

BARAGA COUNTY BOARD OF COMMISSIONERS
Regular Meeting Minutes
May 8, 2023

CALL TO ORDER:

Chairman Eilola called the Regular Meeting to order on Monday, May 8, 2023 at 5:00 p.m., Baraga County Courthouse, 16 N. Third Street, L'Anse, MI 49946.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:

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

ROLL CALL:

Clerk Goodreau took Roll Call with the following results:

Present: Gale Eilola, District 1, Brad Dakota, District 2, Craig Kent, District 3, William Menge, District 4.

Absent: Chad Cichosz, District 5.

APPROVAL OF AGENDA:

Commissioner Dakota made a motion, supported by Commissioner Menge to approve the Agenda, with the addition of Action Item (e) Sentinel Summer Guide advertisement and the removal of Resolutions Item (a), (b), and (c). On Voice Vote, the motion carried.

APPROVAL OF MINUTES:

Commissioner Kent made a motion, supported by Commissioner Dakota to approve the minutes for the Regular meeting held on March 13, 2023 (Amended) and April 11, 2023. On Voice Vote, the motion.

PUBLIC COMMENT (Agenda Items Only):

Chairman Eilola opened the meeting up for public comment. No public comment was offered.

TREASURERS REPORT:

As presented by Treasurer, Jill C Tollefson.

REVIEW OF CLAIMS AND ACCOUNTS:

Commissioner Menge made a motion, supported by Commissioner Kent to approve the BCMH Trustee Per Diem for April 2023 (\$1,120.00). carried. On Voice Vote, the motion carried.

Commissioner Dakota made a motion, supported by Commissioner Kent to approve the payment of the Claims and Accounts for the period of April 12, 2023 through May 8, 2023 in the amount of \$1,227,416.22. On Voice Vote, the motion carried.

Commissioner Menge made a motion, supported by Commissioner Dakota to approve the payment of the Prepaid Bills and Trust and Agency Accounts for the period of April 12, 2023 through May 8, 2023 in the amount of \$29,659.31. On Voice Vote, the motion carried.

Commissioner Dakota made a motion, supported by Commissioner Menge to approve the Sheriff's Dept. Checking Account for April 2023 in the amount of \$9,317.82. On Voice Vote, the motion carried.

UNFINISHED BUSINESS:

Commissioner Dakota made a motion, supported by Commissioner Menge to table the Unfinished Business, Personnel Committee – Update Personnel Handbook Article 35.

ACTION ITEMS:

Patrick Osterman, Equalization Director, presented the Board with the 2023 Tax Rate Request (L-4029). Commissioner Dakota made a motion, supported by Commissioner Menge to approve the 2023 L-4029, as presented, and directed Chairman Eilola to sign such document. On Voice Vote, the motion carried.

Commissioner Kent made a motion, supported by Commissioner Menge to approve the Resolution adopting the 2023 911 Surcharge:

**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, 2023.

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.

Commissioner Menge made a motion, supported by Commissioner Dakota to re-appoint Lance Heikkinen (American Legion Post #444) to the Baraga County Veterans' Affairs Committee. On Voice Vote, the motion carried.

Sheriff Brogan informed the Board he recently filled the Deputy vacancy within the department with a local individual, Durwyn Chaudier, who comes with 5 years' experience. Sheriff Brogan requested that the Board, for purposes of vacation only, Mr. Chaudier have his years of experience considered so that he will be at the 2-4-year level receiving 10 days' vacation. Commissioner Dakota made a motion, supported by Commissioner Menge to grant Durwyn Chaudier experience credit for vacation purposes only, granting Mr. Chaudier to be at the 2-4-year level for vacation, 10 days. On Voice Vote, the motion carried.

Commissioner Dakota made a motion, supported by Commissioner Kent to approve the purchase of advertisement in the Summer in Baragaland Guide in the amount of \$97.50. On Voice Vote, the motion carried.

REPORTS OF STANDING COMMITTEES:

No reports were offered.

INFORMATIONAL ITEMS:

- BCMH Board of Trustees, Minutes

RESOLUTIONS:

Commissioner Dakota made a motion, supported by Commissioner Menge to adopt the following resolution:

RESOLUTION IN SUPPORT OF "THE REVISED SCHOOL CODE" HB4284

WHEREAS, "A nation which does not remember what it was yesterday, does not know what it is today, nor what it is trying to do. We are trying to do a futile thing if we do not know where we came from or what we have been about." - President Woodrow Wilson.; and

WHEREAS, from our founders the following statements: "Every child in America should be acquainted with his own country. He should read books that furnish him with ideas that will be useful to him in life and practice. As soon as he opens his lips, he should rehearse the history of his own country." and "It is an object of vast magnitude that systems of education should be adopted and pursued which may not only diffuse a

knowledge of the sciences but may implant in the minds of the American youth the principles of virtue and of liberty and inspire them with just and liberal ideas of government and with an inviolable attachment to their own country."-Noah Webster, On the Education of Youth in America, 1788, "I know no safe depository of the ultimate powers of the society, but the people themselves: and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is, not to take it from them, but to inform their discretion by education. this is the true corrective of abuses of constitutional power"- Thomas Jefferson to William Charles Jarvis, 28 September 1820; and

WHEREAS, "A Bible and a newspaper in every house, a good school in every district--all studied and appreciated as they merit--are the principal support of virtue, morality, and civil liberty."-Benjamin Franklin.; and

WHEREAS, "Who controls the past controls the future. Who controls the present controls the past." –George Orwell, From 1984.; and

WHEREAS, Michigan Constitution states: Article 8 – Education - Section 1 – Encouragement of Education - Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.; and

WHEREAS, every member of the State ought diligently to read and to study the constitution of his country, and teach the rising generation to be free. By knowing their rights, they will sooner perceive when they are violated, and be the better prepared to defend and assert them. John Jay, First Chief Justice of the supreme Court of the United States, 1797, Charge to the Grand Jury of Ulster County.; and

WHEREAS, New York State Supreme Court Justice Gallagher, Elbert T. opinion Baer v. Kolmorgen December 15, 1958- Much has been written in recent years concerning Thomas Jefferson's reference in 1802 to "a wall of separation between church and State." It is upon that "wall" that plaintiffs seek to build their case. Jefferson's figure of speech has received so much attention that one would almost think at times that it is to be found somewhere in our Constitution. Courts and authors have devoted numerous pages to its interpretation.; and

WHEREAS, from 2006 (33%) to 2019 (39%) of the people polled could name all three (3) branches of government (lowest 2016 and 2017 being 26%). This figure was reported higher for those serving in office in Washington D.C. www.annenbergpublicpolicycenter.org; and

THEREFORE, BE IT RESOLVED, that we, the Baraga County Commissioners support House Bill 4284 to ensure all Michigan students are taught the following: *The American Revolution, founding documents of the United States, including, but not limited to, the United States Constitution, the Declaration of Independence, the Bill of Rights, and the Federalist Papers, The War of 1812, The Civil War, World War I, World War II, The Korean War, The Vietnam War, and The Civil Rights Movement.*; and

THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Governor Gretchen Whitmer, Senator Ed McBroom, House Representative Jen Hill, State Board of Education Members Marshall Bullock, Ellen Cogen Lipton, Tom McMillin, Judith Pritchett, Pamela Pugh, Mitchell Robinson, Nikki Snyder, Tiffany D. Tilley, and the other 82 Counties in the State of Michigan.

Commissioner Menge made a motion, supported by Commissioner Kent to adopt the following resolution:

RESOLUTION
Urging Repair Of The Cornwall Creek Flooding Dam

WHEREAS, The Cornwall Creek Flooding Dam located in Nunda Township. Cheboygan County Michigan is the critical structure providing the infrastructure for the pristine Cornwall Flooding which is one of Michigan's best wildlife viewings, kayaking and outdoor activity areas including being rated by the DNR as a world class Bluegill Fishery; and

WHEREAS, the Dam was constructed by the State of Michigan in 1966 to provide this recreational area and control water flow within the Pigeon River Country State Forest; and

WHEREAS, the gas and oil extraction from the Pigeon River State Forest is the foundation of funding for the Michigan Natural Resources Trust Fund MNRTF which has raised and invested over 1.3 billion Dollars into recreational assets for the State of Michigan since its inception; and

WHEREAS, only 39.4 million of the funds raised by the MNRTF has been invested back into the Pigeon River State Forest from the MNRTF with only one percent of the 39.4 million being invested into recreational facilities from the fund; and

WHEREAS, the Mission Statement of the Michigan Department of Natural Resources is "We are committed to the conservation, protection, management, use and enjoyment of the state's natural and cultural resources for current and future generations.: and

NOW, THEREFORE, BE IT RESOLVED, that the Baraga County Board of Commissioners urges the Governor and State lawmakers to make the necessary appropriations to fund the estimated 1.3 million dollars to the DNR and/or EGLE to repair the Cornwall Creek Flooding Dam to protect this natural resource asset.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to all Michigan Counties, Governor Gretchen Whitmer, Senator Ed McBroom, Representative Jen Hill and the Michigan Association of Counties.

Commissioner Menge made a motion, supported by Commissioner Kent to adopt the following resolution:

IN SUPPORT OF THE SECOND AMENDMENT OF THE US CONSTITUTION AND
THE MICHIGAN CONSTITUTION

WHEREAS, the Second Amendment to The Constitution of the United States of America, ratified in 1791 as part of the Bill of Rights, states "A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed"; and

WHEREAS, Article I, Section 6 of the Michigan Constitution (1963) provides that "Every person has a right to keep and bear arms for the defense of himself and the state"; and

WHEREAS, it is the desire of this Board to reaffirm its commitment and support of The Constitution of the United States of America as well as the Constitution of the State of Michigan including all amendments which protect Baraga County citizens' individual rights; and

WHEREAS, each Baraga County Commissioner, as provided by Article XI, Section 1, of the Michigan Constitution (1963), took an oath to support The Constitution of the United States of America and the Michigan Constitution; and

WHEREAS, a "Constitutional County" is defined as a place of refuge for the law-abiding citizen in regards to the citizens' rights under The Constitution of the United States of America and Michigan Constitution including but not limited to the Second Amendment right to Keep and Bear Arms; and

NOW THEREFORE IT IS HEREBY RESOLVED, by the Baraga County Board of Commissioners, that the County of Baraga, Michigan, be, and hereby is, declared to be a "Constitutional County"; and

IT IS FURTHER RESOLVED that this Board affirms its support for the Baraga County Sheriff and the Baraga County Prosecuting Attorney and acknowledges and respects their respective oaths of office. This board strongly encourages their utmost discretion in the exercise of their duties in enforcing any statute, law, rule, order, or regulation that is contrary to the rights established by The Constitution of the United States of America and the State of Michigan Constitution; and

BE IT FURTHER RESOLVED that this Board will not authorize or appropriate new funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the sole purposes of enforcing any statute, law, rule, order, or regulation that restricts the rights of any law-abiding citizen affirmed by the Second Amendment or Article 1, Section 6, of the Michigan Constitution, nor be used to aid any state or federal agency in infringing or restricting such rights; and

BE IT FURTHER RESOLVED that the Board respectfully requests the Michigan Legislature, the United States Congress, and other agencies of State and Federal

government to vigilantly preserve and protect those rights by rejecting any provision, statute, law, rule, order, or regulation that may infringe, have tendency to infringe or place any additional burdens on the rights of law-abiding citizens to keep and bear arms; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Governor Gretchen Whitmer, Michigan Senator Ed McBroom, Michigan House Representative Jen Hill and the other 82 county board of commissions in the State of Michigan, U.S. Congress Representative Jack Bergman, U.S. Senators Gary Peters, Debbie Stabenow, the Baraga County Sheriff Joe Brogan, and the Baraga County Prosecuting Attorney Joseph O'Leary and all county department directors.

COMMISSIONERS COMMENTS:

No Commissioners Comments were offered.

PUBLIC COMMENTS:

Todd VanDyke, Keweenaw Report, commented on his frustration that the Board meeting information has not been available on the County website and felt as though the County Board was been less and less forthcoming with information over the last few months. Mr. VanDyke requested the Board meeting information be shared with the public.

Fran Whitman asked what the schedule for the County Commissioner office hours were. Ms. Whitman asked if the Board would read the Resolution In Support of "The Revised School Code" HB 4284.

Harry Miron, Baraga County Trails Authority, said the group is still working on access through the Michigan Technological University property that would give access to Canyon Falls. The group may be seeking a letter of support in the future.

Raymond Butler voiced concerns over the actions of the Baraga County Road Commission over a road that accesses his property in Baraga Township.

ADJOURNMENT:

There being no further business to come before the County Board, Commissioner Menge made a motion, supported by Commissioner Kent to adjourn the meeting until Monday, June 12, 2023. On Voice Vote, the motion carried.

Respectfully Submitted,

Wendy J. Goodreau, Clerk