

**TUESDAY, OCTOBER 27, 2020**

Pursuant to law, the Board of Commissioners met on Tuesday, October 27, 2020 at 9:00 a.m. in the Board of Commissioner's Room and were called to order by the Chairperson.

Pledge of Allegiance

Invocation

PRESENT: Margaret Batzer (on-line), Mark Bergstrom (on-line), Jeff Dontz, Pauline Jaquish, Gene Lagerquist and Richard Schmidt (on-line).

ABSENT: Karen Goodman

The County Board and its Committees are operating remotely and electronically by Zoom under SB 1108 due to the COVID-19 pandemic.

**APPROVE MEETING AGENDA**

Moved by Bergstrom, seconded by Jaquish to approve the Meeting Agenda, as amended, to include the Policy Committee Report of October 23, 2020 and Resolution #2020-15 regarding a Resolution to Ratify and Confirm Actions Approved by the Board of Commissioners During Remote Meetings, to be included under the Miscellaneous Administrator/Controller and Board Items.

YEAS: 6 Batzer, Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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**CONSENT AGENDA**

Moved by Batzer, seconded by Lagerquist to approve the Consent Agenda which includes the minutes of the September 15, 2020 Board meeting, the minutes of the Closed Session minutes of the September 15, 2020 Board Meeting and the October 2020 monthly appropriations and fund transfers.

YEAS: 6 Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt, Batzer  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

**TUESDAY, OCTOBER 27, 2020**

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**PUBLIC COMMENT**

None, neither in person nor on-line.

**RECOGNITION & ANNOUNCEMENTS**

Ms. Sagala, County Administrator/Controller reported that Rob Carson, County Planning Director has submitted his resignation from County employment effective November 5, 2020. A transition plan is being implemented. Mike Szokola, Planner 1/Zoning Administrator in the Department will be Interim County Planner and the position will be advertised.

Mr. Carson, County Planning Director, appeared before the Board and stated that this was a tough decision for him and his family. He will be working with Networks Northwest and will still reside in the County. Mr. Carson thanked the County for all the support over the years.

**TREASURER’S REPORT**

Rachel Nelson, County Treasurer, reported that the first foreclosure auction was held on October 6, 2020 online only due to COVID. There were 14 properties in the auction with 12 being sold. The two remaining properties have had fires. The second auction will be online with bids due by November 3, 2020 by 5 p.m. Minimum bids will be \$100.

Ms. Nelson reported on pending legislation regarding tax foreclosure sales and remaining proceeds from the sales. There was a \$97,000 surplus from the recent foreclosure sale. Ms. Nelson noted that the surplus will be set aside in an account until legislation is changed and passed. Ms. Nelson reiterated that the goal is always to prevent foreclosures whenever possible.

Ms. Nelson also provided the Commissioners with a 3<sup>rd</sup> Quarter Investment Report. Ms. Nelson noted that 2020 was a very volatile year with callable interest rates. The County is a little cash heavy right now but it will be reinvested.

**WAYS & MEANS COMMITTEE REPORT/OCTOBER 14, 2020**

Richard Schmidt presented the Ways & Means Committee Report of October 14, 2020.

**FINANCE REPORT**

Board of Commissioners  
Manistee County  
Manistee, Michigan 49660

We hereby submit claims for September 2, 2020 through October 12, 2020, and a summary of the On-Demand checks for their review and approval. The totals are as follows:

101 General Fund .....	\$454,265.44
201 County Road Fund.....	0.00
208 Parks/Recreation Trails Fund .....	0.00
215 Friend of the Court Fund .....	0.00
216 Department Contingency Fund .....	0.00
220 Local Revenue Sharing Grant Fund .....	0.00
225 Recycling Fund.....	18,406.65
234 Judicial Technology Fund .....	0.00
235 District Court Services Fund .....	0.00

**TUESDAY, OCTOBER 27, 2020**

236 Maintenance of Effort Fund .....	23,760.73
238 Land Bank Authority Fund.....	350.00
239 NF&W Foundation Grant.....	19,131.57
241 AIS Grant Fund .....	0.00
242 Bear Lake Improvement Fund.....	5,588.61
243 Brownfield Redevelopment Authority Fund.....	0.00
244 Brownfield Redevelopment-Joslin Cove.....	0.00
245 Public Improvement Fund .....	0.00
246 Township Improvement Revolving Fund.....	0.00
251 Capital Improvement Fund.....	0.00
252 PRE Audit Fund .....	0.00
253 Remonumentation Fund .....	0.00
254 Medical Care Depreciation Fund .....	0.00
255 Brownfield Site Assessment Fund .....	0.00
256 Register of Deeds Automation Fund .....	12,813.53
257 Budget Stabilization Fund .....	0.00
258 Mounted Search and Rescue .....	0.00
259 Indigent Defense Fund .....	4,750.81
260 Health Insurance Fund.....	146,904.08
261 9-1-1 Service Fund .....	0.00
262 Dive Equipment Fund .....	65.52
263 Sheriff's Office Forfeited Assets Fund .....	0.00
264 Family Counseling Services Fund.....	0.00
265 Juvenile Drug Court Fund .....	0.00
266 Law Enforcement Training Fund .....	0.00
267 Concealed Pistol Licensing Fund .....	0.00
268 Homeland Security Grant Fund.....	0.00
269 Law Library Fund.....	1,855.13
270 Corrections Officer Training Fund.....	0.00
271 County Library Fund .....	0.00
272 County Library Trust Fund.....	0.00
274 OHSP Grant Funds .....	0.00
275 Dial-A-Ride Fund.....	0.00
276 Forestry Fund .....	0.00
277 Air Photo Fund .....	0.00
278 LEPC Grant Fund.....	0.00
279 Economic Development - Housing Fund .....	0.00
280 MSHDA Grant Fund .....	0.00
281 Law Enforcement Technology Fund.....	0.00
282 Community Wildfire Grant Fund .....	0.00
283 F.I.A. Benzie County.....	0.00
284 Community Corrections Fund .....	0.00
285 Drunk Driving Case Flow Fund.. ..	0.00
286 Juvenile Intervention Fund.....	0.00
287 Juvenile Accountability Fund.....	0.00
290 Department of Human Services Fund .....	0.00
292 Child Care Fund .....	4,272.51
293 Soldiers & Sailors Relief Fund.....	5,500.00
294 Veterans Trust Fund .....	0.00
295 Airport Authority Fund .....	59,185.51
296 Juvenile Justice Fund.....	1,250.00
297 Compensated Services Fund .....	119,584.11
298 County Employee Separation Fund.....	0.00
299 Unemployment Fund.....	0.00
356 Fair Board Debt Fund.....	0.00
360 9-1-1 Expansion Construction Fund.....	0.00
361 Jail Expansion Construction Fund.....	0.00
362 Jail Building Bond.....	0.00
368 Library Loan Fund.....	0.00
369 Building Authority Debt Fund .....	0.00
370 County Road Building Debt Fund.....	0.00

**TUESDAY, OCTOBER 27, 2020**

461 Building Authority Construction Fund.....	0.00
462 County Road Construction Fund.....	0.00
512 Medical Care Facility Fund.....	0.00
516 Delinquent Tax Revolving Fund.....	100.00
606 Tax Revolving Fund.....	0.00
609 2009 Tax Revolving Fund.....	0.00
610 2010 Tax Revolving Fund.....	0.00
611 2011 Tax Revolving Fund.....	0.00
612 Delinquent Taxes.....	0.00
613 2013 Tax Revolving Fund.....	0.00
614 2014 Tax Revolving Fund.....	0.00
615 2015 Tax Revolving Fund.....	0.00
616 2016 Tax Revolving Fund.....	0.00
617 2017 Tax Revolving Fund.....	0.00
618 2018 Tax Revolving Fund.....	0.00
618 2018 Tax Revolving Fund.....	0.00
619 2019 Tax Revolving Fund.....	0.00
620 Foreclosure Fund.....	60.00
701 Trust and Agency.....	0.00
702 OPEB Trust Fund.....	0.00
801 Drain Fund.....	0.00

Total: .....\$877,844.20  
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(includes 3 acct. payable runs; on demand checks): \$110,769.76

Payroll for the period of Sept. 2, 2020 thru Oct. 12, 2020 + \$814,212.86  
(incl. 3 payrolls, 1 employee separation)

911-Payouts

Insurance Opt-Out	\$3,763.14
Longevity	\$8,792.12
Signing Bonus	\$26,000.00

Total to be Claimed and allowed October 27, 2020 \$1,692,057.06

Moved by Schmidt, seconded by Bergstrom to recommend the approval of the on-demand checks, bills and payroll, be accepted in the amount of \$1,692,057.06; and that the same be placed on file.

YEAS: 6 Dontz, Jaquish, Lagerquist, Schmidt, Batzer, Bergstrom

NAYS: 0 None

ABSENT: 1 Goodman

Motion Carried

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**2020 COUNTY APPORTIONMENT REPORT**

Moved by Schmidt, seconded by Bergstrom to approve that Manistee County accept the 2020 Apportionment Report as prepared and presented by the Equalization Director and that the same be approved and the millage rates within the report be thereby levied on the taxable value of their respective taxing jurisdictions.

**TUESDAY, OCTOBER 27, 2020**

YEAS: 6 Jaquish, Lagerquist, Schmidt, Batzer, Bergstrom, Dontz  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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**AGREEMENT FOR EXTENSION SERVICES PROVIDED BY MSU TO  
MANISTEE COUNTY FOR FY 2020/21**

Moved by Schmidt, seconded by Batzer to approve the Agreement for Extension Services between Manistee County and the Board of Trustees of Michigan State University (MSU) on behalf of Michigan State University Extension (MSUE) commencing October 1, 2020 and terminating on September 30, 2021, in the amount of \$44,762; and authorize the Board Chair to sign the same.

YEAS: 6 Lagerquist, Schmidt, Batzer, Bergstrom, Dontz, Jaquish  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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**SOBRIETY COURT GRANT AGREEMENT BETWEEN THE STATE COURT  
ADMINISTRATIVE OFFICE (SCAO) AND OFFICE OF HIGHWAY SAFETY  
PLANNING (OHSP) AND THE 85<sup>TH</sup> DISTRICT COURT**

Moved by Batzer, seconded by Jaquish to approve the State Court Administrative Office (SCAO) Office of Highway Safety Planning (OHSP) Grant Subcontract Agreement between SCAO and the 85<sup>th</sup> District Court – DWI Sobriety Court in the amount of \$60,000 for the period of October 1, 2020 through September 30, 2020; and authorize the Board Chair to sign the same.

YEAS: 6 Schmidt, Batzer, Bergstrom, Dontz, Jaquish, Lagerquist  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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**TUESDAY, OCTOBER 27, 2020**

**DISCUSSION RE: DESIGNATED ASSESSOR REQUIREMENT**

Lisa Sagala reported that Heather Vasquez, Equalization Director, and herself had a conference call Mr. Tim Perrone of Cohl, Stoker and Toskey P.C. as recommended by the Ways & Means Committee, concerning the Draft Interlocal Agreement for Manistee County to approve the Designated Assessor. Mr. Perrone indicated that it was a normal boiler plate agreement but there were still questions that had arisen from the conversation. Ms. Vasquez was going to reach out to some other entities to try and get the questions answered before moving forward with the agreement. The deadline for the agreement to be completed is December 31, 2020. No action was taken at this time.

**SHERIFF VEHICLE SALE BID RESULTS**

Moved by Schmidt, seconded by Bergstrom to approve the bid for Vehicle #1: 2015 Ford Explorer Police Interceptor, all-wheel drive, 3.7 liter V6 engine VIN: 1FM5K8AR0FGB61424, Mileage 175,049, in the amount of \$2,652.00; and the bid for Vehicle #3: 2015 Ford Explorer Police Interceptor, all-wheel drive, 3.7 liter V6 engine VIN: 1FM5K8AR7FGB61422, Milage 153,438, in the amount of \$5,000 be accepted; and Vehicle #2 be re-advertised on the County’s website and Facebook page with a minimum bid at the Sheriff’s discretion.

YEAS: 6 Batzer, Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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Moved by Schmidt, seconded by Batzer to accept the Ways & Means Committee Minutes of October 14, 2020.

Motion Carried

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**POLICY COMMITTEE MINUTES/OCTOBER 23, 2020**

Gene Lagerquist presented the Policy Committee Minutes of October 23, 2020.

No Action Items.

Items not requiring Board action.

Discussion concerning the proposed new PTO Policy was had by the Policy Committee. With time off for exposures and the possibility of remote work, this may not be the best time to make the transition from the Vacation, Personal time off policy to a new PTO Policy. There are carryover issues to use time that needs to be addressed, overtime, scheduled vacations and could possibly more potential exposures all which raise havoc with County

**TUESDAY, OCTOBER 27, 2020**

operations, as well as the budget status which has a large deficit. This is not a normal year and the County could run into more issues. It was agreed that the Committee would still like to move ahead with the PTO Policy but now is not the time. The Policy Committee will re-start discussions on this matter in about six (6) months, April/May 2021.

Moved by Lagerquist, seconded by Batzer to accept the Policy Committee Minutes of October 23, 2020.

Motion Carried

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**PERSONNEL COMMITTEE MINUTES/OCTOBER 2, 2020**

Jeff Dontz presented the Personnel Committee Minutes of October 2, 2020.

**CONTINUED DISCUSSION REGARDING TRANSFER OF CHILD SUPPORT DUTIES FROM THE PROSECUTOR’S OFFICE TO THE FRIEND OF THE COURT**

Moved by Schmidt, seconded by Jaquish to approve the proposal for staffing and compensation for both offices for the transfer of Child Support services from the PA Office to the FOC Office, is as follows: The PA office staffing will remain unchanged; the FOC office staffing will remain unchanged, the FOC Staff (5) will each receive a \$1 per hour but not added to the base wage in this interim period, the additional payroll expense of the FOC is not reimbursed under the CRP contract but rather be reimbursed from the 215 Fund – 20/21 fiscal year; Ms. Krusniak will conduct a time study during the 20/21 fiscal year to determine what the staffing needs are for this work, the FOC Staffing and wage issue will be revisited in the next budget cycle.

YEAS: 6 Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt, Batzer

NAYS: 0 None

ABSENT: 1 Goodman

Motion Carried

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**ADMINISTRATOR’S OFFICE OPEN POSITION**

Ms. Sagala distributed in the Board packet a job description she has developed for a Human Resource Generalist in the Administration Office. This position is currently Human Resources/Assistant Administrator position. Ms. Sagala requested the new position of Human Resource Generalist be sent to Mark Nottley for review and grade classification.

Moved by Jaquish, seconded by Lagerquist to send the new position of Human Resource Generalist to Mark Nottley for review and grade classification.

**TUESDAY, OCTOBER 27, 2020**

YEAS: 6 Dontz, Jaquish, Lagerquist, Schmidt, Batzer, Bergstrom  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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Moved by Bergstrom, seconded by Jaquish to accept the Personnel Committee Minutes of October 2, 2020.

Motion Carried

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**MOTION TO ENTER INTO A PUBLIC HEARING ON THE  
MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING  
FOR CDBG CARES FUNDING**

Moved by Batzer, seconded by Jaquish to enter into a Public Hearing on the Michigan Community Development Block Grant (CDBG) Funding for CDBG CARES Funding.

YEAS: 6 Jaquish, Lagerquist, Schmidt, Batzer, Bergstrom, Dontz  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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**PUBLIC HEARING ON THE MICHIGAN COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) FUNDING FOR CDBG CARES FUNDING**

The purpose of this hearing is to receive public comment on the proposed application for a Michigan Community Development Block Grant (CDBG) Funding for CDBG CARES Funding.

Manistee County proposes to use \$154,238.40 CDBG funds to reimburse for unexpected costs associated with COVID-19 and to assist in prevention, mitigation and response to COVID-19, specifically personal protective equipment, public services and salary reimbursement, or other costs as necessary to respond to COVID-19.

**PUBLIC COMMENT**

None.



**TUESDAY, OCTOBER 27, 2020**

**MOTION TO ENTER BACK INTO THE REGULAR SESSION OF THE  
COUNTY BOARD OF COMMISSIONERS**

Moved by Bergstrom, seconded by Lagerquist to close the Public Hearing to receive public comment on the Michigan Community Development Block Grant (CDBG) Funding for CDBG CARES Funding.

YEAS: 6 Lagerquist, Schmidt, Batzer, Bergstrom, Dontz, Jaquish

NAYS: 0 None

ABSENT: 1 Goodman

Motion Carried

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**ADOPTION OF RESOLUTION #2020-13 THE MICHIGAN COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG) AND EMERGENCY SOLUTIONS  
GRANT**

**RESOLUTION #2020-13  
MANISTEE COUNTY BOARD OF COMMISSIONERS**

COMMUNITY DEVELOPMENT BLOCK GRANT AND EMERGENCY SOLUTIONS  
GRANT  
AUTHORIZING RESOLUTION

At a regular meeting of the Manistee County Board of Commissioners held in the Manistee County Courthouse & Government Center, 415 Third Street, Manistee, Michigan, on the 27<sup>th</sup> day of October, 2020 following a public hearing.

PRESENT: Batzer, Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt

ABSENT: Goodman

The following resolution was offered by Batzer and seconded by Lagerquist:

The Coronavirus Aid, Relief and Economic Security Act (CARES Act), Public Law 116-136, makes available supplemental Community Development Block Grant (CDBG) and Emergency Solutions Grant ESG-CV funding for grants to prevent, prepare for, and respond to Coronavirus (COVID-19). The CDBG grant will provide flexibilities for grantees to expedite the use of grant funds to help address the challenges facing our nation during this historic public health crisis.

WHEREAS, the Michigan Strategic Fund has invited Counties to accept Community Development Block Grant Program funds to support CDBG CARES Funding; and

WHEREAS, the County of Manistee will seek to receive up to \$154,238.40 in CDBG funds to reimburse for unexpected costs associated with COVID-19; and

**TUESDAY, OCTOBER 27, 2020**

WHEREAS, the proposed project will be used to assist in prevention, mitigation and response to COVID-19, specifically personal protective equipment, public services and salary reimbursement, or other costs as necessary to respond to COVID-19.

NOW, THEREFORE, BE IT RESOLVED that the County of Manistee hereby designates the Chairperson of the Board, Jeffrey Dontz as the Certifying Officer, the person authorized to certify the Michigan CDBG pre-agreement documents, and the person authorized to sign the Grant Agreement and Susan Zielinski, Finance Officer authorization to sign payment requests and the person authorized to execute any additional documents required to carry out and complete the grant.

Moved by Batzer, seconded by Lagerquist to approve the adoption of Resolution #2020-13

Community Development Block Grant and Emergency Solutions Grant Authorizing Resolution.

YEAS: 6 Schmidt, Batzer, Bergstrom, Dontz, Jaquish, Lagerquist  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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**PUBLIC SAFETY COMMITTEE MINUTES/OCTOBER 2, 2020**

Pauline Jaquish presented the Public Safety Committee Minutes of October 2, 2020.

**MANISTEE COUNTY EMERGENCY MANAGEMENT**

**FY 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)**

Moved by Jaquish, seconded by Lagerquist to approve the Manistee County Emergency Management FY 2021 Emergency Management Performance Grant (EMPG); and authorize the Board Chair to sign the same.

YEAS: 6 Batzer, Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt  
NAYS: 0 None  
ABSENT: 1 Goodman

Motion Carried

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Items not requiring Board action.

**TUESDAY, OCTOBER 27, 2020**

No Shave November is going on now. The event has been expanded to October and November.

Discussion and coordination of all public safety services are ongoing for the closure and detour at the M-55 bridge starting December 2020 through October 2021. Mr. Lagerquist noted that Norman Township is very concerned about the detour. For patients from their Township instead of going through Brethren and Coates Highway, that maybe they should just be taking patients to Cadillac east on M-55, especially in the winter months.

Mr. Lagerquist met with the Jail Administrator, Sheriff and Undersheriff concerning the health, mental health and emotional needs of the inmates. After discussion of budgets, future plans and needs, Mr. Lagerquist felt reassured that the Sheriffs Department has nothing but the best interests and concerns of the inmates in mind.

Moved by Lagerquist, seconded by Jaquish to accept the Public Safety Committee Minutes of October 2, 2020, as amended.

Motion Carried

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD APPOINTMENT**

One (1) vacancy on the Department Health and Human Services Board (DHHS). This vacancy will be appointed for a three (3) year term, beginning November 1, 2020 and expiring October 31, 2023.

Applicants for the position are as follows:

Hattie "Marcia" McElrath (Incumbent)

Moved by Batzer, seconded by Jaquish to cast a unanimous ballot to re-appoint Hattie "Marcia" McElrath to the Department Health and Human Services Board (DHHS). This vacancy will be appointed for a three (3) year term, beginning November 1, 2020 and expiring October 31, 2023.

YEAS: 6 Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt, Batzer

NAYS: 0 None

ABSENT: 1 Goodman

Motion Carried

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**MISCELLANEOUS CONTROLLER AND BOARD ITEMS**

**MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY (MMRMA)**

**COVERAGE PROPOSAL**

Lisa Sagala, presented an annual renewal contract with Michigan Municipal Risk Management Authority (MMRMA) who provides property and liability insurance for the County. There were no changes in coverage this year, but the rate did increase by 4.8%.

**TUESDAY, OCTOBER 27, 2020**

Reasons for the increase were due to additional new vehicles and ongoing litigation. Ms. Sagala also noted a healthy fund balance as of June 30, 2020 of \$499,500 and an asset distribution of \$115,078 for 2020. The asset distribution will be received by the County General Fund once the contract renewal is signed.

Moved by Lagerquist, seconded by Jaquish to approve the contract with Michigan Municipal Risk Management Authority (MMRMA) who provides property and liability insurance for the County for the period January 1, 2021 through January 1, 2022; and allow the County Administrator/Controller to sign the same.

YEAS: 6 Dontz, Jaquish, Lagerquist, Schmidt, Batzer, Bergstrom

NAYS: 0 None

ABSENT: 1 Goodman

Motion Carried

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**RESOLUTION 2020-15**

**RESOLUTION TO RATIFY AND CONFIRM ACTIONS APPROVED BY THE BOARD OF COMMISSIONERS DURING REMOTE MEETINGS**

Ms. Sagala, explained that the County has been following the Open Meetings Act and past and present actions that have been taken at the State level. Senate Bill 1108 was passed to allow the Counties to conduct meetings virtually and hybrid type meetings through the end of the year. Then in January there will be a new set of rules. Upon recommendation by legal counsel, this Resolution ratifies and reaffirms any actions, motions or Resolutions this Board adopted from March 18, 2020 to date.

**RESOLUTION #2020-15  
MANISTEE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO RATIFY AND CONFIRM ACTIONS APPROVED BY THE BOARD OF COMMISSIONERS DURING REMOTE MEETINGS**

At a regular meeting of the Manistee County Board of Commissioners held in the Manistee County Courthouse & Government Center, 415 Third Street, Manistee, Michigan, on the 27<sup>th</sup> day of October, 2020.

PRESENT: Batzer, Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt

ABSENT: Goodman

The following resolution was offered by Batzer and seconded by Bergstrom:

WHEREAS, in response to the COVID-19 pandemic, the Governor declared a State of Emergency by Executive Order 2020-4 on March 10, 2020 and extended the State of Emergency by subsequent Executive Orders; and

WHEREAS, in conjunction with the State of Emergency, on March 18, 2020 the Governor issued Executive Order 2020-15 which authorized remote participation in public meetings and specifically allowed public bodies to hold meetings electronically, either by telephonic or video conferencing; and

**TUESDAY, OCTOBER 27, 2020**

WHEREAS subsequent Executive Orders extended the authorization to hold remote meetings and ultimately, on July 17, 2020, through Executive Order 2020-154, extended the authority to hold remote meetings through the remainder of the State of Emergency; and

WHEREAS, in reliance on the Executive Orders authorizing remote meetings, the County of Manistee, has conducted all meetings electronically since March 17, 2020.

WHEREAS, on October 2, the Michigan Supreme Court issued an opinion in which a majority of the Justices agreed that Executive Orders issued after April 30, 2020 are invalid as the law under which they were issued allowed an unconstitutional delegation of authority to the Governor; and

WHEREAS, in response to the October 2, 2020 Michigan Supreme Court Opinion, 2020 Public Act 228 was adopted by the state legislature and signed by the Governor. This Act is effective immediately and retroactively, and modifies the Open Meetings Act authorizing remote meetings through the December 31, 2020 for any circumstance and through December 31, 2021 for certain qualifying reasons.

THEREFORE BE IT RESOLVED that in light of the October 2, 2020 Michigan Supreme Court Opinion and 2020 Public Act 228 amending the Open Meetings Act, the County of Manistee affirms and ratifies all actions approved by the Board of Commissioners since March 17, 2020 through October 27, 2020 for the following Boards and Committees:

- Manistee County Board of Commissioners
- Green Team Committee
- Personnel Committee
- Policy Committee
- Public Safety Committee
- Technology Committee
- Ways and Means Committee
- Public Defenders Office Committee

Moved by Batzer, seconded by Bergstrom to approve Resolution #2020-15 To Ratify and Confirm Actions Approved by The Board of Commissioners During Remote Meetings, pending clarification,

YEAS:       6       Jaquish, Lagerquist, Schmidt, Batzer, Bergstrom, Dontz  
 NAYS:       0       None  
 ABSENT:    1       Goodman

Motion Carried

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**RESOLUTION #2020-14**

**RESOLUTION OF SUPPORT ENDORSING THE ABANDONMENT AND VACATING OF THE BEAR CREEK DRAINAGE DISTRICT.**

Gary Schwaiger, Manistee County Drain Commissioner, appeared before the Board to discuss the closing of the Bear Creek Drain. Mr. Schwaiger explained that the drain was opened in 1906 during the logging era. It was last worked on in 1909/1910. Mr. Schwaiger believes that the Bear Creek Drain has ceased to be of public utility and is no longer necessary or conducive to public health, convenience, or welfare. Letters in support of the closure were received from the Manistee County Planning Commission and the Springdale

**TUESDAY, OCTOBER 27, 2020**

Township Board. Mr. Schwaiger requests the County Board approve Resolution #2020-14, Resolution of Support Endorsing the Abandonment and Vacating of the Bear Creek Drainage District.

**Resolution #2020-14  
Manistee County Board of Commissioners**

**Resolution of Support  
Endorsing the Abandonment and Vacating of the Bear Creek Drainage District**

At a regular meeting of the Manistee County Board of Commissioners held in the Manistee County Courthouse & Government Center, 415 Third Street, Manistee, Michigan, on the 27<sup>th</sup> day of October, 2020.

PRESENT: Batzer, Bergstrom, Dontz, Jaquish, Lagerquist, Schmidt

ABSENT: Goodman

The following resolution was offered by Schmidt and seconded by Bergstrom:

**WHEREAS**, the Manistee County Drain Commissioner has performed significant research into the establishment of the Bear Creek Drain, and

**WHEREAS**, the information obtained through his research has shown that the established drain is no longer useful for its intended purpose, and

**WHEREAS**, the Bear Creek Drain, known as Bear Creek, is a naturally reproducing trout stream which has strong ecological value and economic value to our communities, and

**WHEREAS**, the status of Bear Creek as a County Drain threatens the stability of the creek and surrounding lands if maintenance efforts were to occur within said drain, and

**WHEREAS**, Springdale Township Board has provided letters of support for the abandonment of the Drainage District along Bear Creek, and

**WHEREAS**, the Manistee County Board of Commissioners believe that the Bear Creek Drain has ceased to be of public utility and is no longer necessary or conducive to public health, convenience, or welfare; and

**WHEREAS**, there are no outstanding invoices or debts for the Bear Creek Drainage District; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Manistee County Board of Commissioners hereby endorse the abandonment and vacating of the Bear Creek Drainage District in Springdale Township, Manistee County.

Moved by Schmidt, seconded by Bergstrom to approve Resolution #2020-14 Resolution of Support Endorsing the Abandonment and Vacating of the Bear Creek Drainage District.

YEAS: 6 Lagerquist, Schmidt, Batzer, Bergstrom, Dontz, Jaquish

NAYS: 0 None

ABSENT: 1 Goodman

Motion Carried

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**MISCELLANEOUS CONTROLLER AND BOARD ITEMS (cont.)**

**TUESDAY, OCTOBER 27, 2020**

Ms. Sagala noted the letter from the City Zoning Enforcement concerning enclosing all dumpsters in the City of Manistee. The County Maintenance Department is working on this matter.

Pauline Jaquish discussed the draft proposed Memorandum of Understanding (MOU) between the Manistee Fair Board and MSU Extension and the Manistee County 4-H Livestock Council. Ms. Jaquish believes it is a negotiation issue between the two (2) groups. Elaine Blossingham, Secretary, Manistee Agricultural Society, discussed the Ag Society's draft back to the Manistee Fair Board. Chairman Dontz asked that the entities work it out and Ms. Jaquish, who is the County Board Fair Board Representative, will assist if needed. The entities were commended for their working together on these matters.

Ms. Blossingham also updated the Board on events taking place at the fairgrounds, upgrades that have been completed and future repairs. Electrical upgrades were completed this past summer and mapping will be done in the near future. Ms. Blossingham thanked the Board for budgeting funds for the fairgrounds. The funds will be helping with repairs and maintenance of grandstand roof and pavilion entryway and possibly new bathrooms raised with event funds. The fair is scheduled for August 17-21, 2021. Currently, there is a full Board of 17 Officers. An election will be held in November. An inventory list of the fairgrounds has been completed and will be submitted to the County.

**PUBLIC COMMENT**

It was reported that the Onekama Township Board Meeting will take place on Monday, November 2, 2020 at 6 p.m.

Adjourn at the Call of the Chair at 10:24 a.m.

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Clerk