.00)</td>
</tr>
<tr>
<td>Total Expense Changes</td>
<td>103,381.00</td>
<td>103,381.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rev. Budget Acct.</th>
<th>Previous Budget</th>
<th>Amended Budget</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecuting Attorney</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

Motion was made by Comm. Seppanen, Seconded by Comm. Rapport, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

<table>
<thead>
<tr>
<th>Aye</th>
<th>Nay</th>
<th>Aye</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td>L. Angeli</td>
<td>X</td>
<td>N. Joseph</td>
<td>X</td>
</tr>
<tr>
<td>F. Arsenault</td>
<td>X</td>
<td>J. Minelli</td>
<td>Absent</td>
</tr>
<tr>
<td>C. Bergdahl</td>
<td>X</td>
<td>K. Rapport</td>
<td>X</td>
</tr>
<tr>
<td>P. Braamse</td>
<td>X</td>
<td>G. Seppanen</td>
<td>X</td>
</tr>
<tr>
<td>G. Corkin</td>
<td>X</td>
<td>C. Trudell</td>
<td>X</td>
</tr>
</tbody>
</table>

The Chairperson declared the motion carried and the resolution duly adopted this 25th day of July, 1995.
BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  JULY 18, 1995

It was moved by Comm. Rapport, seconded by Comm. Braame and unanimously carried by voice vote that letters be sent to Governor Engler and to our State Legislators voicing concern about unfunded mandates resulting from MCL 780.581 which requires that persons arrested pursuant to the Domestic Violence Statutes are required to be arraigned before a magistrate without unnecessary delay. The cost of this unfunded mandate to Marquette County is approximately $10,500 for the remainder of 1995.

LATE ADDITIONS

11a) Comm. Bergdahl, also President of the Marquette County EDC, explained that there are 13 Procurement Centers in Michigan but none in the Upper Peninsula. A Procurement Center looks for contractors and Marquette County has the opportunity to seek a Procurement Center Grant. All that is needed is an in-kind match which would be a place to house the Director of the Procurement Center. The Upper Peninsula is part of the Traverse City Region which acquired approximately $20 million in contracts in 1994 of which only $2 million were from the Upper Peninsula.

Comm. Bergdahl requested that the County Board authorize the Chair to sign a certificate to allow the application for federal assistance to pursue funding.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board authorize Chairperson Corkin to sign the Certificate of Authority authorizing Charles Bergdahl, President of the Marquette County EDC to sign on behalf of the Marquette County EDC the application for federal assistance to pursue funding for a Procurement Technical Assistance (PTA) Cooperative.

* * * * *

11b) The County Board took under consideration an EDC Loan Report. The Finance Committee and the EDC Board of Directors have funding for the following loans: First, Quality Propane Service of Gwinn, $50,000. Second, Industrial Products, Inc. of Ishpeming - Phase II, $37,000.

Based upon the 40/60 local federal match requirements, the EDC requests $20,000 and $14,800 respectively as the local match to facilitate the EDA draw down for these loans. A total of $34,800 is needed.

It was moved by Comm. Rapport, seconded by Comm. Braame (Comm. Arsenault abstaining) and unanimously carried by voice vote that the County Board approve the EDA draw down local match of $34,800 as requested.

* * * * *

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

COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Chairperson Corkin introduced Tom Rumora, Executive Director, K.I. Sawyer Base Conversion Authority. Mr. Rumora had no prepared remarks but rather is making the rounds of local meetings, Townships, City and County, to opened the lines of communication with the Base Conversion Authority.

On behalf of the Marquette County Board of Commissioners Chairperson Corkin welcomed Tom Rumora to Marquette County.

Comm. Bergdahl pointed out that Jay Scherbenske, EDC Director, would have attended tonight's meeting, however, he is at an important meeting in Lansing on behalf of the EDC.
Comm. Angeli noted in the recent issue of the MAC Bulletin, "A County Line" that the U.S. House Appropriations Committee has approved a $10 million increase over last years PILT disbursements, however, there is a battle beginning in the Senate regarding the matter. The Upper Peninsula is in desperate needs of such funds. The State pays $2.65 per acre while the Federal Government only pays $.90 per acre.

It was moved by Comm. Angeli, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board send letters to our U.S. Senators Levin and Abraham urging their support of an increase in PILT disbursements.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried on a roll call vote, 9 Ayes (Comm. Seppanen, Angeli, Arsenault, Bergdahl, Braamse, Joseph, Rapport, Trudell and Corkin) Nays, none, that the County Board go into closed session for the Quarterly Litigation Report to discuss pending litigation as follows:

Williams vs. Marquette County Health Department et al.
Aho vs. Marquette County Medical Care Facility
Four Seasons Towing vs. Marquette County
Brandon vs. County of Marquette and Prosecutor Gary Walker
Newland vs. County of Marquette et al.

Chairperson Corkin declared a recess to clear Commission Chambers.

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CLOSED SESSION

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The County Board came back into open session. No action was forthcoming as a result of the closed session.

There being no further business the meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk
1. ROLL CALL.
2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
9. INFORMATIONAL ITEMS:
   a. Memo from Lyn Nelson, CC Coordinator, regarding the Governor’s Executive Reorganization which Reestablishes the OCC as a Type II Agency Within the Department of Corrections.
   b. Communication from United States EPA regarding Activity Taking Place on Property at the Cliffs - Dow Disposal Area.
   c. Communication from State Court Administrator’s Office regarding Compensation Pay to Jurors.
10. ACTION ITEMS:
   a. Committee of the Whole Recommendation to Approve Additional Compensation for the Prosecutor’s Office and District Court.
   b. Committee of the Whole Recommendation to Accept the Grant for the Marquette County Diversion Program.
   c. Committee of the Whole Recommendation to Approve Mine Reclamation Act Concerns.
   d. Committee of the Whole Recommendation to Purchase CD-ROM Towers.
   e. Committee of the Whole Recommendation to Impose Tobacco Use Restrictions.
   f. Committee of the Whole Recommendation to Adopt the New Personnel Policy - #111.13 "Donated Leave Time".
   g. Committee of the Whole Recommendation to Appoint Randell Girard as Employer Delegate and Gary Yoder Employer Alternate Delegate to the MERS Annual Meeting.
11. LATE ADDITIONS:
   a. EDC Procurement Draft
   b. EDC 400m Report
12. PUBLIC COMMENT. (time limit 20 minutes total)
13. .................................................................................................................................
14. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
15. ADJOURNMENT.