The Marquette County Board of Commissioners met as a Committee of the Whole on September 11, 2001, 6:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Arsenaught, seconded by Comm. Seppanen, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on August 28, 2001 be approved.

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

It was moved by Comm. Arsenaught, seconded by Comm. Tuominen, and unanimously carried by voice vote that the agenda be approved with the following late additions: Item 7a) Child Care Fund Reimbursement for Youth Home, and Item 13) Record Storage.

It was moved by Comm. Nordeen, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period August 30, 2001 through September 6, 2001 in the amount of $336,885.94 be approved.

The Committee considered a Marquette County Trial Court Next Generation Planning Grant. Steve Powers, County Administrator, noted his recommendation is generally supportive of the grant application contingent on better definition of the projects. He requested Commissioners keep in mind the employees who work for the County along with the Judicial Council goals and requests.

Honorable Thomas Solka, Circuit Court Judge, and Chair of the Judicial Council, was present and explained the Judicial Council is requesting the County Board’s support for their grant application to the State Court Administrator’s Office and the Michigan Supreme Court. The Project’s budget is $292,000 with $206,300 to come from the State of Michigan and $85,709 from a local match. This local match includes $36,000 of funds already budgeted for FY 2002 for Court studies and equipment. The remaining $49,709 would be included as in-kind services.

The Next Generation Project is part of a longstanding effort by the State Court Administrator’s Office to improve courts in Michigan. Marquette County is one of twelve Next Generation Counties and the goals of the implementation project are:

- Modernizing Court Technology and Improve Fee Collection
- Simplifying the Court’s Administrative Infrastructure and Services
- Enhancing the Delivery of Family Focused Trial Court Services
- Streamlining the Docket Process
- Improving Public Access to Justice

Judge Solka further noted the State has accelerated the grant funding process and will disburse the funds by September 30, 2001. Because of this the Marquette County Judicial Council has already submitted Marquette County’s Planning Application to the State Court Administrative Office subject to County Board approval. The Plan is a long-term document, however immediate implementations include a space study for security, court communication systems, and software for a centralized court service system. There is no request for additional staff or overtime in the grant request.

The Honorable Patricia Micklow, District Court Judge (Retired), and Coordinator of the Next Generation Planning Grant, noted a tremendous planning effort by several departments and especially Steve Powers and his Administrative Staff was conducted. The planning process involved staff from all Courts, Information Systems, Facilities, Prosecutor’s Office, the Sheriff’s Department, the County Clerk, with approximately 600 hours of staff time involved in preparing the grant application. One of the major initiatives in the grant is, through technology to increase the collection of fees and revenues. Another is to improve the administrative structure of the Courts so the County Board, as well as Court Staff, could communicate better with each other.

Judge Micklow noted all grants submitted to the State of Michigan will be funded but not funded fully. Contracts are on the way. Funding will be available by the end of September, 2001 and must be spent by the end of September, 2002. Many parts of the grant do not require funding but rather internal
changes. There are no plans by the State to extend the grant into future years at this time. The in-kind contributions will include staff time through the Information Systems, Facilities, and Planning Departments.

It was moved by Comm. Nordeen, seconded by Comm. Wallace, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Grant Application for the Trial Court Next Generation Planning Grant to be submitted to the State Court Administrative Office and Michigan Supreme Court.

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The Committee considered a memo from the Honorable John R. Weber, Chief Circuit Judge, regarding the implementation of a weapons policy applicable to Marquette County Court facilities using the Judge’s inherent power to control court facilities. Such a policy is required by the Michigan Supreme Court and there is an urgency because of the recent passage of P.A. 381 – the Concealed Weapons Legislation.

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried by voice vote to place the following Administrative Order on file:

SECURITY POLICY FOR COURT FACILITIES

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2001-1. The purpose of this order is to address the presence of weapons in and about court facilities.

IT IS ORDERED:

1. No weapons are allowed in any of the courtrooms of the Marquette County Circuit, Probate, or District Courts or in other facilities used for official business of any of the courts. This prohibition does not apply to security personnel of the courts in the performance of their official duties; to law enforcement and corrections officers in the performance of their official duties, if the officer is in uniform (or otherwise properly identified) and is not a party to a matter then before the court; or, to court personnel, probation/parole agents or attorneys of the Marquette County Prosecutor’s Office who have a valid concealed weapons permit and are not a party to a matter then before the court. A judge whose proceeding or courtroom is affected may authorize additional exceptions under appropriate circumstances and may rescind exceptions granted in this order.

2. All persons and objects are subject to screening by court security personnel for the purpose of keeping weapons from entering court facilities.

3. Notice shall be posted that “No weapons are permitted in this court facility.”

4. Persons in violation of this order may be held in contempt of court.

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The Committee considered a legal challenge to the State of Michigan policy regarding funding of county juvenile facilities. The Honorable Michael Anderegg, Probate Judge, was present to explain a legal effort has been initiated by Ottowa County to challenge the State of Michigan’s refusal to recognize capital, rental, lease, or equipment costs for County funded Juvenile Treatment Facilities as “reimbursable” costs under Michigan’s Child Care Reimbursement Program. By statute the State of Michigan is obligated to reimburse or otherwise pay 50% of County Child Care costs. Under the Headlee Constitutional Amendment the State is precluded from reducing the percentage of funding of necessary costs. The Michigan Supreme Court has also concluded that Michigan Counties are obligated to operate a Child Care Program which presumably includes detention.

Judge Anderegg further explained that a number of counties including Kalamazoo, Ottawa, Washtenaw, and Bay have committed to participate in this litigation. Douglas Van Essen, P.C., Grand Rapids, Michigan, estimates legal costs to be between $50,000 and $100,000 through the appellate courts. These costs will be prorated probably by population. Ted Haara, Youth Home Director, is compiling a list of expenses going back 10 years and forward 5 years to determine what is at stake. It is
important that Marquette County act before the end of the State’s fiscal year September 30, 2001 to preserve the FY 1999/2000 claim.

It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board direct Administrative Staff, Civil Counsel, and Judge Anderegg to determine the estimated costs and benefits of participating in the lawsuit for further consideration at the next Regular Board meeting.

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The Committee considered a dog complaint from Mr. and Mrs. Goodwin, Little Lake, Forsyth Township, as per the Michigan Dog Law of 1919 (MCL 287.280).

Cheryl L. Hill, Appellee/Assistant Civil Counsel, was present and explained the Goodwins allege that four of their goats were killed and one goat seriously injured by dogs owned by Mr. Randall Tuttle. After receiving the written complaint Forsyth Township by law had to designate someone to investigate the complaint. Attorney Kevin Koch was designated.

Ms. Hill noted that Mr. Koch conducted a very thorough and intensive investigation which included testimony from all parties involved. Mr. Koch determined the Goodwins have sustained damage and the dogs owned by Mr. Tuttle caused the damage. The statute also directs the Township immediately notify the Sheriff or Animal Control Office of the County so the Sheriff would destroy the dog(s) wherever found, however Mr. Tuttle is adamant that his dog (Buster) will not be found. Two other dogs were killed by the Goodwins, however Buster, a 2 ½ year old Huskie mix, is now out of the State and Sheriff’s Deputies cannot find him.

Civil Counsel Hill reported that Marquette County is responsible for the $2,000 damages suffered by the Goodwins in the loss of their goats and $950.60 in attorney fees for Kevin Koch’s services. Payment must be made immediately from the General Fund. There is nothing preventing Marquette County from seeking damages from Mr. Tuttle.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve payment of the damages and attorney fees of $2,950.60 from the General Fund as per MCL 287.20 for the Goodwin Dog Complaint and further direct Civil Counsel to seek reimbursement for the damages from Mr. Tuttle.

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The Committee considered the FY 2002 Title IV-D Cooperative Reimbursement Contract for Marquette County between the Michigan Family Independence Agency, the County of Marquette, and the Chief Circuit Judge for Marquette County for the enforcement of all support orders for which it has jurisdiction over. The Contract amount is $885,095 and is an annual agreement between the Michigan Family Independence Agency and the County of Marquette.

It was moved by Comm. Wallace, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Agreement between the Michigan Family Independence Agency for the FY 2002 Cooperative Reimbursement Contract for the Friend of the Court enforcement of support orders in the amount of $885,095.

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The Committee considered a Lease Agreement with Robbins Flooring for Sawyer building 667.

Comm. Arsenault, Chairperson of the KI Sawyer Economic Development Committee, noted that Robbins Flooring, Inc. would like temporary use of Hangar 7 (Building 667) in accordance with the following terms:

- 10,000 square feet
- $2 per sq. ft. per annum
- Lease beginning the last week of September, 2001 to end sometime between November 1, 2001 and January 2002

It was moved by Comm. Arsenault, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Temporary Lease Agreement with Robbins Flooring, Inc. for Sawyer Building 667.

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The Committee considered the Construction Bid Award for the heat conversion of Sawyer Buildings 423, 425, 640, 822, and 837.
Steve Powers, County Administrator, explained only one bid was received from Dresseler Mechanical in the amount of $279,700. The project was advertised in the Mining Journal and placed at builder exchanges in Marquette, Delta, and Dickinson Counties. The engineer’s estimate for the project is $272,000 without asbestos abatement. The bid is considered reasonable and has been approved by the AFBCA. Heat conversion is funded by Caretaker funds.

It was moved by Comm. Wallace, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Heat Conversion Construction Bid from Dresseler Mechanical in the amount of $279,700 for five Sawyer Buildings.

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The Committee considered a Lease for County Record Storage Space. Larry Gould, Facilities Manager, noted Marquette County currently leases 450 sq. ft. at the Parkview School on E. Hewitt in Marquette for County Clerk’s Circuit Court records. The recent sale of the Parkview School to the Marquette-Alger Intermediate School District requires the County find a new storage facility. Marquette County advertised in the local newspaper and directly contacted perspective leasors.

Facilities Staff is recommending a private building on Washington Avenue (1,138 sq. ft.) quoted at $2.99 per sq. ft., and $2.64 per sq. ft. if we lease for three or more years. The lease rate includes all utilities and snowplowing. This would be a first total year cost of $3,400. Should the County opt out of the lease after two years it will be required to reimburse the leasor for prorated capital renovation costs required for our secured storage needs.

It was moved by Comm. Wallace, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve a 2-year Lease Agreement with an option to renew.

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Chairperson Corkin declared a brief period of silence out of respect for the tragic loss of lives in the New York terrorist attack.

Moment of Silence

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

There being no further business, the meeting was adjourned at 6:57 P.M.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, September 11, 2001, 5:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Marquette County Trial Court Next Generation Planning Grant.
7. Weapons Policy for Marquette County Court Facilities.
10. Robbins Flooring Lease Request.
12. Child Care Fund Reimbursement for Youth Home CIP equipment and depreciation plan.
13. Records storage.
14. PUBLIC COMMENT.
15. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
16. ADJOURNMENT.