**BARAGA COUNTY BOARD OF COMMISSIONERS**

**Regular Meeting Minutes**

**November 7, 2022**

**CALL TO ORDER:**

Chairman Rolof called the Regular Meeting on Monday, November 7, 2022 at 5:00 p.m., in the Circuit Courtroom, Baraga County Courthouse, 16 N. Third Street, L’Anse, MI 49946.

**PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA:**

Chairman Rolof led us in the Pledge of Allegiance to the United States of America.

**ROLL CALL:**

Chairman Rolof instructed Clerk Goodreau to take Roll Call with the following results:

Present: Gale Eilola, District 1, Brad Dakota, District 2; Dan Robillard, District 3; and Lyle Olsen, District 4; William Rolof, District 5.

Absent: None.

**APPROVAL OF AGENDA:**

Commissioner Dakota made a motion, supported by Commissioner Robillard to approve the Agenda, with the following changes and additions: g. District Court/Clerk’s Office, furniture and computers; h. Parks and Recreation, ARPA request; i Treasurer, Grainer settlement agreement. On Voice Vote, the motion carried.

**APPROVAL OF MINUTES:**

Commissioner Eilola made a motion, supported by Commissioner Dakota to approve the minutes for the Regular meeting held on October 11, 2022. On Voice Vote, the motion.

**PUBLIC COMMENT-Agenda Items Only:**

No public comment received.

**TREASURERS REPORT:**

As presented by Treasurer, Jill C. Tollefson.

**REVIEW OF CLAIMS AND ACCOUNTS:**

Commissioner Robillard made a motion, supported by Commissioner Olsen to approve the BCMH Trustee Per Diem for October 2022 ($1,110.00). On Voice Vote, the motion carried.

Commissioner Dakota made a motion, supported by Commissioner Eilola to approve the payment of the Claims and Accounts for the period of October 12, 2022 through November 7, 2022 in the amount of $26,896.35. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Commissioner Eilola, Commissioner Dakota, Commissioner Robillard, Commissioner Olsen and Commissioner Rolof. Nays; None. Absent; None.

Commissioner Eilola made a motion, supported by Commissioner Olsen to approve the payment of the Prepaid Bills and Trust and Agency Accounts for the period of October 12, 2022 through November 7, 2022 in the amount of $706,183.02. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Commissioner Eilola, Commissioner Dakota, Commissioner Robillard, Commissioner Olsen and Commissioner Rolof. Nays; None. Absent; None.

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the Sheriff’s Dept. Account expenditures for October 2022 in the amount of $14,635.00. On Voice Vote, the motion carried.

**UNFINISHED BUSINESS:**

The Board received two bids for the recording/camera system for the interview room at the Jail. Sydaptec, Inc.; $19,685.00 and BIS Digital; $16,413.71. The BIS Digital bid was one less camera and it was also noted that the rest of the Jail camera system was installed and supported by Sydaptec, Inc. There was discussion about the efficiency of having just one system and vendor to work with. Commissioner Dakota made a motion, supported by Commissioner Robillard to approve the purchase of recording/camera system for the interview room at the Jail in the amount of $19,685.00 from Sydaptec, Inc. with the project to be paid from ARPA funds. On Voice Vote, the motion carried.

**ACTION ITEMS:**

The Michigan Nurses Association was not present.

Pursuant to MDNR Trust Fund Land Acquisition grant requirements the County must have two appraisals completed and obtain title insurance on the Covington Township property (Sturgeon River Conservation Recreation Area) the County is working on acquiring with a MDNR Trust Fund grant (TF21-0195). Commissioner Olsen made a motion, supported by Commissioner Robillard to approve hiring Aspen Appraisal for an update appraisal in the amount of $5,000.00 and Piazza Appraisal Service for a complete appraisal in the amount of $9,850.00. On Voice Vote, the motion carried. Commissioner Olsen made a motion, supported by Commissioner Robillard to have Keweenaw Title provide the title policy in the amount of $5,320.00. On Voice Vote, the motion carried.

Commissioner Dakota made a motion, supported by Commissioner Eilola to approve the annual agreement with Tri-County Public Defenders for the County’s indigent criminal defense. On Voice Vote, the motion carried.

Commissioner Olsen made a motion, supported by Commissioner Eilola to approve the Superior Watershed Partnership KBIC 2% request (pass through money). The funding is for trails and was approved by the Board by a telephone poll on 9/30/2022. On Voice Vote, the motion carried.

Commissioner Olsen made a motion, supported by Commissioner Dakota to approve the Sheriff Deputies and Corrections Officer contract (2022-2025), with a correction to the vacation language (century to years). On Voice Vote, the motion carried.

Commissioner Eilola made a motion, supported by Commission Olsen to sign the annual agreement with the Great Lakes Recovery Center for the County’s Employee Assistance Program. On Voice Vote, the motion carried.

It has come to the attention of the County that Patrick Osterman has been shorted 36 months (November 2013 – September 2016) of service credit with MERS while he was the Mine Inspector. Prosecuting Attorney O’Leary explained in detail the issue, he didn’t think, because there was no formal action by the Board, that Patrick could be shorted the service credit. It was moved by Commissioner Robillard, supported by Commissioner Eilola to approve the 36 months (November 2013 – September 2016) of service credit with MERS for Patrick Osterman while he was the Baraga County Mine Inspector. On Voice Vote, the motion carried.

Commissioner Olsen made a motion, supported by Commissioner Robillard to approve the purchase of office furniture for the Clerk’s Office, $2,966.00, District Court, $2,465.00 to be paid from ARPA funds and computers/docking station for District Court, $2,655.00 to be paid from the Technology Fund. On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola to table a request for ARPA funds in the amount of $50,000.00 for Parks and Recreation. On Voice Vote, the motion carried.

Commissioner Olsen made a motion, supported by Commissioner Robillard to enter into closed session to discuss with the our attorney (Charles Lawler, Clark Hill) trial and/or settlement strategy in the pending lawsuit Grainer vs. County of Ottawa et al Case No: 19-cv-501 pursuant to MCL 15.268(e), because discussion on the open record will have a detrimental financial effect on the litigation or settlement position of Baraga County, and also to discuss material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g), pursuant to MCL 15.268(h). On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Commissioner Eilola, Commissioner Dakota, Commissioner Olsen, Commissioner Robillard, and Commissioner Rolof. Nays; None. Absent; None. The Board moved into closed session at 5:34 p.m.

The Board entered into open session at 5:55 p.m. Chairman Rolof instructed Clerk Goodreau to take roll call with the following results: Present: Gale Eilola, District 1, Dan Robillard, District 2; Brad Dakota, District 3; and Lyle Olsen, District 4; William Rolof, District 5.

Absent: None.

Commissioner Olsen made a motion, supported by Commissioner Robillard to amend the motion to move into closed session as follows: Commissioner Olsen made a motion, supported by Commissioner Robillard to enter into closed session to discuss with our attorney (Charles Lawler, Clark Hill) trial and/or settlement strategy in the pending lawsuit Grainger vs. County of Ottawa et al Case No: 19-cv-501, Calkins et al vs. Kent County et al Case No: 21-cv-00062 and Sattler et al vs Kent County et al Case No: 22-cv-00316 pursuant to MCL 15.268(e), because discussion on the open record will have a detrimental financial effect on the litigation or settlement position of Baraga County, and also to discuss material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g), pursuant to MCL 15.268(h). On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the settlement agreement by Resolution as follows:

**RESOLUTION TO APPROVE SETTLEMENT AGREEMENT:**

**WAYSIDE CHURCH, *et al* v VAN BUREN County, *et al*
western district of michigan case no. 1:14-CV-01274**

WHEREAS, Wayside Church, *et al,* filed a class action complaint against a number of counties in the United States District Court for the Western District of Michigan in Civil Action No. 1:14-cv-01274 (“Complaint”); and

WHEREAS, Parties have been exploring and preparing defenses and participating in settlement negotiations under the oversight of the 6th Circuit Court of Appeals Mediation process; and,

WHEREAS, the parties are desirous of avoiding future litigation and controversy and after extensive negotiations, have agreed to certain terms and conditions set forth in the Settlement and Release Agreement, subject to approval by the Court, and as outlined by counsel; and

WHEREAS, the County understands that the Settlement and Release Agreement is a compromise of a disputed claim and that payment(s) made and conditions state therein are not to be construed as an admission of liability on the part of the parties being released by who all liability is expressly denied; and,

WHEREAS, after consultation with legal counsel, and the County Treasurer and upon the recommendation and endorsement of the Settlement by each, the County believes it is in the best interests of the citizens of Baraga County to resolve the litigation in accordance with the Settlement and Release Agreement, subject to approval by the Court.

THEREFORE, BE IT RESOLVED, that the Baraga County Board of Commissioners approves entering into the Settlement and Release Agreement in connection with Civil Action No. 1:14-cv-01274, subject to approval by the Court.

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners and County Clerk are hereby authorized to sign the Settlement and Release Agreement on behalf of Baraga County, and the County Treasurer is encouraged to execute the Settlement and Release, subject to approval by the Court, after approval as to form by the County Attorney.

On Voice Vote, the motion carried.

Commissioner Olsen left the meeting at 6:00 p.m. to attend the Parks and Recreation Committee meeting.

**REPORTS OF STANDING COMMITTEES:**

**INFORMATIONAL ITEMS:**

* BCMH Board of Trustee, Minutes

**RESOLUTIONS:**

No Resolutions.

**COMMISSIONERS COMMENTS:**

Commissioner Eilola reported that the MI Works is hiring a new director.

**PUBLIC COMMENT:**

**ADJOURNMENT:**

There being no further business to come before the County Board, Commissioner Robillard made a motion, supported by Commissioner Eilola to adjourn the meeting until Monday, December 12, 2022. On Voice Vote, the motion carried.

Respectfully Submitted,

Wendy J. Goodreau

County Clerk