

March 22, 2023

The Roscommon County Board of Commissioner's met on Wednesday, March 22, 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 Russo to approve the Board Agenda.

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

Motion by Milburn, Second by Russo to approve the minutes for Regular Meeting 03/08/2023.

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

Public Comment: John Rosczyk, Frank Peshick, Phil Bendily, Ed Nordquist, Scott Sutherland, Troy Daniel, Anne Meeks, Dan Bonamie, Tim O'Rourke, Norm Fullmer, Leroy Johnston and Dennis Lee spoke regarding the 2nd Amendment Resolution. Chase Schepke, and Greg Semack spoke regarding the Special Assessment District presentation.

Administrator/Controller's Report: Lawsuit update: Kurich v Roscommon County Treasurer- No Change; CHLL v Roscommon County – Supreme Court has decided not to review 'Now', meaning that the Plaintiff has won the right to continue their case in front of the Circuit Court; Ostergren et al v Melvin – No change; Opioid Suit – Received first round of funding of \$257,278.63 with the estimated annual funding being roughly \$32,000.00 for the use of the previously identified needs of projects with Community Mental Health, the District Health Department, and Roscommon County Jail. Legislative Updates: House Bill 4016 distributes money through seven state departments with the largest share of \$800 million going either to incentives for a Ford plant in Calhoun County, or an additional investment in the state's SOAR economic development fund. A/C Valentino also noted that Senator Jon Bumstead reintroduced his idea for reimbursements for disabled veterans' property tax exemptions via Senate Bills 95–96, which would fully reimburse counties for property tax losses due to state-mandated exemptions for disabled veterans. Special Assessment Projects; Bonding process on hold; Phase One Lake Level Houghton Lake, which is the data collection and public opinion survey, is an estimated \$240,000.00; Phase one St. Helen for approval through the creation of SAD through Circuit Court is estimated at \$54,000; Phase one approval of creation of SAD through Circuit Court and implementation of preliminary improvement for Higgins Lake is estimated at \$64,000; Lake Levels: Higgins Lake @ 4.5 inches above winter level, Houghton Lake @ 5.6 inches over winter level, St. Helen @ 4.3 inches over winter level. A/C Valentino will be obtaining the report from Roscommon County Community Listening Session on March 2, 2023. She attended a free MSUE/Department of Treasury training regarding Long Term Fiscal Sustainability. A/C Valentino finalized an updated enabling agreement with all participating NLCMH and will provide to the BOC for questions prior to the review and recap meeting scheduled in early April. Valentino is compiling ARP quarterly grant reports for submission on Federal ARP portal. After review, the lowest bid for replacing the employee parking lot is from Hodgins Asphalt out of West Branch at \$58,000.00. There are two new worker's compensation claims with no missed time. Sheriff Stern and his office were awarded a \$5,000.00 grant through our Worker's Compensation Carrier, Comp One, for purchase of improved uniform equipment to reduce injuries among deputies. Additionally, Undersheriff Lowe received roughly \$1,050 from the MMRMA RAP grant programs for equipment. Our federal grant registry number (SAM) has been renewed, allowing us continued eligibility to receive federal and state grant funds. Accrual process continues where payroll and accounts payable paid in the current fiscal/budget are reviewed and accounted back to 2022, and must be completed prior to the start of our 2022 audit beginning May 1, 2023. Finalization of 2023 Spongy Moth Spray Blocks will be done by month's end as requests and payment of resident spray blocks were completed per schedule last Friday. A/C Valentino and Chair Russo provided recognition of Roscommon County Housing Director Laura MacKillop.

Recess: 11:32 a.m.

Return: 11:40 a.m.

Correspondence:

- A. Midwest Friends of the Pleistocene – Meeting Registration Information
- B. Leelanau County – Resolution #2023-003
- C. Tuscola County – Resolution #2023-02
- D. Michigan Association of Counties – MCMCFC Legislative Spring Conference Registration
- E. MI Works – 04/18/2023 Broadband Listening Tour Email and Flyer
- F. Michigan Association of Counties – 03/10/2023 Legislative Update
- G. Lake County – Resolution #2023-06
- H. Osceola County – Resolution #2023-0004
- I. Schoolcraft County – Resolution #23-2

Monthly Department Reports:

- A. Roscommon County Sheriff Department – February 2023 Report

Visitors: None

Unfinished Business/New Business

- A. Regional Juvenile Detention Center Feasibility Study – A/C Valentino presented additional information regarding juvenile placement. Three more juvenile placement facilities have closed. The feasibility study is specific to five counties: Alpena, Crawford, Ogemaw, Gladwin and Roscommon. The scope of the study includes determining facility size, floor plans, site plans, exterior rendering, estimated construction cost and operating budget, financial planning through RM&P, and public presentation materials. The \$5,000.00 would come from the contingency fund.
- B. Communication to EGLE re: Higgins Lake LLCs – Commissioner Ostergren presented information regarding the investigation of who removed the rocks from the Higgins Lake LLCs.
- C. Headlee Restoration Millage 2024 – Chair Russo and Commissioner Wolfsen will work on this.

Motions/Resolutions:

- 1. Motion by Milburn, Second by Russo to enter into a five county Regional Juvenile Detention Center Feasibility Study with Alpena, Crawford, Gladwin and Ogemaw Counties for the purpose of defining county needs, financial objectives, facility planning and budgeting. Contract is with Branro Enterprises for a cost of \$5000.00.

On Roll Call: Ayes: Sensor, Milburn, Russo. Nays: Ostergren, Wolfsen. Motion Carried.

- 2. Motion by Russo, Second by Milburn to appoint Charles Quiney to the Airport Advisory Committee for a two-year term beginning 01/01/2023 and ending 12/31/2024.

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

- 3. Motion by Russo, Second by Milburn to enter into an Interlocal Agreement with Crawford County (see attached) for the purpose of allowing the Crawford County Housing Department to facilitate the administration of Roscommon County's CDBG Program Income (PI) emergency housing grants available through Roscommon County for the benefit of the residents of Roscommon County. Agreement to begin April 1, 2023 through June 30, 2024.

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

- 4. Motion by Milburn, Second by Wolfsen to confirm the continuation of the Roscommon County Recycling Committee and reaffirm its purpose to oversee the promotion of household hazardous waste disposal, recycling education, increased recycling opportunities in the county and promotion of waste prevention.

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

5. Motion by Russo, Second by Milburn to approve the following language change in Section A (10) of the Roscommon County Administrator/Controller job description:

From: “Serve as custodian of and have charge of the operation, maintenance and repairs of the county courthouse, building and grounds, lake level control structures and repairs to the county jail.”

To: “Serve as custodian of and have charge of the operation, maintenance and repairs of all county owned buildings and grounds, including repairs to the county jail.”

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

6. Motion by, Wolfsen, Second by Ostergren to adopt Resolution No. 2023-03-01 “Resolution Supporting and Affirming the 2nd Amendment of the Constitution of the United States of America”:

WHEREAS, Article 1, Section 1 of our Michigan Constitution states “all political power is inherent in the people. Government is instituted for their equal benefit, security, and protection” and;

WHEREAS, the primary and most important duty of any Elected Official is to uphold the United States Constitution and the Michigan Constitution including all amendments and;

WHEREAS, the Second Amendment of our federal constitution states “A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed and;

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

WHEREAS, Article 1, Section 6 of our Michigan Constitution states “Every person has a right to keep and bear arms for the defense of himself and the state”; and,

WHEREAS, in its recent ruling in *New York State Rifle and Pistol Association v. Bruen*, the United States Supreme Court ruled that our citizens not only have the right to keep and bear arms in their homes for self-defense but also in public places; 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 State by the Due Process Clause of the Fourteenth Amendment; and,

WHEREAS, the citizens of Michigan have not granted power to the State to determine what type of arms we may keep and bear, nor has the Supreme Court of the United States ever ruled that there is such a restriction in our Constitution; and,

WHEREAS, any legislation passed by the Michigan Legislature and signed into law by the Governor of Michigan, or by the United States Congress and signed into law by the President, that violates the Constitutional Rights of the citizens of Michigan and the United States, is by definition, unconstitutional as declared by the Supreme Court; and,

WHEREAS, it is the desire of Roscommon County Board of Commissioners to declare its support of the Second Amendment to the Constitution of the United States of America and to the

provisions of the Michigan Constitution which protect Roscommon County citizens' individual rights to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED, by the Roscommon County Board of Commissioners, that the County of Roscommon supports the Constitutional Rights of the citizens of Michigan and more broadly, the citizens of these United States; and,

BE IT FURTHER RESOLVED, that this Board will not support the enforcement of any law passed by the Michigan Legislature and signed into law by the Governor or passed by the United States Congress and signed into law by the President that is ruled unconstitutional by the Supreme Court; and

BE IT FURTHER RESOLVED, that the Roscommon County Board of Commissioners hereby directs the Clerk for the Board of Commissioners to forward a copy of this resolution to the leaders of both parties in the Michigan State House of Representatives, the Michigan State Senate, the Governor of the State of Michigan, U. S. Congressman Bergman, Senators Stabenow and Peters, and the Michigan Association of Counties.

On Roll Call: Ayes: Wolfsen, Ostergren, Russo. Nays: Milburn, Sensor. Resolution Adopted.

Committee Reports:

Russo: Agenda

Ostergren: Michigan Shoreline Partnership Conference, Mental Health

Wolfsen: LPT

Milburn: COA, NMCA

Sensor: Substance Use Disorder, MiWorks

Public Comment: Gary Shepherd, Tim O'Rourke, Darlene Sensor, and Leroy Johnston spoke regarding the 2nd Amendment Resolution. Dan Bonamie spoke regarding the upcoming Crawford County Republican Party meeting. Greg Semack spoke regarding the Special Assessment District.

Motion by Milburn, Second by Russo, to adjourn meeting. All Ayes. Motion Carried.
Meeting adjourned at 12:39 a.m.

David Russo, Chair

Michelle M. Stevenson, County Clerk/Register of Deeds