The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, September 9, 2003, 6:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Nordeen, seconded by Comm. Wallace, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on August 26, 2003 be approved.

Chairperson Corkin opened the meeting for public comment.

Dennis Girard, Chief Judge of the District Court in Marquette and Ishpeming addressed Commissioners in support of the Ishpeming District Court. He provided Commissioners with information regarding the significant caseload that he feels justifies the existence of the Court. He and the Court Administrator estimate that with the closure of the Ishpeming District Court, Marquette County would probably save 1 or 1 ½ positions. They feel the estimated $40,000 savings would be offset by other expenses incurred.

Mike Lovelace, Marquette County Sheriff, addressed the County Board regarding the 2004 budget. He again reiterated he is willing to take his fair share of the budget cuts. He read and distributed a memo he wrote to Commissioners.

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

It was moved by Comm. Tuominen, seconded by Comm. Nordeen, and unanimously carried by voice vote that the agenda be approved with the addition of a memo from Harley Andrews, Civil Counsel, regarding the Ishpeming District Court Lease.

It was moved by Comm. Wallace, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period August 28, 2003 through September 4, 2003 in the amount of $166,254.10 and bi-weekly payroll for the period ending August 30, 2003 in the amount of $575,491.83 be approved.

The County Board considered a memo from the Central Dispatch Policy Board regarding member non-attendance. The Central Dispatch Policy Board sent a letter in accordance with the by-laws of the Central Dispatch Policy Board. The by-laws state in part “members of the Board who miss more than 4 meetings a year shall have their names automatically referred to the Marquette County Board of Commissioners for possible appointment of another person to take their place”. The memo addressed Comm. Bill Nordeen’s attendance.

Comm. Nordeen noted that when he accepted the appointment it was the same night as his fire department meeting. His fire department meetings are very important. He will submit a letter of resignation to Chairperson Corkin for appointment of someone else to the Central Dispatch Policy Board.

The Committee considered the Sale of Homes to Integrity Asset Management, LLC. The County of Marquette owns three duplex structures. Two of the three are vacant and one remains occupied by Sheriff Deputy Dwayne Ward. On August 12, 2003, Sawyer staff informed all Sawyer housing developers that it would like to sell the two vacant duplex structures comprised of four housing units and asked that any interested parties submit a Letter of Offer by August 26, 2003. A base price of $20,000 per unit was requested. Integrity Asset Management, LLC, (Scott Ciullo) was the only respondent and met the base price requirement.

Staff recommends that Marquette County proceed with the sale of the homes to Integrity Asset Management, LLC, for a total price of $80,000. The sale of these homes will have a positive effect on the business plan.

It was moved by Comm. Cihak, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board sell two duplexes comprised of units numbered 248, 250, 252, and 254 to Integrity Asset Management, LLC, for $80,000.

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The Committee considered an Agreement for an Emergency Management Planning Update. On May 13, 2003, the Marquette County Board of Commissioners approved a FY 2002 Supplemental Planning Grant Agreement in the amount of $18,812. Part of this Grant was to update the current Emergency Operations Plan to address all hazards with special emphasis on WMD/Terrorism Preparedness.
The current Emergency Operation Plan needs to be updated into a more user friendly format. The state has provided emergency managers with a checklist format template. Mr. Bob Dossetto was selected because he was a previous district coordinator and has had experience in updating emergency operations plans into the new format. He also worked with the Marquette County Emergency Management Office for approximately six months and has knowledge regarding our emergency operations plan.

The payment amount of $7,212 was determined after discussion with state emergency management staff when developing the grant budget. In working with legal counsel staff, the contract was developed and payment schedule determined. Staff recommends approval.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the Contract Agreement for Updating of Emergency Operations Plan.

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The Committee considered Marquette County Task Force Appointments. On August 12, 2003 the Board of Commissioners established a task force to study the management and operational effectiveness of the Marquette County Road Commission. The Board set as criteria: *Task force will consist of up to seven members; *Study will be complete within 90 days; *Task force members will have expertise in road construction, road maintenance, Michigan Department of Transportation regulations and funding, project planning, finance, business management, or other similar, applicable specialties.


In a memo to the Committee of the Whole, Steve Powers, County Administrator, explained that seven persons met the criteria set by Commissioners: Steve Lawry, John Trudeau, David Boyle, Roger C. Crimmins, Robert Haapala, Robert Trembath and Max Muelle.

It was moved by Comm. Tuominen, seconded by Comm. Cihak, and unanimously carried by voice vote that the Committee of the Whole refer the names to the County Board for appointment.

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It was moved by Comm. Wallace, seconded by Comm. Cihak, and unanimously carried by voice vote that the communication be placed on file.

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The Committee considered a memo written by Harley N. Andrews, Chief Civil Counsel, regarding September 2, 2003 County Board action on the District Court Lease. Chairperson Corkin read the following memo:

"Commissioners, as you know, at your meeting last evening two votes were taken on the proposed Lease of space in the Pioneer Square Mall for use by the District Court.

The first vote was on the Motion by Commissioner Wallace, seconded by Commissioner Nordeen, to table the matter. That motion failed by a 3-6 vote, with Commissioners Wallace, Nordeen, and Bergdahl voting in favor, and all other Commissioners voting against.

The second vote was on a Motion by Commissioner Girard, seconded by Commissioner Joseph, to approve the proposed Lease. By voice vote, which County Clerk Branan, Steve Powers, Chairperson Corkin and I believed to be 6-2 in favor, (apparently with Commissioners Wallace and Nordeen against, Commissioner Arsenault abstaining, and all other Commissioners apparently voting in favor) the motion appeared to have been approved, and Commissioner Corkin so stated.

The apparent six votes in favor were significant because pursuant to MCL 15.323(2)/(b), when voting on a contract in which a member of the Board has a personal interest, the contract must be:

"... approved by a vote of not less than 2/3 of the full membership of the approving body in open session without the vote of the public servant ..."
who has the personal interest in the proposed contract. Accordingly, six votes of the County Board (excluding any vote by Commissioner Arsenault, who abstained) were required for approval, and it appeared that the required six votes were cast in favor of this matter.

However, in preparing the Minutes of the meeting this morning, Clerk Branam was not certain that she had correctly heard that voice vote. Because of the quality of the sound system, a review tape of the meeting was inconclusive in terms of determining how each Commissioner voted. Two "no" votes can clearly be heard, but the identity and number of Commissioners voting "yes" cannot be definitively determined. Accordingly, she contacted those Commissioners about whom she was uncertain, and was advised by Commissioner Bergdahl that although in the past he had supported and voted in favor of the lease, last night he voted against the motion because he believed that final action on it should await further work on the budget. It appears, therefore, that the vote was in fact 5-3 in favor, rather than 6-2 in favor of the motion; that the 2/3 requirement for approval was therefore not met; and, that the proposed lease was not in fact approved.

Should the Board wish to do so, the motion to approve the lease may be renewed and again voted upon at any subsequent meeting.

Please let me know if you have any questions."

Commissioners and Staff engaged in a discussion regarding this issue. They discussed practices, policies, procedures of the Board of Commissioners, and the Rules of Order.

Questions were asked and explanations given. Comm. Wallace requested Civil Counsel Harley Andrews to prepare a recommendation regarding the procedure for reconsideration.

It was moved by Comm. Nordeen, seconded by Comm. Chihak, and unanimously carried by voice vote that the memo from Harley Andrews, Civil Counsel, be accepted and placed on file.

Chairperson Corkin opened the meeting for public comment:

Lowell Larson, Deputy, Marquette County Sheriff’s Department, shared stories regarding Road Patrol, he feels the employees and the Road Patrol is making a difference.

Dean Rushford, Warrant Officer, Marquette County Sheriff’s Department, distributed statistics based on information from the State Court Administrator’s Office and the County of Marquette Year-end Report for 2002 regarding the Ishpeming District Court. Mr. Rushford believes the County Board needs to look at the facts in dealing with the 2004 Budget and some of the facts presented so far have not been presented correctly.

James Gallant, Skandia resident, commented regarding a Citizen’s Advisory Committee for the Friend of the Court.

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

COMMISSIONER COMMENTS, STAFF COMMENT, AND ANNOUNCEMENTS

Several Commissioners made comment regarding the budget, Ishpeming District Court, and Road Patrol.

Comm. Arsenault responded to the comments made by Sheriff Mike Lovelace.

There being no further business the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Connie M. Branam
Marquette County Clerk
ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Central Dispatch Policy Board – Member Non-Attendance.
7. Sale of Homes to Integrity Asset Management, LLC.
11. PUBLIC COMMENT.
12. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
13. ADJOURNMENT.