

The Marquette County Board of Commissioners met in Regular Session on Tuesday, July 21, 2009, 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. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Joseph, Comm. Wallace, and Chairperson Corkin. Absent and Excused: Comm. Pellow, Comm. Struck.

A Salute to the Flag was given followed by the Pledge of Allegiance.

It was moved by Comm. Cihak, seconded by Comm. Wallace, and unanimously carried by voice vote that the minutes of the County Board of Commissioners Regular Meeting held on July 7, 2009 be approved.

PROCLAMATIONS, PRESENTATIONS AND AWARDS

3a) Chairperson Corkin read the following Resolution Honoring Warren E. Webber on his Retirement:

**MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING SERVICE OF WARREN E. WEBER
ON HIS RETIREMENT**

WHEREAS, Government has an obligation to provide its citizens with services of the highest quality; and quality services can only be provided by employees of the highest caliber; and

WHEREAS, Warren E. Weber was hired as a part-time Deputy Sheriff in the Marquette County Sheriff's Office on July 29, 1983; and

WHEREAS, Warren was hired on February 15, 1984 to the position of Court Bailiff for the 25th Circuit Court and also continued as a part-time Deputy Sheriff. On June 25, 1986 Warren accepted the position of Deputy Sheriff/Corrections and in this assignment he was responsible for the security of inmates and the safe and secure operations of the jail; and

WHEREAS, Deputy Weber has served in the past as a defensive tactics instructor and a dive team trainer. In July 1983, he organized and trained a Sheriff's Office dive team and as a scuba diver instructor he taught various open water courses including search and recovery. He participated in many recovery efforts during the following ten years; and

WHEREAS, Warren was assigned to the position of Deputy Sheriff/Court Security Officer on February 1, 1999 and in this assignment he escorted inmates to court proceedings and ensured appropriate security in and around the courtroom and throughout the courthouse. He has always been very professional and courteous and has earned high regard in his working relationship with the judges, prosecutors and staff; and

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully expresses its appreciation to Warren E. Weber for his dedication to the public and his duties with the Marquette County Sheriff's Office for over 25 years; and

BE IT FURTHER RESOLVED, on behalf of all County Citizens, the Marquette County Board wishes Warren and his wife Christine a long, healthy, and happy retirement.

Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

Comm. Cihak announced that he has had the privilege of working with Warren. He is an employee of the highest caliber and an asset to Marquette County. He commended him for his professionalism and offered his best wishes.

Judge Anderegg announced that Warren volunteers his time through the Incentive Program by taking the kids fishing.

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

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

Comm. Cihak responded to Jim Gallant's comments. He stated that Jim Gallant's innuendos are misleading and tiring. Comm. Cihak does not appreciate it on a weekly basis.

It was moved by Comm. Wallace, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period July 3, 2009 through July 16, 2009 in the amount of \$690,652.41, and Bi-Weekly Payroll for the period ending July 11, 2009 in the amount of \$648,302.62, be approved.

INFORMATIONAL ITEMS - There were no Informational Items for approval.

ACTION ITEMS

10a) Paul Olson, Youth Development Associate, Great Lakes Center for Youth Development, presented a Report on Youth Assets for 2008. Mr. Olson highlighted parts of the Report entitled: "Our Passion, Our Promise, Our Path; 2008 Marquette and Alger County Youth by Asset Levels; the Power of Asset Building; the 40 Developmental Assets; a Call to Action – Five Promises Community Planning; and a new concept - Sparks. He explained that Sparks is out of the Search Institute that can help build Developmental Assets in young people, and that the Great Lakes Center for Youth Development is using the research on Sparks to help adults build stronger relationships with young people in our communities.

Discussion followed. Dr. Judy Watson-Olson, President and CEO of the Great Lakes Center for Youth Development, and Probate Judge, Michael Anderegg, added comments and explanations. Commissioners thanked and commended Mr. Olson and the Great Lakes Center for Youth Development for the Report and their involvement with our youth in Marquette and Alger Counties.

It was moved by Comm. Arsenault, seconded by Comm. Joseph, and unanimously carried by voice vote that the Report on Youth Assets for 2008 be accepted and placed on file.

10b) The Board considered the Youth Home Study. (A complete copy of the Youth Home Study is available in the County Clerk's Office). Steve Powers, County Administrator, explained that in August of 2007, the Board of Commissioners approved funding for a review of the Marquette County Youth Home. The Great Lakes Center for Youth Development (GLCYD), with Formative Evaluation Research Associates from Ann Arbor, completed the study in June of 2009. The cost of the study was \$14,000.

The study provides recommendations for use by the Hon. Michael Anderegg and the Board of Commissioners in deciding the most effective use of resources for juvenile treatment. The study focused on gauging the value and reputation of the Youth Home as perceived by community members directly and indirectly involved in its operation. An additional purpose was to explore cost-saving ideas with respondents.

The Youth Home's 2009 operating budget is \$1,117,126, with approximately half of the expense reimbursed by the State of Michigan.

Dr. Judy Watson-Olson, President and CEO of GLCYD, was present and explained the Purpose of the Study, Methodology; Key Information; Major Findings; and Recommendations. Judge Michael Anderegg was also present for comments and questions. He informed Commissioners that at this point the State of Michigan does not plan to reduce funding for the State Child Care Fund.

The recommendations from the Youth Home Study are: 1) Fund the Youth Home for 2010; Form an advisory panel to consider suggestions in the Study; 3) Inform the public about the Youth Home's role in responding to juvenile crime. (Judge Anderegg has requested funding for the Youth Home for 2010. The 2010 County budget recommendation will be considered by the Board of Commissioners beginning September 14).

It was moved by Comm. Cihak, seconded by Comm. Joseph, and unanimously carried by voice vote that the Youth Home Study be accepted and forwarded to the 2010 budget process.

10c) The County Board considered a request from Richmond Township to Waive the Building Code Fee. Steve Powers, County Administrator, explained that the Michigan Building Code requires a permit for installation of a water meter. Unless the water meter and water line from the public right of way to the private home or business are owned and maintained by the local government, permits are required. Additional detail regarding the code requirements was distributed. Permits are required for the Richmond Township water project. Richmond Township is requesting reconsideration of its request to waive the permit fee.

Following Board of Commissioner action to allow up to a twenty five percent (25%) reduction in building, plumbing, mechanical, and electric fees for local government projects, Richmond Township, within their understanding of the code, attempted to avoid the permit requirement by having the meters owned by the Township. The Township Supervisor did not understand that the water lines also have to be under public ownership and control. For the Richmond Township water project, the Township will own the water meter and the property owner will own and be responsible for the water line from the point the water line enters private property.

Bill Luetzow, Richmond Township Supervisor, has said the water project's budget is already under pressure. Permit fees were not included in the project estimate or budget. He is requesting reconsideration to assist the project budget.

Mr. Powers stated that state law sets requirements for permits and inspections the board of commissioners is able to determine permit fees. He explained the options available to the Board. He also explained that the water project is funded by a grant and loan from the U.S. Dept. of Agriculture Rural Development Agency. He also explained USDA information PART 1780 – Water and Waste Loans and Grants, and program requirements (m) Metering devices.

Discussion followed. Bill Luetzow, Richmond Township Supervisor, and Greg Sicotte, Building Official/Project Manager, were present to answer questions. Cheryl Hill, Civil Counsel, was also present to answer questions. Mr. Luetzow informed the Board that they will not pay the fees for permits. He feels that the Richmond Township water project is eligible for an exemption. He also stated that the fees have been waived in the past for Projects that are similar to the Richmond Township water project. Greg Sicotte explained that he did inform Richmond Township that the water line also had to be under public ownership and control. He feels it is a misunderstanding by the Township.

It was moved by Comm. Cihak, seconded by Comm. Heikkila, and unanimously carried by voice vote that the County Board refer the request to waive the Building Code Fee for Richmond Township to Cheryl Hill, Civil Counsel, to determine whether there are any exceptions or exemptions in the law which would apply to Richmond Township; and further whether there are any penalties if the law is not followed.

10c) The County Board considered a Red Flag Policy and Resolution. Scott Erbisch, Sawyer Operations Manager, was present and explained that on November 9, 2007, the Federal Trade Commission (FTC) issued regulations known as "Red Flag Rules" that require institutions that hold consumer accounts to implement an Identity Theft Prevention Program. The program is to provide for the identification, detection and response to patterns, practices, or specific activities known as "red flags" that could potentially be identity theft.

The Red Flag Rules apply to financial institutions and creditors with covered accounts. Creditors include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies.

Marquette County's IRP loan program and the Sawyer water and wastewater utilities fall within the definition of a creditor. Utilities are considered creditors because they deter payment for goods or services until the end of the billing cycle.

Since Marquette County has known areas that fall within the definition of a creditor by the FTC, it must implement an Identity Theft Program by August 1, 2009.

Once the policy is approved, the affected department(s) will be trained on the policy and areas to look for with respect to identity theft, an annual report will be prepared for the County Board, and there will be a need for continued policy review for compliance with the Federal guidelines.

Mr. Erbisch informed the Board that the Red Flag Policy and Resolution has been reviewed by Civil Counsel, the Health Department, and the County Treasurer. He recommends that the Red Flag Policy be a County policy and not just specific to Sawyer as the Health Department may have areas that fall within the definition of a creditor.

It was moved by Comm. Arsenault, seconded by Comm. Heikkila, and unanimously carried by voice vote, that the County Board approve the following Resolution adopting a Red Flag Policy and Establishing an Identity Theft Prevention Program effective August 1, 2009.

**COUNTY OF MARQUETTE
POLICY RESOLUTION**

A RESOLUTION ADOPTING A RED FLAG POLICY AND ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM FOR THE COUNTY OF MARQUETTE

July 21, 2009

WHEREAS, pursuant to federal law the Federal Trade Commission (the "FTC") adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft;

WHEREAS, the FTC regulations, adopted as 16 CFR § 681.2, require creditors, as defined by 15 U.S.C. § 1681 a(r)(5), to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts;

WHEREAS, 15 U.S.C. § 1681 a(r)(5) cites 15 U.S.C. § 1691a, which defines a "creditor" as a person that extends, renews or continues credit, and defines "credit" in part as the right to purchase property or services and defer payment therefore;

WHEREAS, the FTC regulations include utility companies in the definition of creditor;

WHEREAS, The County of Marquette is a creditor with respect to 16 CFR § 681.2 by virtue of providing utility services, and an Intermediary Relending Program, or by otherwise accepting payment for municipal services in arrears;

WHEREAS, the FTC regulations define "covered account" in general as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payment or transactions and specifies that a utility account is a covered account;

WHEREAS, The FTC regulations require each creditor to adopt an Identity Theft Prevention Program which will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts;

WHEREAS, The County of Marquette provides water and sewer services and an Intermediary Relending Program, for which payment is made after the product is consumed or the service has otherwise been provided which, by virtue of being utility accounts, are covered accounts;

NOW, THEREFORE, BE IT RESOLVED that the County Board of Commissioners of the County of Marquette hereby adopts the County of Marquette Red Flag Policy and Identity Theft Prevention Program effective August 1, 2009.

Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

Chairperson Corkin opened the meeting for public comment, none was forthcoming. Jim Gallant, Skandia, addressed the County Board regarding Pathways. There being no further public comment, Chairperson Corkin closed this portion of the meeting.

July 21, 2009

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Chairperson Corkin provided a brief summary of a meeting regarding the Regional Jail Feasibility Study Reuse which was held on Friday, July 17, 2009 in Escanaba, Mi.

Chairperson Corkin also announced that Marquette County's Bond Rating increased to AAA-, a four-step improvement. He stated that there are very few counties in the State of Michigan with such an excellent bond rating. He commended the Board of Commissioners, Elected Officials, Departments Directors, and Employees for their good work in accomplishing this tremendous rating in such bad economic times.

Chairperson Corkin commended Commissioner Bergdahl and his wife Wanda, for their commitment to the Marquette County Fair for the past twenty years.

Comm. Cihak requested the Retire/Rehire Policy be added to the July 28, 2009 Committee of the Whole Meeting agenda for discussion regarding whether or not the Board should consider temporarily suspending the policy until an answer is received from the Board's July 7th letter from Cheryl Hill to MERS. He also requested the pros and cons if the policy were suspended.

Steve Powers, County Administrator, that the Open House for the Marquette County Community Corrections Detention Center is Monday, July 27, 2009 at 1:00 p.m.

There being no further business to come before the County Board, the meeting adjourned at approximately 6:45 P.M.

Respectfully Submitted,



Connie M. Branam
County Clerk