**BARAGA COUNTY BOARD OF COMMISSIONERS**

**Regular Meeting Minutes**

**April 13, 2021**

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

**COMBINATION –IN PERSON AND VIA ZOOM**

**CALL TO ORDER:**

Chairman Rolof called the Regular Meeting to order on Tuesday, April 13, 2021 at 7:00 p.m., 126 N. Main Street, L’Anse, MI 49946. The Board of Commissioners held the meeting in person as well as an option to attend via Zoom.

**ROLL CALL:**

Clerk Goodreau took roll call with the following results:

Present: Gale Eilola, District 1, Brad Dakota, District 2, 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.

Chairman Rolof welcomed Brad Dakota to the Board.

**APPROVAL OF AGENDA:**

Commissioner Robillard made a motion, supported by Commissioner Olsen to approve the Agenda. On Voice Vote, the motion carried.

**APPROVAL OF MINUTES:**

Commissioner Olsen made a motion, supported by Commissioner Eilola to approve the minutes for the Special meeting held on February 18, 2021. On Voice Vote, the motion carried.

Chairman Rolof indicated that in future meetings there will be a Public Comment period at the beginning of the agenda and at the end of the agenda.

**PUBLIC COMMENT:**

Eileen Schweickert is concerned with the number of COVID-19 deaths that took place at the Bayside Village nursing home last November. She is wondering who is responsible for the oversight of the nursing home.

Harold Miron, whose mother passed away last November while a resident at Bayside Village, said Bayside Village took great care of his mother.

Kathryn Andrews commended Clerk Goodreau for her work during the pandemic. She also thanked the Board for adding an addition Public Comment to the agenda.

Todd VanDyke questioned whether or not the Board of Commissioners has oversight of Baraga County Memorial Hospital and why the Board approves the BCMH Trustee Per Diem.

Joseph P. O’Leary, Prosecuting Attorney, explained the role of the Board of Commissioners with the Baraga County Memorial Hospital.

Candy Kanniainen, owner of Hardwood Steakhouse in Covington, spoke to her struggles as a business owner during the pandemic and lockdowns. She would like to know how the Board of Commissioners can help local business survive.

Roger Turunen suggested the Board of Commissioners start a Health Department for Baraga County.

**TREASURERS REPORT:**

As presented by Treasurer, Jill C Tollefson.

Chairman Rolof called for a motion to accept the report. Commissioner Robillard made a motion, supported by Commissioner Eilola to accept the Treasure’s Report. On Roll Call Vote, the motion carried. The Roll Call was as follows: Yeas; Dakota, Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent; None.

**REVIEW OF CLAIMS AND ACCOUNTS:**

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the BCMH Trustee Per Diem for March 2021 ($1,470.00). On Voice Vote, the motion carried.

Commissioner Dakota made a motion, supported by Commissioner Robillard to approve the payment of the Claims and Accounts for the period of March 9, 2021 through April 13, 2021 in the amount of $75,470.07. 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 Eilola made a motion, supported by Commissioner Robillard to approve the payment of the Prepaid Bills and Trust and Agency Accounts for the period of March 9, 2021 through April 13, 2021 in the amount of $1,153,984.07. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Dakota, Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent; None.

Commissioner Olsen made a motion, supported by Commissioner Dakota to approve the payment of the Sheriff Department Commissary Account for the period of March 9, 2021 through April 13, 2021 in the amount of $13,681.31. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Dakota, Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent; None.

Commissioner Eilola clarified procedures for motions/support/discussion.

**OLD BUSINESS:**

No Old Business.

**ACTION ITEMS:**

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the Upper Peninsula Reciprocal Law Enforcement Mutual Aid Agreement. On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola approved Sheriff Brogan to enter into a contract with Advanced Correctional healthcare, Inc. for inmate health care at the jail. On Voice Vote, the motion carried.

Commissioner Olsen made a motion, supported by Commissioner Eilola to approve the expenditure of $2,770.00 to repair the garage door door-lift at the jail. On Voice Vote, the motion carried.

Patrick Osterman, Equalization Director, presented the Board with the 2021 annual equalization report. Mr. Osterman was pleased to report that the taxable value and assessed value has grown county-wide. Commissioner Eilola made a motion, seconded by Commissioner Dakota to adopt the following resolution:

WHEREAS, the Board of Commissioners has examined the assessment rolls of the several townships in the County, through its Equalization Department, to ascertain whether the real property in the respective townships has been equally and uniformly assessed at true cash value, and

WHEREAS, the Board of Commissioners deem such assessments to be relatively equal,

THEREFORE, BE IT RESOLVED, that the assessment rolls on the real property of the various townships in the County for the year 2021 and the same are equalized as follows, and the breakdown by class be filed in the County Clerk’s office.

**TOTAL AS EQUALIZED**

 TOWNSHIP REAL PROPERTY

Arvon $72,561,547

 Baraga $136,902,224

 Covington $29,427,335

 L’Anse $117,224,902

 Spurr $37,906,248

On Voice Vote, the motion carried.

Commissioner Olsen made a motion, supported by Commission Robillard to approve the annual contract agreement ($1,464.00) with Heartland Business Systems for support for the FileDirector imaging software. On Voice Vote, the motion carried.

Commissioner Eilola made a motion, supported by Commissioner Robillard to appoint Sally Klaasen and Shirley Younggren to the Baraga County Extended Care Corporation Board of Trustees. On Voice Vote, the motion carried.

Commissioner Olsen made a motion, supported by Commissioner Dakota to approve the 2020 Homeland Security Grant Program, Operation Stonegarden. On Voice Vote, the motion carried.

Commissioner Olsen made a motion, supported by Commissioner Eilola to assess, by resolution, $0.42/month per device:

RESOLUTION TO ASSESS A COUNTY

9-1-1 SURCHARGE

WHEREAS, the Section 401b of the Emergency 9-1-1 Service Enabling ACT, Act 32 of the Public Acts of 1986, as amended, being MCL 484.1401b permits the Baraga County Board of Commissioners to assess a county 9-1-1 charge of $.42 per month (surcharge) to services users, except for users of a prepaid wireless telecommunications service, located in Baraga County by adoption of a Resolution assessing surcharge within the county; and

WHEREAS, the revenues from the surcharge shall only be used to fund cost described in Section 401b(14), as amended, of the 9-1-1 Service Enabling Act [MCL 484.401(b)(9)(10)]; and

WHEREAS, the Baraga County Board of Commissioners intends to adopt this Resolution assessing a county 9-1-1 charge of $.42 per month (surcharge) to service users, except for users of a prepaid wireless telecommunication service, located in Baraga County primarily to fund operations of Baraga County 911 Services; and

WHEREAS, Section 401b(6) of the Emergency 9-1-1 Service Enabling Act [MCL 484.401b(6)] provides that the revenue produced by the surcharge shall be distributed to Baraga County 911 to provide 911 services within the County; and

NOW, THEREFORE, BE IT RESOLVED the Baraga County Board of Commissioners hereby adopts and assesses a county 9-1-1 charge of $.42 per month (surcharge) to service users, except for users of a prepaid wireless telecommunications service, located in Baraga County, as permitted under Section 401b of the Emergency 9-1-1 Service Enabling Act, Act 32 of the Public Acts of 1986, as amended, being MCL 484.1401b.

BE IT FURTHER RESOLVED, that the Baraga County 911 Director is hereby directed to notify the State 9-1-1 Committee of this rate as prescribed by law prior to the fifteenth day of May, 2021.

BE IT FURTHER RESOLVED, that the surcharge revenues shall be collected by Baraga County and allocated for the purpose of defraying the cost of operating the Emergency 9-1-1 system.

On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Olsen to approve the 2021 Remonumentation to CHN Surveying and UP Engineers and Architects. Total 2021 Remonumentation Grant amount is $46,915.00. On Voice Vote, the motion carried.

**REPORTS OF STANDING COMMITTEES:**

Commissioner Robillard attended the BCMH Board of Trustees meeting via Zoom.

Commissioner Robillard attended the Western UP Health Department meeting. They discussed waiving/reducing permit fees. Dr. Bob is back at the Health Department. There have been zero cases of influenza. There are nurses from Finlandia helping out at the Health Department.

Clerk Goodreau reported that the Line 5 resolution that was tabled last month was not put on the agenda because it had been passed in 2019.

Chairman Rolof called for a motion to add a second Public Comment to the end of the agenda. Commissioner Robillard made a motion supported by Commissioner Olsen to have a public comment at the beginning of the agenda and a second public comment at the end of the agenda. On Voice Vote, the motion carried.

**INFORMATIONAL ITEMS:**

The following items were presented for information:

* BCMH Board of Trustees, Minutes

**RESOLUTIONS:**

Commissioner Dakota made a motion, supported by Commissioner Robillard to table a resolution for the management of wolves in Michigan. On Voice Vote, the motion carried.

No action was taken on a resolution regarding the Ordinary High-Water Mark.

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

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death with resulting widespread disruptions to everyday life and;

WHREAS the Baraga County Board of Commissioners recognizes that COVID-19 restrictions are having and will continue to have, direct short term and long-term impacts on all County residents, impacts which include, but are not limited to, physical and mental health care difficulties, educational constraints, and financial strains; and

WHEREAS, the Baraga County Board of Commissioners understands that many local private businesses and industries have suffered and continue to suffer economic harm due to COVID-19 thru no fault of their own; and

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

WHEREAS, the Baraga County Board of Commissioners asserts that the vitality of our local restaurants, hotels, recreation venues, industries, service providers, etc., contributes substantially to the overall physical and mental well-being of residents of the County, and further asserts that the seasonal nature of our area 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; and

WHEREAS, it is our belief that while public health must be prioritized, unconstitutional burdens have been placed on certain sectors of our economy, community groups, and citizenry. We believe Gubernatorial actions have polarized, politicized, and antagonized Michigan leaders in all sectors. These challenging times call for unity, coordination, and balance to protect lives and livelihoods with actions considered by the many hands that hold the responsibility.

NOW THEREFORE BE IT RESOLVED, that the duly elected Commissioners of Baraga County, 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, do hereby resolve to oppose, the distress and destruction continuing to impact our community, our state, and our nation due to COVID-19 restrictions.

BE IT FURTER RESOLVED that the Baraga County Board of Commissioners encourages the lifting of restrictions as soon as is feasible.

BE IT FURTHER RESOLVED that 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 polarization. It is with the utmost serious reflection and responsibility, that we stand resolved in our sworn duty to serve our community and demand our freedom of choice be reinstated.

No action on the resolution from Hillsdale regarding the pandemic restrictions.

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

WHEREAS, we live in a time of COVID-19 pandemic fear, and

WHEREAS, Governor Whitmer and the various state agencies acted without authority to unilaterally change the Open Meetings Act, and

WHEREAS, the Michigan Legislature recognized the issue of legally held meetings needed to be addressed, and

WHEREAS, the legislation created legal protections for non-traditional meetings by changing the requirement for in person attendance by members, and

WHEREAS, Public Act No. 228 of 2020 was signed by the Governor on October 16, 2020, established rules for board members to participate while not being physically present, and

WHEREAS, Public Act No. 254 of 2020 was signed by the Governor on December 22, 2020, extending the sunset date of Public Act No. 228 of 2020, to March 31 2021, and

WHEREAS, members of boards must be present to participate, except for absence due to military duty or a medical condition, and

WHEREAS, the changes to not allow participation by members who were unable to attend in person were made with little or no input from those impacted, and

WHEREAS, members of boards were allowed to participate while absent for other reasons, prior to the changes.

NOW THEREFORE, BE IT RESOLVED, the Baraga County Board of Commissioners calls upon the Michigan Legislature to modify the restrictions on meeting participation to include out-of-state travel for up to thirty (30) days by any member.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to Senator McBroom, Representative Markkanen, the Michigan Association of Counties, and all Michigan Counties.

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

WHEREAS the 1963 Michigan Constitution stipulated four-year terms for the county Board of Supervisors, the preceding body to today's Board of Commissioners; and

WHEREAS the Legislature voted in 1966 to abolish Boards of Supervisors and formally replace them with Boards of Commissioners after the 1968 elections; and

WHEREAS Public Act 261 of 1 966 promulgated that the length of terms for the new county commissioners shall be concurrent with that of state representatives, as specified in Article IV, section 3 of the Michigan Constitution; and

WHEREAS the scope of duties of a county commissioner has greatly increased in the last century - mad patrols, indigent defense, mental health treatment and substance abuse prevention programming, solid waste pick-up and disposal, food and water supply safety, park operations, economic development efforts, emergency management and response; and

WHEREAS Michigan is one of only live states in the United States that provides for exclusively two- year terms for county commissioners; and

WHEREAS all other county and township elected officials in Michigan are elected to terms of at least four years; and

WHEREAS the position of county commissioner is a highly complex oversight role that requires years to master; and

WHEREAS legislation to amend state law to enact four-year terms has been filed in the form of Senate Bills 242 and 245; and

WHEREAS the Michigan Association of Counties support the legislation as introduced;

THEREFORE, BE IT RESOLVED that BARAGA COUNTY supports Senate Bills 242 and 245 to enact four-year terms for County Commissioners.

On Voice Vote, the motion carried.

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

WHEREAS, on September 27, 2011, 2011 P.A. 152, an act to limit a public employer’s expenditures for employee medical benefit plans, became immediately effective; and

WHEREAS,Section 8 of Act 152 authorizes a local unit of government, including a county government, upon a 2/3 vote of the governing body, to exempt itself from the requirement of the act for the next succeeding year; and

WHEREAS,the Baraga County Board of Commissioners will adopt a budget for Fiscal Years 2021 – 2022 which is balanced, maintains responsible recommended general fund equity balances and funds current employee medical benefit plans within existing revenues; and

WHEREAS,Baraga County employees have cooperated with the Baraga County Board of Commissioners in new and innovative fashions to significantly reduce the costs of employee health care benefits, saving the taxpayers of Baraga County in the last few years; and

WHEREAS, on September 27, 2011, 2011 P.A. 152, an act to limit a public employer’s expenditures for employee medical benefit plans, became immediately effective; and

WHEREAS, on September 27, 2011, 2011 P.A. 152, an act to limit a public employer’s expenditures for employee medical benefit plans, became immediately effective; and

WHEREAS,Section 8 of Act 152 authorizes a local unit of government, including a county government, upon a 2/3 vote of the governing body, to exempt itself from the requirement of the act for the next succeeding year; and

WHEREAS,the Baraga County Board of Commissioners will adopt a budget for Fiscal Years 2021 – 2022 which is balanced, maintains responsible recommended general fund equity balances and funds current employee medical benefit plans within existing revenues; and

WHEREAS,Baraga County employees have cooperated with the Baraga County Board of Commissioners in new and innovative fashions to significantly reduce the costs of employee health care benefits, saving the taxpayers of Baraga County in the last few years; and

WHEREAS, by exempting itself under Section 8 of Act 152 for calendar year 2022, Baraga County is allowed to continue making changes over time that yield significant reductions in health care costs in a manner that is fair to both taxpayers and employees; and

WHEREAS,vigorous challenges to the legality of Act 152 are expected and the costs associated with litigation required to support the validity of Act 152 will likely be substantial; and

WHEREAS, by exempting itself under Section 8 of Act 152 for calendar year 2022, Baraga County can avoid costs of litigation, avoid other implementation expenses, and allow Baraga County to continue making changes over time that yield significant reductions in health care costs in a manner that is fair to both taxpayers and employees**;** and

WHEREAS, exempting Baraga County from Act 152 for calendar year 2022 is equitable considering that Baraga County’s employees have already demonstrated by their actions a continuing willingness to fairly share in the burden of meeting the significant economic challenges associated with Michigan’s long recession, a recession caused by fiscal policies originating in Lansing not by the actions of the Baraga County Board of Commissioners or its employees**;** and

WHEREAS, the equitable nature of a 2022 exemption for Baraga County employees is further demonstrated by the fact that the State of Michigan, as the employer of some 45,000 workers, effectively exempted itself from the mandate of Act 152 by refusing to place the question of applying Act 152’s limitations to state workers on the ballot.

NOW, THEREFORE, BE IT RESOLVED, that acting pursuant to the authority granted a county under Section 8 of Act 152, the Baraga County Board of Commissioners hereby exempts Baraga County from the requirements of 2011 P.A. 152 for calendar year 2022.

**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 Robillard made a motion, supported by Commissioner Dakota to adjourn the meeting until Monday, May 10, 2021. On Voice Vote, the motion carried.

Respectfully Submitted,

Wendy J. Goodreau

County Clerk