**BARAGA COUNTY BOARD OF COMMISSIONERS**

**Regular Meeting Minutes**

**December 13, 2021**

**CALL TO ORDER:**

Chairman Rolof called the Regular Meeting on Monday, December 13, 2021 at 5:00 p.m., in the Circuit Courtroom, Baraga County Courthouse, 16 N. Third Street, L’Anse, MI 49946.

**ROLL CALL:**

Chairman Rolof instructed Clerk Goodreau to take roll call with the following results:

Present: Gale Eilola, District 1, Dan Robillard, District 3, and William Rolof, District 5.

Via Zoom: Lyle Olsen, District 4.

Absent: Brad Dakota, District 2.

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

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

**APPROVAL OF AGENDA:**

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the Agenda, as presented. On Voice Vote, the motion carried.

**APPROVAL OF MINUTES:**

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the minutes for the Regular meeting held on November 8, 2021. On Voice Vote, the motion.

**PUBLIC COMMENT-Agenda Items Only:**

Chairman Rolof opened the meeting up for public comment. There was no public comment.

**TREASURERS REPORT:**

As presented by Treasurer, Jill C Tollefson.

**REVIEW OF CLAIMS AND ACCOUNTS:**

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the BCMH Trustee Per Diem for November 2021 ($1,120.00). On Voice Vote, the motion carried.

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the payment of the Claims and Accounts for the period of November 9, 2021 through December 13, 2021 in the amount of $134,310.11. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard and Rolof. Nays; None. Absent: Dakota.

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the payment of the Prepaid Bills and Trust and Agency Accounts for the period of November 9, 2021 through December 13, 2021 in the amount of $483,406.55. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard and Rolof. Nays; None. Absent; Dakota.

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the Sheriff’s Dept. Commissary Account expenditures for October 2021, $18,636.42, and November 2021, $23,792.32. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard and Rolof. Nays; None. Absent; Dakota.

**UNFINISHED BUSINESS:**

Commissioner Robillard made a motion, supported by Commissioner Eilola to adopt the following resolution:

RESOLUTION TO SUPPORT AMENDMENTS
 TO THE OPEN MEETINGS ACT

WHEREAS, the Baraga County Board of Commissioners has a vested interest in decisions made regarding the Open Meetings Act (Act 267 of 1976, being MCL 15.261 et seq.); and

WHEREAS, prior to the most recent amendments to the Act, it was generally accepted that members of a public body could participate in a meeting electronically so long as a quorum of the public body was physically present at the meeting location; and

WHEREAS, a series of Executive Orders and statutory amendments issued in 2020 authorized remote participation in public meetings and specifically allowed public bodies to hold meetings electronically, either by telephonic or video conferencing; and

WHEREAS, after December 31, 2021, members of a public body will be allowed to participate in a meeting electronically only to accommodate the absence of any member of the public body due to military duty as described in Section 3(2) of the Act; and

WHEREAS, this substantive change eliminates a public body’s previous flexibility to allow one or two members to attend remotely.

THEREFORE, BE IT RESOLVED that the Baraga County Board of Commissioners requests that all counties with a population of 75,000 or fewer be exempt from the portion of the Open Meetings Act that allows only members absent due to military duty to participate in meetings
electronically.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Representative Gregory Markkanen, Senator Ed McBroom, Michigan Association of Counties and to the Clerk of each County in the State of Michigan.

On Voice Vote, the motion carried.

**ACTION ITEMS:**

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the 2020 Baraga County Hazard Mitigation Plan by resolution:

BARAGA COUNTY

2020 HAZARD MITIGATION PLAN UPDATE

ADOPTION RESOLUTION

WHEREAS, Baraga County has experienced disasters that have damaged commercial, residential, and public properties; displaced citizens and businesses, closed streets and bridges, and threatened the health and safety of the general public; and

WHEREAS, Baraga County has prepared a Hazard Mitigation Plan that outlines options to reduce overall damage and impact from natural hazards; and

WHEREAS, Baraga County has reviewed and updated the Hazard Mitigation Plan on the five-year cycle as required; and

WHEREAS, opportunities to review and comment on Hazard Mitigation Plan have been provided to the public, and local, state and federal agencies; and

WHEREAS, on **October 4, 2021**, the Federal Emergency Management Agency approved the Hazard Mitigation Plan pending adoption by Baraga County.

NOW, THEREFORE, BE IT RESOLVED THAT:

The updated Baraga County HAZARD MITIGATION PLAN dated 2022-2027 is hereby adopted as an official plan of Baraga County.

The Emergency Manager shall submit a written report to the Baraga County Commissioners when updates, revisions, or other actions are recommended or required, at a minimum once every five years.

On Voice Vote, the motion carried.

Commissioner Eilola made a motion, supported by Commissioner Robillard to sign an Engagement / Conflict Waiver Letter for assistance and counsel in administering and spending funds under the ARPA of 2021. Some discussion followed. On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola to approve the FY2022 Baragaland Specialized Services Operating Assistance Program Grant. On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola to authorize Clerk Goodreau to sign the FY2022 Remonumentation Grant Agreement. The 2022 Grant is in the amount of $59,254.00. On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola to make the following change to the Personnel Handbook, Article 22.1:

*“Effective October 1, 2021, the Employer agrees to provide the employees with the following health benefit:*

* *Blue Care Network; Silver $3000/20%*
* *HSA, The HSA shall be funded at the following rate: $2,450.00/single and $5,150.00/family. The County shall deposit biannual payments, 50% of HSA, as follows: (January 1st (or next business day)) and July 1st (or next business day)). If at any time after the 1st HSA payment, and prior to the 2nd HSA payment, the employee’s deductible and/or copays exceed the 1st HSA payment, the employee may submit a request to the County Clerk’s Office for the 2nd HSA payment. The County Clerk shall deposit the additional funds as soon as is possible. A form for such request shall be made available in the County Clerk’s Office.*
* *VSP Vision*
* *Delta Dental PPO*

On Voice Vote, the motion carried.

Commissioner Eilola made a motion, supported by Commissioner Robillard to approve the County Christmas Party for December 22, 2021 from 1:00 p.m. to 3:30 p.m. On Voice Vote, the motion carried.

Commissioner Robillard made a motion, supported by Commissioner Eilola to appoint the following individuals to the Baraga County Parks and Recreation Committee: Dan Robillard, Lyle Olsen, Pauline Schaefer, Will Wiggins and Tristan Leaf. On Voice Vote, the motion carried.

No action was taken on the EDC’s request for funding.

Commissioner Robillard made a motion, supported by Commissioner Eilola to enter into closed session per the Open Meeting Act 15.268 Section 8(e) to discuss ongoing litigation with civil counsel. On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent; Dakota. The Board entered into closed session at 5:31 p.m.

CLOSED SESSION

The Board came back into open session at 5:40 p.m. Chairman Rolof instructed Clerk Goodreau to take roll call with the following results:

Present: Gale Eilola, District 1, Dan Robillard, District 3, and William Rolof, District 5.

Via Zoom: Lyle Olsen, District 4.

Absent: Brad Dakota, District 2.

Commissioner Eilola made a motion supported by Commissioner Robillard to approve the agreement for allocation of distributor settlement agreement and Janssen settlement agreement with the following Resolutions:

RESOLUTION AUTHORIZING ENTRY OF STATE LOCAL GOVERNMENT INTRASTATE AGREEMENT CONCERNING ALLOCATION OF SETTLEMENT PROCEEDS IN THE NATIONAL OPIOIDS LITIGATION

WHEREAS, the BARAGA COUNTY filed a lawsuit in the United States District Court to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants (“Settling Defendants”):

1. Janssen Pharmaceuticals, Inc. (a prescription opioids manufacturer);
2. Amerisource Bergen Corp. (a prescription opioids wholesaler distributor);
3. Cardinal Health, Inc. (a prescription opioids wholesaler distributor); and
4. McKesson Corporation (a prescription opioids wholesaler distributor)

AND WHEREAS the lawsuit was subsequently transferred to the United States District Court in the Northern District of Ohio and centralized as part of *In re National Prescription Opiate Litigation,* MDL 2804; Case No. 1:17-md-2804, which is presided over by the Honorable Dan Aaron Polster, United State Federal District Court Judge;

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 BARAGA COUNTY’s lawsuit;

AND WHEREAS the Proposed Settlements 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 BARAGA COUNTY desires to enter into an alternative allocation method which allocates settlement funds solely to:

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

NOW THEREFORE, BARAGA COUNTY authorizes the execution of a Michigan State-Subdivision Agreement For Allocation of Distributor Settlement Agreement and Janssen Settlement Agreement substantially similar to the proposed agreement attached to this resolution. BARAGA COUNTY 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.

RESOLUTION AUTHORIZING ENTRY OF PARTICIPATION AGREEMENTS IN PARTIAL SETTLEMENT OF THE NATIONAL PRESCRIPTION OPIATE LITIGATION

WHEREAS, the BARAGA COUNTY filed a lawsuit in the United States District Court to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants (“Settling Defendants”):

1. Janssen Pharmaceuticals, Inc. (a prescription opioids manufacturer);
2. Amerisource Bergen Corp. (a prescription opioids wholesaler distributor);
3. Cardinal Health, Inc. (a prescription opioids wholesaler distributor); and
4. McKesson Corporation (a prescription opioids wholesaler distributor)

AND WHEREAS the lawsuit was subsequently transferred to the United States District Court in the Northern District of Ohio and centralized as part of *In re National Prescription Opiate Litigation,* MDL 2804; Case No. 1:17-md-2804, which is presided over by the Honorable Dan Aaron Polster, United State Federal District Court Judge;

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 BARAGA COUNTY’s lawsuit;

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

1. An agreement by Janssen that it will discontinue the manufacture and distribution of prescription opioids products for at least the next ten years;
2. An agreement by Janssen that it will suspend any lobbying efforts that concern prescription opioids products;
3. The creation of a National Clearinghouse for wholesale distributors that will assist in the detection, suspension and reporting of suspicious orders of prescription opioids products; and
4. The payment of up to $26 billion (depending upon the level of participation of state and local governments in the Proposed Settlements) in funding installments over the next 18 years, the bulk of which will be dedicated to funding abatement and prevention strategies associated with the opioids public nuisance.

NOW THEREFORE, BARAGA COUNTY authorizes the execution of Participation Agreements for: 1. the Master Settlement Agreement with Janssen Pharmaceuticals, Inc.; and 2. the Master Settlement Agreement with the three wholesale distributor defendants (Cardinal, Amerisource Bergen and McKesson), both 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 an exhibit to this resolution

On Roll Call Vote, the motion carried. Roll Call was as follows: Yeas; Eilola, Olsen, Robillard, and Rolof. Nays; None. Absent; Dakota.

**REPORTS OF STANDING COMMITTEES:**

Commissioner Robillard attended the Covington Township meeting.

**INFORMATIONAL ITEMS:**

The following items were presented for information:

* BCMH Board of Trustee, Minutes
* Cohl, Stoker & Toskey, OMA

**RESOLUTIONS:**

No Resolutions.

**COMMISSIONERS COMMENTS:**

No Commissioner comments were made.

**PUBLIC COMMENT:**

Todd VanDyke reported that a second bridge over the Portage Canal is being proposed and there’s likelihood that there may be some Federal infrastructure funds available for the project. Mr. VanDyke wondered if that may be the case if a secondary road from L’Anse to Baraga could be funded in the same way and maybe the issue should be raised again.

Clerk Goodreau reported that the MDNR Trust Fund Board recommended the Covington Township Land Acquisition grant application be funded. The application for funding now goes to the State Legislature for approval to fund. This process could take up to 6 months.

**ADJOURNMENT:**

There being no further business to come before the County Board, Commissioner Eilola made a motion, supported by Commissioner Robillard to adjourn the meeting until Monday, January 10, 2022. On Voice Vote, the motion carried.

Respectfully Submitted,

Wendy J. Goodreau

County Clerk