

MINUTES

UPPER PENINSULA ASSOCIATION OF COUNTY COMMISSIONERS

FALL WORKSHOP

Terrace Motor Inn

December 7, 1979

The following county commissioners were present:

- John Matekal, Alger County
- Daniel Dorrity, Chippewa County
- Reino Nelson, Chippewa County
- Edward P. Leask, Chippewa County
- Patrick Gagliardi, Chippewa County
- Stanley Dominick, Delta County
- Harold Vanlerberghe, Delta County
- Douglas Bovin, Delta County
- Elnora Vader, Delta County
- John Curran, Delta County
- Daniel Lori, Dickinson County
- Edmund Dzik, Dickinson County
- V. Melvin Jacobson, Gogebic County
- Carl E. Anderson, Gogebic County
- George R. Pini, Houghton County
- W. Clarence Dwyer, Houghton County
- Francis J. MacDonald, Jr., Iron County
- W. J. Smith, Luce County
- L. J. Wood, Luce County
- Charles J. Lavender, Luce County
- Harold Dettman, Mackinac County
- Emmet Vallier, Sr., Mackinac County
- Joseph O. Racine, Marquette County
- Orvo Krook, Marquette County
- Clyde A. Steele, Marquette County
- Richard Coombs, Marquette County
- Thomas Zeratsky, Menominee County
- Kermit Tessmer, Menominee County
- Robert Burie, Menominee County
- Evertt Tharp, Menominee County
- Victor Hruska, Menominee County
- Bernard Lang, Jr., Menominee County
- Bert Wiecech, Menominee County
- Merwin White, Schoolcraft County
- Lindsley Frenette, Schoolcraft County
- George Danko, Schoolcraft County

Consultants present:

- Wiljo Sarkela, Mental Health Specialist,
Michigan Department of Mental
Health
- Tom Drake, Assistant to the Governor
on Transportation
- David Weiner, Assistant Director of the
Management Center, Wayne State University
- A. Barry McGuire, Executive Director, MAC
- James Callahan, MAC Legislative Specialist
- Ray Kuhn, Director of Federal Affairs, MAC

Others present:

- Thomas Vizanko, Gogebic-Ontonagon CAA
- Duncan Kennedy, Gogebic-Ontonagon CAA
- Fred Lahtinen, Gogebic-Ontonagon CAA
- Gerry Blanchard, Congressman Davis' Representative
- Dorothy Lamberg, Public Health
- Donna Aird, Public Health
- Bill Marchetti, Dickinson County Controller
- Glen Pyhtila, Houghton County Controller

- Robert E. Olsen, Ex-officio Secretary of UPACC
- Jim R. Bruce, UPCAP Staff
- Chuck Ingle, UPCAP Staff
- Bob Blake, UPCAP Staff
- Bill Cook, UPCAP Staff
- Kim VanDamme, UPCAP Staff
- Jean Hosking, UPCAP Staff
- Marilyn Anderson, UPCAP Staff

The meeting was called to order by Kermit Tessmer, President of the Association, and the welcome was delivered by Stanley Dominick, Chairman of the Delta County Board of Commissioners.

The first order of business presented by the chairman was the reading of a letter received from the chairperson of the Marquette County Board of Commissioners concerning the setting up of a special committee (see attachment). In regard to the letter, Mr. Tessmer reiterated that if the chairperson of the various counties wish to appoint someone to this committee, they are to notify him. Elnora Vader suggested that Kermit Tessmer should be the chairperson of the group if it is formed. Stanley Dominick, George Pini and Harold Dettman indicated that there was little if any interest among their counties for such a committee.

IT WAS MOVED BY MRS. VADER, SUPPORTED BY STANLEY DOMINICK, THAT A LETTER BE SENT TO THE COUNTY BOARD CHAIRPERSONS INVITING THEM TO APPOINT SOMEBODY TO THE STUDY COMMITTEE AND THAT THE LETTER INCLUDE THE REMARKS OF DELTA, HOUGHTON, AND MACKINAC COUNTIES. MOTION CARRIED.

Treasurer Harold Dettman announced that the balance in the Association's bank account as of December 5, 1979 totaled \$4,622.58. (See attached financial statement.)

IT WAS MOVED BY HAROLD DETTMAN, SUPPORTED BY GEORGE PINI, THAT THE ASSOCIATION ACCEPT THE FINANCIAL STATEMENT. MOTION CARRIED UNANIMOUSLY.

Mr. Gerry Blanchard, representing Congressman Davis, said that at this point, the Congressman was neither for nor against winter navigation and that he completely supported continued revenue sharing.

The meeting continued with workshops conducted by Wiljo Sarkela, Mental Health Specialist, Michigan Department of Mental Health and Thomas Vizanko, Director of the Gogebic-Ontonagon Community Action Agency, who reported on Project SELLS.

Following the presentation by Mr. Vizanko, the meeting adjourned for lunch.

Mr. Tom Drake, Assistant to the Governor on Transportation, reported on the County Incentive Transportation Program and David Weiner, Assistant Director of the Management Center at Wayne State and the University of Michigan, spoke on collective bargaining from the employer's standpoint.

A report was given from the Michigan Association of Counties by A. Barry McGuire, Executive Director; James Callahan, Legislative Specialist; and Ray Kuhn, Director of Federal Affairs.

Several interested parties including Mrs. Barbara Clark of Hancock, President of the Michigan Forest Association, spoke to Resolution # 9 which concerned proposed changes in the Commercial Forest Act.

IT WAS MOVED BY ELNORA VADER, CHAIRPERSON OF THE RESOLUTIONS COMMITTEE, SUPPORTED BY ROBERT BURIE, THAT RESOLUTION # 9 BE ADOPTED AS PRESENTED BY THE RESOLUTIONS COMMITTEE.

IT WAS MOVED BY DAN LORI, SUPPORTED BY ED DZIK, THAT THE PHRASE "\$1.70 PER ACRE FOR 1980" BE DELETED AND THAT THE FOLLOWING PHRASE BE ADDED TO THE RESOLUTION: "\$1.00 PER ACRE FOR 1980 OF WHICH THE LANDOWNERS TAX RATE SHALL BE .30¢ AN ACRE AND THE STATE'S TAX RATE .70¢ AN ACRE AND THAT THE YIELD TAX BE PAID NOT TO THE STATE GENERAL FUND BUT TO THE TOWNSHIPS IN WHICH THE TIMBER IS CUT AS RECOMMENDED BY THE MICHIGAN FOREST ASSOCIATION." MOTION CARRIED.

IT WAS MOVED BY HAROLD VANLERBERGHE, SUPPORTED BY JOHN MATEKEL, TO FURTHER AMEND THE MOTION AS FOLLOWS: BY DELETING THE WORDS "INCREASED ANNUALLY BY AN AMOUNT EQUAL TO THE ANNUAL INCREASE IN THE CONSUMER PRICE INDEX." AND INSERT "ADJUSTED AT TEN YEAR INTERVALS BASED ON THE STATE EQUALIZED VALUE ON ALL TIMBER CUTOVER LANDS." MOTION CARRIED.

THE ORIGINAL MOTION AS AMENDED CARRIED UNANIMOUSLY.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY JOHN MATEKAL, THAT RESOLUTION # 1 CONCERNING THE COST OF INCARCERATION OF JUVENILE OFFENDERS BE ADOPTED AS PRESENTED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY VICTOR HRUSKA, THAT RESOLUTION # 2 CONCERNING OPPOSITION TO HOUSE BILL 4325 BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY EMMET VALLIER, THAT RESOLUTION # 3 CONCERNING THE CLOSING OF LOOPHOLES IN THE HEADLEE AMENDMENT BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY FRANCIS MACDONALD, THAT RESOLUTION # 4 CONCERNING TAXATION OF MOBILE HOMES BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE.

IT WAS MOVED BY JOHN MATEKAL, SUPPORTED BY DANIEL LORI, THAT RESOLUTION # 4 BE AMENDED AS FOLLOWS: THAT THE PHRASE "LOCATED IN MOBILE HOME PARKS" BE INSERTED INTO THE RESOLUTION. THE AMENDMENT CARRIED.

THE MOTION AS AMENDED CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY GEORGE PINI, THAT RESOLUTION # 5 CONCERNING BARRING FOREIGN OWNERSHIP OF UPPER PENINSULA LANDS BE ADOPTED AS PRESENTED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY DAN LORI, THAT RESOLUTION # 6 CONCERNING TAX REVENUES ON MOTOR VEHICLE FUELS BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE.

IT WAS MOVED BY HAROLD VANLERBERGHE, SUPPORTED BY DAN DORRITY, THAT THE RESOLUTION BE AMENDED AS FOLLOWS: THAT THE WORDS "RATHER THAN" BE DELETED AND THAT "IN ADDITION TO" BE INSERTED. THE MOTION TO AMEND CARRIED.

THE ORIGINAL MOTION CARRIED AS AMENDED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY HAROLD DETTMAN, NOT TO ACCEPT RESOLUTION # 8 CONCERNING TAX REVENUES ON MOTOR VEHICLE FUELS BECAUSE OF ITS SIMILARITY WITH RESOLUTION # 6. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY STANLEY DOMINICK, THAT RESOLUTION # 7 CONCERNING STATE FUNDING FOR COUNTY AUDIT ACTIVITIES BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY GEORGE DANKO, THAT RESOLUTION # 10 CONCERNING WINTER NAVIGATION ON THE GREAT LAKES BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY EMMET VALLIER, THAT RESOLUTION # 11 CONCERNING MANDATED COSTS OF THE DEPARTMENT OF CORRECTIONS BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

Note: Mr. Dettman read from a statement entitled New Jail Rules Stymied by Representative Hoffman, and requested that the same be included with the minutes.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY HAROLD DETTMAN, THAT RESOLUTION # 12 CONCERNING THE PROSPECTIVE REIMBURSEMENT PROGRAM BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY MEL JACOBSON, THAT RESOLUTION # 13 CONCERNING STATUTES REGARDING THE DUTIES OF THE COUNTY CLERK AND THE COUNTY CONTROLLER BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY DAN DORRITY, THAT RESOLUTION # 14 CONCERNING THE ENDORSEMENT OF SENATE BILLS 556, 557 and 558 BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY GEORGE DANKO, THAT RESOLUTION # 15 CONCERNING THE REENACTMENT OF FEDERAL REVENUE SHARING BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE. MOTION CARRIED.

IT WAS MOVED BY ELNORA VADER, SUPPORTED BY MERWIN WHITE, THAT RESOLUTION # 16 CONCERNING THE PURCHASE OF PRIVATELY OWNED PROPERTY BY GOVERNMENT BE ADOPTED AS RECOMMENDED BY THE RESOLUTIONS COMMITTEE.

IT WAS MOVED BY BERT WIECIECH, SUPPORTED BY REINO NELSON, TO AMEND THE RESOLUTION AS FOLLOWS: STRIKE THE WORD "NORMALLY" AND THE PHRASE "BEFORE THE DEED IS RECORDED" AND INSERT "ON DECEMBER 31". THE MOTION TO AMEND CARRIED.

THE ORIGINAL MOTION AS AMENDED CARRIED.

The chairman asked for public comment and any further business.

IT WAS MOVED BY STANLEY DOMINICK, SUPPORTED BY DAN DORRITY, THAT BOB OLSEN AND THE UPCAP STAFF BE COMMENDED FOR DOING AN EXCELLENT JOB IN ORGANIZING THE FALL WORKSHOP. MOTION CARRIED UNANIMOUSLY.

IT WAS MOVED BY HAROLD VANLERBERGHE, SUPPORTED BY DAN DORRITY, THAT ELNORA VADER AND THE RESOLUTIONS COMMITTEE BE COMMENDED FOR THEIR WORK. MOTION CARRIED UNANIMOUSLY.

There being no further business, the meeting was adjourned, the time being 4:30 p.m.

COUNTY OF MARQUETTE
BOARD OF COMMISSIONERS

COURT HOUSE
MARQUETTE, MICHIGAN 49855

CLAYTON J. ANDERSON
RUBY CHEATHAM
ROBERT G. CLARK
RICHARD C. COOMBS
JOHN P. FARRELL
ELAINE JUIDICI
ORVO KROOK
FRANK J. LEONE
TIMOTHY LOWE
CLYDE A. STEELE



SALLY MAY
Chairperson

JOSEPH O. RACINE
Vice-Chairperson

November 27, 1979

NOV 28 1979

Kermit Tessmer
President
UPACC
Daggett, MI 49821

Dear Kermit:

Since the motion made by Marquette County at the May 11, 1979 UPACC meeting has not yet been implemented, Marquette County respectfully requests that the subject of the motion be placed on the agenda of the Association's December 7, 1979 meeting.

The text of the motion is:

Move to set up a special committee made up of one (1) member from each county, as appointed by the Chair of each Board, to study:

1. Ways of making the U.P. Association more effective;
2. Ways to improve on-going communications between member counties;
3. Ways to cooperate with the Northern Counties Association;

and to report back to the Association at the next meeting (Fall, 1979) with recommendations.

Thank you for your attention to this request.

Sincerely,

Sally

Sally May, Chairperson
Marquette County Board of Commissioners

SM:klc

cc: U.P. Commissioners

FINANCIAL STATEMENT

UPPER PENINSULA ASSOCIATION OF COUNTY COMMISSIONERS
December 5, 1979

BALANCE AS OF OCTOBER 26, 1979		\$4,709.91
RECEIPTS:	-0-	
EXPENDITURES:		
Kermit Tessmer (mileage)	\$15.64	
Terrace Motor Inn (workshop planning meeting)	<u>71.69</u>	
TOTAL EXPENDITURES		<u>\$ 87.33</u>
BALANCE AS OF DECEMBER 5, 1979		<u><u>\$4,622.58</u></u>

Respectfully submitted,

Harold L. Dettman
Secretary/Treasurer

Michigan Sheriff - Fall 1979
New Jail Rules Stymied

By Representative Quincy Hoffman, 77th District

The Michigan Department of Corrections is in the process of promulgating rules to govern the jails and lockups in the State of Michigan. These are a revision of the rules that were adopted in 1975 after several meetings with the Department of Corrections officials, the sheriffs, representatives of the commissioners throughout the State and myself.

The reasons Corrections gives for revising these rules are interesting:

1. TO CLARIFY EXISTING LANGUAGE TO MAKE THE RULES AS FLEXIBLE AS POSSIBLE. It would seem to me that after all the revisions in 1975 the language would have been clarified.

2. TO ADJUST TO LOCAL NEEDS—whatever that means.

3. TO BRING THE RULES IN LINE WITH CASE LAW AND CURRENT CONSTITUTIONAL REQUIREMENTS FOR DETENTION, CONSTRUCTION, AND OPERATIONS. Now, I don't know of any change in the Constitution having to do with the operations of jails and I am not aware that the Department of Corrections is mandated to carry out court decisions for the entire state.

4. Lastly, TO BE CONSISTENT WITH OTHER NATIONAL STANDARDS WHICH IMPACT ON THE JAILS OF THE STATE OF MICHIGAN. Now standards are not necessarily definite or enforceable rules. I am not aware that the Department of Corrections is obligated to impose national standards, which are suggestions, upon the jails of Michigan.

The statute upon which the state bases its authority to promulgate these rules is Act 232, of 1953, the section having to do with the Bureau of Penal Institutions, Section 791.262 which states, and I quote, "The department shall supervise and inspect local jails and houses of correction for the purpose of obtaining facts in any manner pertaining to the usefulness and proper management of said penal institutions and of promoting proper, efficient, and humane administration thereof, and shall promulgate rules and standards with relation thereto; and any reasonable order with respect to such penal institutions may be enforced through mandamus or injunction in the circuit court of the county where the penal institution is located, through proper proceedings instituted by the attorney general on behalf of the commission."

Now the questions is—Are many of the things

the Department of Corrections is demanding necessary to insure humane treatment and efficient management of the jail? The Department is basing most of its rules on a ruling by Judge James Harvey, dated January 11, 1978, in relation to the Saginaw County Jail. I understand in talking with several sheriffs throughout the State that the Department of Corrections is giving the impression that these apply to all jails. Yet, in reading a copy of Judge Harvey's ruling, he specifically refers repeatedly to the "jail" as being Saginaw County Jail. The conditions that exist in the Saginaw County Jail do not necessarily exist in Roscommon or Gratiot or other counties throughout the State. I have talked with several attorneys who are of the opinion that a blanket ruling and one directed to one jail in a county certainly do not apply to all jails. Each jail would require individual court action. Even if this were not the case, I know of no law that ordains that the Department of Corrections must take it upon themselves to enforce court decisions throughout the State.

A good analogy would be this. Sometime ago Judge Roth, again followed by Judge DeMascio, ruled that we must have cross-district bussing in the Detroit School District in order to achieve integration. Now the State Board of Education did not go to all the school districts in the State of Michigan and say, "look, you must do this as a result of Judge Roth's ruling." In effect this is what the Department of Corrections is doing with the counties as a result of Judge Harvey's ruling. Even so the Department of Corrections, and the rules they are offering, is going far beyond Judge Harvey's ruling. Their rules comprise 168 pages while Judge Harvey's ruling covers 27 pages. There are many areas where the Department of Corrections offers rules where Harvey is entirely silent.

In many other cases they go far beyond Judge Harvey. Take, for instance, the matter of physical examination. Judge Harvey states that an inmate who is admitted to the inmate population (now I would assume that would mean confined to the jail) must have a physical examination within 48 hours. The rules of the Department of Corrections, as they are now being read, have no time limit and require a physical examination if it refers to a person just admitted. Does that mean if

See "NEW JAIL RULES," page 8...

an individual is arrested for drunk driving and is held for arraignment the next morning he must be given a physical examination at a cost to the county? If so, this is ridiculous!

Space does not permit us to go into all the rules which I feel go beyond the authority of the Department of Corrections, as well as far beyond Harvey. I will just cite some examples, cases where they apparently assume the sheriff is downright stupid.

For instance the regulation for control of firearms, chemical agents and restraints—now all the sheriff departments I know do keep their firearms and ammunitions under lock now. The Department of Corrections is going further than that, and I quote from proposed Rule 791, "The administrator shall develop and implement written policies and procedures which govern the control, and storage of firearms, ammunitions, chemical agents, restraint equipment, and related security devices." It goes on to list what this written requirement must include.

One requirement that is very interesting and, to me, confusing states that prior approval by supervisory staff must be obtained to use the equipment on an incident by incident basis including a written report. One example of the confusion is that handcuffs certainly are restraint equipment. That rule doesn't state whether it applies to an arrested prisoner or one who has been an inmate in the jail.

Keeping in mind the Department of Corrections has no control over the State Police or city police, are they going to say that if one of these officers brings an individual into jail in handcuffs, which are restraint equipment, they come under these rules? Of course not!

On the other hand, considering that they have no control over the State Police or city police, why then should they require this of a deputy sheriff who has had equal training (to have written permission from his supervisory officer to use handcuffs)? This is just another ridiculous ruling.

Another example is the case of exercise. Harvey states that a prisoner shall have a certain amount of exercise outside his cell, that could mean a corridor or another room. The Department of Corrections wishes to require an exercise yard for that purpose. Do rules requiring a multi-purpose or recreational room for the inmates have any bearing on humane treatment?

There is another rule that is rather redundant requiring the administrator or sheriff to give a

written statement of what he is going to do in case of fire: He is to list whom he is going to contact in case of fire—now I assume the fire department would be contacted; have a notification list in order of importance to be contacted in the event of a fire (I cannot see any reason to notify a deputy, who is off duty, that there was a fire at the facility); state what he is going to do about the containment of the fire; and have a predetermined method to check on the location of his employees throughout the county in case of fire. I haven't any idea who sits down and draws up these rules. Apparently it is someone who just has been turned loose and told to let yourself go.

Another rule, which I cannot find anything in the statutes to support, is the requirement that the facilities hire a fulltime or parttime dietitian who will plan menus. The menu, which they must follow, must be kept on hand for a period of thirty days and any menu substitutions for the foods listed in the department's menu must be supported by a written explanation. Corrections refers to jail standards in California and Nebraska for these requirements. As far as I am concerned they certainly have no bearing on this state.

I have touched on only a few provisions of the proposed rules which I feel go beyond the authority of the Department of Corrections and, in some instances, even upon the Constitutional authority of the sheriff to operate his department.

No doubt when these rules come before our committee some sheriffs' departments will support the rules, especially some of the larger departments where funding is not a problem.

I would suggest to the county commissioners that no money be spent in attempting to follow these edicts until the Headlee Proposal is implemented. Section 25 of the Headlee Proposal very plainly states, and I quote, that the state (this includes their agency) "shall not require any local government new or extended programs without full state funding." So it is plain that if a county board starts these changes and appropriates money for this it would not qualify under Headlee. They would be doing it without a mandate from the State.

While I do not purport to speak for the other members of the Administrative Rules Committee, I do have the feeling of the atmosphere. I am sure that the promulgated rules proposed by the Department of Corrections, unless they have drastically changed since I last read them, have no chance of being approved in the Committee.

Roads, forestry, navigation resolutions sent

U.P. commissioners bend Lansing's ear

ESCANABA — The Upper Peninsula Association of County Commissioners has used its collective voice to send Lansing its concerns about state and federal regulations or pending legislation.

Speaking out by way of 15 resolutions, the UPACC took a hard look at such things as inadequate state funding for county roads, the Commercial Forest Act, winter navigation on the Great Lakes and Federal Revenue Sharing here last week.

County commissioners from throughout the U.P. attended the two-day meeting here which serves to update members on pending legislation and state and federal regulations affecting county government.

The resolution urging the Michigan legislature to earmark gas sales tax revenues to increase revenues to county road commissions was submitted by Alger County.

Calling the present tax formula used by the state inadequate, the commissioners asked that a formula based on sales tax revenues in addition to the present gas sales system in order to increase revenues for road improvements.

Increase in the tax rate on both landowners and the state on timberlands listed under the Commercial Forest Act (CFA) was recommended

unanimously by UPACC.

The resolution was addressed to the Michigan Legislature, which will be considering a bill now in draft form sponsored by the Michigan Forest Association.

The U.P. county commissioners recommended that the legislature double the landowners' tax rate to 30 cents an acre and the state's rate from 25 cents to 70 cents to make payment at \$1 an acre. The UPACC also recommended that the yield tax be paid not to the state general fund, as at present, but to the townships in which the timber is cut.

The county commissioners' resolution also urges amendment of CFA to require that its tax rates be reviewed every 10 years to keep them related to ad valorem values which average \$1.70 per acre on Timber Cutover land.

The forest tax resolution was submitted by Ontonagon County.

Saying it has concluded the disadvantages of extending the winter navigation season on the Great Lakes far outweigh the advantages, the UPACC adopted a resolution from Keweenaw County fully supporting the January closing of the Sault Locks and the end of the winter shipping season.

Congress' eight-year experiment in winter shipping administered by the Army Corps of Engineers expires

this year. The commissioners indicated that since the U.P. is bounded on three sides by the Great Lakes, it is most vulnerable to soil erosion and pollution of its shoreland.

Since carriers pay no toll or fee for use of the Sault Locks, the commissioners see the extension of the winter navigation season as federal subsidizing of big business to the detriment of the taxpayers.

In its recommendation to Congress that it act speedily to re-enact Federal Revenue Sharing as it currently exists, the UPACC cited the federal program as valuable in promoting local decision making concerning local needs.

The commissioners call the Federal General Revenue Sharing Program one of the most effective programs nation-wide with one of the lowest administrative costs—less than one-half of one percent of the program costs.

The revenue sharing resolution was submitted to UPACC by Marquette County.

Other resolutions approved by the association include:

—urging the Michigan legislature to adopt legislation which would pay for the costs of incarceration of juvenile offenders in state correctional facilities, just as the state bear such costs of adult offenders.

—emphatically opposing passage of House Bill 4325 which would require extensive disclosure by people appointed to serve on county

government boards and commissions. The UPACC resolution indicated the bill would require people to disclose personal matters and make it difficult to recruit volunteers to serve and may result in the resignation of many officials.

—recommended that loopholes in state legislation implementing the Headlee Amendment be eliminated. The commissioners indicated that Senate Bill 460 implement the mandated cost section of the Headlee Amendment does not conform to the intent which was to limit state spending and tax increases necessitated by that spending. The commissioners say the loopholes allow the state to continue to shift program costs to local units of government.

—asked state legislators to develop an alternative taxation method for mobile homes in mobile home parks, in order to achieve equity in taxation. At present mobile home park owners are required to remit a specific tax of \$3 and the commissioners are of the opinion that mobile homes should no longer be considered a mobile housing unit, but rather as a permanent part of housing inventory.

—supported legislation barring ownership of United States real property by foreign citizens, corporations or governments.

—asked that adequate funding be provided by the Michigan legislature for county audit activities of the Local Audit Division of the State Department of Treasury. The commissioner indicated the treasury department's local audit division has been grossly understaffed for many years and as a result has been unable to satisfactorily audit the records and accounts of all county offices.

—requested that all changes in rules and regulations made after approved jails construction be borne by the State Department of Corrections.

—called for the state, through its Department of Social Services, to immediately implement the provisions of a prospective reimbursement program for Medicaid patients in county medical care facilities. The commissioners said counties desperately need information on the 1979-80 adjusted rates in order to prepare budgets as well as for the full share of the funding in the Medicaid program.

—asked the Michigan legislature to review ambiguities and conflicts that exist in the current statutes regarding the duties of the county clerk and county controller. A law suit in Gogebic County brought by the county clerk against the Gogebic County Board and county controller precipitated

the resolution. A court order following that suit mandated the return of certain books and records to the office of the county clerk. The commissioners say the issue of responsibilities of clerk and controller is in question because of the conflicting nature and ambiguity of state laws.

—supported the adoption of Senate Bills 556, 557 and 558 which will grant counties the authority to create a budget stabilization fund so that funds can be set aside during periods of strong revenue to be used during periods of economic recession.

—asked that when federal, state or local governments acquire privately owned property, the property taxes for the year of acquisition be paid before the deed is recorded. The commissioners said there is no system at present to avoid the unanticipated loss in property tax revenues brought on by these transactions.

Change recommended in Commercial Forest Act

*ESCANABA PRESS
12-10-79*

ESCANABA — Increase in the tax rate on both landowners and the state on timberlands listed under the Commercial Forest Act was recommended unanimously by the Upper Peninsula Association of County Commissioners meeting at the Terrace Motor Inn last week.

The commissioners' resolution was addressed to the Michigan Legislature,

which will be considering a bill now in draft form in its Legislative Bureau. The bill is sponsored by the Michigan Forest Association, an organization with broad membership concerned with the total forest resource, and by wood industries and other groups interested in the forests.

The commissioners

amended a resolution recommending a tax increase to \$1.70 an acre on CFA lands on motion of chairman Dan Lori of the Dickinson County Board of Commissioners after the Association had heard a presentation by Mrs. Barbara Clark of Hancock, president of the Michigan Forest Association, recommending its proposed change in the Commercial Forest Act.

The CFA law was enacted more than 50 years ago when one-third of Michigan land was tax delinquent to encourage private land ownership and help forest land owners keep their cutover properties until they could grow another crop of trees. It substitutes a CFA tax in lieu of ad valorem property taxes and levies a yield tax of 10 percent of the value of the timber when it is cut, to repay the state for helping to carry the wood crop to maturity. The act has greatly stimulated commercial forestry in Michigan and there are now more than one million acres of CFA lands, most of it in the Upper Peninsula.

The act has been amended several times and at present encourages timber growing by a rate of 15 cents an acre a year for landowners and with the state (DNR) paying 25 cents an acre to make a total payment of 40 cents an acre, plus the yield tax. The ad valorem tax on timberlands averages more than \$1 and acre.

The U. P. county com-

missioners recommended to the Legislature that it double the landowners' tax rate to 30 cents an acre and the state's rate to 70 cents to make the payment \$1 an acre. It was also recommended that the yield tax be paid not to the state general fund, as at present, but to the townships in which the timber is cut because the townships are under increasing pressures for government services and spending and they have too little income to finance them.

The commissioners accepted the reasoning of the Michigan Forest Association that it is better for the state, and especially the Upper Peninsula with its large acreage of commercial, industrial forest lands to encourage private ownership of forest lands. By not taxing them over heavily the public benefits that the forests provide in wood industry employment, increased yield taxes, public recreational areas and other benefits are enlarged.

The county commissioners' resolution, prepared by a committee chaired by Commissioner Elnora Vader of Delta County, also urges amendment of CFA to require that its tax rates be reviewed every 10 years to keep them related to ad valorem values.

All CFA lands are open to public access and the value of this entry increases for hunters, fishermen and other recreationists, said Mrs. Clark.