**BARAGA COUNTY BOARD OF COMMISSIONERS**

**Public Hearing/Regular Meeting Minutes**

**March 8, 2021**

**\*\*Amended 5/10/2021\*\***

**DUE TO COVID-19 MEETING WAS HELD IN**

**COMBINATION –IN PERSON AND VIA ZOOM**

**CALL TO ORDER:**

Chairperson Rolof called the Public Hearing on Monday, March 8, 2021 at 4:45 p.m. L’Anse Township Hall, 126 N. Main Street, L’Anse, Michigan 49946.

**ROLL CALL:**

Clerk Goodreau took roll call with the following results:

Present: Gale Eilola, District 1, Dan Robillard, District 3, Lyle Olsen, District 4 and William Rolof, District 5.

Absent: None.

The purpose of the hearing was to receive public comment on the MDNR Trust Fund Grant for the purpose of land acquisition in Covington Township.

Chairman Rolof called for public comment.

* *Comment was made on property tax implication and what would the County do with the property that might recover the lost taxes.*
* *Comment was made on the potential for the project to benefit tourism and recreation.*
* *Comment was made on purchase price/value of property.*

The Public Hearing adjourned at 5:00 p.m.

**CALL TO ORDER:**

Chairman Rolof called the Regular Meeting to order on Monday, March 8, 2021 at 5:00 p.m., 126 N. Main Street, L’Anse, MI 49946. The Board of Commissioners met in person with public attending via Zoom.

**ROLL CALL:**

Clerk Goodreau took roll call with the following results:

Present: Gale Eilola, District 1, Dan Robillard, District 3, Lyle Olsen, District 4 and William Rolof, District 5.

Absent: None.

**PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:**

Chairman Rolof led us in the Pledge of Allegiance to the United States of America.

**APPROVAL OF AGENDA:**

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the Agenda, with the addition of item a. under 10. Reports of Standing Committees, Roger Turunen. On Voice Vote, the motion carried.

**APPROVAL OF MINUTES:**

Commissioner Robillard made a motion, supported by Commissioner Olsen to approve the minutes for the Regular meeting held on February 8, 2021. On Voice Vote, the motion carried.

**PUBLIC COMMENT:**

The Board received comments further supporting the Manifesto passed by County officials.

The Board received comments regarding the Governor’s policies during the pandemic.

A member of the public in attendance asked if the Board would consider changing the Board’s meeting time from 5:00 p.m. to 7:00 p.m.

The Board received comments regarding the proposed land acquisition in Covington Township.

**TREASURERS REPORT:**

As presented by Treasurer, Jill C Tollefson.

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve Budget Amendment #01-2021:

|  |  |  |  |
| --- | --- | --- | --- |
| **BARAGA COUNTY** |  |  |  |
| **BUDGET AMENDMENTS** |  |  |  |
| For the Fiscal Year Ending 09/30/2021 |  |  |  |
|  |  |  |  |
| Account Name | Account Number | Revenue Increase - (Decrease) | Expense - Increase-(Decrease) |
|  |  |  |  |
| **GENERAL FUND - REVENUES** |  |  |  |
|  |  |  |  |
| Tribal Contributions | 101-000-420.00 | $ 16,037.70 |  |
| Local Community Stabilization | 101-000-441.00 | $ 27,405.74 |  |
| Sheriff Road Patrol | 101-000-543.00 | $ 6,137.00 |  |
| 911 Sign Application | 101-000-650.00 | $ 1,620.00 |  |
| 911 Sign Application | 101-434-650.00 | $ (1,620.00) |  |
| WPPDR Housing Rehab Program | 101-000-678.00 | $ 14,743.00 |  |
| Fund Balance Surplus | 215-000-699.99 | $ 795.00 |  |
| Fund Balance Surplus | 265-000-699.99 | $ 15,635.46 |  |
|  |  |  |  |
|  |  |  |  |
| **GENERAL FUND - EXPENDITURES** |  |  |  |
|  |  |  |  |
| Longevity | 101-236-708.00 |  | $ 1,221.00 |
| Payment in Lieu | 101-236-716.01 |  | $ (6,000.00) |
| Health Savings | 101-236-716.05 |  | $ 5,150.00 |
| Health Insurance Expense | 101-236-716.00 |  | $ 16,090.00 |
| Mers Pension | 101-236-718.00 |  | $ 3,534.32 |
| Marriage Counseling | 101-141-801.01 |  | $ 400.00 |
| Salary and Wages | 101-301-703.00 |  | $ 27,735.00 |
| Social Security / Medicare | 101-301-715.00 |  | $ 2,125.00 |
| Health Savings | 101-301-716.05 |  | $ 12,750.00 |
| Salary and Wages | 101-333-703.00 |  | $ 5,667.52 |
| Soc Security / Medicare | 101-333-715.00 |  | $ 469.48 |
| Salary and Wages | 101-338-703.00 |  | $ (9,000.00) |
| Soc Security / Medicare | 101-338-715.00 |  | $ (688.00) |
| Emergency Preparedness Salary | 101-426-706.00 |  | $ 1,000.00 |
| District Health Department | 101-600-960.20 |  | $ 2,526.00 |
| Equipment & Furniture | 215-000-970.00 |  | $ 795.00 |
| Operating and Office Supplies | 263-000-727.00 |  | $ 500.00 |
| Professional & Contractual Services | 265-672-801.00 |  | $ 15,635.46 |
| Other County Institution Placement | 292-663-830.02 |  | $ (30,000.00) |
| State Ward Chargebacks | 292-662-831.00 |  | $ 30,000.00 |
|  |  |  |  |
| GENERAL FUND – JOURNAL TOTALS |  | $ 80,753.90 | $ 79,910.78 |

On Roll Call Vote, the motion carried. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent: None.

**REVIEW OF CLAIMS AND ACCOUNTS:**

Commissioner Eilola made a motion, supported by Commissioner Olsen to approve the BCMH Trustee Per Diem for February 2021 ($830.00). On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the payment of the Claims and Accounts for the period of February 9, 2021 through March 8, 2021 in the amount of $16,665.10. On Roll Call Vote, the motion carried. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent: None.

Commissioner Olsen made a motion, supported by Commissioner Robillard to approve the payment of the Prepaid Bills and Trust and Agency Accounts for the period of February 9, 2021 through March 9, 2021 in the amount of $921,762.21. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent; None.

Commissioner Eilola made a motion, supported by Commissioner Olsen to approve the payment of the Sheriff Department Commissary Account for the period of February 9, 2021 through March 8, 2021 in the amount of $5,360.43. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent: None.

**OLD BUSINESS:**

No Old Business.

**ACTION ITEMS:**

Commissioner Robillard made a motion, supported by Commissioner Olsen to apply for a MDNR Trust Fund Grant for a land acquisition in Covington Township. The following Resolution was approved:

MDNR TRUST FUND GRANT PROGRAM

RESOLUTION OF AUTHORIZATION

WHEREAS, Baraga County authorizes its representative to submit an application titled, “Covington Township, Land Acquisition” to the Trust Fund Grant Program for land acquisition in Covington Township; and,

WHEREAS, the proposed application is supported by the County’s 5 Year Recreation Plan; and,

WHEREAS, Baraga County has made a financial commitment to the project in the amount of $912,500 (estimated land value as donation by land owner) matching funds, in cash and/or force account; and,

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Steve Stock, Wild River Properties, LLC $ 912,500 (estimated land value as donation by land owner)

NOW THERE FORE, BE IT RESOLVED that Baraga County hereby authorizes submission of a MDNR Trust Fund Grant Application for $ 2,737,500.00 , and further resolves to make available a local match through financial commitment and donation(s) of $ 912,500.00 (estimated land value as donation by land owner) (25%) of a total $ 3,650,000.00 project cost, during the 2021 - 2022 fiscal year.

On Voice Vote, the motion carried.

Sheriff Brogan reported on personnel needs at the County Jail. The County Jail budget was shorted 1 FTE and 1 PTE in the FY21 budget. Sheriff Brogan is concerned about the amount of overtime the Corrections Officers are having to work. Mr. Brogan requested that the Board approve an amendment to the County Jail budget to reflect the additional wages for corrections officers. Commissioner Robillard made a motion, supported by Commissioner Olsen to increase the County Jail budget to include an addition FTE and PTE Corrections Officer. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent: None.

Commissioner Eilola made a motion, supported by Commissioner Olsen to appoint Phil Acciacca to the Baraga County EDC. On Voice Vote, the motion carried.

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the 2021 dues for the U.P. R.C&D in the amount of $350.00. Lyle Olsen is the 2021 appointee and Bill Rolof is the alternate. On Voice Vote, the motion carried.

Paul Putnam, MSU Extension Director, gave the Board an update and would like to meet with a few commissioners to discuss the possibility of the County providing an allocation to MSU Extension in the future.

Commissioner Robillard made a motion, supported by Commissioner Olsen to appoint Brad Dakota to the District 2 position which was vacated by the resignation of Will Wiggins. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent: None.

**REPORTS OF STANDING COMMITTEES:**

Chairman Rolof presented an open letter, with 375 signatures, from Baraga County citizens encouraging the Baraga County elected officials to continue to pursue all legal authority to help protect the citizens from unconstitutional limitations implemented in the COVID-19 pandemic.

Commissioner Eilola reported the County Fair will be two days this year, August 7th and 8th. The dates are tentative. Also, the County Fair is now a 5013©.

Commissioner Robillard did not meet in February and did not attend the BCMH Board meeting. If Spurr Township and Covington meet this month he will attend.

**INFORMATIONAL ITEMS:**

The following items were presented for information:

* BCMH Board of Trustees, Minutes

**RESOLUTIONS:**

Commissioner Robillard made a motion, supported by Commissioner Olsen to approve the following resolution:

RESOLUTION IN SUPPORT OF WAIVING FEES FOR LICENSES/PERMITS FOR SMALL BUSINESSES SERVICING THE PUBLIC

WHEREAS, the COVID-19 pandemic has placed a substantial public health risk upon society as a whole;

WHEREAS, scientifically tailored public Health restrictions to limit the opportunity for spread of COVID-19 amongst services to the public can be a responsible exercise of public health, welfare and safety powers;

WHEREAS, many small businesses providing service to the general public that were ordered closed in whole and/or part have yearly license and/or permits issues by the State of Michigan;

WHEREAS, if safety of society requires closure of small businesses it is inequitable to not provide a waiver in whole and/or part of State of Michigan yearly license and/or permit fees when suck activities are ordered closed and/or restricted;

WHEREAS, in rural small communities in Baraga County, Michigan, small businesses serving the general public are significant centers of economic activity that employ significant numbers of employees and mutually contribute to the economic wellbeing the community;

WHEREAS, the small businesses serving the general public have been economically devastated by being unable to serve the general public due to public health orders;

NOW THEREFORE BE IT RESOLVED, the **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BARAGA** as representatives of the citizens of BARAGA County implore the Governor and the Legislature to immediately adopt legislation providing fee waivers of licenses/permit fees required by the State of Michigan for small businesses serving the general public during such periods service to the public is prohibited and/or limited by public health orders.

Commissioner Olsen made a motion, supported by Commissioner Eilola to not take on the Resolution from Livingston County calling upon the Governor and the Michigan DHHS to retract their SVI social factor-based plan for the COVID-19 vaccine. On Voice Vote, the motion carried.

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the following resolution:

WHEREAS, we, the duly elected Commissioners of Baraga County do hereby make a declaration of grave concern expressed honorably with the sworn duty to uphold the Constitution of the United States, the Constitution of the State of Michigan, and responsibility to serve the people of Baraga County. The distress and destruction continuing to impact our county, state, and nation due to COVID-19 is a reality. That lives and livelihoods continue to be lost at alarming rates is not to be disputed; however, the response and actions taken by Gubernatorial leadership must be; and

WHEREAS, it is our strong belief that unfair and imbalanced burdens have been placed on certain sectors of our economy, community groups, and citizenry. That Gubernatorial actions have been largely directed by projections, models, and interpretations that manipulate the majority with fear and as proven, unconstitutional actions that are causing a devastating economic, educational, and social landslide. We believe Governor Whitmer’s failed leadership polarized, politicized, and antagonized Michigan leaders in all sectors. The worst of times demand unity, coordination, and balance to protect lives and livelihoods with actions considered by the many hands that hold the responsibility, not the inexperienced lone fist; and

WHEREAS, the COVID-19 shutdown, pause, and mandates have created a desperate situation for our county’s constituents, businesses, schools, and organizations; and

WHEREAS, the seasonal nature of our county places a heavy dependence for employment on the food and recreation industries and the loss of these businesses will have long term effects on employment for our citizens. Our businesses appreciate the grant opportunities provided by state and federal government. However, these grants and loans are difficult to apply for when you are a small business with limited resources and bureaucratic experience. Unfortunately, many of these relief funds are not reaching the small fifty and less employees that need them the most. We are asking for uncomplicated application procedures and fair distribution of relief funds to all small businesses. We request temporary State tax reduction and relief for our citizens and businesses. These actions are desperately needed if we are to economically survive this pandemic; and

WHEREAS, our churches and community organizations all are struggling. These organizations, some centuries old, are the very foundation of our society and yet are at risk of economic collapse. Human beings need to be able to come together, especially in these difficult times, to worship, comfort and entertain one another; and

WHEREAS, regrettably, many of our wage earners having been displaced by mandates, have endured unacceptable ongoing difficulties receiving state unemployment benefits. The families and communities supported by their work ethic deserve much better; and

WHEREAS, we are a county of hard-working, law-abiding citizens. As elected officials we believe in, strive for, and stand with law enforcement. However, when “the cure has become worse than the disease”, we are obligated to question the continuation of these shutdowns, pauses, and mandates. Mandates which fall into a legally “gray area” at best and exceed the state governments authority at worst. When such mandates drive our citizens to choose between bankruptcy and civil disobedience just to survive, we have an obligation to act on their behalf, and

WHEREAS, our citizenry desires to see the wheels of our fractured economy turned; their lives to be allowed to return to work and wage; the education of their children be a focus of recovery; and the support of our health care system be funded instead of growing the unemployment line none of them desire to stand in; and

WHEREAS, we call for actions that restore our faith in a Michigan leadership that is unified, not unilateral, and driven by decisions that serve the needs of the many without politicism or sensationalism; and

WHEREAS, it is with the utmost serious reflection and responsibility that we stand resolved in our sworn duty to serve our communities and demand our freedom of choice be reinstate; now

THEREFORE, BE IT RESOLVED that on behalf of the citizens of Baraga County, we hereby call upon you to immediately end the shutdown and pause, further lifting all State restrictions and mandates on Baraga County and Her people, so together we can begin working upon our recovery, now, in this very moment, while that recovery is still possible.

Commissioner Olsen made a motion, supported by Commissioner Robillard to table the Resolution supporting Enbridge Line 5 project until he could gather more information. On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the following resolution:

WHEREAS,we live in a time of pandemic; and

WHEREAS,we are now entering into the second year of the global pandemic which has impacted every Missaukee County citizen in a myriad of ways; and

WHEREAS,the threat from the virus, though serious, has resulted in a thwarting of constitutional liberties and personal freedoms without sufficient regard for ongoing and potentially irreparable economic, emotional, educational and other societal abuses; and

WHEREAS, Governor Whitmer working with the Attorney General, Secretary of State, the Directors of the Michigan Health Department and the Michigan Licensing and Regulatory Affairs, did engage in fining, penalizing, and revoking the licenses of businesses for failure to obey and enforce the unconstitutional Executive Orders; and

WHEREAS,the orders by the MDHHS lack legislative support of the democratically elected representatives, having been initiated unilaterally and unconstitutionally by the Governor of Michigan; and

WHEREAS,the orders by the MDHHS have disallowed any degree of personal accountability, eroded constitutional rights of citizens and have placed undue burden and restrictions on local businesses, local employees and the citizens of Baraga County; and

WHEREAS,The Michigan Department of Health and Human Services (MDHHS) has issued orders without providing funding or sufficient guidance for the enforcement of such orders; and

WHEREAS,the 1st Amendment to the constitution states: *“Congress shall make no lands respecting an establishment of religion, or prohibiting the free exercise thereof: or abridging the freedom of speech, or of the press, or of the people to peaceably assemble, and to petition the government for a redress of grievances.”,* and

WHEREAS,title 18, u.s.c. section 241 says *“If two or more persons conspire to injure*, *oppress, threaten, or intimidate any person in any State, Territory, Commonwealth*, *Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or lavas of the United States, or because of his having so exercised the same... ”* Title 18, u.s.c 242 says *“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws ff the United States, or to different punishments, pains, or penalties, on account of such person being cm alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both”;* and

WHEREAS,the right and responsibility of individuals to self-determine what is best for their own health, liberty and pursuit of happiness is necessary and ensured by our Constitution, which we have taken an oath to defend and uphold;

NOW THEREFORE, BE IT RESOLVED,The Missaukee County Commission calls upon the Michigan Legislature to exercise their co-equal authority by adopting constitutionally sound measures which limit the unchecked exercise and abuse of executive power, which restore individual responsibility and accountability, and which return Michigan to the ranks of freedom- loving governments everywhere.

FURTHER, The Baraga County Commission does not support the expenditure of any county funds for the purpose of arrest and prosecution of any person accused of violating MDHHS emergency orders regarding COVID-19, and encourages the Baraga County Sheriff’s Department and the Baraga County Prosecutors Office to uphold their oaths of office to support the Constitution, which is the Supreme Law of the land, and make this the lowest priority;

FURTHER,we call upon the citizens of Baraga County to act responsibly with regards to others while determining for themselves what is best for themselves, for their own families and loved ones and how to contend with the ongoing risks associated with the COVID-19 virus;

FURTHER,we call upon local businesses to use their own good judgement to operate in a manner which minimizes risk to patrons while protecting the health and welfare of their businesses, care for their employees, and the community;

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Governor Whitmer, both United States Senators, all Michigan Members of Congress, both Speakers of the House of Representative and the Senate, along with the Michigan Association of Counties and all Counties within Michigan.

Commissioner Olsen made a motion, supported by Commissioner Robillard to approve the following resolution:

RESOLUTION SUPPORTING A COLLECTIVE EFFORT BY MICHIGAN COUNTIES

IN OPPOSING CURRENT AND FUTURE ORDERS UNILATERALLY

ISSUED BY GOVERNOR WHITMER AND STATE AGENCIES IN RESPONSE

TO COVID-19

WHEREAS, several Michigan counties have recently passed resolutions opposing orders unilaterally issued by Governor Whitmer and various state agencies in response to the COVID-19 Pandemic; and

WHEREAS, Baraga County wishes to voice our solidarity with the other counties in the State of Michigan in opposing orders unilaterally issued by Governor Whitmer and various state agencies in response to the COVID-19 Pandemic; and

WHEREAS, the COVID-19 virus has caused an unprecedented time in our history; however, even in the time of crisis the basic civil liberties and foundations of our society must be preserved; and

WHEREAS, Governor Whitmer and the various state agencies do not have authority to unilaterally impose orders that essentially equate into laws. This function is reserved by the Michigan Legislature and is essential to the checks and balances upon the three branches of government; and

WHEREAS, Baraga County acknowledges that there are differing opinions on the path to be taken in response to COVID-19; however, those debates and decisions are to be made by the legislators that have been duly elected by the People of the State of Michigan; and

WHEREAS, the draconian orders that have been issued thus far throughout the pandemic have resulted in irreparable harm to the economy, education of youth, and mental health of residents in Baraga County; and

WHEREAS, Baraga County would like to gesture to other counties in the State of Michigan that Baraga County is an ally in any collective effort initiated to challenge the legality of the orders and restrictions issued by Governor Whitmer, the Michigan Department of Health and Human Services, or any other state agency that were unilaterally imposed without the approval of the Michigan Legislature; and

WHEREAS, Baraga County does not dismiss the seriousness of COVID-19; however, the response to the threat must be appropriate and justified. Unfortunately, the orders issued by Governor Whitmer and the Michigan Department of Health and Human Services have resulted in, and are indicative of, inflicting future collateral damage to the local economy, small businesses, and families that far exceed the actual threat of COVID-19; and

WHEREAS, Baraga County supports common sense approaches to combat COVID-19, such as: following social distancing recommendations, health screenings for employees and customers, promoting healthy hygienic practices, and encouraging individuals that are considered high risk to continue to self-quarantine and adhere to the strictest recommendations established by the Centers for Disease Control.

NOW THEREFORE, BE IT RESOLVED THAT, The Baraga County Board of Commissioners calls upon the Michigan Legislature to fulfill their duty to the People of the State of Michigan and restore the checks and balances essential to our democracy; and

BE IT FURTHER RESOLVED, that we do not support the expenditure of county funds to enforce orders unilaterally imposed by Governor Whitmer and state agencies that do not have the authority of law; and

BE IT FURTHER RESOLVED, That the Baraga County Board of Commissioners support a collective action by the counties in the State of Michigan to challenge the legality of the orders and restrictions put forth unvirtuously in response to the COVID-19 Pandemic by the Executive Branch of Government in the State of Michigan; and

BE IT FURTHER RESOLVED. That a copy of this Resolution be sent to Governor Whitmer, Senator Ed McBroom, Representative Greg Markkanen, the Michigan Senate, the Michigan House of Representatives, the Michigan Association of Counties, and to the Clerk of each County in the State of Michigan.

On Voice Vote, the motion carried.

**COMMISSIONERS COMMENTS:**

Commissioner Robillard asked Sheriff Brogan if he is looking into contracting with a nurse to disburse medications at the Jail. Sheriff Brogan is. Commissioner Robillard also asked if Deputy Pat Butler will be working with the L’Anse Area Schools. Sheriff Brogan indicated that the LAS has a grant to pay for Deputy Butler to spend time at the school.

Commissioner Olsen and Commissioner Robillard addressed the idea of moving the BOC meetings at 7:00 p.m. After some discussion Commissioner Olsen made a motion, supported by Commissioner Eilola to move the meeting time from 5:00 p.m. to 7:00 p.m. On Voice Vote, the motion carried.

**ADJOURNMENT:**

There being no further business to come before the County Board, Commissioner Olsen made a motion, supported by Commissioner Eilola to adjourn the meeting until Tuesday, April 13, 2021. On Voice Vote, the motion carried.

Respectfully Submitted,

Wendy J. Goodreau

County Clerk