

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, January 27, 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. Bergdahl, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace, and Chairperson Corkin. Absent: Comm. Arsenault, Comm. Cihak and Comm. Heikkila.

It was moved by Comm. Pellow, seconded by Comm. Joseph, and unanimously carried by a voice vote that the minutes of the Committee of the Whole Meeting held on January 13, 2009 be approved.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

It was moved by Comm. Joseph, seconded by Comm. Wallace, and unanimously carried by voice vote that the agenda be approved with the following additions: Item 14) Jail Inmate Mental Health Services; Item 15) Notice of Bid Award – Airfield Friction Meter; and Item 16) Notice of Bid Award – Snow Removal Equipment.

It was moved by Comm. Pellow, seconded by Comm. Struck, and unanimously carried by voice vote that Claims and Accounts for the Period January 16, 2009 through January 22, 2009 in the amount of \$677,330.21, be approved.

The Committee considered a memo from Honorable Thomas L. Solka, Chief Circuit Judge, commending the Maintenance and Facility Staff for the excellent job of preparing the Courtroom for the Investiture of Judge Mazzuchi, the Retirement of Judge Weber, and the Installation of the New Recording System in the Circuit Courtroom.

It was moved by Comm. Wallace, seconded by Comm. Joseph, and unanimously carried by voice vote that the Memo be accepted and placed on file.

The Committee considered a Food Service Manager Certification Course. Fred Benzie, Marquette County Health Department, was present and explained that recent amendments to the Michigan's Food Law of 2009 require all licensed food service establishments to employ at least one certified safety manager by June 30, 2009. This applies to all restaurants, bars, churches, schools and hospitals except Mobile, Temporary, Vending Machine and Special Transitory Food Unit categories.

In order to become a certified food safety manager, a person must attend an accredited program through the American National Standard Institute (ANSI) and a Conference for Food Protection and successfully pass a two hour proctored exam following the 8 hour course. The certification is valid for 5 years.

Several organizations locally have offered this training and certification, but many of our food service establishment owners have requested that the Health Department offer a course at a more competitive price and at least one session during a weekend. Mr. Benzie is committed to doing that.

He further explained that currently this course is offered locally by the Michigan State University Extension Office and Northern Michigan University for \$200. The courses they offer are affiliated with the Michigan Restaurant Association and require 16 hours where the course at the Health Department will be only

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10 hours and is affiliated with the National Environmental Health Association (NEHA). Food service establishment owners are not required to attend and pay the course fee, but must comply with the new state law requirements for manager certification.

This course will only offered if a minimum of 10 participants pre-register and pay the fee in advance. Mr. Benzie explained recommends approval. Discussion followed.

Comm. Struck commended the Health Department for wanting to make this course available however, he feels the concept is one more bureaucratic decision by the State of Michigan which will effect a lot of people. He hopes the Health Department will mention to food service establishments that they do not have to take the course, it is available online, or they can purchase the book. The requirement is only that they be certified. Any attempt to keep the cost down would be appreciated.

Comm. Wallace explained that the certification may save food service establishments money. If they have employees working for them that know how to operate a restaurant properly, then when those restaurants experience their inspections twice a year, they will pass them quickly and easily. Their annual license fee is based on how much time the Health Department spends correcting mistakes. If there are no mistakes to be corrected then their annual license fees will be at the absolute minimum.

Comm. Joseph questioned the sentence that says "food service establishment owners are not required to attend and pay the course fee, but must comply with the new state law requirements for manager certification." What if the owner is the only cook? Are owners required to have a food service certified manager?

It was moved by Comm. Wallace, seconded by Comm. Pellow, and carried by voice vote 5 Ayes to 1 Nay (Comm. Joseph) that the Committee of the Whole recommend the County Board approve a Marquette County Health Department Food Service Manager Certification Course fee of \$150.00.

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The Committee considered an Amended Health Department Plan of Organization. Fred Benzie, Marquette County Health Department, explained that in preparation for the fourth cycle of the State mandated Local Health Department Accreditation process they must update and amend the Marquette County Health Department Plan of Organization. This plan was first required during the cycle three accreditation process and was approved by the Board of Commissioners on March 8, 2006. The updated plan is essentially the same but modified to include new and current information. The on-site visit for Cycle 4 Accreditation is scheduled for the week of March 9, 2009. During this visit representatives from three state agencies (Community Health, Agriculture, and Environmental Quality) will evaluate the majority of the Health Department programs. The purpose of the accreditation process is to ensure that specific local public health programs are meeting minimum program standards defined by the State Agencies and to remain eligible for State funding. One of the requirements of the accreditation process is for the local governing entity to review and approve the Health Department Plan of Organization. The updated plan, although not formerly approved by the Board of Commissioners, has already been submitted to the State of Michigan as it was due on January 9, 2009.

Mr. Benzie further explained that Commissioners need to be aware that the Plan of Organization does not change Health Department responsibilities by the County Board and does not prevent them from making changes allowed under statute.

The Health Department has always been able to provide exceptional program services. Mr. Benzie recommends approval.

Comm. Wallace explained that of most important in the material distributed is the Approval Form/Resolution that establishes the relationship of the Board of Health to the County Board. The entire Plan

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of Organization is required by the Michigan Local Public Health Accreditation Commission. This is the first part of the accreditation self study documents that have to be turned in every three years telling the State how the local health department is organized.

It was moved by Comm. Wallace, seconded by Comm. Struck, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Amended Health Department Plan of Organization as submitted by the Marquette County Health Department.

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The Committee considered a Vehicle Purchase for Building Codes. On January 13, 2009, five sealed bids, were opened for the purchase of two new Building Code 4 x 4 Trucks. (Public Service Garage, Fox of Negaunee, Fox of Marquette, Riverside Auto, and Frei Chevrolet, Inc.) The bid tabulation and bid forms were distributed.

Tax equalization would like to replace a 1999 Ford Ranger (68,000 miles) with one of the Codes 2005 Chevrolet trucks, and Sawyer would like to purchase a 1991 Step Van (utility truck), currently used for the water departments, with the other Codes truck.

The 2009 Capital Budget for Building Codes included \$37,000 for vehicles.

It was moved by Comm. Bergdahl, seconded by Comm. Struck, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board award the Vehicle Purchase for Building Codes to Fox of Marquette, without trade-ins, in the amount of \$34,198.60.

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The Committee considered a Subcontract for UPSET. Sheri Ennett, Administrative Aide, Marquette County Sheriff's Department, explained in a memo that the subcontract is in the amount of \$44,616.00, and is for the period October 1, 2008, through September 30, 2009. The subcontract becomes effective upon the return of the executed subcontract. The contract has been reduced, as was expected. The award does not assure or imply continuation in funding beyond the funding period of this subcontract.

Steve Powers, County Administrator, explained that the County received support from the Keweenaw Bay Indian Community. He reminded Commissioners that County participation in UPSET was contingent upon receiving funding to help offset the County share. The local share has been increasing because the state and federal share has been decreasing. The Tribal Council of the Keweenaw Bay Indian Community has provided \$30,000.00, which will allow the County to amend the budget to continue participation in UPSET through the balance of the federal fiscal year.

It was moved by Comm. Joseph, seconded by Comm. Pellow, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board authorize the Board Chair to sign the Subcontract for UPSET.

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The Committee considered the 2009 Annual Report of the Marquette County Planning Commission. Thyra Karlstrom, Planner, explained that the Report highlights key accomplishments of the past year. The Planning Commission approved the Report at their January meeting.

It was moved by Comm. Joseph, seconded by Comm. Struck, and unanimously carried by voice vote that the 2009 Planning Commission Annual Report be accepted and placed on file.

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The Committee considered Proposed Goals and Polices of the County Comprehensive Plan. In a memo from Norman Holmes, Marquette County Planning Commission Chairperson, explained that in accordance with the adoption requirements of Public Act 33 in 2008 (Michigan Planning Enabling Act), the Marquette County Planning Commission is submitting the proposed Goals and Policies chapter of the County Comprehensive Plan to the County Board for review, comment, and approval for the distribution of the document.

The County Comprehensive Plan was originally a document consisting of chapters relating to specific topics. Over time, it has become a compendium of "stand-alone plans" that provide greater depth on those topics as well as an expanded list of topics relevant to the County.

The Goals and Policies "chapter" currently before Commissioners represents an update to an existing section of the Comprehensive Plan. The rewrite of this chapter has two primary focuses. First, to incorporate into the chapter goals and policies extracted from new plans regarding topics not considered in the original Comprehensive Plan. Secondly, language was reviewed for its current relevance (remove references to outdated statutes, etc).

The Michigan Planning Enabling Act requires the legislative body approve the distribution of a proposed planning document. Subsequent to the approval of distribution, the process of adoption can proceed and the public review period can begin. The Act requires a minimum review period of 42 days followed by a public hearing to allow for further comment. After the public hearing, the Planning Commission can consider adoption of the Goals and Policies Chapter.

Thyra Karlstrom, Planner, was present to answer questions.

It was moved by Comm. Joseph, seconded by Comm. Bergdahl, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the distribution of the Proposed Goals and Policies of the County Comprehensive Plan.

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The Committee considered a Community Corrections Detention Center (CCDC) Mangum Farm Update. Steve Powers, County Administrator, explained that the Marquette Community Corrections Detention Center (CCDC) project relies on prisoner boarding revenue from the federal government. Marquette County has been attempting to receive the highest possible number of federal inmates and to have the number be as firm as possible. Over the past six months, communication with the U.S. Marshal has attempted to accomplish those goals.

The U.S. Marshal lodges federal prisoners in county jails through an Intergovernmental Services Agreement (IGA). The U.S. Marshal has kept the Marquette County Jail at 10 federal inmates per day. The U.S. Marshal will not guarantee or commit to lodging a certain number of inmates at Marquette County. In response, Sheriff Lovelace requested federal prisoner boarding information for the past 15 months. The information for the past 15 months may provide an indicator for future federal need.

In the Upper Peninsula, the U.S. Marshal houses prisoners in Chippewa, Marquette, and Iron counties. The average daily number of inmates in the U.P. for the past 15 months was 18. For the first three months of the federal fiscal year (October 1 through December 31, 2008), the average daily number was 26. In January 2009, the U.S. Marshal had 40 inmates in U.P. jails.

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Discussion with the U.S. Marshal Service over the past several years have indicated the need for federal beds may be as high as 30 to 40. The U.S. Marshal has been checking with the Marquette County Jail almost daily to see if we can take more than 10 prisoners. For the past three weeks, the Jail was over crowded every day.

The 2009 County budget includes \$979,000.00 to operate the CCDC. The 2009 budget also includes a \$620,000.00 increase in prisoner boarding revenue to support the CCDC. The increase assumes 25 additional federal prisoners, for 35 total federal prisoners. Using the 26 inmate average from the first quarter of the federal fiscal year, if those prisoners were boarded in the Marquette County Jail, \$398,000.00 would be generated, or \$222,000.00 less than needed to sustain the CCDC. Reducing our dependency on rental bed income is difficult given the 2009 budget and the probability of state reductions to the 2010 and 2011 budgets.

Marquette County is leasing the dormitory at the Mangum Farm. The building is pickled/moth-balled for the winter. The renovation plans have been approved by the Michigan Department of Corrections, and the project is ready for bid.

Mr. Powers further explained that they need direction whether to continue with the project by releasing the renovation plans for bids; continue discussions with the U.S. Marshal regarding the number of federal prisoners that Marquette County can reasonably expect; postpone the project until federal demand (or other counties or entities) increases; or some other direction.

Discussion followed. Mike Lovelace, Marquette County Sheriff, and Gary Walker, Prosecutor, were also present to answer questions. Sheriff Lovelace explained that the former U. S. Marshal has retired. President Obama has yet to appoint a replacement. He is hoping that a replacement will be appointed within the next few months. Gary Walker, Marquette County Prosecutor, thanked the County Board for their continued support of this project.

It was moved by Comm. Pellow, seconded by Comm. Struck, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board continue discussions with the U.S. Marshal regarding the number of federal prisoners that Marquette County can reasonably expect, and continue with the Marquette Community Corrections Detention Center (CCDC) Project by releasing the renovation plans for bids.

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The Committee considered Jail Inmate Mental Health Services. Steve Powers, County Administrator, explained that in November 2008, Pathways notified Marquette County that effective January 1, 2009, Pathways would stop providing mental health services to jail inmates, other than required pre-admission mental health screenings. Pathways historically has provided crisis mental health services to the jail, including a full array of mental health services as required in the State Mental Health Code. All services have been provided free of charge to Marquette County.

On December 2, 2008, the Board of Commissioners approved requesting proposals for jail mental health services. Pathways and Health Professionals, Ltd., were asked to submit proposals. The need was also advertised in the Mining Journal and on the Marquette County website.

In response, proposals were received from HP and Great Lakes Recovery Centers. Sheriff Lovelace recommends HP. Mr. Powers concurs with the Sheriff's recommendation.

HP is the current provider of medical services to the inmates. HP offers a comprehensive, experienced mental health team. HP's proposal is less costly than Great Lakes Recovery's 12-month proposal of \$46,800.

HP has provided medical training for County corrections officers and will provide mental health training and assistance with treatment plan implementation. The experience HP has in working with correctional facilities is impressive. HP provides mental health services to 35 county jails, with capacities ranging from 600 to 29 inmates. HP understands security concerns. HP has made a positive difference with Marquette County inmate medical expenses. Sheriff Lovelace is confident that Marquette County will be satisfied with HP's mental health services.

HP will be available 24 hours, 7 days a week. In addition to a registered nurse on site 10 hours per week and a physician on site one and one a half hours per week, HP will provide an on-site mental health professional 12 hours per week. The ability to contact either medical or mental health services at anytime helps the jail supervisors with crucial decision-making and assures that Marquette County is doing what is necessary for the inmate. This is a great comfort to staff, controls costs, and reduces liability by assuring only medically necessary and appropriate treatments, services, or transports to Marquette General Hospital are done.

Undersheriff Schneider, Jail Captain Gustafson, and Mr. Powers met with Gail Hall, Pathways CEO, last week. Ms. Hall informed them that the services needed at the jail cannot be provided by Pathways. Pathways have been a good partner over the years and Captain Gustafson thanked Ms. Hall for the agency's services. They left open the possibility of future partnerships.

Marquette County is responsible for health care, including mental health, of jail inmates. This legal obligation has been confirmed by Civil Counsel.

Counties are required by statute to provide maintenance of effort payment to mental health agencies. Marquette County's payment is \$267,144. Civil Counsel has reviewed the question of whether the jail mental health services could be charged against the \$267,144. Civil Counsel advises that a Board of Commissioners may not designate how the maintenance of effort money is to be used. The maintenance of efforts is for ten percent of the net cost of any service provided by the mental health department (or agency).

The proposals and Civil Counsel's opinion of County mental health responsibilities are available in the County Administrator's Office for review if any Commissioner so desires.

HP's proposal for mental health services is \$38,249 for 12 months. HP's 12-month contract for medical services, effective February 1, 2009, is \$55,309. The 2009 Jail Budget has \$100,000 for health services. Actual 2008 health expenditures were \$70,607. The amount includes the contract with HP and any required hospitalization or specialty service. Hospitalization and specialty services will be tracked and a budget amendment will be recommended if needed at mid year.

Discussion followed. Comm. Joseph feels the mental health services should be charged against the maintenance of effort. Chairperson Corkin stated that Pathways has been a good partner, but is disappointed in their decision not to provide mental health services to jail inmates. Comm. Wallace discussed mental health services and the maintenance of effort.

It was moved by Comm. Pellow, seconded by Comm. Wallace, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board authorize the contract with Health Professionals, LTD., (HP) for medical services, including mental health services, to Marquette County Jail Inmates.

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The Committee considered a Notice of Bid Award for Airfield Friction Meter. Keith Kaspari, Airport Manager, explained that equipment solicitation, were submitted by Sawyer's consulting engineer, Mead & Hunt, to three known providers of airfield friction meters (Nuebert Aero, Vericom Computers and Bowmonk). Bids were opened on Friday, January 23, 2009.

A total of two bids were received. Staff, with consultation from Mead & Hunt, reviewed the bids to comply with specifications, and to stay within the original amount of funding allowed in the project of \$20,000. The bid tabs are as follows:

- Nuebert Aero Corporation of Clearwater, Florida \$8,669.25
- Vericom Computers, Inc. of Rogers, Minnesota \$9,480.82

Funding for this equipment has been approved with the future receipt of AIP Grant No: 3-26-0153-2809, with a funding formula of FAA at 95%, MDOT at 2.50%, and Marquette County at 2.50%. Staff is anticipating concurrences of the award from both Mead & Hunt and MDOT, but has not received them as of today's date.

Time constraints require staff to have all finalized consultant agreements and equipment purchases approved by the airport sponsor, and to forward all agreements and equipment bid numbers to the FAA via MDOT prior to Tuesday, February 3, 2009.

It was moved by Comm. Bergdahl, seconded by Comm. Wallace, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board, pending receipt of Grant No: 2809 and concurrence from MDOT, approve the bid as submitted for a Notice of Award to Nuebert Aero Corporation of Clearwater, Florida, for the purchase of an Airfield Friction Meter in the amount of \$8,669.25, and also to approve the recommendation of bid award, and authorize the Board Chair to sign.

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The Committee considered a Notice of Bid Award for Snow Removal Equipment. Keith Kaspari, Airport Manager, explained that recently, airport staff solicited a number of local equipment providers for the future purchase of snow removal equipment. Additionally, a public notice was sent to the Marquette Mining Journal, Marquette Builders Exchange, and Michigan Contractor and Builder.

Two equipment providers responded to a non-mandatory pre-bid meeting held on Wednesday, January 27, 2009 (Industrial Marketing and Miller-Bradford Risberg). Equipment bids were submitted to Sawyer's consulting engineer, Mead & Hunt, with bids opened on Friday, January 23, 2009.

A total of one bid was received. Staff, with consultation from Mead & Hunt, reviewed the bids to comply with specifications, and to stay within the original amount of funding allowed in the project of \$190,000.00 (not including M&H assistance with the drafting of vehicle specifications), with the bid tab as follows:

- Industrial Marketing of Gwinn, Michigan \$189,509.00

Funding for this equipment has been programmed with the future receipt of AIP Grant No: 3-26-0153-2809, with a funding formula at FAA at 95%, MDOT at 2.50%, and Marquette County at 2.50%. Staff has

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received a concurrence of the award from Mead & Hunt, and is awaiting a concurrence of the award from Sawyer's MDOT project manager.

Time constraints require staff to have all finalized consultant agreements and equipment purchases approved by the airport sponsor, and to forward all agreements and equipment bid numbers to the FAA via MDOT prior to Tuesday, February 3, 2009.

It was moved by Comm. Struck, seconded by Comm. Bergdahl, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board, pending the receipt of Grant No: 2809, and concurrence from MDOT with the Buy America waiver, approve the bid as submitted for a Notice of Award to Industrial Marketing, Inc. for the purchase of snow removal equipment and accessories in the amount of \$189,509.00. With future acceptance of the grant, equipment delivery is anticipated within 6 months to allow for use during the winter of 2009/2010, and also to approve the recommendation of bid award, and authorize the Board Chair to sign.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin announced that the first U.P. 9-1-1 Committee Meeting will be held on Friday, January 30, 2009, at 11:00 a.m. at the CUPPAD Office in Escanaba.

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