

The Marquette County Board of Commissioners Committee of the Whole met on Tuesday, August 13, 1991 at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.

Chairperson Corkin called the meeting to order. Present: Comm. Angeli, Comm. Arsenault, Comm. Seppanen and Comm. Corkin. Absent: None.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried that the minutes of the minutes of the Committee of the Whole meeting held on July 30, 1991 be approved.

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

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the agenda be approved with two additions; that item 14) become a letter from the Planning Commission regarding the Treatment of Type II/III Contaminated Soils; and item 15) a request from the Community Corrections Advisory Board for a new grant position for a Coordinator/Tether Technician.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that Claims and Accounts for the period July 26, 1991 thru August 9, 1991, in the amount of \$885,990.11 be approved.

The Committee considered the General Fund Financial Condition Projection Report from Gary Yoder, Finance Manager, and the Mid-Year Budget Review Recommendations from Mr. Yoder and Administrator, Dennis Aloia. A review of the budgeted vs actual general fund revenues and expenditures during the first six months of 1991 has resulted in an unfavorable projected variance of \$67,441. Mr. Yoder recommends, at this point in the year, to decrease the Contingency Account from \$127,199.00 to \$59,758.00 to keep the budget in balance.

A decrease in revenues comes primarily from the projected decreases in various State revenues of \$104,000.00, and a loss of \$90,000.00 in interest earnings. These are partially offset by increases in charges for services of \$84,000.00, and fines and forfeits of \$45,000.00.

On the expense side, legal fees are projected to be up by \$25,000.00, workers compensation is up by \$20,000.00, and hospitalization is up by \$28,000.00. Various other line item increases and decreases show a net reduction of \$24,000.00. Mr. Yoder recommends that the various budget amendments, No's. 32, 33, 35 thru 45, be approved.

Administrator, Dennis Aloia, recommends that the County Board adopt the Mid-Year Budget Amendments and also take the following actions to assure a balanced budget for the remainder of 1991 and set the stage for FY 1992:

1) The County Board freeze all expenditures at the mid-year budget level. This action will send a message to all departments that the County Board will not pay any bills in excess of the budget amount for the remainder of this year. Special consideration for emergencies will be handled on an individual basis through the Finance/Personnel Committee.

2) All travel outside of Marquette County which is funded by the general fund be suspended until January 1, 1992, with the following exceptions: Travel previously committed to or the cancellation results in a penalty, travel where cost is reimbursed, and emergency travel can be appealed to the Finance/-Personnel Committee.

3) A position freeze to become effective August 21, 1991, and remain so until December 31, 1992. All positions that become vacant as a result of attrition will automatically remain open for six months. At the end of six months the Finance/Personnel Committee may review the position and consider reinstatement. All monies saved as a result of this action will be deposited in the Budget Stabilization Fund. The following are exceptions: positions which are required by Federal or State law, or are absolutely critical to department operations.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board approve the General Fund Financial Condition Projection Report, the Mid-Year Budget Amendments, and the Administrator's three additional recommendations.

The Committee considered the 1990 Deficit Fund Plan from Gary Yoder, Finance Manager. Mr. Yoder was present and explained that pursuant to P.A. 275 of 1980, a deficit fund plan must be filed with the State of Michigan, detailing corrective actions to be taken to eliminate any prior year deficit fund balances. The deficit fund amounts currently are:

Service Center Internal Services Fund	\$ 2,940.18
Soldiers and Sailors Relief Fund	1,081.28
Badger Drain Capital Project Fund	162,644.95
Carp River Capital Project	49,502.82
Raney Creek Construction Fund	13,987.96
Whetstone Drain Capital Project Fund	178,531.17

The deficits in the Service Center and Soldiers & Sailors Relief Fund will be resolved with equity transfers from the General Fund at the year end. The deficit in the Capital Projects will be resolved with either the sale of bonds for construction of the project and a special assessment levy, or termination of the project with repayment by the original requesting unit.

Mr. Yoder recommends the County Board adopt the attached Deficit Fund Plan for 1990, and that the County Board further request the Drain Commissioner to provide an update on the current and projected status of the drainage district capital projects.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole recommend that the County Board approve the 1990 Deficit Fund Plan recommendations.

The Committee considered a communication from Phillip Bareham, Legislative Coordinator, MAC, regarding Ordinance Violation Legislation. Under present law, violations for most local ordinances are misdemeanor crimes, but by using the "civil infraction" approach, like the process used for minor traffic violations, this will lead to a more efficient and economical enforcement of local ordinances. The legislative package allows counties to choose whether an ordinance is a criminal or a civil infraction.

The bills were amended by the Senate, apparently in reaction to the concern that some crimes might be decriminalized. If amended by the Senate, these bills would provide that a local government ordinance be void if violating the ordinance would constitute conduct prescribed by the State as a crime. The impact of the Senate amendments will likely remove any criminal infraction under State law (including misdemeanor) from the scope of the civil infraction concept.

District Judge, James Collins, reviewed the MAC memo and also strongly urges that the County Board support the Ordinance Violation Legislation as originally presented, without the Senate amendments. MAC urges County Commissioners to contact their House members and support the package as originally introduced without the State amendments.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board urge our State Legislators to support the Ordinance Violation Legislation as originally introduced without the Senate amendments.

The Committee considered a request for funds for Soil Erosion Control from Alan R. Budinger, R.S., Administrator, Division of Environmental Health. Mr. Budinger and Randall M. Johnson, M.D., Health Dept. Director, were present to discuss the request.

Property in Marquette Township, owned by Edward & Judith Scott, is presently undergoing a major earth change and filling operation. Soil erosion controls on such sites are essential in preventing the erosion of

soil into nearby water courses. The owner and contractor have not complied fully with the requirements set forth by the Marquette County Health Dept. on erosion control, and sediment may have eroded from the site. Work on the site is progressing, however it is felt by the Environmental Health Division that erosion controls will not be implemented as necessary by the owner and contractor, and the County Board must take necessary action to prevent further erosion to eliminate any potential liability for the County.

As per P.A. 347 of 1972, the enforcing agency (in this case the Marquette County Board of Commissioners) determines that the soil erosion and sedimentation of the waters of the State has or will occur, and it may seek to enforce this act by notifying the property owner of the specific erosion control measures that must be implemented to be in compliance. The Act also gives the enforcing agency authority to enter the land and construct, implement, and maintain soil erosion control measures to conform with the Act if erosion controls are not installed. Section 22 of the Act states, in part, "all expenses incurred by the County or local enforcing agency under Section 21, to construct, implement, and maintain soil erosion and sedimentation control measures, to bring the land in compliance with this act, shall be reimbursed to the County or local enforcing agency by the person who owns the land."

Civil Counsel, David Payant, has reviewed the matter and pointed out that if the County has to make expenditures to implement the soil erosion controls, and if Mr. Scott does not pay, these costs can be placed as a tax lien on the property. If still not paid, the costs could be included as a tax delinquency on the property.

In order to prevent erosion and possible liability, all present felt that the County has no choice but to take this action; however, Mr. Scott will have 20 days to respond. He probably will respond rather than having to pay the County for soil erosion control measures. In the meantime the bid specifications can be prepared just in case no response is forthcoming.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board allocate up to \$30,000.00 from the unallocated tax delinquent fund as an internal loan for the purposes of soil erosion control on the property owned by Edward & Judith Scott in Marquette Township.

The Committee considered a request from Randolph E. Smith, M.D., Chief Medical Examiner for Marquette County, to appoint Dr. Cary Gottlieb as a Deputy Medical Examiner. Dr. Gottlieb is a pathologist based primarily at Marquette General Hospital. He is employed by Medical Laboratories of Marquette, and recently finished his residency training in anatomic and clinical pathology at the Henry Ford Hospital in Detroit.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board appoint Dr. Cary Gottlieb as a Deputy Medical Examiner.

The Committee considered a resolution from the Michigan Association of County Clerks to rescind the Presidential Preference Primary to be held on March 17, 1992. The Michigan Association of County Clerks discussed the Presidential Preference Primary at its recent Summer Conference held in Frankenmuth on July 23 - 26, 1991. County Clerk, David Roberts, explained that cities, townships, and villages, throughout the State of Michigan, have expressed their concerns, by letters and resolutions to the State of Michigan, that local units may not receive reimbursement for this election. The present law provides for all local units to be reimbursed for their expenses incurred in conducting the Presidential Preference Primary; however, legislation was introduced to amend the law, thereby forcing the local units to bear the cost of this election.

Generally, the voters of Michigan are frustrated by having to declare their political party preference 30 days in advance, or not be able to vote in the primary. This has become a very unpopular and controversial election. The Secretary of State is supposed to do a State-wide education campaign; however, this has not occurred. County Clerks are concerned that

on election day, March 17, 1992, the local election workers will be subject to the anger and frustration of thousands of citizens who come to the polls only to learn that they will not be allowed to vote.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board write to our State Legislators requesting that they be sure that the State of Michigan reimburses all counties, cities, and townships, for costs incurred in conducting the Presidential Preference Primary on March 17, 1992.

The Committee considered a letter from Gerald Corkin to the Michigan Medical Liability Reform Coalition. The letter explained that Marquette is interested in efforts to improve the medical liability system; however, at this time Marquette County is not ready to join as a member. Marquette County would appreciate receiving updates regarding Michigan's medical liability crises.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried to place the communication on file.

The Committee took under consideration a communication and resolution from the Marquette County Planning Commission regarding the disposal-treatment of type II/III contaminated soils.

First, concerning the County Board's request for an emergency declaration from the Planning Commission. The Planning Commission passed a resolution addressing the disposal of approximately 650 cubic yards of contaminated soil within the City of Marquette, to be disposed of at the Ontonagon County Landfill. Other out-of-County disposals will be handled on a case-by-case basis.

Second, the Commission approved draft amendments to the County Solid Waste Management Plan, which will address long-term treatment of contaminated soils. These will be considered by the Solid Waste Planning Committee for approval at their September 4, 1991 meeting.

James Kippola, Senior Planner, was present and reported that the Planning Commission resolution declares a limited emergency, and at this time only Ontonagon County has responded positively in accepting our waste. We may be at their mercy.

Mr. Kippola further reported that the DNR assures him that by the end of August the air-quality permits will be approved for at least one proposal to treat contaminated soils.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried to place the communication and resolution on file.

The Committee considered a communication from David Payant, Community Corrections Advisory Board (CCAB) Chairperson, regarding the creation of a new grant position for a Coordinator/Tether Technician. The CCAB Members felt that the position is necessary to oversee the administration of grant funds being given to Marquette County from the Office of Community Corrections. Funding in the amount of \$25,920.00 has been allocated, which will cover community corrections programs and salaries for the remainder of 1991. It is also anticipated that the County will receive an additional \$50,000.00 in 1992.

This Coordinator will act as a liaison between Marquette County and the office of Community Corrections. The Coordinator will be responsible for the development of an implementation plan, and also submit an application for funding for Marquette County for the next fiscal year. In order to continue funding, ongoing data collection from numerous departments and programs within the criminal justice system will be necessary. These programs will be monitored by the Coordinator. The Coordinator will also be responsible for implementing new programs, and requesting additional grant funding.

In addition, the Coordinator could assume the position of a half-time Tether Technician. This Technician would be responsible for placing youthful offenders sentenced from District Court on a electronic monitor,

and supervise the offenders progress. In cooperation with the District Court Judges and Probation Staff, the tether program will aide in the reduction of jail overcrowding and still maintain public safety. Each portion of the position would be half-time (20 hours per week) creating a 40 hour per week position. According to the technical/paraprofessional scale utilized by the Personnel Dept., the position should start at \$8.71 per hour, with a fringe package of 8% to cover FICA and Workers Comp. This position would not be a County position, but rather a contract position between Marquette County and the Coordinator/Tether Technician.

Administrator Aloia recommends that the Board should approve this position only if the grant funds continue to be forthcoming from the State of Michigan.

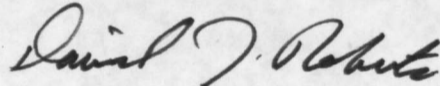
It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried that the Committee of the Whole recommend the County Board allow the Community Corrections Advisory Board to establish a Coordinator/Tether Technician from grant funds for the next four months, and further if the State Office of Community Corrections should discontinue its funding, the County will discontinue the position.

The Committee considered the Lake Independence Dam Fencing Project. Dennis Aloia, County Administrator, explained that the parties involved were invited to this meeting; however, the Drain Commissioner and Mr. Gardner could not attend. The Committee consensus was to place the item on the regular Board meeting agenda for August 20, 1991, and again invite Drain Commissioner, Darryll Sundberg and Mr. Russell Gardner, to the meeting.

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

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

Respectfully submitted,



David J. Roberts  
Marquette County Clerk

MARQUETTE COUNTY BOARD OF COMMISSIONERS  
COMMITTEE OF THE WHOLE

Tuesday, August 13, 1991, 4:30 p.m.

Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
2. APPROVAL OF THE MINUTES OF THE MARQUETTE COUNTY BOARD'S COMMITTEE OF THE WHOLE MEETING HELD ON July 30, 1991.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
- R6. Mid-Year Budget Review.
- R7. Deficit Fund Plan - 1990.
- ⑧ Lake Independence Dam Fencing.
- R9. Ordinance Violations Legislation.
- R10. Soil Erosion Control Funding Request from the Environmental Health Division.
- R11. Recommendation to appoint a Deputy Medical Examiner.
- R12. Resolution from the Michigan Association of County Clerks to rescind the Presidential Preference Primary.
- 13. Letter from Chairperson Corkin, Re: Michigan Medical Liability Reform Coalition.
- 14. *Disposal - Treatment of Type I/II Cont S.D.*
- R15. *C.C.A.B. - new grant position for 4 months*
- 16.
17. PUBLIC COMMENT.
18. ANNOUNCEMENTS.
19. ADJOURNMENT.