

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, August 26, 2008, at 6:00 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. Joseph, and unanimously carried by a voice vote that the minutes of the Committee of the Whole Meeting held on August 12, 2008 be approved.

It was moved by Comm. Cihak, seconded by Comm. Pellow, and unanimously carried by a voice vote that the agenda be approved with the following additions: Item 8) Friend of the Court Contract, and Item 9) Family Support Contract.

Chairperson Corkin opened the meeting for public comment. James Gallant, Skandia, spoke regarding Pathways. There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Arsenault, seconded by Comm. Heikkila, and unanimously carried by voice vote that Claims and Accounts for the period August 15, 2008 through August 21, 2008, in the amount of \$2,529,352.06, be approved.

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The Committee considered the Revised Type II Water Supply Fee Schedule. Fred Benzie, MPH, RS, was present and explained that after significant discussion with Commissioners and the Administrator at past meetings, he presented a revised recommendation. He reminded Commissioners that historically, the State of Michigan has only provided one third of the funding necessary to operate this program. The program is required by both federal and state law (Safe Drinking Water Act). In 2003 the Health Department attempted to discontinue the program and was told, if they chose to discontinue the program, the Michigan Department of Community Health would not fund any of the other vitally beneficial programs the Health Department provides. This would have put \$358,000 in Local Public Health Operations revenue in jeopardy. Mr. Benzie feels that regardless of the lack of funding, a moral obligation is to ensure the residents and visiting populations of Marquette County can be assured they will be served safe drinking water in rural yet public businesses. The regulation of these water supplies is for the "public good" or health, safety and welfare of our community.

Mr. Benzie stated that his recommendation is for implementing a local fee that is fair and impacts the owners of these supplies as little as possible. Choosing to operate a public business where water is served to the public should also mean choosing to comply with the regulations governing the water supply and a willingness to pay at least a part of the costs incurred to assure public safety.

After significant discussion with the County Board and the Administrator, Mr. Benzie recommends the following action:

2008 Type II Program Fee

- Charge all supplies regardless of size, a flat fee of \$100 for managing their water supply data which includes, setting a sampling frequency based on a previous compliance history, reminding owners of their sampling obligations, documenting sampling compliance and following up on sampling non-compliance, unsafe sample results and ensuring public notification whenever unsafe samples are detected. (Adopting this fee would capture \$5,300.00 in 2008).

Future Years Fee

- For 2009 and all successive years continue to charge a \$100 data management and compliance monitoring fee for all Type II Water Supplies. (This will generate roughly \$5,300.00 in annual revenue); begin to charge once every 5 years, the survey costs for all water supplies using a time based fee. This fee would be charged at the current sanitarian and federal mileage reimbursement rate and would include fringe benefit costs. It would cover all direct service costs associated with providing the inspection and report generation. This means on-sight, inspection time, report generation time, data input time and any correspondence time would be included. Mr. Benzie gave examples of such survey costs.

Past discussion involved additional charges to those operators who choose not to be compliant and subsequently create additional monitoring enforcement costs for the Department which are not covered by the \$100 fee. Mr. Benzie is not recommending additional charges be approved solely based upon an unsafe sample or exceedance of a maximum approved level of any regulated parameter. This is because the failing result most likely would not be by choice of the owner or operator.

Mr. Benzie believes an evaluation of the success or failure of any approved fee proposal be evaluated after the first year or in 2010.

Commissioners engaged in a lengthy discussion. Comm. Cihak has concerns regarding the proposal. He explained that the State Public Health Code indicates that the cost shall not be more than the reasonable cost of performing the service. He had requested information from all U.P. Health Officers what their program budget is for 2008, and to define whether revenue source amounts are used for the program. He stated that we are aware of the unfunded and underfunded mandates that have been going on for years. Comm. Cihak made calls to the Dickinson/Iron County Health Department and the Houghton County Health Department and found that there is no County fee. (It was explained that those counties subsidize their program with home health revenue which Marquette County does not). It is Comm. Cihak's opinion that more facts are needed to make an informed and fair decision on this issue. He feels the fees are unfair to already struggling businesses.

It was moved by Comm. Wallace, seconded by Comm. Pellow, and carried by voice vote 7 Ayes to 1 Nay (Comm. Cihak) that the Committee of the Whole recommend the County Board approve the Revised Type II Water Supply Fee Schedule as follows: 2008 - Charge all supplies regardless of size a flat fee of \$100 for managing their water supply data; 2009 and all Successive Years - Continue to charge a \$100 data management and compliance monitoring fee for all Type II Water Supplies; and begin to charge once every five years, the survey costs for all water supplies using a timed based fee; Conduct an evaluation of the success or failure of this fee proposal after the first year or in 2010.

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The Committee considered an update to Policy 415 – Hours of Marquette County Building Usage. Steve Powers, County Administrator, reviewed and compared the recommended revised policy. He explained that the policy, as revised, would be inclusive of County buildings, land, and facilities, not solely county buildings. The revised policy outlines, more specifically, the criteria to be considered when determining allowable uses for county building, land, and/or facilities, and more specifically outlines the responsibilities of the user. “Use” is broken down into three specific categories: Public Use; County Use; and Judiciary Use.

It was moved by Comm. Heikkila, seconded by Comm. Struck, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board Adopt Policy 415 – Use of Marquette County Buildings, Land, and Facilities.

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The Committee considered the Friend of the Court (FOC) Contract. Steve Powers, County Administrator, explained that this is an Annual Agreement between Department of Human Services (DHS), the County of Marquette, and the 25th Circuit Court. The Agreement is effective October 1, 2008 through September 30, 2009.

It was moved by Comm. Arsenault, seconded by Comm. Pellow, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the Friend of the Court (FOC) Contract for the period October 1, 2008 through September 30, 2009, contingent upon legal review by Civil Counsel.

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The Committee considered the Family Support Contract. Steve Powers, County Administrator, explained that this is an Annual Agreement between the Department of Human Services (DHS), the County of Marquette, and the Prosecuting Attorney. The Agreement is effective October 1, 2008 through September 30, 2009.

Steve Powers, County Administrator, pointed out that the County is receiving less money from the State on the Family Support Contract. Comm. Pellow requested information as to where the County stands as far as unfunded mandates and the percent the states not funding for department. She would like this information provided during the budget process.

Comm. Corkin stated that the state is mandating 75% of what the County does but is only paying 48%.

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 Family Support Contract for the period October 1, 2008 through September 30, 2009, contingent upon legal review by Civil Counsel.

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Chairperson Corkin opened the meeting for public comment. James Gallant, Skandia, spoke regarding Pathways. There being no further public comment, Chairperson Corkin closed this portion of the meeting.

August 26, 2008

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Chairperson Corkin reported that Marquette and Delta Counties were the applicants along with the Hannahville Tribe on the Police Regional Jail Grant that was awarded a year and a half ago. The money was received. There is approximately \$50,000 to be used, with \$100,000 from the State, to further study the Regional Jail Issue. He explained that the money should enhance the overall Regional Jail Study. Chairperson Corkin will report back to Commissioners when more information is available.

There being no further business to come before the Committee of the Whole, the meeting adjourned at approximately 6:45 p.m.

Respectfully Submitted,



Connie M. Branam
Marquette County Clerk