

The Marquette County Board of Commissioners met in Regular Session on Tuesday, January 19, 2010, 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 voice vote that the minutes of the County Board of Commissioners Organizational meeting held on January 5, 2010 be approved.

(Comm. Cihak commented regarding a Commissioner's request for an item to be placed on the agenda).

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

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

It was moved by Comm. Arsenault, seconded by Comm. Struck, and unanimously carried by voice vote that Claims and Accounts for the period January 8, 2010 through January 14, 2010 in the amount of \$559,084.76, and Bi-Weekly Payroll for the period ending January 9, 2010 in the amount of \$771,604.60, be approved.

INFORMATIONAL ITEMS

None.

ACTION ITEMS

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

10a) Committee of the Whole recommendation to authorize the Central Dispatch Lease Agreements with the State of Michigan and authorize Chairperson Corkin to sign the agreements, and further that Staff be directed to start the process of looking at options for housing the Search and Rescue Special Operations equipment, preferably on County owned property along the US 41 corridor.

10b) Committee of the Whole recommendation to direct staff to draft a letter for comment by Comm. Pellow at a Public Hearing scheduled for Wednesday, February 10, 2010 regarding Woodland Road LLC.

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10c) Committee of the Whole recommendation to authorize Chairperson Corking to sign the 2010 Contracts for Senior Services on behalf of the County.

ACTION ITEMS CON'T

10d) The County Board considered a Committee of the Whole recommendation to postpone discussion regarding the Rehire Analysis to the February 16, 2010 meeting to allow staff more time to prepare and to receive the requested Actuarial Analysis.

Comm. Pellow, Comm. Cihak and Comm. Heikkila maintained their Committee of the Whole no vote. Comm Heikkila stated that he is disappointed there will be no discussion at this time. He feels that MERS made major changes to the program and he would value the suggestions of other Commissioners.

Comm. Cihak explained that he contacted MERS and was informed that they will accept comment from any MERS member individually. If the general public wishes to comment on the subject - Google: Mersofmich.com - open member comment. MERS would appreciate indicating the designation of public member. The comment period deadline is February 23, 2010. MERS will also accept a fax to 517-327-8336. The comments will be considered at the March MERS Board Meeting.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and carried on a roll call vote 5 ayes (Comm. Arsenault, Comm. Joseph, Comm. Struck, Comm. Wallace and Chairperson Corkin), to 4 nays (Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, and Comm. Pellow) that the County Board postpone discussion regarding the Rehire Analysis to the February 16, 2010 meeting to allow staff more time to prepare and to receive the requested Actuarial Analysis.

10e) The County Board considered a Resolution regarding Statutory Mandates. The Legislative Committee on Statutory Mandates was charged, in 2007, under Act 98, Michigan Public Acts of 2007, as amended, to identify and investigate, the cost of complying with funded and unfunded mandates imposed by the State on local units of government, and to make determinations and recommendations relating to those mandates. The findings paint a stark picture of non-compliance with Article 9, § 29 of the Michigan Constitution of 1963, as amended. While the non-compliance stretches back 31 years, the Commission focused its attention on the current state of underfunding by the State which is determined to be **in excess of \$2.2 billion for 2009** just for a selected group of mandates. Given the State's financial condition; the penchant of the State to continue to shift the burdens of government to the local level, while cutting revenue sharing, and the accelerating reductions in local government services and employment associated with the economy, the Commission has developed a number of recommendations to improve the discourse between State and local officials and reform the process under which mandated services and activities are imposed and funded. The LCSM believe implementation of these recommendations, for which they have provided draft legislation and court rule amendments, will foster a new era of constructive, thoughtful and collaborative government in Michigan. These recommendations are not necessarily a plea for more funding, and the question is not whether certain mandates are good or bad. The LCSM has instead focused on the process under which mandates are imposed.

The Commission could not have completed its work without the volunteer assistance of many individuals and organizations. They would like to thank the Citizens Research Council of Michigan for its report on mandates legislation around the country; the Michigan Association of Counties, the Michigan Municipal League, the Michigan Township Association, the Michigan School Business Officials, the County Road Association of Michigan, and the Michigan Community College Associations for their

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assistance in identifying and costing compliance with significant mandates. Thrun Law Firm for assistance in evaluating what identified activities and services constituted mandates; and Michigan State University's State and Local Government Program Department of Agricultural, Food and Resource Economics, for circulating and compiling survey results as to the cost of compliance with the final list of mandates. The Commission also wants to thank Representative Phil LaJoy for sponsoring the legislation which created the Commission, and representatives of the Legislative Council, particularly Susan Cavanagh, for their insights and support.

Finally, after 24 Commission meetings, and countless additional hours of meetings, analysis, debate and complete consensus, the Commission's greatest fear is that the State will miss the opportunity, in this time of fiscal crisis, to change course from 30 years of disregard for this key provision of the Headlee amendment.

Implementation of the recommendations, will not only encourage compliance with the Headlee amendment prohibition on unfunded mandates, but will also foster more efficient government and greater, and badly needed, collaboration between the State and local units of government.

Now that the Commission assignment is complete, each Commissioner remains committed to work with the State to implement these recommendations in the near future.

It was moved by Comm. Arsenault, seconded by Comm. Pellow, and unanimously carried by voice vote that the County Board adopt the following Resolution Supporting the Final Report of the Legislative Commission on Statutory Mandates, encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report, and further that a copy of the Resolution be sent to Governor Granholm, U.P. Legislators, U.P. County Boards of Commissioners, the Marquette County Townships Association and Townships and Cities in Marquette County urging that they adopt a similar resolution:

RESOLUTION SUPPORTING THE FINAL REPORT OF THE LEGISLATIVE COMMISSION ON STATUTORY MANDATES

WHEREAS, the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS, the Headlee Amendment (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18." and;

WHEREAS, the Headlee Amendment became effective on December 23, 1978; and

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WHEREAS, the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS, the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.*
- Michigan Municipal League.*
- Michigan Township Association.*
- Michigan School Business Officials and Michigan Association of School Administrators.*
- Michigan Community College Association.*
- County Road Association of Michigan.*

WHEREAS, the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS, the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislative and court rules that would mitigate unfunded mandates imposed on local units of government in the future.*
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.*
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:*
 - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.*
 - Require the Court of Appeals to rule on the above within six months of the filing.*
 - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.*

WHEREAS, the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

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NOW THEREFORE BE IT RESOLVED, that the Marquette County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor Jennifer Granholm, U. P. Legislators and U. P. County Boards of Commissioners.

*Adopted this 19th day of January, 2010
Gerald O. Corkin, Chairman
Marquette County Board of Commissioners*

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

It was moved by Comm. Arsenault, seconded by Comm. Pellow, and unanimously carried on a roll call vote 9 Ayes (Comm. Arsenault, Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace, and Chairperson Corkin) to 0 Nays that the County Board go into Closed Session Pursuant to MCL 15.268(c) Collective Bargaining Agreement – Courthouse Contract.

Chairperson Corkin declared a 2 minute recess to clear Commissioner Chambers at approximately 6:15 p.m.

CLOSED SESSION

The County Board came back into Open Session at approximately 6:45 p.m.

It was moved by Comm. Arsenault, seconded by Comm. Pellow, and unanimously carried by voice vote that the County Board approve the Collective Bargaining Agreement – Courthouse Contract as follows:

- One-Year Agreement effective January 1, 2010 through December 31, 2010;
- Zero percent increase in wages;
- No change in health insurance;
- The 2010 health insurance rate increase to be absorbed by the County; and
- Approval of the alterations to the existing language as presented by John Greenberg, Human Resources Manager.

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Chairperson Corkin updated the County Board regarding possible recycling developers at Sawyer.

Comm. Cihak urged that the record be expanded regarding the Committee of the Whole recommendation to postpone the discussion on the Rehire Analysis. He also questioned the status of his request for the provisions of the labor agreements and the posted job openings.

Comm. Arsenault requested clarification from Comm. Cihak regarding his request for the minutes to be expanded. Comm. Joseph also commented regarding Comm. Cihak's request.

Comm. Heikkila requested that the information regarding the rehire analysis, if available, be distributed prior to the February 16th meeting.

Comm. Bergdahl reported on his attendance at a recent fair convention. He discussed the State budget stating that approximately 600 new jobs were created however, reports show approximately 1700 people a month are leaving Michigan. He made note that agriculture is the number one industry in the State right now. Chairperson Corkin announced that agriculture does not get the attention of the Legislatures the way it should.

Cheryl Hill, Civil Council, clarified a Mining Journal article regarding a lawsuit with the Huron Mountain Club against the Marquette County Road Commission. The article had misidentified Marquette County as the defendant.

Comm. Pellow requested Staff keep the County Board apprised of the progress regarding this issue.

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

Respectfully Submitted,



Connie M. Branam
Marquette County Clerk