**BARAGA COUNTY BOARD OF COMMISSIONERS**

**Regular Meeting Minutes**

**September 14, 2020**

**CALL TO ORDER:**

Chairperson Koskinen called the Regular Meeting to order at 5:00 p.m. at the L’Anse Town Hall, 126 N. Main Street, L’Anse, Michigan 49946.

**ROLL CALL:**

Chairman Koskinen instructed Clerk Goodreau to take roll call with the following results:

Present: Gale Eilola, District 1, Mike Koskinen, District 2, Dan Robillard, District 3, William Menge, District 4, and William Rolof, District 5.

Absent: None.

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

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

**APPROVAL OF AGENDA:**

Commissioner Eilola made a motion, supported by Commissioner Rolof to approve the Agenda, as presented. On Voice Vote, the motion carried.

**APPROVAL OF MINUTES:**

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the minutes for the Regular meeting held on August 10, 2020. On Voice Vote, the motion carried.

**PUBLIC COMMENT:**

Fran Whitman asked what the contract with Robert F. Mikesch was for. It was explained Mr. Mikesch would be working with the Treasurer’s office for pre-audit work for FY20.

**TREASURER'S REPORT:**

As presented. Clerk Goodreau noted the FY21 budget is currently being worked on and the Finance Committee will meet this week. A public hearing will be scheduled for September 28, 2020 at 4:45 p.m.

**BUDGET AMENDMENTS:**

No amendments.

**REVIEW OF CLAIMS AND ACCOUNTS:**

Commissioner Rolof made a motion, supported by Commissioner Robillard to approve the BCMH Trustee Per Diem for August 2020 ($1,090.00). On Voice Vote, the motion carried.

Commissioner Rolof made a motion, supported by Commissioner Robillard to approve the payment of the Claims and Accounts for the period of August 10, 2020 through September 14, 2020 in the amount of $34,113.51 + $924.00 (Copper Country Humane Society) =$35,037.51. On Voice Vote, the motion carried.

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 August 10, 2020 through September 14, 2020 in the amount of $691,815.18. On Voice Vote, the motion carried.

Commissioner Menge made a motion, supported by Commissioner Eilola to approve the payment of the Sheriff Department Commissary Account for the period of July 14, 2020 through August 10, 2020 in the amount of $9,412.88. On Voice Vote, the motion carried.

**OLD BUSINESS:**

No old business.

**ACTION ITEMS:**

Commissioner Robillard made a motion, supported by Commissioner Eilola to sign the FY21 Agreement with Great Lakes Recovery Centers for the employee assistance program. On Voice Vote, the motion carried.

Commissioner Menge made a motion, supported by Commissioner Rolof to sign a contract with Cindy Larson for the Baraga County Soil Erosion and Sedimentation Control enforcement. On Voice Vote, the motion carried.

Commissioner Eilola made a motion, supported by Commissioner Robillard to sign a contract with Robert F. Mikesch for accounting and consulting services. On Voice Vote, the motion carried.

Commissioner Rolof made a motion, supported by Commissioner Robillard to sign the project authorization for the FY 2020 specialized services (Baragaland Senior Citizen transportation). On Voice Vote, the motion carried.

One bid for Property/Liability Insurance was received. Hannula Agency Inc. proposed $34,063.00. Mr. Hannula recommended the Board add Terrorism Insurance Coverage, which would add and an additional $244.00 to the premium.  Commissioner Menge made a motion, supported by Commissioner Eilola to accept the bid as proposed by Hannula Agency Inc. for Property/Liability with the additional terrorism coverage for FY20. By Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Menge, Robillard, Rolof and Koskinen. Nays; None. Absent; None.

One bid for snow removal was received after the required deadline. The Board will re-advertise for bids and approve at it’s Special Meeting to be held on September 28, 2020.

Commissioner Robillard reported on a group he is working with to promote road biking in Baraga County.

Commissioner Robillard also reported on a CPS ORV trail system that Harry Miron is working to establish and promote. Mr. Miron submitted a letter outlining the plan to nine government bodies in Baraga County requesting a commitment of $3,000.00 and a person to sit on a committee. The funding would go toward hiring a person to be a “trail system coordinator”. Commissioner Menge made a motion, supported by Commissioner Rolof to commit $3,000.00 in the FY21 Recreation budget (contingent on FY21 budget passage) and appoint Commissioner Menge to the committee. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Commissioner Eilola, Commissioner Menge, Commissioner Robillard, Commissioner Rolof and Commissioner Koskinen. Nays; None. Absent; None.

Commissioner Rolof made a motion, supported by Commissioner Robillard to sign a contract with the Ottawa County Juvenile Detention Center for Probate Court detention and programming needs. On Voice Vote, the motion carried.

**INFORMATIONAL ITEMS:**

The following items were presented for information:

* BCMH Board of Trustees, Minutes
* UPCAA letter re: Michigan Tax Tribunal appointment

**RESOLUTIONS:**

Commissioner Menge made a motion a motion, supported by Commissioner Rolof to pass the following resolution:

Resolution on House Bill 4590

Whereas, tourism rates have increased steadily across the Upper Peninsula in recent years. This growth is apparent in an almost 20 percent increase in visitor spending in the U.P. between 2011 and 2017, according to the Michigan Economic Development Corporation.

Whereas, while this growth in tourism results in positive economic impacts to the private sector and increased state tax revenue, local revenue growth is far more restricted. This local revenue growth is limited to local property taxes, any modest increase of which is insufficient to cover the costs of the growth in tourism.

Whereas, recreational activity by tourists result in measurable increased strain on local services. This is especially true of life-saving medical services that impact not only visitor safety but that of residents as well.

Whereas, the geographic distances between local services, hospitals and the sites of emergency events can be very large. This places further strain on the ability of EMS to respond in a timely manner when multiple calls are received in one day, putting lives at risk.

Whereas, large numbers of tourists impact the cost of emergency services, as well as parks and recreation, in local budgets. There is currently no recourse for County governments to levy taxes that impact visitors only in order to account for these increased costs.

Whereas, local residents should not be asked to subsidize with their own limited resources the increased costs of tourism. U.P. residents already pay relatively high property taxes, due in part to greater amounts of non-taxable and tax-restricted properties, which shifts the tax burden onto regular property owners. Local voters have also been asked to approve a greater number of special assessments in recent years, due to constrained local revenue in rural counties.

Whereas, House Bill 4590, introduced by State Representative Sara Cambensy, provides for a Tourism Reinvestment Excise Tax that, if approved by local voters, would allow Counties the option to tax local room rentals at rate not to exceed 5 percent of the total room rate. The revenue generated would be designated specifically for emergency medical services and parks and recreation.

Be it therefore resolved that, Baraga County fully supports the passage House Bill 4590 and that copies of this resolution be sent to Governor Gretchen Whitmer, Senate Majority Leader Mike Shirkey, Speaker Lee Chatfied, the Michigan Association of Counties and the Upper Peninsula Commission for Area Progress (UPCAP).

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

RESOLUTION TO REJECT APPOINTMENT of Victoria ­­Enyart

Whereas; all fifteen counties in the Upper Peninsula, who are members of the Upper Peninsula Association of County Commissioners (UPACC), have the responsibility for ensuring the health, safety, and welfare of Township residents and visitors; and,

Whereas; the financial resources necessary for the provision of such services are derived from taxable value assessment, collection, and distribution to reliant entities, and,

Whereas; such tax collection and distribution generally occur after services are committed or rendered to constituents; and,

Whereas; local County Assessors are required to apply provisions of the formal Assessors Manual as issued by the Michigan Tax Commission in determining said taxable values, and;

Whereas; the Michigan tax Tribunal is not required to apply the provisions of the formal Assessors Manual in their review of appeals; and,

Whereas; the Michigan Tax Tribunal is required to follow Michigan law contained in statute and in binding appellate court decisions and the Michigan Supreme Court has required the Tribunal to adhere to standard appraisal practices; and,

Whereas; the Michigan Tax Tribunal has accepted and applied the “dark store” theory in their decisions regarding commercial properties since 2010; with the most significant ruling yet in the recent Court of Appeals remand decision of the Menards Inc. v City of Escanaba case written by Victoria Enyart; and Preeti Gadola; and,

Whereas; in her opinion on remand Victoria Enyart rejected the Court of Appeals published and binding decision in Menard Inc. v City of Escanaba and determined that the Court of Appeals reliance on published and binding case law and the Court of Appeals analysis of legal precedent was error; and,

Whereas; in her opinion on remand Victoria Enyart rejected market analysis that is standard in the appraisal profession, that was required by the Court of Appeals and determined the market analysis would not be used at the Tribunal to determine the value of big box stores; and,

Whereas; in her opinion on remand Victoria Enyart rejected the Michigan Legislature’s long-standing definition of “fee simple” and Michigan appellate court

decisions interpreting that standard and instead determined that rental property could not be transferred in fee simple unless the property was first entirely vacant and had no tenant when transferred; and,

Whereas; Victoria Enyart has a long history of rendering “Dark Store” opinions, of rejecting standard appraisal methods, of rejecting standard assessment methods that have national consensus and rendering biased decisions; and,

Whereas; Victoria Enyart has no legal training or background, is not competent to render decisions on Michigan law, and is, historically, among the most frequently reversed members ever to be appointed to the tax tribunal, and

Whereas; the Michigan Senate is required to approve the appointment of Victoria Enyart as recommended by Governor Gretchen Whitmer ignoring the impacts to local governments, tax revenue reliant agencies, and all constituents;

Now Therefore Be It Resolved; that the Upper Peninsula Association of County Commissioners and its member counties, hereby resolve to respectfully ask Governor Whitmer to withdraw the nomination or the Michigan Senate to reject the appointment of Victoria Enyart to the Michigan Tax Tribunal as proposed by Governor Gretchen Whitmer to the detriment of local governments, tax revenue reliant public agencies, and all constituent taxpayers.

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

RESOLUTION IN SUPPORT OF LAW ENFORCEMENT

Whereas, it is the mission of the Baraga County Sheriff’s Department to serve the people of Baraga County, strive to reduce crime and provide a safe county by recognizing its goal is to help people and provide assistance at every opportunity, and

Whereas, in achieving this mission, the men and women of the Baraga County Sheriff’s Department conduct themselves in an ethical manner, and respect and protect the rights of citizens as determined by law, and

Whereas, the men and women of our nation’s law enforcement agencies wear their uniforms with honor, dedication, and integrity as they protect and serve their profession and commitment to duty, and

Whereas, the Baraga County Board of Commissioners and the citizens of Baraga County, stand with the families and colleagues of the fallen officers nation-wide. Strongly support the Michigan State Police, the Baraga County Sheriff’s Department, the Village of Baraga and Village of L’Anse Police Departments, the KBIC Tribal Police Department and all agencies currently protecting the communities throughout the United States, and

Whereas, as law enforcement officers around the nation put their lives on the line for our protection every day, we encourage public officials, communities, and the media to refrain from jumping to conclusions regarding events that occur until a complete investigation of the incident has been conducted, and

Whereas, in light of current events around nations, we as citizens need to stand together to show support and respect for our men and women in law enforcement, and recognize that the vast majority of law enforcement personnel protecting and serving our communities are examples of honesty and integrity in their professional and personal lives and comply with the spirit and letter of the Code of Conduct.

Now, therefore, be it resolved that the Baraga County Board of Commissioners supports the Baraga County Sheriff’s Department, Village of Baraga and Village of L’Anse Police Departments, KBIC Tribal Police Department, Michigan State Police and law enforcement officers nationwide, and

Be it further resolved, that certified copies of this resolution be sent to Governor Gretchen Whitmer, Senate Majority Leader Mike Shirley, Speaker Lee Chatfield, and the Michigan Association of Counties.

**ADJOURNMENT:**

There being no further business to come before the County Board, Commissioner Rolof made a motion, supported by Commissioner Robillard to adjourn the meeting until Tuesday, October 13, 2020. On Voice Vote, the motion carried.

Michael R. Koskinen, Chairman Wendy J. Goodreau, County Clerk