

The **regular meeting** of the Alcona County Board of Commissioners was held in the County Building in the City of Harrisville, Michigan on Wednesday, **October 16, 2019** at 10:00 a.m.

The meeting was called to order at 10:04 a.m. by Craig Johnston, Chairman.

Invocation given by Commissioner Wnuk.

The Pledge of Allegiance was given.

Commissioners present: Craig Johnston, Chairman, Adam Brege, Vice Chairman, Carolyn Brummund, Gary Wnuk and Dan Gauthier. Also present: Stephany Eller, County Clerk and Sheila Scott, Deputy County Treasurer.

**APPROVAL OF MINUTES:**

**Motion by Wnuk, seconded by Brege, to abstain from the motion to approve the minutes as amended to reflect the absence of Commissioner Wnuk from the October 2, 2019 Regular Meeting.**

**MOTION CARRIED**

**Motion by Brege, seconded by Brummund, to approve the October 2, 2019 Regular Meeting minutes as amended to reflect the absence of Commissioner Wnuk.**

**MOTION CARRIED**

**PUBLIC COMMENT: None.**

**PRESENTATIONS:**

Troy Somers, Equalization Director, presented to the Board the 2019 Apportionment Report.

Scott Stephenson, Sheriff, submitted a letter to the Board informing them that the school is only able to pay the school liaison officer for roughly 70 days and there remains 20-25 school days that the school would like to see the County fund.

Scott Rice, EMS Director, requested the Board approve raising the lift assist rates to \$150.00 per visit.

**Motion by Brummund, seconded by Wnuk, to accept receipt of the 2019 Apportionment Report.**

**MOTION CARRIED**

**UNFINISHED BUSINESS:**

**Motion by Brummund, seconded by Wnuk, to approve the Teamsters Payroll Assistant position level from a 201 to a 301.**

**MOTION CARRIED**

**NEW BUSINESS:**

**Motion by Gauthier, seconded by Brummund, to approve pre-authorized claims and open claims presented for payment between 10/02/19 to 10/15/19 for check numbers 138802 to 138999 and E-check numbers 1133 to 1140 for a grand total of \$1,792,036.41.**

**Roll Call: Yes – Wnuk, Brummund, Brege, Gauthier and Johnston**

**No – None**

**MOTION CARRIED**

**Motion by Brummund, seconded by Brege, to approve the appointment of Greg Anderson as the Republican member and Margaret Kutzera as the Democratic member to the Board of Canvassers.**

**MOTION CARRIED**

**Motion by Brummund, seconded by Brege, to approve the revitalization of the EDC Board member appointments, Doug Cheek, Susan Haight, Cheryl Peterson and Marlena MacNeill effective 11-01-2019.**

**MOTION CARRIED**

**Motion by Wnuk, seconded by Brummund, to approve Resolution #2019-12 as follows:**

**RESOLUTION #2019-12  
RESOLUTION ELECTING BOARD CHAIRMAN ANNUALLY**

**WHEREAS, COUNTY BOARD OF COMMISSIONERS (EXCERPT) Act 156 of 1851 46.3(4)(4).**

The County Board of Commissioners of a county shall elect 1 member as chairperson and 1 member as vice-chairperson. The chairperson shall be elected each odd numbered year for a 2-year term, unless the county board of commissioners provides by resolution that the chairperson shall be elected annually for a 1-year term. The vice-chairperson shall be elected annually for a 1-year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the County Board of Commissioners in a year in which a chairperson or vice-chairperson, respectively, is to be elected. The term of a chairperson or vice-chairperson shall begin upon his or her election. A resolution providing for a 1-year term for the chairperson does not shorten the term of office of a sitting chairperson elected for a 2-year term; and

**WHEREAS,** The Alcona County Board of Commissioners has been electing a chairman annually, but has found no evidence of a resolution permitting this; and

**WHEREAS,** Chairman Johnston is willing to allow his seat to be voted on in 2020 since no copy of a resolution can be located allowing this practice which has been happening for years of this body to continue; and

**WHEREAS,** This resolution will be in effect for the future until it is changed by future resolution; and

**WHEREAS**, This resolution will be referenced every January in the Board minutes; and

**BE IT THEREFORE RESOLVED**, That Alcona County Board of Commissioners will elect a chairman January 2, 2020.

**BE IT THEREFORE FURTHER RESOLVED**, That this resolution will be referenced by number next year and every proceeding year in the meeting minutes to it will be understood that this resolution is in place unless changed by a future board.

**Roll Call: Yes – Wnuk, Brummund, Gauthier, Johnston and Brege**

**No – None**

**MOTION CARRIED**

**Motion by Wnuk, seconded by Brummund, to approve Resolution #2019-13 as follows:**

**RESOLUTION #2019-13**

***TRIAL COURT FUNDING COMMISSION INTERIM REPORT***

**WHEREAS**, the County Clerks in Michigan have a constitutional stake in the trial court funding question, but were excluded from participation in the Trial Court Funding Commission. The County Clerks have a unique relationship with the courts and a perspective that should be heard when making recommendations for substantial changes.

**WHEREAS**, the goal of Public Act 65 of 2017 was to create a Trial Court Funding Commission to "review and recommend changes to the trial court funding system in light of *People v. Cunningham*".

**WHEREAS**, the vast majority of the Interim Report deals with the consolidation of all local court staff and operations under state control but does not solve the funding problems that *Cunningham* created (simply moving collections of fines and costs and payment of court salaries/benefits to the state does not mitigate the fact that we will still not be funded adequately).

**WHEREAS**, centralized control of our court process does not necessarily serve the best interest of the public. The County Clerks believe that local judges and citizens are better served by local custodial control. It has been proven to be a more responsive method of serving their needs.

**WHEREAS**, research of other state-funded court systems has shown that state funding creates a culture of complacency that tolerates delay. Accountability is removed from the local level and placed in the hands of bureaucrats in state government who are less connected to the people.

**WHEREAS**, we are concerned that transferring funding to state control would tether the judicial branch to the short term whims of the legislative and executive branches even more than they exist already. In the event of a lack of state funding (government shutdown) this

process would also force the shutdown of the court system, resulting in constitutional violation of due process.

**WHEREAS**, it is critical to note that the finding of 46th Circuit Trial Court v. County of Crawford, 2006:143 states directly: "In order for the judicial branch to carry out its constitutional responsibilities as envisioned by the Constitution of 1963, art3, SS 2, the judiciary cannot be totally beholden to legislative determinations regarding its budgets."

**WHEREAS**, this Interim Report recommends altering the Michigan Constitution to provide that circuit court clerks are employed by the court and under the supervision of state government rather than the County Clerk.

**WHEREAS**, County Clerks serve a critical role in the judicial system. They are constitutionally mandated to ensure the integrity of the records and protecting the best interests of our citizens. Removing County Clerks from the picture would serve as substantial disruption to the purpose that we serve.

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**NOW, THEREFORE, BE IT RESOLVED**, the Alcona County Board of Commissioners are opposed to the Trial Court Funding Commission Interim Report dated April 8, 2019. We believe that it is imperative to maintain local control and accountability because that is how our constituents are best served. We strongly oppose this Interim Report and possible pending legislation and encourage the other 82 Michigan counties to join us.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Governor Gretchen Whitmer, Senator Jim Stamas, Representative Susan M. Allor, the Michigan Association of Counties and the other 82 Michigan Counties.

**Motion by Gauthier, seconded by Brege, to table the motion to approve Resolution #2019-13.**

**Roll Call: Yes – Brege, Gauthier and Johnston**

**No – Wnuk and Brummund**

**MOTION TABLED**

**Motion by Wnuk, seconded by Brummund, to approve the lift assist fee in the amount of \$150.00 per visit.**

**MOTION CARRIED**

At this time the Board acknowledged receipt of the Land Division/Property Combination Tax Payment Certificate form.

**TREASURER'S REPORT:**

Sheila Scott presented a Cash Summary Report and informed the Board that the dog license fees were being raised and requested the Board's approval.

**Motion by Wnuk, seconded by Brege, to approve the new rates for the dog license fees.**

**MOTION CARRIED**

**CLERK'S REPORT:**

Stephany Eller informed the Board that once every three years a Voluntary Employee's Beneficiary Program notice must be published to be in compliance with Public Act 106.

**Motion by Wnuk, seconded by Brummund, to approve the Voluntary Employee's Beneficiary Program notice to be published once in the Alcona County Review.**

**MOTION CARRIED**

**COMMUNICATIONS:**

NEMCOG Improving Michigan's Infrastructure Asset Management, Michigan Local Energy Survey (MiLES), Alger County Resolution, Lapeer County Resolution, MSUE Building a Better Budget and ACCOA Executive Director letter.

**COMMITTEE REPORTS:**

The Board gave brief reports on the various committee meetings they recently attended.

**PUBLIC COMMENT:** None.

At 11:23 a.m. the Board recessed.

At 12:07 p.m. the Board resumed.

At this time the Board discussed the 2020 FY budget.

**COMMISSIONER'S ADDITIONAL COMMENTS AND CONCERNS:** None.

Meeting adjourned at 3:27 p.m. until the next **special meeting** to be held on **October 23, 2019** at 1:00 p.m.

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**County Clerk**

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**Chairman**