

The **regular meeting** of the Alcona County Board of Commissioners was held in the County Building in the City of Harrisville, Michigan on Wednesday, **February 5, 2020** at 10:00 a.m.

The meeting was called to order at 10:00 a.m. by Craig Johnston, Chairman.

Invocation given by Pastor Ernest Ruemenapp.

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 Brummund, seconded by Wnuk, to approve the January 15, 2020 Regular Meeting minutes.**

**MOTION CARRIED**

**PUBLIC COMMENT:**

Troy Somers, Equalization Director, informed the Board of the meeting with the Township Supervisors on January 16, 2020 in regard to the Contracts for Services, Land Division Agreements and the GIS Data and Cost Sharing Agreements.

Mike Maturen, Catholic Human Services, provided the Board with a monthly update and stated that he is now President of the Board of Directors for ACCOA.

Numerous Alcona County residents spoke in regard to the 2<sup>nd</sup> Amendment Sanctuary County, including Carrie Mullins, Mikado Township, Linda Eberline, Greenbush Township, Larry Brozowski, Harrisville Township, Warren Everett, Mikado Township, Kristina Anderson, Haynes Township, Don Newport, Greenbush Township, Rose Perrin, Gustin Township, Todd Bolam, Haynes Township, Randy Sharboneau, Haynes Township, Paul Camarata, Curtis Township, Jim White, Curtis Township and Alan Tate, Curtis Township.

**PRESENTATIONS:**

David Adams, Mikado Township resident, spoke on behalf of his support of the 2<sup>nd</sup> Amendment Sanctuary County Resolution request.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**Motion by Gauthier, seconded by Brege, to approve pre-authorized claims and open claims presented for payment between 1/15/20 and 2/05/20 for check numbers 139841 to 140102 and E-check numbers 1209 to 1224 for a grand total of \$604,209.28.**

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

**No – None**

**MOTION CARRIED**

**Motion by Brummund, seconded by Wnuk, to authorize the Chair to sign documentation reflecting health savings accounts to be paid at the rate as previously determined for Teamsters Local 214.**

**MOTION CARRIED**

**Motion by Brummund, seconded by Wnuk, to approve a temporary part-time level 101 position in the Building Department to be utilized when the office needs staff coverage.**

**MOTION CARRIED**

**PRESENTATIONS CONTINUED:**

Doug Cheek, EDC Board member, provided an Action Items List to the Board indicating recent meetings that were attended, assignee appointed to actions, date assigned and projected due dates of completion.

**Motion by Wnuk, seconded by Johnston, to bring forward the 2<sup>nd</sup> Amendment Sanctuary County Resolution.**

**Motion by Wnuk, seconded by Brege, to table the 2<sup>nd</sup> Amendment Sanctuary County Resolution request.**

**MOTION FAILED**

At this time the Board of Commissioners spoke in regard of their thoughts and concerns with the 2<sup>nd</sup> Amendment Sanctuary County Resolution request. Adam Brege, Vice Chairman, read aloud a Press Release prepared and signed by Prosecutor, Thomas J. Weichel and Sheriff, Scott Stephenson.

**Motion by Johnston, seconded by Wnuk, to amend the resolution to remove the reference “sanctuary” and modified verbiage.**

**MOTION CARRIED**

**Motion by Johnston, seconded by Wnuk, to approve the amended version of the Alcona County 2<sup>nd</sup> Amendment Resolution #2020-08 as follows:**

**ALCONA COUNTY BOARD OF COMMISSIONERS  
ALCONA COUNTY 2<sup>nd</sup> AMENDMENT RESOLUTION #2020-08**

**THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF ALCONA,  
STATE OF MICHIGAN, STATES:**

**WHEREAS**, the County Board of Commissioners of the County of Alcona, State of Michigan, pursuant to Michigan statute, is vested with the authority of administering the affairs of the County

Government of Alcona County, Michigan, and is organized as a body corporate with powers and immunities provided by law, and to protect the health, safety, and welfare of the residents of Alcona County and the employees of the Alcona County Government; and

**WHEREAS**, the Second Amendment to the United States Constitution, ratified in 1791 as part of the Bill of Rights, protects the right of the people to keep and bear arms; and

**WHEREAS**, the United States Supreme Court in District of Columbia –v- Heller, 554 U.S.570 (2008), affirmed an individual’s right to possess a firearm, unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

**WHEREAS**, the United States Supreme Court in McDonald –v- Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated to the States by the Due Process Clause of the Fourteenth Amendment; and

**WHEREAS**, the United States Supreme Court in United States –v- Miller, 307 U.S. 174 (1939), opined that possession or use of a firearm that has some reasonable relationship to the preservation of a well-regulated militia is protected by the Second Amendment; 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 declare its support of the Second Amendment to the United States Constitution and to the provisions of the Michigan Constitution which protect Alcona County citizens’ individual rights to keep and bear arms; and

**WHEREAS**, each Alcona County Commissioner, as provided by Article IX, Section 1, of the Michigan Constitution (1963), took an oath to support the United States Constitution and the Michigan Constitution.

**NOW THEREFORE, IT IS HEREBY RESOLVED**, by the Alcona County Board of Commissioners, that the County of Alcona, Michigan, be, and hereby is in support of the Second Amendment.

**IT IS FURTHER RESOLVED**, that this Board affirms its support for the Alcona County Sheriff, the Alcona County Prosecuting Attorney and all other law enforcement entities functioning within Alcona County inclusive, but not restricted, to the Michigan State Police, the Federal Bureau of Investigation and Immigration and Customs Enforcement.

**BE IT FURTHER RESOLVED**, that the Board directs its staff to forward a copy of this resolution to the County’s fellow county elected officials, the Michigan State Legislature (House of Representatives and State Senators), the Governor of Michigan and all of the Michigan U.S. Congressmen.

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

**No - None**

**MOTION CARRIED**

**Motion by Gauthier, seconded by Brege, to approve the Cedar Lake Full Faith and Credit Resolution #2020-07 as follows:**

**Resolution #2020-07**

**RESOLUTION PLEDGING THE FULL FAITH AND CREDIT  
OF THE COUNTY OF IOSCO, 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 2020  
NOT TO EXCEED \$600,000  
ATTACHED TO THIS RESOLUTION**

**ALCONA COUNTY BOARD OF COMMISSIONERS**

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 Fred D. Strauer, Iosco County Drain Commissioner in coordination with Jesse Campbell the Chairman of the County Road Commission of the County of Alcona (and Drain Commissioner of Alcona County) 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 completed 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 \$600,000, which will be assessed against lands in the District specially benefited by the Project and/or public corporations at large, all pursuant to Part 307; and

WHEREAS, the District has previously issued a note in the amount of \$285,000 to HORIZON INVESTMENTS, INC. (a subsidiary of Horizon Bank, Midland, Michigan) bearing an interest rate of 1.87% per annum that will mature on May 1, 2020 to pay certain preliminary costs for acquiring and constructing the Project (“Series 2019 Note”) and is subject to early redemption upon fifteen (15) days’ notice to purchaser; 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 Series 2019 Note (including accrued interest), and to authorize a new note of the Drainage District in the amount of not to exceed \$600,000 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 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 Series 2020 Note within statutory and constitutional limitations.

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 2020 (the “Note”) in an amount not to exceed \$600,000. 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 Iosco County and Alcona 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 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 2020 Note Order Authorizing the Issuance of the Note, in substantial 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.

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

**No – None**

**MOTION CARRIED**

**TREASURER’S REPORT:**

Cheryl Franks inquired on the progress of the Veteran’s Affairs grant and stated that the 2019 and 2020 budgets need to be addressed. Franks further advised the Board that the 2017 foreclosure hearing is to be held on February 11, 2020 at 10:00 a.m.

**CLERK'S REPORT:**

Stephany Eller updated the Board on the progress of the March 10, 2020 Presidential Primary election.

**COMMUNICATIONS:**

Cheboygan County Resolution  
Mackinac County Resolution  
Menominee County Resolution

**COMMITTEE REPORTS:**

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

**PUBLIC COMMENT:**

Various Alcona County residents spoke in regard to the Commissioners amended 2<sup>nd</sup> Amendment Resolution, including, Judy French, Harrisville Township, William Spooner, Lincoln, Larry Brozowski, Harrisville Township, Jim White, Curtis Township, Warren Everett, Mikado Township, Don Newport, Greenbush Township, David Adams, Mikado Township and Harley Hopp, Curtis Township.

Carrie Mullins, Mikado Township resident, presented a sample 2<sup>nd</sup> Amendment Sanctuary Ordinance for the Board's review.

Meeting adjourned at 12:16 p.m. until the next **regular scheduled meeting** to be held on **February 19, 2020** at 10:00 a.m.

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**County Clerk**

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**Chairman**