

Immediately after the closing of the Public Hearing, the Chippewa County Commissioners met in regular session on Monday, October 13, 2003 at 7:10 p.m. in the Courtroom of the Chippewa County Courthouse.

Present: Commissioners: Ted Postula, Don Cooper, Rita Dale, Richard Timmer, Aaron Hopper, Jim Moore and Chairman Earl Kay

Also Present: Tim Dolehanty, Controller, Hon. Lowell Ulrich, Probate Judge, Diane Cork, County Clerk, Don and Chris McLean, Dave Carpenter, Finance Director, Karen Johnston, Shellie Brosco, Ann McKay, Sue Wilds, Mary Piralli, Kerry Posey, Mary Susan Short, Bernita Sibbald, Bob Savoie and Rikki Timmer

It was moved by Commissioner Postula, supported by Commissioner Cooper to acknowledge the correspondence received in the Clerk's Office and if necessary forward to the appropriate committee. On a voice vote, the motion carried unanimously.

It was moved by Commissioner Hopper, supported by Commissioner Moore, to approve the County Board minutes of September 8, 2003 with the following correction: Page 9, paragraph 5,

"It was moved by Commissioner Dale, supported by Commissioner Timmer, to recommend approval of the Maximus Inc. agreement as presented, and to monitor reimbursement rates resulting from the agreement. On a voice vote, the motion carried unanimously."

Should read: "On a voice vote, the motion carried with Commissioner Cooper voting no."

On a voice vote, the motion carried for the approval of corrected minutes of the September 8, 2003 County Board meeting.

PUBLIC COMMENTS:

Don McLean read the following statement into the record:

"At the September HBH Board in St. Ignace representatives of four families spoke and explained how failures within HBH had resulted in the death of a family member.

Phyllis Huffman of Manistique explained that her deaf, 29 year old son developed mental problems including depression and how HBH repeatedly failed to provide a person who could work with him using sign language. She and her husband had to send their son to a Salvation Army program south of Detroit for help. He was killed in his car at an unmarked railroad crossing in Monroe.

Linda Sayles of St. Ignace explained how her husband of 29 years suddenly became paranoid and depressed and how HBH dragged out his initial intake. HBH used patient confidentiality to refuse her any information about his condition or medications. She continued to plead for help right up to the day he killed himself.

Deloris Griggs of the Sault explained her son's life before he developed mental health problems and how HBH failed to provide services when he became very ill. With HBH using the excuse that he had the right to make his own choices, she had to stand by and watch as he became homeless and was eventually beaten to death in an alley about 4 blocks from here. The three teenagers were sent to prison from this very room.

I briefly reminded the Board of our daughter's story and explained why we felt changes in HBH were necessary.

These four true stories were very important to my wife and I. The reason is that many months ago after we had spoken at an HBH board meeting, the chairman, Patrick Rodman of Manistique, explained that we, the McLean's, were the only ones in the three county area who felt HBH was not doing a good job.

Since our daughter, Karen, died on February 14, 2001 these three other people have died.

We believe this is terrible.

Another terrible thing is that HBH continues to state that there are no problems, they are doing a terrific job and nothing needs to be changed.

We urge this board to continue your efforts to make the necessary changes in HBH so no one else has to suffer as these people and their families have suffered."

CONTROLLER'S REPORT: Tim Dolehanty

Lt. Bob Savoie, Sheriff's Department, gave the monthly report for that department touching upon foreign language interpreters for the foreign inmates, response training for 6 deputies, booking fee increases, 2 grant reimbursements and the tether program.

Discussion was held on the intersection of M-23 and M-28 where a recent fatal accident occurred and the possible remedies to make this crossroad a safer place for motorists.

It was moved by Commissioner Cooper, supported by Commissioner Timmer to adopt Resolution #03-26 as follows:

**RESOLUTION TO DESIGNATE
SOIL EROSION CONTROL ENFORCEMENT AGENCY**

WHEREAS, Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 91), was passed by the state legislature, this law and rules promulgated under this law are incorporated by reference in this resolution: and

WHEREAS, Part 91 requires that the County Board of Commissioners designate a county agency, or conservation district upon the concurrence of the conservation district, as

the county enforcing agency responsible for administering and enforcing Part 91 and the rules promulgated under Part 91.

NOW, THEREFORE, BE IT RESOLVED that the Chippewa County Building Inspection Department is hereby designated the County Enforcing Agency responsible for administering and enforcing Part 91 and the rules promulgated under Part 91.

On a voice vote, the motion carried unanimously.

It was moved by Commissioner Cooper, supported by Commissioner Hopper, to adopted Resolution #03-27 as follows:

**RESOLUTION TO SUPPORT
HOUSE BILL 4603**

WHEREAS, House Bill 4603 would legally define “birth” the commencement of legal personhood and rights, and to provide immunity for certain acts; and

WHEREAS, that in *Roe v Wade* the United State Supreme Court declared that an unborn child is not a person as understood and protected by the constitution, but any born child is a legal person with full constitutional and legal rights.

WHEREAS, that in *Roe v Wade* the United State Supreme Court made no effort to define birth or place any restrictions on the states in defining when a human being is considered born for legal purposes.

WHEREAS, that the State of Michigan has compelling interest in protecting the life of a born person.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Chippewa County Board of Commissioners hereby records its support for House Bill 4603 to define “birth,” the commencement of legal personhood and rights, and to provide immunity for certain acts.
2. That a copy of this Resolution be forwarded to state legislators representing Chippewa County, Governor Granholm, and the Michigan Association of Counties for their respective consideration.

On discussion: Commissioner Postula thought that this subject could be debated all night long. Chairman Kay thought that he was uneducated at this time to vote on such a serious topic.

It was moved by Commissioner Timmer, to table Resolution #03-27 to research this further, not necessarily that they was against the vote, just lack of the knowledge to make a decision. The motion died for lack of support.

On a roll call vote for the original motion, Commissioners Cooper, Hopper and Moore voted yes. Commissioners Postula, Dale, Timmer and Chairman Kay voted no. The motion was defeated.

It was moved by Commissioner Moore, supported by Commissioner Timmer, that the County Board go on record supporting November as Alzheimer's disease month. On a voice vote, the motion carried unanimously.

Controller Dolehanty reported that he had received a letter from an attorney representing HBH stating that the County had not submitted payment for what was requested for 2003. It was stated that if the County did not honor this budget, then HBH would have no other choice than to notify the State and potentially charge the County an additional \$57,000.

It was suggested that instead of the County submitting any more payments, that the County be represented at the budget hearing for HBH the following Monday night requesting that HBH Board voluntarily waive the additional \$23,000 for 2003. Mr. Dolehanty stated there is statutory language that would permit the state to waive the fee if the County could show that they could not pay the monies due to cuts.

It was moved by Commissioner Hopper, supported by Commissioner Dale, that Tim Dolehanty, Controller, be authorized to attend the Monday meeting of the HBH Board and bring back the results of the meeting to the County Board. On a voice vote, the motion carried unanimously.

OLD BUSINESS: None

STANDING COMMITTEE REPORTS:

Personnel – Rita Dale – No meeting

Equalization & Apportionment – Jim Moore – Sept. 30, 2003

Sharon Kennedy, Register of Deeds/Equalization Director, presented the annual millage report to the Committee. She noted the report would have to be approved by the Board of Commissioners at the regular meeting held in October.

It was moved by Commissioner Moore, supported by Commissioner Cooper, to recommend approval of the 2003 Millage Report as presented. On a voice vote, the motion carried unanimously.

Ms. Kennedy presented information regarding a grant program to audit personal property classifications. The department workload and the potential for subcontracting work were discussed.

It was moved by Commissioner Moore, supported by Commissioner Timmer, to recommend authorizing the grant application if it is determined that the program is beneficial to Chippewa County. On a voice vote, the motion carried unanimously.

This concluded the Equalization and Apportionment Committee report and it was moved by Commissioner Moore, supported by Commissioner Postula, to accept the report as given. Motion carried unanimously.

Health and Social Services – Ted Postula – No meeting
Building, Grounds and Jail Committee – Earl Kay – No meeting
Transportation Committee – Ted Postula – No meeting
Legislative & Natural Resources Committee – Richard Timmer – No meeting
Computer Committee – Don Cooper – No meeting (one will be set up)
Finance, Claims & Accounts Committee – Rita Dale – September 22, 2003

The Finance meeting of September 22, 2003 was for informational purposes only and required no Board action. (Budget hearings)

It was moved by Commissioner Dale, supported by Commissioner Hopper, to accept the Finance, Claims and Accounts Committee report as given. On a voice vote, the motion carried unanimously.

Finance meeting of September 29, 2003 – Rita Dale

The Finance meeting of September 29, 2003 was for informational purposes only and required no Board action. (Budget hearings)

Commissioner Cooper made a correction to the minutes indicating that he suggested allocating funds in the Register of Deeds Technology Fund and the administrative portion of the Delinquent Tax Revolving Fund to purchase a new digital scanner/reader for use in the Register of Deeds Office and the County Treasurer's Office.

It was moved, by Commissioner Dale, supported by Commissioner Timmer, to accept the Finance, Claims and Account Committee report as given. On a voice vote, the motion carried unanimously.

Finance meeting of October 8, 2003

The Finance meeting of October 8, 2003 was for informational purposes only and required no Board action.

The Committee reviewed 37 requested changes to the budget as presented by department heads and commissioners. Following discussion, it was agreed that revenue requests totaling \$58,517 would be added to the proposed budget and that revised expenses totaling \$43,987 would be included as follows:

Reimbursement – Circuit Court	Add \$35,000 to revenue
Circuit Court Probation Officer – increase workweek to 40 hours	Add 7,431 to expenses
Circuit Court Probation Officer – increase workweek to 40 hours	Add 7,370 to expenses
District Court Probation Officer – increase workweek to 40 hours	Add 7,364 to expenses
Reimbursements – Friend of Court	Add 12,000 to revenue
Legal Secretary – Friend of Court (through 1-9-2004)	Add 1,992 to expenses
Telephone – Clerk	Add 200 to expenses

4-H Agent Contract – MSU Extension	Add 27,000 to expenses
Supplies – Register of Deeds	Add 700 to expenses
Postage – Register of Deeds	Add 500 to expenses
Equipment Maintenance – Register of Deeds	Add 500 to expenses
SANE Membership Dues	Subtract 5,000 from expenses
Senior Citizens Nutrition Program	Add 2,100 to expenses
Contingencies	Subtract 7,500 from expenses
Sault Drain District	Subtract 5,000 from expenses
Probate Court Air Conditioning	Add 1,800 to expenses
Prosecuting Attorney Reimbursement	Add 11,517 to revenue
Prosecuting Attorney Intern	Add 4,600 to expenses

Commissioner Cooper asked when the issue of Probate Court (40 hour workweek for 2 Family Court employees) would be handled.

Chairman Kay stated that another round of cuts may be coming down from the State and no final decision could be made at this time, but employee jobs are the main concern.

It was moved by Commissioner Dale, supported by Commissioner Timmer, to accept the report of the Finance Committee meeting of October 8, 2003 as presented. On a voice vote, the motion carried unanimously.

Finance meeting of October 9, 2003

The Committee received the draft 2004 borrowing resolution as presented by the County Treasurer. The Resolution would permit the Treasurer to borrow sufficient monies to adequately fund the Revolving Fund, if necessary. Commissioner Kay stated the Board typically approves the resolution in case the need to borrow funds arises.

It was moved by Commissioner Dale, supported by Commissioner Timmer, to recommend approval of Resolution 03-29, the 2004 Borrowing Resolution (on file in the Clerk’s Office). On a voice vote, the motion carried with Commissioner Cooper voting no.

County Controller Dolehanty explained approval of this resolution and policy, as prepared by the County Treasurer, was required in order to allow electronic transactions. He explained that the policy would set forth procedures for utilizing services of an Automated Clearing House (ACH), which refers to a national and governmental organization that has authority to process electronic payments under State law. Mr. Dolehanty said electronic transactions have become commonplace among many service providers.

It was moved by Commissioner Dale, supported by Commissioner Cooper, to recommend approval of Resolution 03-28 for ACH and Electronic Transactions, and the ACH and Electronic Transactions policy as follows:

RESOLUTION AND POLICY FOR ACH AND ELECTRONIC TRANSACTIONS

WHEREAS, on December 30, 2002, the Governor of the State of Michigan approved Act No. 738 of the Public Acts of 2002 authorizing the use of electronic transactions by designated officers of the local government; and

WHEREAS, the Board of Commissioners deems that it is in the best interest of the County to make certain financial transactions by using electronic transactions as described in the Act;

NOW, THEREFORE, BE IT RESOLVED, that the following policy shall govern the use of electronic transactions:

- (a) The Treasurer shall be responsible for establishing all ACH arrangements for Chippewa County;
- (b) The Treasurer shall draft a written policy to be followed in accordance with the act and presented to the Board of Commissioners;
- (c) The Treasurer shall submit documentation to the Board of Commissioners, or person responsible for approving payments by resolution or charter requirements, detailing goods and services purchased, the cost of goods or services, the date of payment, and the department levels serviced;
- (d) All ACH transactions shall be approved by the Treasurer BEFORE payment is made.

ACH AND ELECTRONIC TRANSACTIONS POLICY

The following policy shall govern the use of electronic transactions and ACH arrangements for the County of Chippewa.

1. Authority to enter into ACH Agreements and Electronic Transfer of Public Funds

The Treasurer may enter into an ACH agreement as provided by Public Act 738 of 2002, effective December 30, 2002. The County shall have adopted a resolution to authorize electronic transactions and have received a copy of the policy. Applicable definitions in the act shall apply.

An ACH arrangement under PA 738 of 2002 is not subject to the Revised Municipal Finance Act, 2001 PA 34, MCL 141.2101, or to provisions of law or charter concerning the issuance of debt by the County.

2. Responsibility for ACH Agreements

The Treasurer shall be responsible for all ACH agreements, including payment approval, accounting, reporting and generally overseeing compliance with the ACH policy. The Treasurer shall submit to the Board of Commissioners documentation detailing the goods or services purchased, the cost of goods or services, the date of the payment, and the department levels serviced by payment. This report can be contained in the electronic general ledger software system or in a separate report of the Board of Commissioners.

3. Internal Accounting Controls to Monitor Use of ACH Transactions

- a. The Treasurer shall be responsible for the establishment of ACH agreements. The following system of internal accounting controls will be used to monitor the use of ACH transactions by Chippewa County.
- b. The Treasurer shall prepare a list of vendors authorized to be paid by ACH transaction and provide list to the Chippewa County Clerk. This list may be modified, at any time, by mutual consent of the County Treasurer and County Clerk.
- c. The ACH enrollment form shall be on file with the Chippewa County Treasurer, or an employee designated by the County Treasurer, for all vendors to be paid by ACH transactions.
- d. A separate summary schedule for claims submitted for payment by ACH transaction shall be prepared and approved by the Board of Commissioners.
- e. It shall be the policy, to have a party, not involved in the voucher entry system approve invoices for ACH payment.
- f. The County Treasurer shall retain all ACH transaction documents for audit purposes.
- g. For payment of State and Federal payroll taxes, the Treasurer shall initiate payment to the proper authority upon receipt of the information from the payroll department using the established EFTPS and state program.
- h. For deposits from state, county, and/or federal authorities, and from third party payment processors, the Treasurer shall obtain the amount of the deposit and send an advice to the person responsible for for accounting records.

4. EFFECTIVE DATE:

This policy does not affect the validity of any ACH arrangement entered into by the County of Chippewa before the effective date of Public Act 738 of 2002 (December 30, 2002).

On a voice vote, the motion carried unanimously.

Mr. Dolehanty presented proposals for insuring those who volunteer services to the County and those participating in work release programs. The Committee discussed the importance of these insurance policies.

It was moved by Commissioner Dale, supported by Commissioner Timmer, to recommend approval of the volunteer insurance service policies as presented. On a voice vote, the motion carried unanimously.

The Committee reviewed the proposed Fiscal Year 2004 Title IV-D Cooperative Reimbursement Contract provided by the Prosecuting Attorney. It was noted that the revenue generated through the contract was included in the proposed budget for 2004.

It was moved by Commissioner Dale, supported by Commissioner Hopper, to recommend approval of the Fiscal Year 2004 Title IV-D Cooperative Reimbursement Contract as presented. On a voice vote, the motion carried unanimously.

The Committee reviewed the proposed Medical Support Enforcement contract provided by the Friend of the Court. It was noted that this was a new program to be initiated by the Friend of the Court, and that the revenue generated through the contract was included in the proposed budget for 2004.

It was moved by Commissioner Dale, supported by Commissioner Cooper, to recommend approval of the Medical Support Enforcement Agreement as presented. On a voice vote, the motion carried unanimously.

The Committee reviewed a \$3,000 two percent funding request from the E.U.P. Community Dispute Resolution Center to provide mediation and facilitation of disputes. The Center provides services to citizens throughout the Eastern Upper Peninsula.

It was moved by Commissioner Dale, supported by Commissioner Hopper, to recommend approval of the \$3,000 two percent funding request from the E.U.P. Community Dispute Resolution Center as presented.

Mr. Dolehanty presented the detailed Annual Child Care Fund budget for 2004, as provided by the Family Division of the 50th Circuit Court. He stated it would be appropriate to approve this document simultaneously with the 2004 budget at the next Board of Commissioners meeting.

It was moved by Commissioner Dale, supported by Commissioner Cooper, to recommend approval of the 2004 Child Care Fund budget as presented. On a voice vote, the motion carried unanimously.

Commissioner Kay reviewed a series of fee amendments as recommended by the Board of Health. He discussed how the sliding scale applied to many of the fees was tied to the income level of the service recipient. The Committee also discussed the campground fees proposed for implementation.

It was moved by Commissioner Dale, supported by Commissioner Timmer, to forward consideration of the proposed fee schedule to the October 13 board meeting.

It was moved by Commissioner Dale, supported by Commissioner Timmer, to table the proposed fee schedule until which time Dave Martin from the Health Department could attend the meeting. On a voice vote, the motion carried unanimously.

It was moved by Commissioner Dale, supported by Commissioner Timmer, to recommend the approval of general fund claims totaling \$168,232.11, other fund claims of \$95,351.84, payroll of \$524,221.09 and health department claims of \$352,720.21, for a total claim of \$1,140,525.25, vouchers 34241 through 34517 and J-1 through J-207. On a roll call vote, the motion carried unanimously.

It was moved by Commissioner Dale, supported by Commissioner Moore, to accept the report of the Finance, Claims and Accounts Committee meeting of October 9, 2003. On a voice vote, the motion carried unanimously.

NEW BUSINESS:

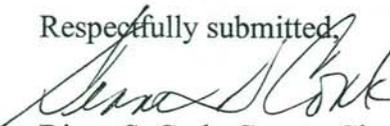
It was moved by Commissioner Timmer, supported by Commissioner Postula, to table adopting the 2004 budget for one month pending any additional revenue sharing cuts. On a voice vote, the motion carried unanimously.

Chairman Kay thanked department heads that could attend the UP County Commissioners Convention held in Bay Mills and felt that the meetings were very productive.

Commissioner Postula thanked Controller Dolehanty and David Carpenter, Finance Director, for all the work that went into preparing the proposed 2004 budget.

Having no further business, it was moved by Commissioner Postula, supported by Commissioner Timmer, to adjourn. On a voice vote, the motion carried and the meeting was adjourned at 8:20 p.m.

Respectfully submitted,


Diane S. Cork, County Clerk


Earl Kay, Chairman