

**April 12, 2023**

The Roscommon County Board of Commissioner's met on Wednesday, April 12, 2023, for a Regular Meeting. The hybrid meeting was held at the Roscommon County Municipal Building, 500 Lake Street, Roscommon, MI 48653 and was accessible online via Zoom. Chair David Russo called the meeting to order at 10:25 a.m.

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

**Present:** David Russo, Eric Ostergren, Rex Wolfsen, Marc J. Milburn, Darlene Sensor

**Absent:** None

Motion by Milburn, Second by Sensor to approve the Board Agenda with motion No. 5 removed and No. 6 tabled.

On Roll Call: Ayes: Ostergren, Milburn, Wolfsen, Russo, Sensor. Nays: None. Motion Carried.

Motion by Milburn, Second by Sensor to approve the minutes for 3/20/2023 Special Meeting and 3/22/2023 Regular Meeting.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None. Motion Carried.

Motion by Russo, Second by Wolfsen to approve Class A bills in the amount of \$1,195,595.02.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None. Motion Carried.

Motion by Russo, Second by Wolfsen to approve Claims & Accounts in the amount of \$122,465.88.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None. Motion Carried.

**Public Comment:** Mary Fry and Tracy Baker of the Roscommon County Commission on Aging, Bob Fry, Michael Baumgartner spoke about Higgins Lake. Larry Maduri, Lyon Township Supervisor, spoke about statements made by Attorney Hissong. Tim O'Rourke, Mary Jo Oppy, Charlene Cornell, Fred Swinehart, Herb Weatherly, and Mike Hurkey addressed the Board regarding SAD.

**Recess:** 10:55 a.m.

**Return:** 11:00 a.m.

**Administrator/Controller's Report:**

Lawsuits-Kurich v Roscommon-no change, CHLL v Roscommon County-awaiting status conference, Ostergren et al v Melvin-no change, Opioid Suit-awaiting BOC approval. Lake Levels-Higgins Lake above summer level and gates open, Houghton Lake over summer level with all gates open, St Helen Lake over summer level with all gates open.

**Public Comment:** Greg Semack, Bill Isenstein, John Ogren, Robert Joubran, Dave Udy, and Bob Hoffman spoke regarding Special Assessment District, via Zoom.

**Correspondence:**

- A. Email received 03/16/2023 – Subject: Commissioner Eric Ostergren
- B. Iron County – Resolution Affirming Support of all Constitutional Rights and Adequately Funding Mental Health Services
- C. Munson Healthcare – 03/17/2023 Letter to Regional Counties Re: NLCMH
- D. Email received 03/20/2023 – Subject: Please defeat resolution
- E. Email received 003/20/2023 – Subject: 2nd Amendment
- F. Email received 03/20/2023 – Subject: Resolution Supporting and Affirming the 2<sup>nd</sup> Amendment of the Constitution of the USA
- G. Email received 03/20/2023 – Subject: Roscommon County 2<sup>nd</sup> Amendment Sanctuary
- H. Email received 03/20/2023 – Subject: I stand in objection to the resolution
- I. Email received 03/21/2023 – Subject: Response to article in HL Resorter sanctuary county
- J. Kalkaska County – Resolution #2023-12 Opposing Firearm Restrictions
- K. Tuscola County – Resolution #2023-03 Oppose Camp Grayling Expansion
- L. Roscommon County Emergency Management – Spring Skywarn Spotter Training flyer
- M. Roscommon County Food Pantry – Thank you Note
- N. Michigan Association of Counties – 03/24/2023 Legislative Update
- O. Email received 03/25/2023 – Subject: special Assessment for Higgins Lake – level control
- P. Email and attachments received 03/26/2023 – Subject: Weds., 03/22/2023 Board Meeting
- Q. Email Received 03/26/2023 – Subject: Higgins Lake SAD Mailing Rec'd 03/25/2023
- R. Email received 03/28/2023 – Subject: Six dead after US school shooting
- S. Roscommon County Central Dispatch – National Public Safety Week letter of support
- T. Email received 03/30/2023 – Subject: Higgins Lake dam SAD
- U. Email received 03/31/2023 – Subject: County building Security
- V. Email and attachments received 04/03/2023 – Subject: Do Your Job

**Monthly Department Reports:**

- A. Roscommon County Sheriff – February 2023 Month End Report
- B. Roscommon County Animal Shelter and Animal Control – February and March 2023 Stats
- C. MSU Extension – 04/003/2023 Report To Our Partners

**Visitors:** None

**Unfinished Business/New Business**

- A. Commissioner Ostergren spoke about banking water on Houghton Lake.
- B. Commissioner Ostergren spoke about the Special Meetings that have been scheduled.

**Recess:** 11:47 a.m.

**Return:** 11:52 a.m.

**Motions/Resolutions:**

- 1. Motion by Ostergren, Second by Sensor to require all Roscommon County Commissioners to utilize County provided email addresses to conduct official county business to ensure transparency in county related business, ensure clear methods of

communication for residents and provide easier adherence with Freedom of Information Act requests.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None Motion Carried.

2. Motion by Russo, Second by Wolfsen to adopt the Roscommon County Acceptable Use Policy (see attached) effective April 12, 2023.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None Motion Carried.

3. Motion by Russo, Second by Wolfsen to approve Sgt. Josh Burmester as primary Roscommon County Sheriff Department representative and D/Lt. Angela Ackley as the secondary representative to the Roscommon County 911 Authority Board effective April 12, 2023.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None Motion Carried.

4. Motion by Milburn, Second by Russo to approve Sgt. Shaun Hand as primary Roscommon County Sheriff Department representative and Sgt. Michael Max as the secondary representative to the Roscommon County 911 Technical Advisory Committee effective April 12, 2023.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None Motion Carried.

5. Removed from Agenda Resolution #2023-04-01 to appoint Fahey Schultz Burzych Rhodes PLC as co-counsel on behalf of the County in the *Citizens for Higgins Lake Legal Levels* matter.
6. Tabled Resolution #2023-04-02 “Higgins Lake – Lake Level” to authorize the Delegated Authority to seek temporary and permanent fixes to the Higgins Lake – Lake Level Control Structure, as necessary, and authorize expenses over \$10,000.00.
7. Motion by Russo, Second by Milburn to adopt Resolution #2023-04-03 “Lake St. Helen – Lake Level” to authorize the Delegated Authority to proceed with actions necessary to establish the Special Assessment District for Lake St. Helen, and to authorize expenses over \$10,000.00.

**ROSCOMMON COUNTY BOARD OF COMMISSIONERS  
LAKE ST. HELEN – LAKE LEVEL  
RESOLUTION NO. 2023-04-04**

**WHEREAS**, on December 21, 2022, the Roscommon County Board of Commissioners (“Board of Commissioners”) passed Resolution #2022-12-04 that, among other things, allowed retained legal counsel and engineers to assist with performing services related to specifying a lake level special assessment district boundary for Lake St. Helen and other further services necessary to maintain the lake’s legal level; and

**WHEREAS**, upon information and belief from reviewing historical lake level records, the retained legal counsel and engineers believe review and study of the lake's legal lake level is necessary to ensure that applicable lake level orders specify a correct lake level elevation.

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

1. **Lake Level:** The County's Delegated Authority for the Lake St. Helen lake level may direct the County's retained engineers and other consultants to study and review the Lake St. Helen lake level, which may include a resident survey. Further, if any amendment to the lake level in a lake level order is necessary, the Delegated Authority may utilize legal counsel to amend the ordered lake level in the Roscommon County Circuit Court.
2. **Costs of Activities:** All costs associated with the activities authorized above shall be reimbursed by the lake level special assessment district to the extent permitted by law. As necessary, this resolution shall authorize annual expenditures of over \$10,000 under MCL 324.30722(4) for activities necessary to maintain Lake St. Helen's legal lake level and this express authorization to spend more than \$10,000 annually shall authorize annual expenditures of over \$10,000 for all years in which work for the authorized activities above continue to occur.

On Roll Call: Ayes: None. Nays: Russo, Sensor, Wolfsen, Milburn, Ostergren. Resolution Failed.

8. Motion by Russo, Second by Ostergren to adopt Resolution #2023-04-04 "Proclamation of National Public Safety Telecommunications Week 2023" recognizing all past, current and future Roscommon County Public Safety Emergency Telecommunicators/911 Dispatchers, as Public Safety-First Responders.

**ROSCOMMON COUNTY BOARD OF COMMISSIONERS**  
**"PROCLAMATION OF NATIONAL PUBLIC SAFETY EMERGENCY**  
**TELECOMMUNICATORS/911 DISPATCHERS, AS PUBLIC SAFETY-FIRST**  
**RESPONDERS"**  
**RESOLUTION NO. 2023-04-05**

**WHEREAS**, emergencies can occur at any time that require police, fire or emergency medical services; and

**WHEREAS**, when an emergency occurs the prompt response of police officers, firefighters and emergency medical services is critical to the protection of life and preservation of property; and

**WHEREAS**, the safety of our responders is dependent upon the quality and accuracy of information obtained from citizens who telephone Roscommon County Central Dispatch; and

**WHEREAS**, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

**WHEREAS**, Public Safety Telecommunicators are the single vital link for our police officers, firefighters and emergency medical services by monitoring their activities via radio, providing them information and ensuring their safety; and

**WHEREAS**, Public Safety Telecommunicators from Roscommon County Central Dispatch have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

**WHEREAS**, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

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

that the Board of Commissioners of Roscommon County declares the week of April 9 through 15, 2023, to be National Public Safety Telecommunicators Week in Roscommon County in honor of the dispatchers whose diligence and professionalism keep our county and citizens safe.

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

that the Board of Commissioners of Roscommon County, recognizing the dedication, specialized and ongoing training, personal sacrifice, and professionalism required to be a Public Safety Telecommunicator, hereby recognizes all past, current and future Roscommon County Public Safety Telecommunicators as Public Safety First Responders.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None. Resolution Adopted.

9. Motion by Russo, Second by Ostergren to adopt Resolution #2023-04-05 “Authorizing entry of participation agreements in partial settlement of the National Prescription opiate litigation and entry of state local government intrastate agreement concerning allocation of settlement proceeds.”

**ROSCOMMON COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING ENTRY OF PARTICIPATION AGREEMENTS IN PARTIAL  
SETTLEMENT OF THE NATIONAL PRESCRIPTION OPIATE LITIGATION  
AND ENTRY OF STATE LOCAL GOVERNMENT INTRASTATE  
AGREEMENT CONCERNING ALLOCATION OF SETTLEMENT PROCEEDS  
RESOLUTION NO. 2023-04-06**

**WHEREAS**, the Roscommon County Board of Commissioners filed a lawsuit to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants (“Settling Defendants”):

1. Teva Pharmaceuticals Industries Ltd. (a prescription opioids manufacturer);

2. Allergan Finance, LLC (a prescription opioids manufacturer);
3. CVS Health Corp. and CVS Pharmacy, Inc. (a prescription opioids distributor); and
4. Walmart, Inc. (a prescription opioids distributor), and

**WHEREAS**, the Settling Defendants have negotiated proposed national settlement agreements (“Proposed Settlements”) with the State Attorneys General, and a Plaintiff Executive Committee-designated negotiating committee that represents approximately 4,000 local governments that have brought lawsuits similar to Roscommon County Board of Commissioners’ lawsuit, and

**WHEREAS**, the Proposed Settlements contain significant equitable and monetary relief, including:

1. An agreement to pay (a) up to \$3.34 billion over the next 13 years by Teva; (b) up to \$2.02 billion over 7 years by Allergan; (c) \$4.9 billion over the next ten years by CVS; and (d) \$2.74 billion within six years by Walmart. The bulk of each of these payments will be dedicated to funding abatement and prevention strategies associated with the opioids public nuisance;
2. An agreement by Teva and Allergan to abide by strict limitations on their marketing, promotion, sale, and distribution of opioids, including a ban on (a) promotion and lobbying; (b) rewarding or disciplining employees based on volume of opioid sales; and (c) funding or grants to third parties; and
3. An agreement by CVS and Walmart to implement changes in how they handle opioids, including requirements addressing: their compliance structures; pharmacist judgment; diversion prevention; suspicious order monitoring; and reporting on red-flag processes, as well as blocked and potentially problematic prescribers, and

**WHEREAS**, the Roscommon County Board of Commissioners previously executed Participation Agreements for the Distributor and Janssen Settlements, which have conferred and continue to confer valuable benefits, and

**WHEREAS**, the Proposed Settlements each contain a “default” allocation method where settlement funds that are allocated to a particular state to resolve the claims asserted by state and local governments within that state are allocated as follows:

- 15% of settlement proceeds paid under the Proposed Settlements are allocable to the State;
- 15% of the settlement proceeds are allocable to local governments; and
- 70% of the settlement proceeds are allocable to an opioid abatement fund, and

**WHEREAS**, the Proposed Settlements enable the state and local governments within a State to negotiate alternative allocation methods to the “default” allocation method referenced above, and

**WHEREAS**, the Roscommon County Board of Commissioners desires to enter into an alternative allocation method which allocates settlement funds on a 50/50 basis to:

1. Participating Local Governments who have elected to participate in the Proposed Settlements; and
2. the State of Michigan, and

**WHEREAS**, the Roscommon County Board of Commissioners previously executed the Michigan State-Subdivision Agreement for Allocation of Distributor Settlement Agreement and

Janssen Settlement Agreement, which allocated funds attributed to the State of Michigan in a streamlined and equitable manner.

**NOW THEREFORE BE IT RESOLVED:**

that the Roscommon County Board of Commissioners authorizes the execution of Participation Agreements for: (1) the Master Settlement Agreement with Teva Pharmaceuticals Industries Ltd.; (2) the Master Settlement Agreement with Allergan Finance, LLC; (3) the Master Settlement Agreement with CVS Health Corp. and CVS Pharmacy, Inc.; and (4) the Master Settlement Agreement with Walmart, Inc., each of which are listed and available to the public at <https://nationalopioidsettlement.com/>. Specimen copies of the material terms of the participation agreements are attached as Exhibit A to this resolution.

**THEREFORE, BE IT FURTHER RESOLVED:**

The Roscommon County Board of Commissioners also authorizes the execution of a new Michigan State-Subdivision Agreement For Allocation of Allergan, Teva, CVS, and Walmart Settlement Agreements substantially similar to the proposed agreement attached as Exhibit B to this resolution. The Roscommon County Board of Commissioners also authorizes execution of a similar state-subdivision agreement to the extent that it provides a substantially similar allocation of settlement or bankruptcy proceeds obtained from opioids litigation with any other entity.

For the avoidance of doubt, the Roscommon County Board of Commissioners also authorizes its continued participation in the Distributor Settlement Agreement, the Janssen Settlement Agreement, and the Michigan State-Subdivision Agreement for the Allocation of Distributor Settlement Agreement and Janssen Settlement Agreement, all previously executed.

On Roll Call: Ayes: Russo, Ostergren, Wolfsen, Milburn, Sensor. Nays: None. Resolution Adopted.

**Committee Reports:**

Russo: Airport, Agenda, Claims & Accounts

Ostergren:

Wolfsen: EGLE Meeting

Milburn:

Sensor: District Health

**Public Comment:** Greg Semack voiced his opinion regarding Attorney Hissong. Beth Lux addressed the Board.

Motion by Milburn, Second by Russo to adjourn meeting. All Ayes. Motion Carried.  
Meeting adjourned at 12:22 p.m.

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David Russo, Chair

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Michelle M. Stevenson, County Clerk/Register of Deeds