

*Minutes are Subject to Correction and Approval*

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING – TUESDAY, October 25, 2011 – 6:00 P.M. – ROOM 231, HENRY A. SKEWIS ANNEX, MARQUETTE, MI 49855**

**1. ROLL CALL.**

- Call to Order by Chair at 6:00 p.m. – Room 231 Henry A. Skewis Annex, Marquette.
- Roll Call: Present: Commissioner Cihak, Commissioner Quayle, Commissioner Heikkila, Commissioner Corkin, Commissioner Joseph, Commissioner Arsenault, Commissioner Pellow, Commissioner Nordeen and Chairperson Bergdahl. Absent and Excused: None.

**2. APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON OCTOBER 11, 2011 AND THE COMMITTEE OF THE WHOLE BUDGET WORK SESSION HELD ON OCTOBER 11, 2011.**

**Committee of the Whole Action:** Commissioner Corkin moved to approve the minutes of the Committee of the Whole Meeting held on October 11, 2011 and the Committee of the Whole Budget Work Session held on October 11, 2011. Second by Commissioner Pellow. Motion adopted.

**3. APPROVAL OF THE AGENDA.**

**Committee of the Whole Action:** Commissioner Cihak moved to approve the Agenda with the following additions: Agenda Item 6aa) Civil Counsel Process/Discussion; and 9) Closed Session: Update on Negotiations – MCL 15.268(c). Second by Commissioner Nordeen. Motion adopted.

**4. PUBLIC COMMENT.**

Chairperson Bergdahl opened the meeting for public comment.

- Honorable Michael Anderegg, Probate Court Judge, reserved time to speak to Agenda Item 6a) Indigent Court Appointed Counsel Services.

There being no further public comment, Chairperson Bergdahl closed this portion of the meeting.

**5. REVIEW OF CLAIMS AND ACCOUNTS.**

**Committee of the Whole Action:** Commissioner Arsenault moved to approve Claims and Accounts for the period October 14, 2011 through October 20, 2011 in the amount of \$575,558.33; and Bi-Weekly Payroll for the period ending October 15, 2011 in the amount of \$664,086.02. Second by Commissioner Pellow. Motion adopted.

6. AGENDA ITEMS:

aa. Civil Counsel Process/Discussion.

The Committee of the Whole considered the Civil Counsel Process/Discussion. Scott Erbisch, Interim County Administrator, explained that three candidates have applied for the position of Civil Counsel. The Ad Hoc Committee will meet on October 26, 2011 at 7:30 a.m. to discuss this issue. No action was taken.

a. Indigent Court Appointed Counsel Services.

The Committee of the Whole considered the Indigent Court Appointed Counsel Services. The Honorable Thomas L. Solka, Circuit Court Judge, and The Honorable Michael J. Anderegg, Probate Judge, were present. Judge Solka explained that by statute and state Supreme Court rulings authority for appointment of attorneys to represent indigent parties rests solely with the judges of the county, MCL 775.16. He also distributed a survey of Trial Assigned Counsel Fees by Circuit dated December, 2010.

Judge Anderegg explained the process of Court Appointed Counsel in the Family Court for delinquency, abuse/neglect, mental commitment and developmentally disabled and legally incapacitated guardianship.

The Judges explained that the judicial council is considering changing the current system to better control costs, improve services, and reduce county and court staff time in administering the system.

No action was taken.

b. DUI Sobriety Court Grant.

The Committee of the Whole considered the DUI Sobriety Court Grant. Charity Mason, District Court Administrator/Magistrate, provided the following information:

*The total grant award for the operation and expansion of our DUI Sobriety Court is \$73,000 for FY2012; \$53,000 is through the Michigan Drug Court Grant Program and \$20,000 is through the Office of Highway Safety Planning (both are facilitated by the State Court Administrator's Office). This is the fourth year the court has received grant monies.*

*The Sobriety Court is an intense supervision program for repeat offense drunk drivers. The program's design is based on empirically supported concepts of recovery and accountability. The intent of our specialty court is to address the underlying issue of addiction in a very structured and systematic manner. The broad spectrum goal is to reduce recidivism. We initiated the program in 2004. Since then 69 people have completed successfully and only 1 has been re-arrested for drunk driving. By comparison the recidivism rate for those who did not complete the program is 12.5%.*

*We have received a total of \$166,000 in outside funding since 2009 (not including the current award). These monies have allowed us to more than double the enrollment numbers (from 20 to 40), provide additional case management services and contract with the Sheriff's department for deputy services. Grant funding for 2012 will allow us to further expand the program (to 50 participants), expand case management services and continue our contract for a part time deputy.*

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**Committee of the Whole Action:** Commissioner Pellow moved that the Committee of the Whole recommend the County Board approve the DUI Sobriety Court Grant for FY 2012 and authorize the Board Chair to sign all documents as necessary for the grant. Second by Commissioner Corkin. Motion adopted.

**c. Negaunee Township Request re: Michigan Tax Tribunal.**

The Committee of the Whole considered a request from Negaunee Township to share the cost of a Michigan Tax Tribunal hearing. William Carlson, Negaunee Township Supervisor, explained the following:

*Negaunee Township's Attorney will be attending a Michigan Tax Tribunal hearing on an appeal involving uncapping and property evaluation. We have been involved in litigation for the past four years and feel very confident with our standing.*

*According to our records, Marquette County has expended approximately \$10,500 to cover the taxes due and there is also \$74,142.25 in Interest and fees due from this taxpayer. Negaunee Township has expended approximately \$6,000 to date. The cost for the tribunal hearing will be approximately \$2,300. I respectfully request that Negaunee Township and Marquette County share the cost of the Tribunal hearing, with cost to Marquette County not to exceed \$1000.*

**Committee of the Whole Action:** Commissioner Corkin moved that the Committee of the Whole recommend the County Board authorize \$1,000.00 from the contingency fund to help Negaunee Township offset the cost of the Tribunal hearing. Second by Commissioner Pellow. Motion adopted. (Commissioner Heikkila - voted no).

**d. Intermediary Relending Program (IRP) – Loan Servicing Recommendation.**

The Committee of the Whole considered the Intermediary Relending Program (IRP) – Loan Servicing Recommendation. Scott Erbsch, Interim County Administrator, explained the following:

Background:

*Over the past 11 years, Wells Fargo Bank has administered/serviced the County's Intermediary Relending Program (IRP). Wells Fargo Bank announced in the third quarter of 2010 that they would no longer be able to administer/service the County's IRP loans. Initially, the transition was to take place in early 2011; however, the County was having difficulty locating a financial institution willing to take this on. Wells Fargo extended their timeline and will service our loans through November 30, 2011.*

*After much discussion, Northern Economic Initiatives Corporation (NI) out of Marquette has agreed to administer/service Marquette County's Intermediary Relending Program.*

Highlights of the Agreement:

- *Term of the Agreement to be December 1, 2011, through November 30, 2014.*
- *NI will prepare all necessary loan and security documents based solely on the terms and conditions transmitted to them from Marquette County.*

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- *NI will notify the borrower and the County when loan payments are 15 days past due. Further notifications to follow at 30 and 60 days past due.*
- *The County will pay NI \$50.00 per hour (not to exceed \$500.00) to set up the three IRP loans currently serviced by Wells Fargo.*
- *The County shall pay a .5% servicing fee on each loan. The fee is collected monthly and will be in place until the loan is paid off or NI is relieved of its obligations under this Agreement with respect to the loan. (Please note that this is a .25% increase to what was paid to Wells Fargo).*

Recommendation: *Approve entering into the Agreement between the County of Marquette and Northern Initiatives to administer Marquette County's Intermediary Relending Program (IRP) loans.*

**Committee of the Whole Action:** Commissioner Heikkila moved that the Committee of the Whole recommend the County Board approve entering into the Agreement between the County of Marquette and Northern Initiatives to administer Marquette County's Intermediary Relending Program (IRP) loans. Second by Commissioner Arsenault. Motion adopted.

**e. Community Corrections Position.**

The Committee of the Whole considered a community corrections position. Cheryl Hill, Civil Counsel, explained the following:

*Commissioner Quayle asked the County Clerk about membership on the Community Corrections Board. Commissioner Quayle asked if there had been any action taken to remove David Guizzetti from the Community Corrections Board and appoint a new member to the Board.*

*According to the Clerk, no action has taken place.*

*The bylaws of the Marquette Community Corrections Advisory Board provide in III Membership Subsection C:*

*"Member's Absence – Whenever a member of the Advisory Board fails to attend four (4) consecutive regular meetings, the Chairperson shall submit to such member and to the County Board of Commissioners a written memorandum of such record. The appointing body may hold a public hearing on the matter at which time the member shall have the reason for such absence. The appointing body may thereafter terminate the appointment of such member if deemed necessary. Upon termination, the appointing body shall then appoint a new member to fill the unexpired term."*

*It appears from an email dated April 4, 2011, from Art Lauren to the County Clerk stating the following:*

*At the last Board meeting on March 16, the Community Corrections Board voted to recommend that the County Commission replace Mr. Guizzetti as he has not attended a single meeting since being appointed to the Board. The Community Corrections Board recommended Mr. Pete Macken to be considered to replace Mr. Guizzetti."*

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*Although an email was sent to the Clerk, the request was not made by the Community Corrections Board of the County Board of Commissioners. Any action would have been discretionary from the County Board.*

*It is also my understanding that this position will become vacant as of December 31, 2011. It would seem appropriate at that time for this Board to consider appointing Mr. Macken or any other applicant to take the seat of Mr. Guizzetti.*

After discussion, no action was taken. The term ends December 31, 2011.

**f. Reapportionment Bill.**

The Committee of the Whole considered the Reapportionment Bill. Cheryl Hill, Civil Counsel, explained the following:

*On October 4, 2011, the Board approved the following:*

*"After further discussion, Commissioner Cihak moved that the Committee of the Whole recommend that the County Board (1) direct Civil Counsel to contact the law firm of Kendricks, Bordeau, Adamini, Chilman & Greenlee, P.C., for clarification regarding the reapportionment bill; (2) the County Board review the new clarified bill from the law firm of KBAC&G, P.C.; (3) the County Board review the letter previously drafted to the Attorney General by Civil Counsel regarding the redistricting issue; (4) direct Civil Counsel to send a letter, after review by the County Board, to Representative Lindberg to request the Attorney General review the bill from KBAC&G, P.C., law firm, seconded by Commissioner Pellow, motion adopted."*

*Commissioners, as you are aware, item number (3) has already been accomplished. As for Civil Counsel contacting the law firm of Kendricks, Bordeau, Adamini, Chilman & Greenlee for clarification regarding the reapportionment bill, please be advised that I met with Ron Keefe and Tami Seavoy on October 12, 2011. At the time of our meeting we went over the bill, invoice number 52172 (attached hereto) and I was advised by Ms. Seavoy that the billing entry dated 5/25/11 for 1.5 hours consisted of her research as to whether or not the County Board could file an "appeal" of the apportionment decision by the Apportionment Commission. I requested that the bill be revised so that this was clarified. As the date of this memo, I have not received a revised bill.*

*Also at the time of meeting with Ms. Seavoy and Mr. Keefe, I requested a copy of the engagement letter and/or any attorney/client agreement that had been entered into. Chairperson Bergdahl had advised me that there was something he recalled signing that Commissioner Nordeen had given to him. Ms. Seavoy indicated that she had indeed drafted an attorney/client engagement letter and had it presented to Commissioner Nordeen, however, it was never signed. Instead, what Ms. Seavoy received was the enclosed letter dated May 25, 2011, authored by Commissioner Nordeen and enclosing a copy of an authorization dated May 24, 2011, both enclosed herein.*

*As I had not received a revised bill and a voicemail message was left for me by Ms. Seavoy wherein she seemed to indicate there would not be a revised bill coming, I contacted Ron Greenlee of the law firm as Ms. Seavoy informed me he was the billing partner on this bill and that if I had further questions I should contact him. I sent an email to him on October 18, 2011, in an attempt to make sure my understanding was correct. In my email I advised that it was my understanding that the billing entry for May 25, 2011, for 1.5 hours was for a determination as to whether or not the County, as an entity, could file a petition with the Court of Appeals for review of the redistricting issue. I asked that he confirm my understanding and also I wanted to make sure that I had not missed any portion of the bill for services associated with research regarding whether or not the County could "appeal" the reapportionment. I have not heard back from Mr. Greenlee.*

*Item number 4 of the action taken by the Board on October 4, 2011, was to "direct Civil Counsel to send a letter, after a review by the County Board, to Representative Lindberg to request an Attorney General review of the bill from KBAC&G, P.C., law firm. Attached you will find the letter for Mr. Lindberg for your review as well as a proposed letter for Representative Lindberg to use as a template to send to the Attorney General. I also enclosed a copy of a memo to help Representative Lindberg understand the factual scenario of this issue.*

**Committee of the Whole Action:** After discussion and debate, Commissioner Heikkila moved that the Committee of the Whole recommend the County Board direct Cheryl Hill, Civil Counsel, and Commissioner Nordeen to work together to draft a letter to Representative Lindberg regarding the Reapportionment Bill. The letter to be brought back to the County Board for review. Second by Commissioner Cihak. Motion adopted.

**7. PUBLIC COMMENT.**

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

**8. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.**

- Commissioner Nordeen spoke regarding Public Documents.
- Commissioner Quayle thanked Scott Erbisch, Interim County Administrator, for the Airport Buildings Costs and Savings Document; questioned the labor market issue; and announced a spaghetti fundraiser will be held at Sawyer on October 28, 2011 from 6:00 p.m. to 8:00 p.m. to raise funds to reopen the Ski Hill at Sawyer.
- Commissioner Nordeen announced that Senator Tom Casperson will be visiting Marquette at the Senior Citizen Center (Clubhouse) in Gwinn on October 28, 2011 at 10:00 a.m.

**9. CLOSED SESSION:**

- a. Update on Negotiations – MCL 15.268(c).**

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**Committee of the Whole Action:** Commissioner Pellow moved to go into Closed Session pursuant to MCL 15.268(c) Update on Negotiations. Second by Commissioner Nordeen. A roll call vote was recorded: Ayes: Commissioner Pellow, Commissioner Cihak, Commissioner Quayle, Commissioner Heikkila, Commissioner Corkin, Commissioner Joseph, Commissioner Arsenault, Commissioner Nordeen and Chairperson Bergdahl. Nays: None. Motion adopted 9 Ayes to 0 Nays.

Chairperson Bergdahl declared a five minute recess to clear Commission Chambers.

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**CLOSED SESSION**

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The County Board came back into Open Session. No action was taken as a result of the Closed Session.

**10. ADJOURNMENT.**

There being no further business to come before the Committee of the Whole, the meeting adjourned at approximately 8:55 p.m.



Linda K. Talsma  
Deputy County Clerk

Charles Bergdahl, Chairperson  
Marquette County Board of Commissioners

Minutes Proposed for Approval on November 8, 2011.