

The Marquette County Board of Commissioners met in Regular Session on Tuesday, October 6, 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. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace and Chairperson Corkin. Absent and Excused: Comm. Heikkila.

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

It was moved by Comm. Cihak, seconded by Comm. Pellow, and unanimously carried by a voice vote that the minutes of the County Board of Commissioners Regular Meeting held on September 15, 2009 be approved.

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

Chairperson Corkin opened the meeting for public comment. Jim 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. Pellow, and unanimously carried by voice vote that Claims and Accounts for the period September 11, 2009 through October 1, 2009 in the amount of \$2,074,848.18, and Bi-Weekly Payroll for the period ending September 19, 2009 in the amount of \$642,153.18, be approved.

**PRIVILEGED COMMENT**

Tim McGuire, MAC Executive Director, and Tom Hickson, MAC Director of Legislative Affairs, distributed the October MAC Legislative Update. The update included: a MAC 2009 Budget Breakdown explaining a breakdown of the cuts as the bills are on the Governor's desk including General Government, Revenue Sharing, PILT, Dept. of Corrections, DNR/DEQ, MDOT, Dept. of Agriculture, Dept. of Community Health, and Dept. of Human Services. The update also included: an announcement that the House passed HB 5403 a supplemental bill Restoring Funding for Revenue Sharing....But Not For Counties; the House may Consider Voting on Various Tax Increases next week; the Governor May Veto Several Cuts; an Announcement of a MSU Benchmarking Conference; and an invitation to send topic ideas for the upcoming 2010 MAC Legislative Conference.

A brief discussion followed including comments on a Huron County Resolution regarding state mandated services. Commissioners thanked Mr. McGuire and Mr. Hickson for their presentation.

**INFORMATIONAL ITEMS**

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

- a. Thank You from Champion Township for Senior Citizen Services Funding.
- b. Senior Center Millage Allocations.
- c. DEQ Air Quality Division's Pending New Source Review Application Report.
- d. Kirtland's Warbler Recovery Team Appreciation of Efforts.  
*(A brief discussion lead by Comm. Wallace was held regarding the Kirtland Warbler's first proactive habitat creation project in Marquette County).*
- e. Michigan's Upper Peninsula Travel and Recreation Association Initiative Announcement.
- f. Teaching Family Homes Invitation.
- g. Michigan Office of Highway Safety Planning (OHSP) Funding Approval.

**ACTION ITEMS**

10a) The County Board considered a Huron County Resolution on Mandated Services. Commissioners discussed unfunded mandates with Tim McGuire and Tom Hickson. MAC is familiar with the resolution and explained that the Resolution is being passed by Boards of Commissioners throughout the State.

It was moved by Comm. Pellow, seconded by Comm. Arsenault, and unanimously carried by voice vote that the following Resolution be adopted and copies sent to the Governor and the State Legislators:

**RESOLUTION REGARDING  
MANDATED SERVICES**

*WHEREAS, each county government primarily acts as an "agent" of the state, with the majority of budgeted activity performed to extend various powers of state government throughout the state, providing state mandated services for the benefit of Michigan residents; and*

*WHEREAS, state legislators pass into law various provisions as to how these state mandated services performed by the county are to be proportionately funded by the state; and*

*WHEREAS, over time, many state elected officials have apparently lost an understanding of this inter-connected relationship between the two levels of Michigan government, and of the laws in place that REQUIRE certain levels of state funding to counties and prohibit unfunded mandates; and*

*WHEREAS, recent examples which are crippling county governments' ability to provide necessary and mandated services, include the following;*

- *In 1978, the voters of Michigan approved the "Headlee Amendment", which protects counties from unfunded mandates from the state legislature; yet despite this constitutional limit placed upon the state government, the legislature has continued to add more mandates for counties, while cutting funding year after year to county governments;*
- *PA 140 "Glenn Steil state revenue sharing act of 1971", whereas for the past several years the state has not followed the statutory formula (MCL 141.911) that requires 21.3% of the 4% of sales tax be directed to local governments and 25% of that local government revenue sharing go to counties;*
- *PA 356 of 2004 "County Revenue Sharing Reserve Fund" (MCL 141.911) temporarily suspended the above law, taxed all Michigan residents earlier than previously scheduled for property taxes, and utilized these revenues as a temporary replacement to the statutory revenue sharing for counties, with a stipulation to return counties IN FULL to their previous revenue sharing when this alternate source of revenue is depleted, yet state proposals now call for ignoring that statutory mandate as well;*
- *PA 245 of 2008, Part 1, Line Item Appropriations, Section 103, Planning and Community Support, County Jail Reimbursement Program (MCL 769.35), whereas the county once again has been notified by the state that they will not make a fourth quarter reimbursement payment to the county for diverted felons, under a most disingenuously crafted provision of state law that states "expenditures shall not exceed the amount appropriated";*
- *PA 513 of 2004 "Payment in Lieu of Taxes on Certain State Lands" (PILT), whereas payments to counties for certain real property owned by the state and controlled by the DNR in lieu of paying local property taxes (MCL 141.911) have not been made; and*

• *WHEREAS, state officials must follow their own state laws if they expect the citizens to do so, must pass appropriate legislation that properly funds mandates and not disingenuous laws that provide loopholes for the state government to shift their burden when desired, and must not balance their budget by withholding required payments to counties while expecting to receive revenues back from the counties in full; and*

*WHEREAS, it is the right and duty of citizens to hold their government accountable to follow the law, and the MARQUETTE COUNTY BOARD COMMISSIONERS, as duly elected citizens, insists that the state government adhere to ALL the laws passed by the state legislature and pay ALL payments in FULL to the counties;*

*NOW THEREFORE BE IT RESOLVED, that this Board of Commissioners of Marquette County intends to explore every legal means of withholding, dollar for dollar, any payment due to the State of Michigan where the state has withheld payments to the County of Marquette that are mandated, utilizing the same criteria as state legislation, in which the county will direct that "expenditures shall not exceed the amount appropriated", wherein to ensure a balanced budget as required by law, the amount appropriated for various payments to the state shall be decreased if state mandated payments to the county are decreased; and*

*BE IT FURTHER RESOLVED, that this Board of Commissioners of Marquette County does so begrudgingly, as we and all citizens expect better from our government that serves us; we hope that we will not have to resort to such a measure, but rather that the state will find a way to balance its revenues and expenditures the same way counties do – through appropriate cuts that do not include withholding payments that have been legally agreed to be made for services directed to be provided.*

*Gerald O. Corkin, Chairperson  
Marquette County Board of Commissioners*

10b) The County Board considered a Law Library Contract with Westlaw. Hon. Jennifer Mazzuchi and Hon. Thomas Solka have reviewed the proposed contract. The current contract expires in January 2010. Westlaw is proposing another three-year contract. In addition to the current library, the proposed contract includes additional research materials, which should help reduce some of the excess costs incurred when materials outside of the subscription are used.

It is the opinion of Judge Mazzuchi and Judge Solka that Westlaw continues to be the primary research material utilized and that it is important to continue the contract services. It is the recommendation of the judges to renew for an additional three years at a yearly cost to the County of \$27,458.64. The funding is budgeted in 2010.

It was moved by Comm. Cihak, seconded by Comm. Wallace, and unanimously carried by voice vote that the County Board authorize approval of the contract with Westlaw for the Law Library.

10c) The County Board considered EDC Loan Plan Changes and Resolution. Steve Powers, County Administrator, explained that at their meeting on August 18, 2009, the EDC Board of Directors approved changes to the Revolving Loan Fund Plan for Community Development Block Grant (CDBG) funds administered through the MEDC. The resolution must be adopted by the County Board stating that the County agrees with the updated EDC Revolving Loan Fund Plan. The Plan contains two major changes:

- Job Retention will be an eligible activity.
- Up to \$35,000 per job will be the allowable funding limit.

A public hearing was held on September 17, 2009. Nobody showed up, there were no comments made regarding the proposed changes. Civil Counsel has read and reviewed the EDC Revolving Loan Fund CDBG Plan updates and feels the document is appropriate.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board approve the EDC Loan Plan Changes by adopting the following Resolution:

*RESOLUTION*

*WHEREAS, The Marquette County Board of Commissioners supports the efforts of the Economic Development Corporation of the County of Marquette to create and retain jobs in Marquette County;*

*WHEREAS, The Economic Development Corporation, at its meeting on August 19, 2009, has authorized changes to its Revolving Loan Fund Plan to use Community Development Block Grant funds to support job creation and retention in Marquette County;*

*THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners has reviewed the Economic Development Corporation's Revolving Loan Fund Plan, including the proposed changes, and authorizes the updated Plan and supports the Economic Development Corporation of the County of Marquette in its efforts to retain jobs and spur new job creation within Marquette County ; and,*

*BE IT FURTHER RESOLVED, that Gerald O. Corkin, Chairman of the Marquette County Board of Commissioners, is authorized to sign a resolution stating that the County agrees with the updated Economic Development Corporation Revolving Loan Fund Plan.*

*Gerald O. Corkin, Chairman  
Marquette County Board of Commissioners*

10d) The County Board considered appointment to the Aging Services Advisory Committee. Due to the resignation of David St.Onge, the appointment is for an unexpired term ending December 31, 2010. Debra Heinzelman, Chocolay Township, applied in 2008 and again in 2009. The vacancy was posted on the County Website.

It was moved by Comm. Wallace, seconded by Comm. Struck, and unanimously carried by voice vote that the County Board appoint Debra Heinzelman, Chocolay Township, to the Aging Services Advisory Committee for an unexpired term ending 12-31-2010.

10e) The County Board considered appointment to the Marquette County Board of Canvassers. Connie Branam, County Clerk, explained that the terms of Norene Filizetti, Democrat, and Barb Fosmire, Republican, from the Marquette County Board of Canvassers will expire 10-31-2009. Per MCL 168.24c - "the county committee of each political party is required to provide the County Clerk with three nominees for the party's expiring seat on the Board."

The Republican Party has nominated Barb Fosmire, Marquette, Doreen Takalo, Skandia, and Brenda Raymond, Gwinn. Barb Fosmire wishes to be reappointed. She has done an excellent job on the Board of Canvassers. Clerk Branam recommends Barb Fosmire be reappointed.

The Democratic Party has nominated Patricia Micklow, Marquette, Suzanne Bowers, Marquette, and Carol Moore, Marquette. Patricia Micklow is very interested and willing to serve. Norene Filizetti, due to health reasons, does not wish to be reappointed. Clerk Branam recommends Pat Micklow be appointed.

It was moved by Comm. Arsenault, seconded by Comm. Cihak, and unanimously carried by voice vote that Patricia Micklow, Democrat, and Barb Fosmire, Republican, be appointed to the Marquette County Board of Canvassers for 4 year terms ending 10-31-2013.

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

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Comm. Pellow questioned the status of the KK Bridge, and requested a report on Pasty.Net.

Comm. Struck reported on the UP EMS Annual Conference. He commended Scott Erbisch and Keith Kaspari for their participation.

Comm. Cihak questioned when the jail remodeling project would be complete. He announced the dedication of the new road into the Iron Ore Heritage Museum, and commended Chairperson Corkin as a Charter Member of the Iron Ore Heritage Museum. He also spoke regarding detention of out-of-county juveniles and how important it is to maintain juvenile facilities.

Comm. Bergdahl commented regarding the Landbank Authority and how much better off Marquette County is than many Downstate Counties in regards to foreclosures.

Chairperson Corkin congratulated Comm. Arsenault on receiving a State Award from Michigan Works! Comm. Arsenault is very deserving of this award!

Chairperson Corkin questioned the status of the MERS response regarding the opt-out/rehire program. Cheryl Hill, Civil Counsel, explained that she received the response today and will distribute it to Commissioners.

Comm. Cihak requested Ms. Hill distribute the response as soon as possible for possible discussion at the next meeting.

It was moved by Comm. Pellow, seconded by Comm. Bergdahl, and unanimously carried on a roll call vote 8 Ayes (Comm. Arsenault, Comm. Bergdahl, Comm. Cihak, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace, and Chairperson Corkin) to 0 Nays that the County Board go into Closed Session to Discuss Pending Litigation - MCL 15.268(e).

Chairperson Corkin declared a five minute recess to clear Commission Chambers at approximately.

CLOSED SESSION

The County Board came back into Open Session at approximately 7:10 p.m.

It was moved by Comm. Pellow, seconded by Comm. Cihak, and unanimously carried by voice vote that the County Board follow the recommendation of Counsel regarding pending litigation.

There being no further business to come before the County Board, the meeting adjourned at approximately 7:15 P.M.

Respectfully Submitted,



Connie M. Branam  
Marquette County Clerk