

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, July 8, 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. Wallace and Chairperson Corkin. Absent and Excused: Comm. Bergdahl and Comm. Struck.

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 June 24, 2008 be approved.

It was moved by Comm. Arsenault, seconded by Comm. Pellow, and unanimously carried by a voice vote that the agenda be approved as presented.

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

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that Claims and Accounts for the period June 28, 2008 through July 3, 2008, in the amount of \$419,851.70, and Bi-Weekly Payroll for the period ending June 28, 2008, in the amount of \$614,942.78 be approved.

Chairperson Corkin read an update from Pathways regarding the Physical Intervention Issue.

It was moved by Comm. Pellow, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole accept the communication from Pathways, and place the following update into the record:

Dear Commissioner Corkin,

I have been asked by Rudy Kempainen to update you on physical intervention issues at Pathways CMH. I know that you and your fellow commissioners are getting information on this issue, much of it inaccurate, from a member of the public. Contrary to what you may have been told in citizen public comment, Pathways is not in violation of any state or federal rule. Nor are we in violation of any current licensing or Medicaid rule.

Approximately five years ago Pathways, through a national RFP process, sought information and proposals on physical interventions systems. After a thorough review, we selected Professional Crisis Management (PCM) out of Florida. We have been very pleased with PCM and the training and consultation we receive. Currently all Pathways direct care workers as well as the direct care workers of our contract residential providers utilize this training. Physical intervention is used when consumers are in crisis and at risk of harming self or others. It is primarily used in the group homes which are very structured and supervised environments.

In February of 2007, the Department of Community Health voiced concern to us about the use of a prone restraint as part of our PCM program. The use of a two person prone restraint is the most restrictive part of PCM and is used when all other interventions have been exhausted or are not effective. It is one small piece of the PCM program. We have had meetings and telephone conferences with DCH over the last 18 months regarding the use of the prone position. During this time DCH has also been working on a document

Minutes are Subject to Correction and Approval

called Behavior Management Technical Support. We have recently learned that DCH is recommending in the document that a prone restraint not be used outside of hospital settings. This document has to be negotiated with the CMH system before it can be required. Our Board Association is currently surveying the 46 CMH Boards to see how they feel about the prone position issue. Pathways is prepared to abide by whatever decision is made regarding the use of a prone position in physical restraint. The whole issue is a disagreement among professionals and will be resolved.

I should also add that in the years we have been using PCM we have had no complaints from consumers or guardians regarding these procedures. We have also effectively reduced our use of state facilities to the point that we now have no consumers from our four counties in the Mt. Pleasant Center which is the state facility serving people with developmental disabilities.

As my time with Pathways is limited, please contact our new CEO Gail Hall if additional information is needed at this time. Ms. Hall will continue to update the County Board with regard to this issue.

Sincerely,
Douglas C. Morton
Chief Executive Officer

The Committee considered a UPCAP Grant Application. Sue Vercoe, Finance Manager, was present and explained that last year the County received \$71,513.00 for these services. The funds are allocated to the area senior centers based on the funding formula of the number of seniors and square miles within their service areas.

Marquette County is applying for UPCAP funding for Homemaker Services to be provided by the area senior centers. The funding year runs from October 1, 2008 to September 30, 2009. The due date for the application is June 16, 2008. Ms. Vercoe recommends approval.

It was moved by Comm. Joseph, seconded by Comm. Heikkila, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board authorize the UPCAP Grant Application.

The Committee considered a R.S.V.P. Annual Funding Agreement. Sue Vercoe, Finance Manager, was present and explained that R.S.V.P. is a very valuable program. During this year, it is anticipated that 300 R.S.V.P. volunteers will provide 50,000 hours of service in Marquette County. Marquette County is the sponsoring agency for the R.S.V.P. Program. The County provides in-kind support to the program. This application is for OSA funding in the amount of \$67,318.00 for year three of a three-year agreement. The funding year runs from October 1, 2008 to September 30, 2009. The due date for the application is July 16, 2008. Ms. Vercoe recommends approval.

It was moved by Comm. Heikkila, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board authorize the application for the R.S.V.P. Annual Funding Agreement.

The Committee considered a Bid Award for Courthouse Storm Windows. Larry Gould, Facilities Manager, was present and explained that funds are budgeted this year to purchase the balance of storm

Minutes are Subject to Correction and Approval

windows (121) for the Courthouse. Last fall thirty-one (31) were purchased and installed to assure they would resolve the problems with cold air drafts. This makes a more comfortable work environment as well as reducing heating cost. They made a substantial difference for the employees; therefore, it was decided to install storm windows with screen on the balance of the openable windows.

Mr. Gould further explained the bids were solicited in the Mining Journal, internet and direct mail to local suppliers/installers. Two sealed bids were received that are very close in price. The low bidder is Champion Glass and Countertop, Inc., and was the company that installed the storm windows last fall. Since the bid is below the project budget and meets specifications, Mr. Gould recommends the contract be awarded to Champion Glass and Countertop, Inc.

It was moved by Comm. Cihak, seconded by Comm. Pellow, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board award the Courthouse Storm Window contract to Champion Glass and Countertop, Inc. in the amount of \$25,124.42, and the Board Chair be authorized to sign all contract documents.

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The Committee considered an Argonics IRP Personal Guaranty Request. Scott Erbisch, Sawyer Operations Manager, was present and explained that Mr. Flood has requested that the process be started for his \$250,000.00 IRP Loan. When the loan was approved by the County Board, it included the requirement of a *secured* personal guaranty from Mr. and Mrs. Bob Flood. A secured personal guaranty requires a specific pledge of collateral. It could be a 1st, 2nd or 3rd position on property or other assets and a lien is typically taken on the asset.

When the Board approved the IRP loan, the collateral to be used for the secured personal guaranty was not identified. Mr. Erbisch subsequently contacted Mr. Flood to identify the collateral. Mr. Flood stated that he has over \$500,000.00 invested into the County's building and that his personal assets are strong and he would like to offer an unsecured personal guaranty instead of a secured personal guaranty.

He further stated that the \$250,000.00 loan proceeds will be used for building enhancements.

In the past, IRP loans have had an unsecured personal guaranty. An unsecured personal guaranty is a pledge that in the event the business is unable to make debt payments, the business debt will be repaid from all personal assets. However, as seen in the past, if a business fails and the individual files for personal bankruptcy, then it is unlikely that any outstanding loan dollars would be repaid.

Because the County Board approved the loan requiring a secured personal guaranty, no change to the loan terms can take place without Board approval.

Risk: If the business fails and Mr. Flood files for personal bankruptcy, any remaining loan dollars would likely be unpaid. Please note that even with a secured personal guaranty it does not guarantee that the County will collect any unpaid loan balance. It does, however, increase the chance of some collection of funds.

It was moved by Comm. Wallace, seconded by Comm. Cihak, and carried by voice vote 6 Ayes to 1 Abstention (Comm. Arsenault) that the Committee of the Whole recommend the County Board grant Mr.

Minutes are Subject to Correction and Approval

Flood's request to accept an unsecured personal guaranty instead of a secured personal guaranty for the Argonics IRP Loan.

The Committee considered Notice of Award for Building Services (Environmental). Keith Kaspari, Airport Manager, was present and explained that as Mead & Hunt completes the final design work (currently at 60%) for the improvements to aircraft hangars 402, 662, 663 and 666, a building survey/analysis for possible asbestos containing building materials (ACBM), and lead-based paint needs to be completed. Staff needs to complete the above survey/analysis work prior to the start of any demolition work.

Staff submitted a Request for Proposals to four known local/regional firms. Two sealed bids were received, one from Lakeshore Environmental Industries, Inc. of Marquette, Michigan, in the amount of \$8,950.00, and the other from STS Consultants of Marquette, Michigan, in the amount of \$9,140.00.

Funding for this project has been approved for use by FAA Grant 2407 (received in September 2007) with support from MDOT's Project Manager.

If approved, Airport Staff would like to provide the successful firm a Notice to Proceed to begin the work ASAP so as to keep the hangar project on schedule.

Comm. Heikkila disclosed that the owner of Lakeshore Environmental Industries, Inc. is a brother of his sister-in-law. He requested an opinion from Civil Council as to voting. Mr. Andrews stated as long as Comm. Heikkila disclosed the information, and it would not influence his vote, he sees no legal issue. Comm. Heikkila stated that this will not influence his vote.

It was moved by Comm. Cihak, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the proposal by Lakeshore Environmental Industries, Inc. of Marquette, Michigan, at a price of \$8,950.00, and allow staff to provide a Notice to Proceed to Lakeshore to begin their building analysis and survey work.

Chairperson Corkin opened the meeting for public comment. Jackie Lykins, 1201 N. McClellan, Marquette, addressed the Committee regarding Steve Adamini's comments on the Opt-Out Rehire Issue.

James Gallant, Skandia, addressed Commissioners regarding Pathways.

Bob Flood, Argonics, briefly addressed the Committee of the Whole on lead and asbestos abatement.

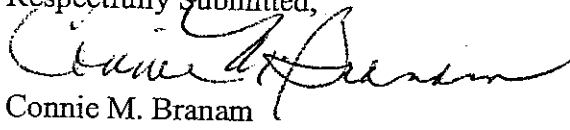
There being no further public comment, Chairperson Corkin closed this portion of the meeting.

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Comm. Wallace announced he will be absent for the next two weeks to attend Public Health Meetings.

There being no further business to come before the Committee of the Whole, the meeting adjourned at approximately 7:00 P.M.

Respectfully Submitted,



Connie M. Branam
Marquette County Clerk