

January 27, 2016

The Roscommon County Board of Commissioner's met on Wednesday, January 27, 2016 for a Regular Meeting. Chairman Robert E. Schneider called the meeting to order at 10:00 a.m.

The Pledge of Allegiance of the United States of America was recited.

Present: Russo, Schneider, Milburn, Stefanko, Melvin

Moved by Milburn, Seconded by Melvin, to approve the Board Agenda. On Roll Call: Ayes: Russo, Schneider, Stefanko, Milburn, Melvin. Nays: None. Motion Carried.

Public Comment: Michelle M. Stevenson, County Clerk/R.O.D, asked if the intent is for Phil to place the audio recordings on the website.

Administrator/Controller's Report: The Administrator/ Controller gave an update on the last few weeks. A grant to MCWCF for safety and PPE equipment for Animal Control Officers was completed and submitted. Jodi has attended a meeting with Janet from Maximus, she has provided some ideas for requesting, receiving and tracking the County's Full Child Care Fund reimbursement. Jodi has been working with several outside legal counsels in regards to two pending lawsuits: Palmerton v. Roscommon County and Munson Medical v. Roscommon County. Accruals for the 2015 accounts payable paid in 2016 should be completed by mid-February. John Rosyck from the Village of Roscommon met with Jodi concerning a tax tribunal involving Lear Corp. She attended the quarterly Second Chance Academy meeting, and also met with Rosalie to review procedures for establishing and utilizing the funds set aside for the Economic Development Revolving Loan.

Correspondence:

- A. Northern Lakes Community Mental Health
- B. Conservation Programs Workshop
- C. Roscommon Voice

Monthly Department Reports: E-911, Economic Development (Dec. & Jan.), Jail

Visitors: Dave Udy introduced himself.

Unfinished Business/New Business: Attorney Haider A. Kazim Re: Munson v. Roscommon County

Moved by Melvin, Seconded by Stefanko, to enter into Closed Session at: 10:18 a.m. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.

Moved by Stefanko, Seconded by Milburn, to close Closed Session at: 11:14 a.m. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.

Chairman Schneider called for a 5 minute recess.

Moved by Milburn, Seconded by Russo, to return to Open Session at: 11:22 a.m. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.

Moved by Milburn, Seconded by Russo, to add motion #5 regarding Munson Medical v. Roscommon County. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.

Motions and Resolutions:

1. Moved by Melvin, Seconded by Stefanko, to require all Board of Commissioner work session, regular and special meetings held within the County Commissioner meeting room be audio recorded, and the recordings made available to the public through a link on the Roscommon County website, for a minimum of six (6) months. Retention of the original audio recording will follow the State of Michigan approved record retention schedule, allowing for erasure after the minutes are transcribed and approved. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.
2. Moved by Melvin, Seconded by Schneider, to adopt "MERS 457 Supplemental Plan Adoption Resolution" and authorize Administrator/Controller Jodi Valentino to enter into, on behalf of Roscommon County, the MERS 457 Supplemental Retirement Program and Trust Master Plan and sign the MERS 457 Supplemental Retirement Program Participation Agreement and any Addendum thereto as presented to the Board of Commissioners.

WHEREAS, the Municipal Employees Retirement Act of 1984, Section 36(2)(a), MCL 38.1536(2)(a), (MERS Plan Document (Section 36(2)(a)) authorizes the Municipal Employees' Retirement Board (the "Board") to "establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs," and on November 8, 2011, the Municipal Employees' Retirement Board adopted the MERS 457 Deferred Compensation Plan.

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of Section 36(2)(a), and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution.

WHEREAS, the Participating Employer, a participating "municipality" (as defined in Section 2b(2) in the Municipal Employees Retirement Act of 1984; MCL 38.1502b(2); Plan Document Section 2b(4)) or participating "court" (circuit, district or probate court as defined in Section 2a(4) – (6) of the Act, MCL 38.1502a(4) – (6); Plan Document Section

2a(4) – (6)) within the State of Michigan has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions;

WHEREAS, the Participating Employer has reviewed the MERS 457 Supplemental Retirement Program ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, concurrent with this Resolution, and as a continuing obligation, this Governing Body has completed and approved, and submitted to MERS and the Board, documents necessary for adoption and implementation of the Plan; and

WHEREAS, the Governing Body for and on behalf of the Participating Employer is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the Participating Employer. In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is no delegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the Participating Employer.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body adopts the MERS 457 Supplemental Retirement Program as provided below:

- I. The Participating Employer adopts the Plan for its Employees.
- II. The Participating Employer hereby adopts the terms of the Participation Agreement, which is attached hereto and made a part of this Resolution. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.
- III. The Participating Employer shall abide by the terms of the Plan, including amendments to the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- IV. The Participating Employer acknowledges that the Board is only responsible for the Plan and any other plans of the Employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the Employer that are not part of MERS.
- V. The Participating Employer accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.
- VI. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.
- VII. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contribution to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.
- VIII. This Resolution and the Participation Agreement shall be submitted to the Board for its approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

BE IT FINALLY RESOLVED, This Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the Participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution and return a copy to the Employer. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.

3. Moved by Melvin, Seconded by Stefanko, to authorize Attorney Scott Hess to inform Counsel for the Dorothy Oliver Trust that if the Quit Claim Deed previously presented is executed as presented and delivered to the County's attorney within thirty (30) days of its presentation, the County will release the Dorothy Oliver Trust from any liability relative to payment over/of any rental proceeds, but that if the deed is not executed and received within said thirty (30) day period, such a claim be included in any litigation against the Dorothy Oliver Trust to eliminate the cloud of Roscommon County's ownership in the portion of Outlot A. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.
4. Moved by Milburn, Seconded by Stefanko, to adopt the "Motion Authorizing Additional Claim(s) Regarding Outlot A – Idlewild Resort".

WHEREAS, on September 9, 2015, a Resolution Affirming Ownership of Portions of Outlot A – Idlewild Resort was passed; and

WHEREAS, based upon information received from representatives of the Dorothy Oliver Trust and others at a Special Meeting held on September 30, 2015, it appears the Dorothy Oliver Trust received rental income for the property since expiration of the 35 year lease in May, 2010; and

WHEREAS, on October 28, 2015, a Motion was passed authorizing the County's attorney to proceed with a formal request to the Dorothy Oliver Trust for the voluntary removal of a cloud on the title to the property created by a deed which was recorded in 2013; and to proceed with Circuit Court action if voluntary removal is not achieved within thirty days of contact;

WHEREAS, the County's attorney has communicated with the Dorothy Oliver Trust regarding execution of a Quit Claim Deed to eliminate any interest created by the 2013 deed. In response, Counsel for the Dorothy Oliver Trust has requested certain concessions from the county prior to the Trust execution of the deed including but not limited to the County releasing and holding the Trust harmless relative to any claim that the Dorothy Oliver Trust should pay over to the County any rental proceeds which it received since May, 2010; and

WHEREAS, it is not the recommendation of the County's attorney the County grant all of the concessions to preserve the interests of the public in all lands which it already owns; however, he has recommended if the Quit Claim Deed as presented is executed and delivered to the County's attorney within thirty (30) days, the County will release the Dorothy Oliver Trust from any liability relative to payment over/of any rental proceeds, but that if the deed is not executed and received within said thirty (30) day period a claim be included in any litigation. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.

5. Moved by Melvin, Seconded by Russo, to authorize attorney counsel to proceed as discussed in closed session in the matter of Munson Medical v. Roscommon County. On Roll Call: Ayes: Russo, Schneider, Milburn, Stefanko, Melvin. Nays: None. Motion Carried.

Committee Reports:

Russo: HLIB

Melvin: LEPC, Agenda

Stefanko: Recycling Committee, Collaborative Board, DHHS, Community Mental Health, Animal Shelter holding shot clinic Jan. 31st.

Milburn: Commission on Aging, NMCAA, Second Chance Academy

Schneider: Agenda, MAC Conference deadline for Early Bird registration is Jan. 29th.

Public Comment: None.

Moved by Milburn, Seconded by Russo to adjourn meeting. All Ayes. Motion Carried.

Meeting adjourned at 11:54 a.m.

Robert E. Schneider, Chairman

Michelle M. Stevenson, County Clerk/Reg. Of Deeds