

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners met in Regular Session on Tuesday, October 20, 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. Pellow, Comm. Struck, Comm. Wallace and Chairperson Corkin. Absent and Excused: None.

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

It was moved by Comm. Wallace, seconded by Comm. Pellow, and unanimously carried by a voice vote that the minutes of the County Board of Commissioners Regular Meeting held on October 6, 2009 be approved.

PROCLAMATIONS, PRESENTATIONS AND AWARDS

3a) Chairperson Corkin read the following Resolution Honoring Russell F. Sylvester on his Retirement:

**MARQUETTE COUNTY BOARD OF COMMISSIONERS RESOLUTION
HONORING SERVICE OF RUSSELL F. SYLVESTER
ON HIS RETIREMENT**

WHEREAS, Government has an obligation to provide its citizens with services of the highest quality;
and

WHEREAS, quality services can only be provided by employees of the highest caliber; and

WHEREAS, Russell Sylvester was hired as a Water/Wastewater Treatment Plant Operator II for the County of Marquette on April 19, 1997, following the conversion of Sawyer Air Force Base from the State of Michigan; and

WHEREAS, Russell started working at the Water/Wastewater Treatment Plant as a civilian employee with the U.S. Air Force at K.I. Sawyer in April 1974 and served at this facility for over 23 years; and

WHEREAS, Russell has been responsible for the water distribution and sewage treatment operations of the utilities ensuring conformance to acceptable standards. In all of his work assignments, he has been a dedicated team player providing a necessary service to Marquette County residents and businesses at Sawyer in Gwinn, Michigan; and

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners thanks Russell for his 12+ years of dedication to Marquette County and to the public with his duties at the Marquette County Water/Wastewater Facility; and

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

*Proclaimed this 20th day of October, 2009
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners*

3b) It was moved by Comm. Pellow, seconded by Comm. Cihak, and unanimously carried by voice vote that the following Resolution to Oppose the MiWater Ballot Initiative be Adopted by Marquette County:

RESOLUTION TO OPPOSE THE MIWATER BALLOT INITIATIVE

WHEREAS the Upper Peninsula of Michigan faces a serious threat to the stability and future of the region's economy from the very prospect of the MiWater Ballot Initiative, and which if passed, would result in effectively prohibiting the region's citizens from realizing the benefits of a vital mineral production industrial sector; and

WHEREAS proponents of the ballot initiative reside in and are waging the initiative from wealthy Grosse Pointe, Michigan and other southeast Michigan communities – some 400 miles from the heart of the Upper Peninsula and distinctly removed from the daily issues of concern of residents and communities of the Upper Peninsula, cause the elected leaders of the Upper Peninsula Association of County Commissioners, and the organization itself, to question the capacity of proponents to know the best interests of the Upper Peninsula, our citizens, families and communities; and

WHEREAS the proposed MiWater Ballot Initiative is written effectively such that its result would be to impact only the natural resource industry and specific economic interests of the Upper Peninsula including job creation, taxable investment, philanthropic support, education and workforce enhancements among them, and would not have effective application to any other of the state's regions; and

WHEREAS Grosse Pointe, the base of the proponents of the ballot initiative, was built on the back of Michigan's automobile industry, which historically could not and cannot today exist or prosper without the reliable supply of minerals produced from mining; and

WHEREAS Grosse Pointe was the home of automobile industry father Henry T. Ford, who invested in the acquisition of hundreds of thousands of acres of mineral rights and forest lands in the Upper Peninsula to supply the necessary raw materials for the automobile industry, and where Grosse Pointe remains today the home of Henry Ford's heirs; and

WHEREAS mining was the industry upon which the Upper Peninsula was founded, and which has served to create the social, cultural and economic fabric of the Upper Peninsula; and

WHEREAS the Upper Peninsula boasts a proud heritage of mining, which has contributed to the betterment of society by contributing the raw materials and metals – the building blocks of society; and

WHEREAS mining is one of the core societal wealth producing industries, along with agriculture, manufacturing and construction; and

WHEREAS the Upper Peninsula with its unique geologic assets is compelled to utilize these assets in a responsible, strategic and meaningful fashion for the betterment of the region and its citizens;

WHEREAS the Michigan Legislature and Governor to the State of Michigan in 2004 enacted a new mining law and regulations that modernize and strictly govern mining operations in Michigan. This law and implementing regulations are deemed the strictest of any state in the U.S., and require substantial finance bonding; and

WHEREAS modern mining is conducted using advanced technologies, science, practices, measures that prevent, minimize, or remedy adverse environmental impacts associated with an industrial mining operation; and

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WHEREAS mining and natural resource based industries have provided the backbone of the region's economy and today, the region stands poised to renew its natural resource based economic sector, create hundreds of good paying and well-benefiting jobs for local people; and

THEREFORE BE IT RESOLVED that the U.P. Association of County Commissioners recognizes the serious threat posed by the MiWater Ballot Initiative to the Regions economic well-being; and the threat the MiWater Ballot Initiative poses to the fairness of the Upper Peninsula to determine its own course, and to utilize its unique assets for competitive advantage; that proponents of the MiWater Ballot Initiative do not share in common the economic, social and everyday priorities of the Upper Peninsula; and that modern mining can and is providing society's building blocks while operating in compliance with strict laws and regulations set forth by the State to protect our environment; and

THEREFORE BE IT FURTHER RESOLVED that the Upper Peninsula Association of County Commissioners strongly opposes the prospect and/or passage of the MiWater Ballot Initiative.

I certify that the above is a true and complete copy of the resolution passed by the Marquette County Board of Commissioners at the Board meeting on Tuesday, October 20, 2009.

Adopted this 20th day of October, 2009

Gerald O. Corkin, Chairman

Marquette County Board of Commissioners

It was moved by Comm. Arsenault, seconded by Comm. Joseph, and unanimously carried by voice vote that the Agenda be approved with the following addition: 11a) Rehire Program Questions/Answers.

Chairperson Corkin opened the meeting for public comment. Jack Schneider, Marquette County Undersheriff, and Sheriff Mike Lovelace spoke in support of the Retire/Rehire Program. There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Joseph, seconded by Comm. Struck, and unanimously carried by voice vote that Claims and Accounts for the period October 9, 2009 through October 15, 2009 in the amount of \$517,881.91, be approved.

INFORMATIONAL ITEMS

It was moved by Comm. Wallace, seconded by Comm. Pellow, and unanimously carried by voice vote that the following informational items be accepted and placed on file:

- a. MDOT & CUPPAD Announcement of Transportation Meeting.
- b. Communication from James F. Sodergren commending the County Board and the Administrator on a Balanced 2010 Budget.

ACTION ITEMS

It was moved by Comm. Arsenault, seconded by Comm. Pellow, and unanimously carried by voice vote that Action Items 10a), 10b), 10c), 10d), and 10e) be approved as follows:

10a) Committee of the Whole Recommendation to Approve a Lease and Operating Agreement for the Flying Tiger Flight School with terms as follows: One-year term; Lease rate of \$7.22/sf or \$1,010 per year – includes utilities, custodial, and use of conference room(s); Flying Tiger to be responsible for long distance telephone service; Liability insurance to be provided as identified by Marquette County's Risk Manager.

10b) Committee of the Whole Recommendation to Enter into a Lease Agreement with the Experimental Aircraft Association (EAA) Chapter 850 for a no cost license agreement for 1,700 s.f. of office space in Building 600; and further that they will be responsible to provide liability insurance as required by Marquette County; they will be responsible for their use of electricity; the License Agreement will have a 30-day termination clause should the County locate a paying tenant for the office or building; they will be responsible for the office upkeep and maintenance; and County approval will be required to activate any of the other building utilities.

10c) Committee of the Whole Recommendation to Support the Michigamme River Basin Water Resources Improvement Tax Increment Finance Authority proposed by Republic Township.

Comm. Pellow requested that a copy of the recommendation be sent to Republic Township along with a letter wishing them well on the project.

10d) Committee of the Whole Recommendation to authorize a one-year Lease with the Lake Superior Partnership for space at the Ishpeming Service Center beginning November 1, 2009 to October 31, 2010.

10e) Committee of the Whole Recommendation to authorize extension of the Photocopier Rental Agreement with Cooper Office Equipment to May 31, 2014.

ACTION ITEMS CON'T

10f) Committee of the Whole Recommendation to submit a request for proposals for an independent actuarial study on each retiree/rehire employee (includes opt out and rehire plans) for the purpose of assessing the program's actual impact regarding costs, and projected future costs, since its inception on November 16, 2004 through October 2009. Comm. Wallace recommended that due to additional information provided by Administrator Powers, the Board vote against the Committee of the Whole recommendation. Discussion followed. Commissioner consensus was to strike the recommendation.

It was then moved by Comm. Pellow, seconded by Comm. Cihak, and unanimously carried by voice vote to allow the Administrator to proceed with an Actuarial Study if the cost is under \$10,000.00, and further, if the cost exceeds \$10,000.00, the contract be brought back to the Board for further consideration.

10g) The County Board considered a request from A. Lindberg & Sons, Inc. to support the construction of Woodland Road, as the best alternative route for transportation for mining, logging, and aggregate. This will help to disperse truck traffic in highly congested traffic areas, and increase the safety and welfare of the citizens of

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Marquette County and the State of Michigan. The new roadway will also be a major reduction for the taxpayer and reduce the environmental impact regarding the related carbon imprint with the reduction in fuel.

Comm. Joseph explained that the Marquette County Road Commission unanimously supported the construction of Woodland Road at their October 19, 2009 meeting. He urged Commissioners to also support the construction of Woodland Road. Discussion followed.

It was moved by Comm. Arsenault, seconded by Comm. Pellow, and unanimously carried by voice vote that the County Board support the construction of Woodland Road.

10h) The County Board considered a memo from Cheryl Hill, Civil Counsel, regarding a Resolution Establishing Salaries of County Officers for FY2010: Ms. Hill explained that according to 1879 PA No. 154 (MCL 45.421), the annual salary of each salaried County Officer, which is by law fixed by the County Board of Commissioners, shall be fixed by the Board before November 1 each year and shall not be diminished during the term for which the County Officer has been elected or appointed but may be increased by the Board during the Officer's term of office.

This statute means that by law, the County Board of Commissioners fixes the annual salaries of County Officers who serve specifically defined terms of office: County Commissioner per MCL 46.415; Circuit Court Judges, pursuant to MCL 600.555 (County share of salary); Probate Court Judge, pursuant to MCL 600.822 (County share of salary); District Court Judges, pursuant to MCL 600.8202 (County share of salary); Prosecuting Attorney, pursuant to MCL 49.159; Sheriff, pursuant to MCL 45.41; County Clerk, pursuant to MCL 45.41, and MCL 50.67; County Treasurer, pursuant to MCL 45.41, and MCL 48.43; Register of Deeds, pursuant to MCL 45.41; County Drain Commissioner, pursuant to MCL 280.28; County Mine Inspector, pursuant to MCL 425.107; and the County Medical Examiner, pursuant to MCL 52.201e.

Ms. Hill noted that the salary belongs to the Office and not the Office holder. It would be appropriate for the Marquette County Board of Commissioners to consider and pass a resolution establishing the salaries of County Officers for FY 2010.

Comm. Pellow questioned whether the Prosecutor's salary set at 85% of the Probate Judge salary is statute or policy. Ms. Hill explained that it is policy. The action was taken by the County Board in 1992. Comm. Pellow suggested the policy regarding the Prosecutor's salary set at 85% of the Probate Judge salary be revisited. Discussion followed. (A separate motion follows the Resolution regarding the 85%).

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the County Board adopt the following Resolution Establishing Salaries of County Officers for FY2010:

*COUNTY BOARD OF COMMISSIONERS RESOLUTION ESTABLISHING
SALARIES OF COUNTY OFFICERS FOR FISCAL YEAR 2010*

WHEREAS, MCL 45.421 provides that the annual salary of each salaried County Officer, which is by law fixed by the County Board of Commissioners, shall be fixed by the Board before November 1 of each year, and such salaries shall not be decreased, but may be increased during the term for which that officer has been elected or appointed; and,

WHEREAS, by law the County Board of Commissioners fixes the annual salaries of the following described County Officers who serve specifically defined terms of office:

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- County Commissioner, pursuant to MCL 46.415;*
- Circuit Court Judges, pursuant to MCL 600.555 (County share of salary);*
- Probate Court Judge, pursuant to MCL 600.822 (County share of salary);*
- District Court Judges, pursuant to MCL 600.8202 (County share of salary);*
- Prosecuting Attorney, pursuant to MCL 49.159;*
- Sheriff, pursuant to MCL 45.401;*
- County Clerk, pursuant to MCL 45.401, and MCL 50.67;*
- County Treasurer, pursuant to MCL 45.401 and MCL 48.43;*
- Register of Deeds, pursuant to MCL 45.401;*
- County Drain Commissioner, pursuant to MCL 280.28;*
- County Mine Inspector, pursuant to MCL 425.107;*
- County Medical Examiner, pursuant to MCL 52.201e;*

NOW, THEREFORE, IT BE RESOLVED, that the County Board of Commissioners does hereby establish the annual salaries and/or the County share of those annual salaries of the above-referenced County Officers for FY2010 in the following amounts:

| | |
|---|---|
| <i>County Commissioners:</i> | <i>\$8,000.00</i> |
| <i>County Board Chair:</i> | <i>\$9,000.00</i> |
| <i>Circuit Court Judges (County share):</i> | <i>\$45,724.00</i> |
| <i>Probate Judge (County share):</i> | <i>\$139,919.00</i> |
| <i>District Court Judges (County share):</i> | <i>\$45,724.00</i> |
| <i>Prosecuting Attorney (85% of Probate Judge):</i> | <i>\$118,924.83</i> |
| <i>Sheriff:</i> | <i>\$75,825.15</i> |
| <i>County Clerk:</i> | <i>\$63,488.46</i> |
| <i>County Treasurer:</i> | <i>\$61,090.22</i> |
| <i>Register of Deeds:</i> | <i>\$61,090.22</i> |
| <i>County Drain Commissioner:</i> | <i>\$24,846.43</i> |
| <i>County Mine Inspector:</i> | <i>\$33,672.50</i> |
| <i>County Medical Examiner:</i> | <i>No salary but fees paid per agreed upon fee schedule</i> |

BE IT FURTHER RESOLVED, that the salaries do not include, nor do they preclude, additional forms of compensation, if any, including but not limited to, such benefits as paid vacation and sick leave, insurance coverage, and retirement benefits in accordance with other policies as made from time to time be adopted by this Board.

*Adopted this 20th day of October, 2009
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners*

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It was then moved by Comm. Pellow, seconded by Comm. Cihak, to rescind the policy setting the Prosecutor's salary at 85% of the Probate Judge salary. Discussion followed. A voice vote was recorded: 4 Ayes (Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Pellow) to 5 Nays (Comm. Arsenault, Comm. Joseph, Comm. Struck, Comm. Wallace, Comm. Corkin). Motion failed.

LATE ADDITION:

11a) The County Board considered opt-out/rehire program questions. Comm. Cihak referenced a 9 page chronology prepared by Cheryl Hill, Civil Counsel. He questioned the 30-day severance requirement and also the timeline before the rehire program was put in writing. John Greenberg, Human Resources/Risk Manager, was present and responded to the questions raised by Comm. Cihak. Discussion followed. Administrator Powers pointed out that Marquette County has been told by MERS that this is a viable program. Marquette County acted in good faith and was actually complimented by the MERS attorney for acting in a forthright manner. There is no question regarding the legality of the program.

Comm. Pellow is concerned that the change from the opt-out policy to the rehire policy should have come before the County Board. Civil Counsel referenced policy versus procedure.

It was moved by Comm. Wallace, seconded by Comm. Arsenault, and carried on a roll call vote five (5) Ayes (Comm. Arsenault, Comm. Joseph, Comm. Struck, Comm. Wallace, Comm. Corkin) to four (4) Nays (Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Pellow) that the County Board adopt a Rehire Policy as specified in the Marquette County Personnel Policy as follows:

Rehire Program

Employees who are rehired following retirement are eligible to receive MERS retirement benefits without limitation related to their earnings as a rehired employee.

A retiree who is rehired by the county:

- 1. Must have completely severed employment with the county for a minimum of thirty (30) days.*
- 2. If rehired to perform the same duties as they were performing prior to retirement, will be compensated at the same hourly rate they were receiving prior to retirement and subject to increases affecting their employee group. Employees rehired to a different position than the one they held at retirement will be compensated per bargaining agreement and/or section 103.1 of the Personnel Policy.*
- 3. Will accrue personal leave, vacation, and sick leave at the same rate as prior to retirement, prorated based on the normal scheduled work week. The accrual of sick leave will be capped at a maximum of 104 hours.*
- 4. Will continue to be covered by the retiree health plan and subject to any changes to that plan.*
- 5. Will not be eligible for any further retirement contributions. Other benefits, including deferred compensation and the Section 125 plans, will be available in accordance with IRS regulations.*

6. *Will otherwise be subject to the Personnel Policy or bargaining agreement applicable to the position they are filling.*

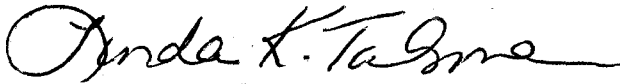
Chairperson Corkin opened the meeting for public comment. None was forthcoming.

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Administrator Powers thanked all of the Emergency Agencies who responded to the house fire of his in-laws in Chocolay Township. All efforts were greatly appreciated!

There being no further business to come before the County Board, the meeting adjourned at approximately 7:45 P.M.

Respectfully Submitted,



Linda K. Talsma
Deputy County Clerk