

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, August 9, 2005, at 6:30 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.

Chairperson Corkin called the meeting to order. Present: Comm. Arsenault, Comm. Cihak, Comm. Heikkila, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace and Chairperson Corkin. Absent and excused: Comm. Bergdahl.

It was moved by Comm. Wallace, seconded by Comm. Pellow, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on July 26, 2005 be approved.

Chairperson Corkin opened the meeting for public comment.

Carl Fulsher, American Cancer Society, thanked the County Board for their support and passage of the Smoking Regulation.

Vikki Kulju, Telkite Enterprises, updated Commissioners regarding the Letter of Credit.

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

It was moved by Comm. Cihak, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Agenda be approved with the addition of Item 10) Police Enforcement and Community Effort (PEACE) Project, and Item 11) Marquette County Judicial Resource. Also, Item 9) 2004 Audit Presentation by Anderson, Tackman, was moved to be taken up last on the Agenda.

It was moved by Comm. Joseph, seconded by Comm. Arsenault, and unanimously carried by voice vote that Claims and Accounts for the period July 29, 2005 through August 4, 2005 in the amount of \$637,071.88 and Bi-weekly Payroll for the period ending July 30, 2005 in the amount of \$583,297.91 be approved.

Jim Harrington, Marquette County Health Department, read and presented the County Board with a Certificate of Appreciation from the Marquette County Tobacco Prevention Coalition acknowledging the Regulation on Smoking.

Carl Fulsher and Carol Margriff were also present and thanked the County Board for this Regulation.

The Committee considered Replacement Vehicle Purchase for the Rescue Safety Fund. Capt. David P. Lemire, Marquette County Sheriff's Department, explained that on Friday, July 22, 2005 bids were opened from four potential vendors for one 2006 Crew Cab Pickup Truck, Heavy Duty. Fifteen total Requests for Proposals were sent out. All requests were sent out for general vehicle specifications from GM, Ford, and Dodge. The cost associated with the current vehicle, a 2000 Ford Excursion has been plagued with electrical problems and is not a reliable emergency response vehicle. The Ford has approximately 70,000 miles and has been in for service several times throughout 2004 and 2005 resulting in approximately \$3,000 in various repairs. The low bid vendor met the specifications. Capt. Lemire recommends the low bidder, Crown Chevrolet of Negaunee, be awarded the bid for the vehicle.

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It was moved by Comm. Pellow, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the Rescue Safety Vehicle Purchase to Crown Chevrolet of Negaunee in the amount of \$20,950.66 for a Four Wheel Drive, ¾ Ton, Crew Cab Pickup Truck.

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The Committee considered Sugarloaf Mountain Enhancements Project Agreements. Marquette County Resource Management/Development Staff has received notice from the Michigan Department of Natural Resources that the Sugarloaf Mountain Enhancements Project applied for earlier this year has been funded from the Natural Resources Trust Fund. The total project cost is \$80,000 of which 74% (\$59,200) will be funded by the State. The County share 26% (\$20,800) will come from already appropriated Forestry/Recreation Funds.

The Project entails repair and code upgrades to about half of the stair sections at the Sugarloaf Mountain Natural Area. Sugarloaf remains one of the most visited recreational attractions in Marquette County and has even been recognized at the Upper Peninsula Border State Recreation Surveys as a tourist destination.

It was moved by Comm. Joseph, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the Sugarloaf Mountain Enhancement Project Agreements and designate Jim Kippola, Manager of Planning, as the County's representative with the day-to-day authority for the project; authorize the Board Chair to complete and sign the signature page as indicated on both original copies of the Project Agreement; and approve the Resolution and authorize the Board Chair as the signatory.

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The Committee considered the Office on Violence Against Women Grant for Police Enforcement and Community Effort (PEACE) Project. Gary Walker, Marquette County Prosecutor, was present and announced that Marquette County has been awarded over \$335,000 to develop and implement a coordinated response to domestic violence crimes effective January 1, 2005. He explained that Marquette County applied for a Grant from the Program to encourage arrest policies and enforcement of Protection Orders in the Office on Violence Against Women. The Grant was prepared by the City of Marquette's Grant Writer with assistance from the County Prosecutor. Marquette County received the Grant because of the collaborative partnerships between the County, Cities, Townships, and the Women's Center. Project partners include Northern Michigan University, Ishpeming Police Department, Negaunee Police Department, the Sheriff's Department, Michigan State Police, Forsyth Township Police Department, and the Chocolay Township Police Department.

Mr. Walker congratulated and commended all those who are involved in the Grant process and recognized many who were instrumental. He stated that without the dedication, cooperation, and hard work the Grant would not have been realized. Everyone's efforts to effectively address domestic violence have been recognized by the Department of Justice Office on Violence Against Women.

Mr. Walker further explained that the PEACE Project will help combat violence against women and enhance victim services in Marquette County. This is a 2-year federal grant made possible through the

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federal STOP Violence Against Women Act (VAWA). It requires no match or additional funding for Marquette County. The funding will enhance victim safety and offender accountability throughout Marquette County.

The Grant will: Enhance coordination of all police agencies within the County through the development and implementation of standards and protocol for domestic violence case investigation and court preparation, the coordination of domestic violence training for law enforcement officers, and provide equipment to improve the quality of investigations; Support a part-time paralegal within the Prosecutor’s Office to assist victims in obtaining PPO’s, monitor PPO compliance and provide feedback to the Court at status hearings following violation hearings; Implement vertical prosecution of all cases involving domestic violence in Circuit, District, and Probate Court; Provide a full-time dedicated Assistant Prosecuting Attorney to exclusively prosecute cases involving domestic violence; Create the position of a dedicated Domestic Violence Officer in the Forsyth Township Police Department; Add a Victim Advocate Position within the Women’s Center to provide assistance to domestic violence victims with cases pending in the criminal and civil court; Create a coordinated team of Judges and Parole and Probation Officers to manage domestic violence cases; and, Provide training for all domestic violence response partners.

It was moved by Comm. Struck, seconded by Comm. Pellow, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board accept the Office on Violence Against Women Grant for Police Enforcement and Community Effort (PEACE) Project and authorize signature by the County Administrator.

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The Committee considered a request for a Resolution of Support from Thomas L. Solka, Circuit Judge, regarding Marquette County Judicial Resources – Secondary Analysis. Judge Solka and Judge Anderegg were present and explained their request and to answer questions. On July 25, 2005 the State Court Administrator’s Office informed Marquette County Judges that Marquette County is included in the Year 2005 Bi-Annual Analysis of Need for Adding or Reducing Judges. SCAO’s preliminary analysis is that Marquette County may be in line for reduction of one or more judges. That preliminary analysis is a result of raw case filing data, without further analysis of other trends and factors relating to the need for judges.

Marquette County is now undergoing a secondary analysis of judicial resources (a more in-depth analysis). The result of the bi-annual review process is a report to the Legislature, which is expected to occur in September, on recommendations for adding or reducing judgeships throughout the State.

Part of the secondary analysis process is an inquiry – to the County Judges – on the level of support for changing the size of the bench in the County, with identification of parties that support or oppose the change and the reasons for their positions.

The Marquette County Judicial Council (all five Judges in the County) requests a Resolution of Support from the County Board opposing a reduction in the number of Judges in Marquette County. This Resolution requests SCAO to reanalyze and properly classify Marquette County as part of the reanalysis.

Judge Solka further explained that the Michigan Constitution does require a review of judicial needs throughout the State of Michigan and by Statute that occurs every two years. Ultimately it is a legislative decision as to how many Judges are assigned to each County and how big the Circuits are, they can be reduced or enlarged as a result of legislative process.

This review and recommendation process consists of four steps: 1) A preliminary analysis of each Court and Circuit in the State based on case filing data; 2) Identification and selection of Courts and Circuits for secondary analysis as to whether Judges should be added or reduced; 3) A final report and recommendation to the Legislature on adding and reducing Judgeships, and 4) Legislative action.

Marquette County was identified in Step 1, and is currently in Step 2, the secondary analysis. Judge Solka expects SCAO to complete the secondary analysis by August 19th and make their report and recommendation to the Legislature in September 2005. He stated that if SCAO ultimately recommends to the Legislature that Marquette County reduce its Circuit by one Judge, that under past practice and past legislative enactment this would occur by attrition or at the end of the Judge’s term, resignation, retirement, or death in office. He stated at the earliest it would likely occur on January 1, 2009. He further explained that the Legislature would be acting on it this session year.

According to the preliminary raw case filing date, Marquette County has an excess Judge capacity of 2.11 Judges, consisting of an excess of 1.57 Judges in the Circuit and Probate Courts, and an excess of .53 Judges in the District Court based on case filing data for 2002-2004. Marquette County Judges dispute these calculations primarily because of what they regard as an incorrect classification of Marquette County as “Cluster 3” rather than a “Cluster 2” County. Judge Solka explained the difference in the County’s classifications.

He further explained that Judges are generally funded by the State and judicial support staff, including Administrative Aides, Referees, Magistrates, etc. are generally funded by the County General Fund. Marquette County Circuit Judges have no Referees, they have one Administrative Aide each, and one Bailiff split between the two positions. They have no judicial officers to perform the Judge’s work (assumed to be performed by someone else in a Cluster 3 County).

Judge Solka explained that one potential effect of Marquette County going down one or more judges, is increasing cost to the County by requiring, for example, one or more Family Court Referees. This essentially shifts a portion of the costs from the State to the County. Another negative effect is litigants appearing in Court would have their cases heard and decided by not by an elected Judge, but rather by an appointed Referee. For these reasons and others, the Marquette County Judicial Council requests County Board support in a Resolution of Support in maintaining the current level of Judges assigned to Marquette County.

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 adopt a Resolution of Support to maintain the existing number of Judgeships in Marquette County, request SCAO to reclassify the County of Marquette as a Cluster 2 County for the 2005 Secondary Analysis as well as future bi-annual judicial needs assessments based on the criteria set in the Michigan Trial Court Assessment Commission Report of 1998, and further that County Staff be directed to assist the Judiciary in any way gathering information and data.

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The Committee took under consideration a presentation of the 2004 audit by John Blemberg, CPA, of Anderson, Tackman & Company, TLC. Commissioners were provided a complete copy of the Audit Report. He also provided information in the form of graphs and tables to use in conjunction with the tables in the Audit Report. Mr. Blemberg explained that their discussion and analysis of the County of Marquette’s

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financial performance provides an overview of the County's financial activities for the year that ended December 31, 2004.

Mr. Blemberg explained the financial highlights. The assets of the County exceeded its liabilities at the close of the most recent fiscal year by \$79,560,170 (net assets). Of this amount, \$20,861,292 (unrestricted net assets) may be used to meet the government's ongoing obligations to citizens and creditors. Net assets for the County as a whole increased by \$13,210,115. Net assets of the business-type activities increased by \$8,927,812, and net assets of other governmental activities increased by \$4,282,303. During the year, the County had expenses for governmental activities that were \$30,664,874, and expenses for business-type activities that were \$12,495,895. The General Fund reported a net fund balance of \$911,602, an increase of \$312,404. At the end of the current fiscal year, unreserved and undesignated fund balance for the General Fund was \$850,556, or 5% of total general fund expenditures (including operating transfers).

He further explained the Annual Report consists of a series of financial statements. The Statement of Net Assets and the Statement of Activities provide information about the activities of the County as a whole and present a longer-term view of the County's finances. For governmental activities, these statements tell how these services were financed in the short term as well as what remains for the future spending. Fund Financial Statements also report the County's operations in more detail than the government-wide statements by providing information about the County's most significant funds. The remaining statements provide financial information about activities for which the County acts solely as a trustee or agent for the benefit of those outside the government.

Mr. Blemberg went on to report the County as a whole, reporting the County's most significant funds and various governmental activities. Discussion and answers followed.

It was moved by Comm. Pellow, seconded by Comm. Cihak, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board accept the 2004 Marquette County Audit Report for filing.

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

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin announced he attended the Grand Opening of the Emergency Room at Marquette General. He stated it was a very impressive new building.

Chairperson Corkin also announced he has met with Congressman Stupak regarding the Federal Court. He explained that positive things could be happening over the next few years.

Chairperson Corkin also met with Mr. Fitch after the Public Meeting last Thursday to discuss the Eagle Project. Mr. Fitch gave favorable responses to his questions as far as money being paid to the units of government.

Comm. Wallace announced he will be going to Nashville, Tennessee on August 10, 2005 to attend the National Association of Local Boards of Health. He explained that he will make two presentations, one of which will highlight the Marquette County Tobacco Prevention Activities which resulted in the County's

adult smoking rate being one of the lowest in the Country. He will also be discussing Community Oral Health Projects.

Comm. Wallace also commented on the DEQ – Kennecott Public Meeting. He stated that he listened to presentations and comments from the public. Overall it was very positive and all are trying to work together.

Comm. Struck announced a meeting to be held on Thursday, August 18, 2005 at 6:00 P.M. at the Negaunee Township Hall to discuss various road issues. The State Legislature has been invited as well as representatives of the Federal Legislature to come to Marquette County and see what we can do to work together to rectify some of the road problems.

Administrator Powers commended and thanked Sue Vercoe on her work on the 2004 Audit. The report is a result of very good work.

Steve Powers, County Administrator, updated Commissioners on a meeting with Mr. Fitch. He explained that his discussion was regarding questions of taxation of mining properties.

Connie Branam, County Clerk, reminded Commissioners that next week’s County Board Meeting will be held on Wednesday, August 17, 2005 at 6:30 P.M.

There being no further business to come before the Committee of the Whole, the meeting adjourned at approximately 8:25 P.M.

Respectfully submitted,

Connie M. Branam
Marquette County Clerk