The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, July 18, 1995 at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Joseph, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on June 27, 1995 be approved.

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

It was moved by Comm. Seppanen, seconded by Comm. Minelli, and unanimously carried by voice vote that the agenda be approved with the following change: Item 17) Smoking Survey, be moved up on the agenda to item 8c).

It was moved by Comm. Seppanen, seconded by Comm. Minelli, and unanimously carried by voice vote that Claims and Accounts for the period June 23, 1995 through July 14, 1995, in the amount of $1,219,099.66 be approved.

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The Committee considered an Announcement from Probate Judge, Michael Anderegg, of Grant Funds from the Office of Drug Control Policy. Judge Anderegg was present and stated that the Marquette County Diversion Program has been awarded one of 14 grants of discretionary funds distributed by Governor Engler under the Federal Drug Free Schools and Communities Act. The County will receive $36,750 to operate a program entitled Youth Empowerment Services (Y.E.S.) for the period July 1, 1995 through December 31, 1995. Funds will be used to hire a part-time coordinator who will obtain and coordinate the following types of prevention services for at-risk youth between the ages of 10 - 17: mentoring; tutoring; leadership training; conflict resolution; substance abuse resistance; peer pressure resistance; tobacco use education; job skills; and anti-gang group sessions.

The grant will also provide coordination with existing Juvenile Court programs and clerical support services. No local match is required.

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 accept the grant in the amount of $36,750 for the Marquette County Diversion Program to operate a program entitled Youth Empowerment Services (Y.E.S.).

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The Committee took under consideration concerns regarding the Mine Reclamation Act (House Bill 4544). On May 23, 1995 the Committee of the Whole recommended the County Board support mine reclamation legislation, however, they informed our Legislature that they do not support HB 4544 in its present form, and will submit reasons and suggestions for changes.

An Ad Hoc Committee was formed by Chairperson Corkin consisting of Marquette County Mine Inspector, Rudy LaFreniere, Marquette County Treasurer, James Sodergren, and Civil Counsel, David Payant, to list concerns regarding the Mine Reclamation Act. The following is a list of those concerns:

I. Cleanup of Existing Abandoned Mines; II. Caving Grounds; III. Future Abandoned Mines; IV. Organization: Mine Reclamation/Economic Development Commission; V. Enforcement; and VI. Suggested Changes to Mine Inspector Statute.

It was moved by Comm. Braamse, seconded by Comm. Trudell, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve and pass on to our Legislators the Mine Reclamation Act Concerns drafted by the Ad Hoc Committee.

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The Committee considered requests from Gary Walker, Prosecuting Attorney, for Assistant Prosecuting Attorneys’ Compensation for On Call Duty, and from District Court Judges, James Collins and Patricia Micklow, for District Court Magistrates’ Compensation for On Call Duty.

Gary Walker, Prosecuting Attorney, was present and stated that he has two topics he would like addressed. The first being the issue of salary versus hourly compensation of Assistant Prosecuting Attorneys. The current system pays a fixed salary, requires the employees to submit a time sheet, pays no overtime and awards a one for one compensatory time for all hours worked in excess of 40 in a one-week period. He feels this system causes several problems.

Marquette County currently grants up to four weeks vacation for its employees. With seven Assistant Prosecuting Attorneys in his office, this equates to operating shorthanded seven months per year, not counting sick leave. The work load and staffing level in his office make the granting of additional leave for earned compensatory time a major problem. Also, Attorneys are exempt as a class under federal wage and hour laws which require the payment of overtime. The treatment of an exempt employee as an hourly employee will remove that exemption and require the payment of time and a half for all hours worked over 40 in a week.

To remedy the situation Mr. Walker is requesting that the County Board adopt a policy that treats the Assistant Prosecuting Attorneys as salaried employees and abolish the awarding of “comp” time.

Secondly, due to a recent court decision requires that persons arrested on charges of Domestic Violence be arraigned on a daily basis, including Saturdays, Sundays and Holidays, along with the Court Rule change of five years ago requiring weekend and holiday arraignments of persons arrested on felony charges, he is requesting that the County Board consider a $200 supplement to compensate Assistant Prosecuting Attorneys for being on call. The additional demands being placed on the Assistant Prosecuting Attorneys cannot be ignored. They are on call 24 hours a day for a one week period. The additional burden of the weekend review of Domestic Violence cases compels a response and recognition to a long overdue problem. Mr. Walker has discussed this matter with the District Judges. They have indicated a willingness to tax costs of prosecuting on assaultive crimes. This would more than cover the expense of the $200 on-call compensation. From this same source Prosecutor Walker would request that the Board authorize the purchase of two mobile phones to increase the communication for the on-call system.

District Court Judges James Collins and Patricia Micklow were also present to address this issue. Judge Micklow stated that the District Court is required to implement MCL 780.582a by holding daily arraignments of all defendants charged with the offense of domestic violence. This statute does not exclude weekends and holidays, and thus presents several immediate coordination, staffing, and compensation issues for the court and other county officers affected (i.e. the prosecutor and sheriff). Therefore District Court is requesting:

1) That all District Court Clerks be certified as electronic operators (C.E.O.);
2) That the Deputy District Court Clerk II classification be upgraded and compensated accordingly;
3) Increased compensation for District Court Magistrates.

District Court has indicated a willingness to tax costs of prosecution on assaultive crimes which would more than cover the cost of the additional compensation.

At present, the District Court Judges and Magistrates rotate on-call duty for one week at a time. This includes responding to all after hours and weekend requests for bonds, determining probable cause in felony warrant requests, and authorizing all search warrants, including warrants for the withdrawal of blood in drunk driving cases. Thus far, these duties have not required an in-court proceeding, particularly with the use of fax machines and a pager system.

Now a formal arraignment must be held for all in-custody domestic violence defendants each day, which requires that a record be made by a certified court recorded. These demands make it necessary to institute C.E.O. certification as a job qualification for all district court clerks. This will enable District Court to have adequate C.E.O. coverage for daily arraignments, and will provide more back-up depth for the two court recorders during times of illness or vacation and reduce the frequency of weekend attendance.

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The responsibilities will also increase greatly for District Court Magistrates who are already providing a majority of the on-call response. They are authorized to conduct arraignments, appoint attorneys, and set bail, and so will be performing those duties in court on weekend days and holidays. Since they are excluded from union membership by virtue of their quasi-judicial duties, they are permitted to accumulate "comp" time for these additional hours. The current "comp time system provides no incentive for the personal sacrifices of being on-call twenty-four hours a day over ten weeks each year and ultimately saddles the County with unfunded liability. Reasonable pay for these duties is much more desirable and fair.

Judge Micklow also believes magistrates are entitled to additional reasonable compensation of $200 for each duty week. Carrying a pager, being available all hours of the day and night, together with formal court responsibilities on weekends and holidays distinguishes District Court Magistrates and also Assistant Prosecutors from other non-union employees utilizing the "comp" time system.

Commissioners engaged in a lengthy discussion asking questions of both Prosecutor Walker and the District Court Judges. They are concerned with our current financial situation. Comm Joseph reminded Commissioners of the contract extension agreed upon between management and employees stating "No layoffs - No raises for one year."

Comm. Arsenault stated that this is another non-funded mandate by the State. The additional duties are added and no money passed on by the State. We need to talk to our Legislators about these non-funded mandates.

Dennis Aloia, County Administrator, was present and stated that the law went into effect and the work is being done, but he has significant concerns about what this does to the compensation system. This is a different and unique situation. He recommends approving the $200.00 compensation for the Assistant Prosecuting Attorneys and District Court Magistrates for each duty week in exchange for them receiving no "comp" time during that time they are on call. He disagrees with District Court certifying all Court Clerks as C.E.O.'s. This would upgrade them all in pay to that of a court recorder. He sees the need for additional court recorders, but not all court clerks. He thinks it would be reasonable to upgrade two of those five court clerks so they would have four court recorders available to work one weekend a month.

It was moved by Comm. Rapport to approve the $200.00 compensation for the Assistant Prosecuting Attorneys and District Court Magistrates for each duty week in exchange for them receiving no "comp" time during that time they are on call; an additional expenditure for three cellular phones; and that five court clerks be certified as C.E.O.'s. Motion died for lack of support.

It was them moved by Comm. Seppanen, seconded by Comm. Arsenault, and carried by voice vote 8 ayes to 2 nays (Comm. Joseph and Comm. Braamse voting nay) that the Committee of the Whole recommend the County Board approve the $200.00 compensation for the Assistant Prosecuting Attorneys and District Court Magistrates for each duty week in exchange for them receiving no "comp" time during that time they are on call; an additional expenditure for three cellular phones, two for the Prosecutors Office and one for the District Court; and that two additional court clerks be upgraded to court recorders.

The issue of salary versus hourly compensation of Assistant Prosecuting Attorneys will be considered at a later date.

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The Committee considered a recommendation from Brent Nault, Data Processing Manager, regarding the Law Library CD-ROM Purchase Recommendation. On July 11, 1995, the County Board awarded four of the five bids for; 1) micro-computers, 2) laptops/notebooks, 3) printers, and 4) network communications equipment. The final bid to be awarded is the CD-ROM towers for the law library project. The 1995 County budget contains funds for two, seven drive bay, CD-ROM towers in the law library line item of the PIF fund. Mr. Joe Levandoski, 21st Century Project Coordinator, has been working with Lawyers' Cooperative which sells and maintains law reference books on CD-ROM discs. With the help of Lawyers' Cooperative personnel, bid specifications were distributed which would work with the reference library CD-ROM's.

It was moved by Comm. Arsenault, seconded by Comm. Joseph, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board purchase two, seven bay CD-ROM towers, from the low bidder, Business Technology Services for $5,510.00, and an additional 8 MB of RAM for the towers to enhance their performance at a cost of $400.00.
The Committee considered the Marquette County Secondhand Smoke Survey Results. Comm. Seppanen introduced Jim Harrington from the Marquette County Health Department. Mr. Harrington explained briefly the results of the survey. The purpose of the Survey was to determine the extent employees are bothered by secondhand smoke and if there is support for a ban on tobacco use in County buildings or property. The survey indicates that overall there is equal support by employees for and against imposing more tobacco use restrictions. It is apparent that County facilities have designated a wide range of smoking areas and are at different stages of development on their tobacco use policy.

It is recommended that the County policy should, for health and public concerns, meet the following minimum requirements for all buildings: 1) No smoking in entryways; 2) No smoking in buildings unless the designated smoking room is closed, negatively pressured, and vented directly to the outside; and 3) No smoking in County vehicles.

Mr. Wright, Facilities Manager, stated that it would cost approximately $3,000.00 to bring the current smoking room in the Annex up to EPA standards.

It was moved by Comm. Seppanen, seconded by Comm. Braamse, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board impose the following tobacco use restrictions: 1) No smoking in entryways; 2) No smoking in County vehicles; and 3) submit a CIP project request to bring the current smoking room in the Annex up to EPA standards.

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The Committee considered a recommended New Personnel Policy - No. 111.3 "Donated Leave Time." Randell Girard, Director of Human Resources, was present to explain the policy. There have been several recent instances of County staff members experiencing non-work related catastrophic illness/injury that resulted in exhaustion of their accumulated leave time. In most instances, the result of such exhaustion is conversion to unpaid status on leave of absence. In April, AFSCME Local #2914, representing the Courts and Courthouse employees, requested that consideration be given to developing a mechanism to allow County staff members to voluntarily donate a portion of their accumulated leave time to assist in such instances. A survey of our Labor Market Counties verified that several variations of donated leave time policies have been developed, and are proving beneficial.

Administrative Staff has reviewed the proposed policy and support its adoption.

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 adopt the new personnel policy - #113.13 "Donated Leave Time."

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The Committee considered a memo from Randell Girard, Director of Human Resources, regarding the Municipal Employees' Retirement System Annual Meeting. Mr. Girard explained that the annual meeting of our retirement system will be held on Sept. 26 & 27, 1995 in Traverse City. The purpose of the meeting is to elect representatives to the MERS Board and to provide information on pending legislation and regulatory changes affecting MERS participants. The County is required by statute to identify an employer delegate, and to have elected by secret ballot an employee delegate - whether or not delegates actually attend the annual meeting. The election for employee delegate has been scheduled for August 9.

As in the past Mr. Girard is recommending that the County Board appoint himself as the employer delegate with Finance Manager Gary Yoder designated as the employer alternate delegate. Marquette County delegates have not attended the annual meeting for the last two years. In reviewing the agenda items, Mr. Girard believes it is important to attend this year. Cost for attending is $680.00.
It was moved by Comm. Arsenault, seconded by Comm. Minelli, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board appoint Randell Girard as employer delegate with Finance Manager Gary Yoder designated as the employer alternate delegate to attend the Municipal Employee’s Retirement System Annual Meeting, with the cost of $680.00 to be taken from Contingency.

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The Committee took under consideration Governance of the K.I. Sawyer AFB. On June 5, 1995, the County Board attended a governance discussion with township representatives and representatives of the K.I.Sawyer Conversion Authority at the Conversion Authority’s request. During that meeting suggestions were made and ideas were discussed on how the air base may be governed. The County Board expressed their willingness to cooperate and their desire to being the governance issue at Sawyer to a quick conclusion.

It was moved by Comm. Trudell, seconded by Comm. Braamse, and carried by voice vote 9 Ayes to 1 Nay (Comm. Rapport voting Nay), that the Committee of the Whole direct Staff to send the following position statement to the Conversion Authority, Marquette County Townships and the Media:

"If the County Board finds the move of the County Airport to K.I. Sawyer financially feasible, the County will have complete control of all facets of operation of the airport, including land ownership (as soon as feasible).

In exchange for this consideration, the County Board will agree to allow the townships to operate the remainder of the base in any form of governance that the townships feel is appropriate.

This is offered in the spirit of cooperation in hopes of expediting a decision."

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The Committee took under consideration a News Release: Governor Vetoes Funding to Out-State Courts. Governor Engler has vetoed the line-item $25 million that the Legislature added to the budget for funding of out-state courts. Engler says that court reform is necessary before he will agree to any additional funding. The decision causes serious concern for the Michigan Association of Counties (MAC), which has led efforts to get the state of Michigan to live up to its 13-year obligation to fully fund all 83 county court systems. Key legislators who have pushed for court funding has called the issue a bi-partisan concern, said the decision is "a slap in the face of every county."

Dennis Aloia, County Administrator, stated the point is that part of the agreement that the Legislature put together was a trade-off. They froze revenue sharing at a lower increase and in exchange for that they were going to give Marquette County $253,000.00 to help fund courts. This puts Marquette County in a difficult situation regarding our current financial situation.

It was moved by Comm. Braamse, seconded by Comm. Trudell, and unanimously carried by voice vote that the Committee of the Whole direct Staff to send a letter to the Governor, Representatives, and MAC, voicing Marquette County’s displeasure over the veto. The News Release was placed on file.

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The Committee considered a response from Congressman Bart Stupak regarding County Concerns about the Community Development Block Grant Program. Representative Stupak assures Marquette County that he will not support any change in the funding formula that reduces the share of funds to Northern Michigan.

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

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The Committee considered the 1995 Budget Hearing Schedule and Calendar. Budget Hearings will be scheduled for Monday, August 28, 1995, Tuesday, August 29, 1995 and Wednesday, August 30, 1995.

It was moved by Comm. Trudell, seconded by Comm. Arsenault, and unanimously carried by voice vote to place the Schedule and Calendar on file.

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The Committee considered the Registration Deadline for the 1995 MAC Summer Conference. The deadline for registration is August 1, 1995 for the August 20-23, 1995 Conference.

Chairperson Corkin instructed anyone wishing to attend to contact Karla by Thursday, July 20, 1995. A final decision needs to be made on who will attend this conference so that registration and travel arrangements can be made.

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

ANNOUNCEMENTS

Chairperson Corkin reminded Commissioners to turn in their evaluations.

There being no further business to come before the Committee the meeting was adjourned at 7: 08 p.m.

Respectfully submitted,

Connie M. Branam
Deputy County Clerk
1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Announcement from Probate Judge Michael Anderegg of Grant Funds from the Office of Drug Control Policy.
7. Mine Reclamation Act Concerns.
8. a. Assistant Prosecuting Attorneys' Compensation for On Call Duty.
    b. District Court Magistrates' Compensation for On Call Duty.
10. Recommended New Personnel Policy - No. 111.3 "Donated Leave Time".
11. Delegate Appointments to the Municipal Employees' Retirement System Annual Meeting.
12. K.I. Sawyer Governance.
14. Response from Congressman Bart Stupak regarding County Concerns about the Community Development Block Grant Program.
15. Budget Hearing Schedule and Calendar.
17. Smoking Survey. (Materials Forthcoming at Meeting)
18. 
19. 
20. PUBLIC COMMENT.
21. ANNOUNCEMENTS.
22. ADJOURNMENT.