

October 28, 1981

The Marquette County Board of Commissioners met as a Committee of the Whole on October 28, 1981 at 7:00 p.m. in the Commissioners Room of the Courthouse Annex.

The meeting was called to order by Chairperson Farrell and roll call was held by the Deputy County Clerk with the following roll recorded.

Present: Comm. Carlson, Juidici, LaPin, Leone, Lowe, May, Racine, Steele and Villeneuve.

Absent: Comm. Cheatham and LaMere.

Chairperson Farrell opened the meeting for public comment.

Mrs. Lloyd Dupras, 116 Little Lake Road, Marquette, addressed the Board expressing a complaint against the Prosecuting Attorney's office, in reference to a neighbors abuse and also a complaint on her property rights and taxes. Chairperson Farrell informed Mrs. Dupras, that although he didn't feel the board could do anything about this, they would check into it for her.

A representative from Ewing Township was present and asked that they be put on the agenda for the next regular Co. Board meeting, regarding the problems they are having with the Road Commission. Chairperson Farrell informed him that it will be scheduled early in the meeting on November 4, 1981, but reminded him that the Road Commission is a corporate body by themselves and that the board can only listen to the people and then refer it to the Road Commission.

There being no further public comment the public comment section was declared closed.

Approval of the agenda was given after the addition of item (6a) a letter from Gary Walker, Prosecuting Attorney in response to allegations made by Kent Bourland.

It was decided that item (5) regarding the Sugar Loaf Mountain Area, be postponed till the next Committee of the Whole meeting and to ask that someone from the Planning Commission to be present.

A letter from Gary Walker, Prosecuting Attorney, regarding allegations Kent Bourland, an attorney from Marquette made at the last Board meeting, relative to the functioning of his office, was read. Mr. Walker stated that the numerous charges Mr. Bourland made, had as their nominal purpose the expression of concern for the proper utilization of public dollars. He said he too, is sensitive to the need to wisely use scarce public resources, but that it is difficult to place a dollar value on the "quality of justice" dispensed through the criminal justice system, either in Marquette, the State, or the Nation. He said regarding the Marquette Branch Prison riot, that to ignore the actions occurring that night is to tacitly condone such behavior.

Mr. Walker recommended that the Board of Commissioners communicate to Mr. Bourland, and advise him that if he wishes to pursue the allegations made at the last board meeting, he should file them formally with the Office of Attorney General in Lansing.

Chairperson Farrell stated the Boards position on this matter, that they were not decision making tonite and were just opening it up for discussion. He said he did feel in light of Mr. Walkers letter, that if there are allegations, they should be addressed to the Attorney General in Lansing. He said the only control the board has is through the budget process once a year when monies are allocated.

Comm. Leone, said that he wanted to know facts. He feels when a man complains about something and makes charges, he better come with facts and not mere allegations.

David Berns, Director of Dept. of Social Services, addressed the Board. He said part of the allegations of the Prosecutor's office, was with their dealings with the Dept. of Social Services, especially their actions that need to be taken into Probate Court. Mr. Berns said they have been more then pleased with the assistance given them by the Prosecutors office. He cited other counties in the State, in that they get little help from their prosecutor, but in Marquette County, the Prosecutor's office

reviews all their petitions before they go in to court, gives them guidance, etc.. He felt they were well represented and wanted to go on record as being very supportive of the Prosecuting Attorney's operation.

Larry Beltrame, Child Welfare Supervisor for the Social Service Dept., spoke also and gave statistics which he had received from the Lansing office. In Marquette County, they go to court in 27% of the cases, in other counties it's 25% of the cases. He said in our county Judge Anderegg, takes their recommendation 63% of the time, compared to across the state 61% of the time Judges take the recommendation of the Soc. Service. This mainly stated that Marquette's office is handled not much different than any other county in the State.

Mr. Levandoski, of the Marquette City Police Dept. read a letter to the board, from George G. Johnson, Chief of Police, Marquette, who was unable to attend the meeting. Mr. Johnson stated that the Prosecutor and his staff should be highly commended by the citizens of Marquette County. He said he has seen the transition between a part time prosecutor to a highly efficient full time staff.

Sheriff Joseph I. Maino, spoke attesting to the excellent cooperation they have had in the Sheriff's dept., with the Prosecuting Attorney's office.

Mr. Theodore Koehler, Warden at the Marquette Branch Prison, commented in regard to the May 26th riot. He spoke in regard to the warrants that were issued and that the cost to the county was great, but that you can't cast aside the fact that there were several million dollars worth of damage done, and the costs are still coming in, and that there were people assaulted (sexually and physically). He felt it would be a mistake to indicate to anyone in that facility that nothing was going to happen because of their actions, that the prosecutions were a must.

John King, Det. Sgt., State Police post in Negaunee; Ronald Britton, a Teacher at the Marquette Branch Prison; and Probate Judge Michael Anderegg, also spoke in support of the Prosecuting Attorney and his office staff.

Kent Bourland then addressed the board. He asked to outline some of the aspects of the judicial process, that may not be readily apparent as they sit on this board. Chairperson Farrell asked if this was to lead to an allegation of the Prosecuting Attorney, and if so it should be filed with the office of the Attorney General. Mr. Bourland continued in detail with a review of the judicial process, that takes place for just one warrant issued and the number of people who are involved etc.. He sited the importance of the Prosecuting Attorney making the right decisions, and how it affects other departments. He said in several instances, of the 100 plus cases that were filed as a result of the riot, appeared to have been improv- idently authorized. Chairperson Farrell interrupted at this time and said he felt at this time he was accusing, the Prosecutor's office of doing something wrong and that this is not the forum to discuss it, that he should go to the Attorney General and ask that an investigation be done.

Comm. Racine commented on the Boards position as far as the Prosecutor's budget is concerned, that its programs are state mandated, and there isn't anything they can do about them. Comm. Leone reiterated the same feelings, that if there are charges to be made present them to the Attorney General. The Board does not make this decision.

Comm. Carlson said as an elected official the Prosecuting Attorney can use his prerogative, whether to commence a case or not, and that the board would be stepping out of line if they attempted to interfere. The only responsibility the board has is with the purse strings, which comes before the board each year during the budget hearings.

Comm. Farrell stated that he does not want this board to be used as a political platform. Mr. Bourland said he felt that money being wasted in the county would be of interest to the board.

Comm. Juidici, reviewed her notes of the last meeting and felt what Mr. Bourland was talking about was poor management of funds, or poor judgment had been used. She said in any office you are not going to make the right decision at all times.

Comm. Lowe commented that through budget process he had been rather critical of Mr. Walker and one of the questions he asked the prosecutor in

a letter, having to do with the cases he pursues, his answer was satisfactory to himself as well as others on the board, as to the need and use of requested funds.

Mr. Bourland went on again as to the waste of money, with cases being commenced that should not have been and this clogs up the judicial system. He cited several cases in District and Circuit Courts and went into detail.

Comm. Carlson suggested that maybe he should be doing something through his legal profession to improve the system.

Peter Plummer, Half-time Asst. Prosecutor for the West End, responded to the allegations made by Mr. Bourland. He stated that Mr. Bourland has worked very hard and diligently and hasn't said a thing, except to leave some real seeds of doubt in the community and the minds of this board, that isn't safely left there. He said it makes him laugh to hear Mr. Bourland talk about efficiency and said he hasn't waited for any other attorney in the county as much as he has for him and went on to describe other instances where Mr. Bourland was involved.

Officer Shaughnessy, spoke in defense of the Prosecutor and staff also, and stated they do not authorize warrants without asking a great many questions, that it just isn't a simple thing to get warrants signed. He said some of the things that clog up the court system are the delaying tactics of some defense attorneys.

Bill Rekshan, Asst. Prosecuting Attorney, stated that prior to coming to the office in Marquette he was with the Public Defenders office in Ann Arbor for 5½ years and feels his knowledge of the criminal law is equal to that of every member in the office. In regard to the accusations by Mr. Bourland, he feels they are unfounded and unfair and that Mr. Walker has been unfairly maligned with this matter.

At this time Gary Walker, Prosecuting Attorney commented to the charges by Mr. Bourland. He assured the board & citizens of Marquette County, although Mr. Bourland has eloquently described some of the responsibilities of the Prosecutor's office, he hasn't set out an accurate picture and that he as prosecuting attorney, does not take any of his responsibilities lightly. He said his office does not file frivolous actions. Mr. Walker said that Mr. Bourland knows as any competent lawyer should, that if he has a complaint, the proper form is to go to the Attorney General's office.

After Mr. Walker had made his comments the matter was declared dropped and a 10 minute recess was held.

The meeting continued after the recess with Comm. Carlson reporting that the Finance Committee had achieved all of their objectives.

Comm. LaPin reported on the Solid Waste Committee, that had met on Oct. 27th and explained the discussion that was held regarding the location for the Solid Waste Disposal Project. He said Mr. Yelle of Sands Township was present and voiced disapproval of the location being in Section 22 of Sands Township (a prime residential area), which is one of the locations considered.

Comm. Lowe inquired on the Transportation monies, and Mr. Beard responded that letters were out and they are waiting for an answer.

A short discussion was held on the sound system for the board room. Comm. Carlson said a target date should be set at Jan. 1982.

There being no further business to come before the board, the meeting was declared adjourned.

Respectfully submitted,

*Joy Schlais*  
Joy Schlais, Deputy County Clerk

COMMITTEE OF THE WHOLE

Wednesday, October 28, 1981, 7:00 p.m.  
Commissioners Room, Courthouse Annex  
Marquette, Michigan

1. Meeting Called to Order.
2. Roll Call by the Clerk.
3. Public Comment.
4. Approval of the Agenda.
5. Sugar Loaf Mountain Natural Area:
  - a. Discuss Sugar Loaf Mountain Natural Area. Referred by the Environment, Lands and Buildings Committee.
  - b. Report from the Planning Commission on Sugar Loaf Mountain Natural Area.
6. Discuss judicial system in the County. Referred by the Board.
7. Progress Toward Objectives/Standing Committee Reports:
  - a. Environment, Lands and Buildings Committee.
  - b. Executive Committee.
  - c. Finance Committee.
  - d. Intergovernmental Relations Committee.
  - e. Personnel Committee.
8. Community Boards/Commissions:
  - a. Board of County Institutions.
  - b. County Commission on Aging.
  - c. Six County Consortium.
  - d. Alger-Marquette Community Action Board.
  - e. Central Dispatch Policy Board.
  - f. CUPPAD Criminal Justice Committee.
  - g. OEDP Committee.
  - h. UPTRA.
  - ✓ i. Solid Waste Planning Committee.
  - j. Region XI Area Agency on Aging.
  - k. OAR/Marquette.
  - l. MAC Committees.
9. Additional Business.
10. Announcements.
11. Public Comment.
12. Adjournment.