

The **regular meeting** of the Alcona County Board of Commissioners was held in the County Building in the City of Harrisville, Michigan on Wednesday, **November 20, 2019** at 10:00 a.m.

The meeting was called to order at 10:02 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 Cheryl Franks, County Treasurer.

**APPROVAL OF MINUTES:**

**Motion by Brege, seconded by Wnuk, to approve the November 6, 2019 Regular Meeting minutes, the November 12, 2019 Special Meeting minutes and the November 19, 2019 Special Meeting minutes.**

**MOTION CARRIED**

**Motion by Brege, seconded by Wnuk, to amend the November 19, 2019 minutes to correct the DTRF motion language.**

**MOTION CARRIED**

**PUBLIC COMMENT:** None.

**PRESENTATIONS:**

Bill Miller and Jon Benson, Miller Office Machines, presented an estimate for a replacement copier of the current copier located on the main level of the courthouse.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**Motion by Gauthier, seconded by Brummund, to approve pre-authorized claims and open claims presented for payment between 11/06/19 to 11/19/19 for check numbers 139217 to 139319 and E-check numbers 1162 to 1172 for a grand total of \$1,551,304.25.**

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

**No – None**

**MOTION CARRIED**

**Motion by Brege, seconded by Gauthier, to approve the 2020 FY Budget as presented.**

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

**No – Brummund and Wnuk**

**MOTION CARRIED**

**Motion by Brege, seconded by Gauthier, to amend the November 19, 2019 DTRF motion to allow for \$400,000.00 to allow for \$455,000.00.**

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

**No – Wnuk and Brummund**

**MOTION CARRIED**

**Motion by Wnuk, seconded by Brege, to approve the 4886 Report and the County-Wide Cost Allocation Plan and allow the Chair to sign.**

**MOTION CARRIED**

**Motion by Brummund, seconded by Wnuk, to approve the 2020 Court Appointed Counsel Agreements for the Family Division and allow the Chair to sign.**

**MOTION CARRIED**

**TREASURER'S REPORT:**

Cheryl Franks requested the Boards position with regard to the 2019 EMS budget.

**Motion by Gauthier, seconded by Brummund, to approve a \$100,000.00 allowance from the county General Fund for 2019 EMS expenses.**

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

**No - None**

**MOTION CARRIED**

**CLERK'S REPORT:**

Stephany Eller presented to the Board a letter from Northeast Michigan Community Mental Health Authority Board requesting the reappointment of board member, Bonnie Cornelius.

**Motion by Wnuk, seconded by Brummund, to reappoint Bonnie Cornelius as a Northeast Michigan Community Mental Health Authority Board member effective April 1, 2020 for a 3-year term.**

**MOTION CARRIED**

**Motion by Gauthier, seconded by Brummund, to amend the November 19, 2019 HSA payment motion to be paid on the first pay in January and the first pay in July.**

**MOTION CARRIED**

**COMMUNICATIONS:**

Habitat for Humanity Newsletter, Federal Energy Regulatory Commission letter, Huron County Resolution, Otsego County Resolution, Marquette County Board of Commissioners letters and Manistee County Resolution.

**COMMITTEE REPORTS:**

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

**PUBLIC COMMENT:** None.

At 11:20 p.m. the Board recessed.

At 12:13 p.m. the Board reconvened. Commissioner Brummund was absent.

John Axe, Attorney at Law, presented two Resolutions: Resolution Pledging the Full Faith and Credit of the County of Alcona for the Payment of Note of the Cedar Lake Level Control Structure Special Assessment District and Resolution Approving Costs and the Special Assessment Roll for Alcona County.

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

**RESOLUTION PLEDGING THE FULL FAITH AND CREDIT  
OF THE COUNTY OF ALCONA, WITHIN CONSTITUTIONAL  
LIMITATIONS, FOR THE PAYMENT OF NOTE OF THE CEDAR LAKE  
LEVEL CONTROL STRUCTURE SPECIAL ASSESSMENT DISTRICT  
(Alcona and Iosco Counties, Michigan)  
DESCRIBED IN THE FORM OF ORDER AUTHORIZING NOTE, SERIES 2019  
ATTACHED TO THIS RESOLUTION**

**ALCONA COUNTY BOARD OF COMMISSIONERS**

**November 20, 2019**

**WHEREAS**, Part 307 of the Michigan Natural Resources and Environmental Protection Act, “Inland Lake Levels”, MCL 324.30701 et seq. (“Part 307”) governs the process for the determination, establishment and maintenance of the water levels of inland lake, and authorizes counties to finance, construct, operate and maintain dams as necessary to maintain such levels as determined by the circuit court; and,

**WHEREAS**, Section 307011 of Part 307, MCL 324.30711 provides that the County may determine that the whole or part of the cost of the project to establish and maintain the normal level for an inland lake be defrayed by special assessments for the benefits derived against privately owned parcels of land, political subdivisions of the state, and state owned lands, through the establishment of a special assessment district; and,

**WHEREAS**, pursuant to a petition filed in the Alcona County Circuit Court in accordance with the procedures set for in Part 307, on December 19, 2017 the Circuit Court of Alcona County entered an order establishing the Cedar Lake Level Control Structure Special Assessment District (the “District”) and confirmed the special assessment district boundaries in accordance Part 307; and,

**WHEREAS**, the Board of Commissioners has previously determined that Jesse Campbell the Chairman of the County Road Commission of the County of Alcona (and Drain Commissioner of the County) in coordination with Fred D. Strauer, Iosco County Drain Commissioner, Iosco County, Michigan, shall be the delegated authority (“Delegated Authority”) as provided in Part 307 to act on behalf of the Board of Commissioners to oversee and carry out the Cedar Lake Level Control Structure Special Assessment District Project (the “Project”), to prepare special assessment roll in accordance with the procedures set forth in Part 307, and to take all other actions as necessary and required by the Delegated Authority as provided in Part 307; and,

**WHEREAS**, the Delegated Authority expects to complete the necessary Part 307 proceedings for the Project located in the District, in Alcona and Iosco Counties in December 2019; and

**WHEREAS**, the estimated cost of the Project is approximately \$610,000, which will be assessed against lands in the District specially benefited by the Project, all pursuant to Part 307; and

**WHEREAS**, the District has previously issued a note in the amount of \$105,000 to the County of Alcona bearing an interest rate of 3.10% per annum that will mature on December 2, 2019 to pay certain preliminary costs for acquiring and constructing the Project (“Series 2018, Note I”);

**WHEREAS**, the District has previously issued a note in the amount of \$105,000 to Huntington Public Capital Corporation, bearing an interest rate of 3.80% per annum that will mature on December 2, 2019 to pay certain preliminary costs for acquiring and constructing the Project (“Series 2018, Note II”); and,

**WHEREAS**, the Delegated Authority, on behalf of the District, requires additional funds to pay certain additional preliminary costs of acquiring and constructing the Project, and to redeem the 2018 Series Note I and II (including accrued interest), and to authorize a new note of the Drainage District in the amount of not to exceed \$285,000 for the Project (the “Note”); and,

**WHEREAS**, the Note will be issued in anticipation and paid from the proceeds of Bonds to be issued by the District to provide permanent financing for the Project, and secured by the full faith and credit of the District; or payable out of special assessments made against lands in the District against, public corporations at-large, or other available funds pursuant to Part 307, together with interest thereon; and,

**WHEREAS**, the Delegated Authority will be issuing the Note on or about on November 27, 2019 in the amount of \$285,000 which will mature on May 1, 2020, bearing an interest rate of 1.87% per annum pursuant to Section 30717 of Part 307, and which will be authorized by an Order of the Drain Commissioner in the substantial form attached hereto as Appendix A; and,

**WHEREAS**, the Note is not a private activity Note for purposes of Section 141 of the Internal Revenue Code of 1986; and,

**WHEREAS**, the Board of Commissioners, pursuant to said Part 307, is authorized by vote of two-thirds of its members to pledge its full faith and credit of the County of Alcona for the payment of the Note, Series 2019 within constitutional limitations; and

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The limited tax full faith and credit of the County is hereby pledged for the prompt payment of the principal of and interest on the Note, Series 2019 (the “Note”) in an amount not to exceed \$285,000. In case of any deficiency in the assessments to be made to pay the principal of and interest on the Note as and when due, the County shall pay the amount of such deficiency out of its general funds as a first budget obligation and, if necessary, shall levy ad valorem taxes for such purpose against all taxable property within its limits, subject to constitutional and

statutory limitations provided, however, that if it is necessary to reimburse the County for money, it is obligated to advance, it shall be the duty of the Alcona County and Iosco County Drain Commissioners to at once levy an additional assessment as hereinbefore provided as such an amount as will make up the deficiency pursuant to Part 307 and the Section 280 of the Michigan Drain Code of 1956, 1956 PA 40, as amended, (MCL 280.280).

2. This Resolution shall not take effect until the Series 2019 Note Order Authorizing the Issuance of the Note, in the form attached as Appendix A is executed and filed in the office of the Delegated Authority and a certified copy is filed with the Alcona County Clerk and the Iosco County Clerk.

3. All previous resolutions of the Board of Commissioners of the County, or parts thereof, that are inconsistent with this resolution, are hereby rescinded.

Discussion followed. A vote was thereupon taken on the foregoing resolution and the vote for each such resolution was as follows:

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

**No – None**

**MOTION CARRIED**

**Motion by Wnuk, seconded by Gauthier, to approve Resolution #2019-14 as follows:**

**RESOLUTION APPROVING COSTS AND THE SPECIAL ASSESSMENT  
ROLL FOR ALCONA COUNTY**

*WHEREAS*, the Alcona County Drain Commissioner, as the delegated authority designated by the Alcona County Board of Commissioners (the “Board”) under Part 307 of the Natural Resources and Environmental Protection Act (“Part 307”), has the responsibility to maintain the lake level of **Cedar Lake**; and

*WHEREAS*, a special assessment district was established for **Cedar Lake**, located in Oscoda and Greenbush Townships, Iosco and Alcona Counties, Michigan under Part 307 of the Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended (“Part 307”), specifically MCL 324.30704; and

*WHEREAS*, the Alcona County Drain Commissioner held a public hearing with the Iosco County Drain Commissioner, the delegated authority for the Cedar Lake Level District for Iosco County on November 12, 2019 to review the computation of costs of a lake level project and its special assessment roll consistent with the requirements of Part 307; and

*WHEREAS*, the Board has reviewed the computation of costs of the project and the special assessment roll.

***NOW, THEREFORE, BE IT RESOLVED:***

1. The Board approves the computation of costs of the project and the special assessment roll as provided by the Alcona County Drain Commissioner.
2. The special assessment roll with the assessments listed shall be final and conclusive unless appealed in a court within 15 days of the adoption of this Resolution.

3. The Alcona County Clerk shall forward to the Alcona County Drain Commissioner a copy of this Resolution so that action can be instituted by Alcona County in an expedient manner.
4. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

**RESOLUTION** approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the Board of Commissioners of the County of Alcona.

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

**No – None**

**MOTION CARRIED**

**Motion by Gauthier, seconded by Wnuk, to allow the County Clerk to contact MERS representative, Tony Radjenovich, to set a date and time in December to meet with the Board.**

**MOTION CARRIED**

Meeting adjourned at 12:53 p.m. until the next **regular meeting** to be held on **December 4, 2019** at 10:00 a.m.

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**County Clerk**

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**Chairman**