



1/1/2019

# Agendas & Minutes of the Board

Presque Isle County

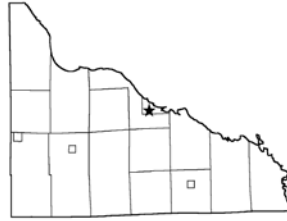


Commissioners Office  
PRESQUE ISLE COUNTY

# Presque Isle County Clerk

Ann Marie Main  
County Clerk

Darrin C. Darga  
Chief Deputy



Rose M. Przybyla  
Arlene E. Wojda  
Melody Hincka  
Deputies

## AGENDA PRESQUE ISLE COUNTY BOARD OF COMMISSIONERS ORGANIZATIONAL MEETING

**Wednesday, January 2, 2019 1:00 p.m.**

Call to Order  
Pledge, Prayer and Roll Call

Election of Chairman  
Election of Vice Chairman  
Adopt Presque Isle County Board of Commissioners  
Rules of Order as Amended  
Designation of Depositories  
Establish Regular Meeting Dates for 2019  
Disclosure Resolutions  
Posting of Meeting Dates  
Weather/Emergency Closing – County Offices  
Out-of-State Conventions – Funding  
Spending Limitations and Bidding Policy  
Invitation to Bid – Approved as to Form  
2019 Committee Appointments  
Special Appointments by the Chairman – Ratification  
Ratification of Chief Administrative Officer and Finance Committee  
Publishing of Minutes

Payroll  
Adjourn

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Rogers City, MI 49779

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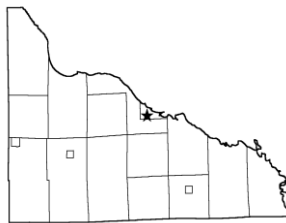
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Ann Marie Main, County Clerk

# Presque Isle County Board of Commissioners

## COMMISSIONERS

District 1 – Nancy S. Shutes  
District 2 – Lee Gapczynski  
District 3 – Michael Darga  
District 4 – Carl L. Altman  
District 5 – John Chappa



CHAIRMAN  
Lee Gapczynski

VICE-CHAIRMAN  
Carl L. Altman

COUNTY CLERK &  
CLERK TO THE BOARD OF  
COMMISSIONERS  
Ann Marie Main

**\*\*A Work session will be held at 2:45 p.m. prior to the regular meeting with the full board present to review the Recycling program and other committee matters as needed \*\***

## **AGENDA**

**Board of Commissioner's Meeting  
Thursday, January 10, 2019  
4:00 p.m.**

**Call to Order  
Pledge, Prayer and Roll Call  
Approval of the Agenda – Additions/Deletions  
Conflict Disclosure  
Minutes of the Meeting of December 28, 2018  
Minutes of Organization Meeting of January 2, 2019  
Claims Audit**

### **Citizens Appearing Before the Board**

#### **Unfinished Business:**

1.

#### **New Business:**

1. Engagement letter - Litigation Counsel
2. Resolution of Agency
3. Resolution to Borrow
4. Airport manager appointment
5. Committee appointments- (revisit)

**Committee Reports  
Other Government Officials  
Commissioner Comment  
District Commissioner Reports  
Correspondence  
Payroll  
Adjourn**

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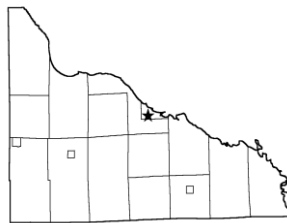
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# Presque Isle County Board of Commissioners

## COMMISSIONERS

District 1 – Nancy S. Shutes  
District 2 – Lee Gapczynski  
District 3 – Michael Darga  
District 4 – Carl L. Altman  
District 5 – John Chappa



CHAIR  
Lee Gapczynski

VICE-CHAIR  
Carl L. Altman

COUNTY CLERK &  
CLERK TO THE BOARD OF  
COMMISSIONERS  
Ann Marie Main

## **AGENDA** **Board of Commissioner's Meeting** **Friday, January 25, 2018** **9:30 a.m.**

**Call to Order**  
**Pledge, Prayer and Roll Call**  
**Approval of the Agenda – Additions/Deletions**  
**Conflict Disclosure**  
**Minutes of the Meeting of January 10, 2019**  
**Minutes of the Work session of January 10, 2019**  
**Minutes of the Organizational meeting of January 2, 2019**  
**Treasurer's Report**

### **Citizens Appearing Before the Board**

#### **Unfinished Business:**

1. approval of minutes of January 2, 2019

#### **New Business:**

1. **New Bank Account - Treasurer**
2. **Appointment - Road Commission**
3. **Cell phone reimbursement - Asst. magistrate (Welch)**
4. **AWOS Maintenance Contract**
5. **FOIA Appeal Correspondence**
6. **Marijuana in the workplace Policy**
7. **Recycling program**

**Committee Reports**  
**Other Government Officials**  
**Commissioner Comment**  
**District Commissioner Reports**  
**Correspondence**  
**Payroll**  
**Adjourn**

**\*\* Work Session following the regular meeting\*\***  
**- discussion topic- Onaway Airport**

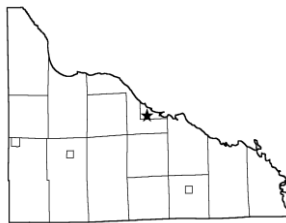
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# Presque Isle County Board of Commissioners

## COMMISSIONERS

District 1 – Nancy S. Shutes  
District 2 – Lee Gapczynski  
District 3 – Michael Darga  
District 4 – Carl L. Altman  
District 5 – John Chappa



CHAIR  
Lee Gapczynski

VICE-CHAIR  
Carl L. Altman

COUNTY CLERK &  
CLERK TO THE BOARD OF  
COMMISSIONERS  
Ann Marie Main

## **AGENDA**

**Board of Commissioner's Meeting**  
**Thursday, February 14, 2019**  
**4:00 p.m.**

**Call to Order**  
**Pledge, Prayer and Roll Call**  
**Approval of the Agenda – Additions/Deletions**  
**Minutes of the Meeting of January 25, 2019**  
**Minutes of Workshop of January 25, 2019**  
**Claims Audit**

### **Citizens Appearing Before the Board**

#### **Unfinished Business:**

1. Marijuana Policy

#### **New Business:**

1. 9-1-1 Surcharge
2. Onaway Airport
3. Appointments- Target Alpena board, Planning Commission -Board liason
4. Black Lake Dam - Drain Commissioner

**Committee Reports**  
**Other Government Officials**  
**Commissioner Comment**  
**District Commissioner Reports**  
**Correspondence**  
**Payroll**  
**Adjourn**

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**The County Clerk gave the oath to the members elected to the Board of Commission.**

The Board of Commissioners for the County of Presque Isle met in the Commissioner's Room of the Courthouse in the City of Rogers City on Wednesday, January 2, 2017, at 1:00 p.m. for the purpose of organizing.

County Clerk Ann Marie Main called the meeting to order and Commissioner Darga led the Board in the Pledge of Allegiance. Commissioner Altman gave the prayer and the Clerk called the roll.

Commissioners present: Nancy Shutes, Lee Gapczynski, Michael Darga, Carl L. Altman and John Chappa.

Commissioners excused: None

**ELECTION OF A CHAIR**

Commissioner Darga nominated Commissioner Altman for chairman. Commissioner Chappa nominated Commissioner Gapczynski. After three calls for further nominations and there being none, a motion was made by Commissioner Altman and seconded by Commissioner Darga to close the nominations. A roll call vote was taken.

Gapczynski – Gapczynski  
Darga - Altman  
Altman – Altman  
Chappa – Gapczynski  
Shutes – Gapczynski

Commissioner Gapczynski is elected Chairperson of the Board of Commissioners for 2018 and took his chair.

**ELECTION OF A VICE-CHAIR**

Commissioner Darga nominated Commissioner Altman for vice-chair. After three calls for further nominations and there being none, a motion was made by Commissioner Darga and seconded by Commissioner Chappa to close the nominations and the clerk be instructed to cast a unanimous ballot electing Commissioner Altman as Vice-chair for 2019.

Motion carried by a majority vote.

Commissioner Altman took his seat as Vice-chair.

**PRESQUE ISLE COUNTY BOARD OF COMMISSIONERS RULES OF ORDER AS AMENDED**

Motion by Commissioner Darga and seconded by Commissioner Shutes to adopt the 2019 Presque Isle County Board of Commissioners Rules of Order as amended on January 5, 2017

After discussion a motion was made by Commissioner Darga and seconded by Commissioner Shutes to withdraw the motion.

Ayes: Darga, Altman, Chappa, Shutes. Gapczynski

Nays: None

Motion carried by roll call vote.

**PRESQUE ISLE COUNTY BOARD OF COMMISSIONERS RULES OF ORDER AS AMENDED**

Motion by Commissioner Darga and seconded by Commissioner Shutes to adopt the 2019 Presque Isle County Board of Commissioners Rules of Order with amendments to sections 4, 4.3, 4.4.

Ayes: Altman, Chappa, Shutes, Gapczynski, Darga

Nays: None

Motion carried by roll call vote.

**RESOLUTION – DESIGNATION OF DEPOSITORIES**

WHEREAS, under the laws of the State of Michigan, Act No. 40 of the Michigan Public Acts of 1932, 1<sup>st</sup> Extra Session, as amended (MCL 129.12), this Board is required to provide, by resolution, for the deposit of all public monies, including tax monies belonging to or held for the State, County or other political units coming into the hands of the County Treasurer in one or more financial institutions within the State, and

THEREFORE, BE IT RESOLVED by the Presque Isle County Board of Commissioners as follows:

1. The Presque Isle County Board of Commissioners hereby provides for the designation and deposit of all public money including tax money by the Presque Isle County Treasurer in the following financial institutions:
  - Huron National Bank of Rogers City as General Depository
  - Calcite Credit Union
  - Awakon Federal Credit Union
  - Chemical bank
  - Morgan Stanley Financial
  - Bank of Alpena
  - First Federal of Northern Michigan – Alpena and Cheboygan
2. The Treasurer and Finance Committee are authorized to enter into and execute on behalf of the County any contracts with any bank or trust company for the safekeeping or their party custodianship of any of the County's securities which will be the subject of such safekeeping or party custodianship arrangements, on such terms and conditions as the County Treasurer shall require, and
3. The County Treasurer is authorized to rely on the continuing effect of this Resolution until amended or repealed by a subsequent resolution of this or a successor Board of Commissioners.



Motion by Commissioner Chappa and seconded by Commissioner Shutes to adopt the above resolution.

Ayes: Chappa, Shutes, Darga, Gapczynski, Altman

Nays: None

Motion carried by roll call vote.

### **MEETING DATES FOR 2019 ESTABLISHED**

Motion by Commissioner Darga and seconded by Commissioner Chappa that the 2019 regular meetings of the Board of Commissioners for the County of Presque Isle will be held on the second Wednesday at 7:00 p.m. and the last Friday at 9:30 a.m., a change due to a holiday, or unless otherwise called by the Chair.

After discussion a motion was made by Commissioner Darga and seconded by Commissioner Shutes to withdraw the motion.

Ayes: Shutes, Darga, Gapczynski, Altman, Chappa

Nays: None

Motion carried by majority vote.

Motion by Commissioner Darga and seconded by Commissioner Altman that the 2019 regular meetings of the Board of Commissioners for the County of Presque Isle will be held on the second Thursday at 4:00 p.m. and the last Friday at 9:30 a.m., a change due to a holiday, or unless otherwise called by the Chair.

Ayes: All, except Chappa, Motion carried by majority vote.

### **DISCLOSURE RESOLUTION – COMMISSIONER GAPCZYNSKI**

Moved by Commissioner Darga and supported by Commissioner Chappa to adopt the following resolution:

WHEREAS, Lee Gapczynski of Rogers City, Michigan has been elected to the Board of Commissioners for a term of two years effective January 1, 2019, and

WHEREAS, Mr. Gapczynski is a stockholder in Concrete Alternatives INC of Rogers City, Michigan, a member of 23 North Properties LLC of Rogers City, Michigan, a stockholder and member of the Board of Directors of Huron National Bank Corp. of Rogers City and account member of Calcite Credit Union of Rogers City, and

WHEREAS, Huron National Bank and Calcite Credit Union are used as depositories for funds of said county;

THEREFORE, the Presque Isle County Board of Commissioners are fully cognizant of the fact that Ms. Gapczynski is stockholder in Concrete Alternatives, INC of Rogers City, a member of 23 North Properties LLC of Rogers City, Michigan a member of the Board of Directors at Huron National Bank, a stockholder in Huron National Bank Corp. and account member with the

Calcite Credit Union and does desire to continue business as usual with said business, bank and credit union.

Ayes: Gapczynski, Darga, Altman, Chappa, Shutes

Nays: None

Motion passed by roll call vote.

#### **DISCLOSURE RESOLUTION – COMMISSIONER ALTMAN**

Motion by Commissioner Darga and seconded by Commissioner Chappa to adopt the following resolution:

WHEREAS, Carl L. Altman of Hawks, Michigan has been elected to the Board of Commissioners for a term of two years effective January 1, 2019, and

WHEREAS, Mr. Altman is owner of Night Hawk Inn of Hawks, Michigan, an account member in Huron National Bank of Rogers City and the Calcite Credit Union of Rogers City, and

WHEREAS, Huron National Bank and Calcite Credit Union are used as depositories for funds of said county;

THEREFORE, the Presque Isle County Board of Commissioners are fully cognizant of the fact that Mr. Altman is owner of Night Hawk Inn of Hawks, Michigan, and an account member in Huron National Bank and the Calcite Credit Union and does desire to continue business as usual with said business, bank and credit union.

Ayes: Darga, Altman, Chappa, Shutes, Gapczynski

Nays: None

Motion carried by roll call vote.

#### **DISCLOSURE RESOLUTION – COMMISSIONER SHUTES**

Motion by Commissioner Darga and seconded by Commissioner Chappa to adopt the following resolution:

WHEREAS, Nancy Shutes of Ocqueoc, Michigan has been elected to the Board of Commissioners for a term of two years effective January 1, 2019, and

WHEREAS, Ms. Shutes is the owner of Books End, LLC of Michigan, and

WHEREAS, Ms. Shutes is an account member in PNC Bank of Cheboygan, Michigan, First Community Bank of Cheboygan, and

THEREFORE, the Presque Isle County Board of Commissioners are fully cognizant of the fact that Ms. Shutes is an owner Books End, LLC, and an account member at said banks and does desire to continue business as usual with said businesses and banks.

Ayes: Altman, Chappa, Shutes, Gapczynski, Darga

Nays: None

Motion carried by roll call vote.

**DISCLOSURE RESOLUTION – COMMISSIONER CHAPPA**

Motion by Commissioner Darga and seconded by Commissioner Shutes to adopt the following resolution:

WHEREAS, John Chappa of Hawks, Michigan has been elected to the Board of Commissioners for a term of two years effective January 1, 2019, and

WHEREAS, Mr. Chappa is the owner of Swan River Ranch, and

WHEREAS, Mr. Chappa is an account member in Calcite Credit Union of Rogers City, and Chemical Bank of Rogers City, and

WHEREAS, Calcite Credit Union, Awakon Federal Credit Union and Chemical Bank are used as depositories for funds of said county;

THEREFORE, the Presque Isle County Board of Commissioners are fully cognizant of the fact that Mr. Chappa is the owner of Swan River Ranch and an account member in said credit union and banks and does desire to continue business as usual with said businesses, banks and credit union.

Ayes: Chappa, Shutes, Gapczynski, Darga, Altman

Nays: None

Motion carried by roll call vote.

**DISCLOSURE RESOLUTION – COMMISSIONER DARGA**

Motion by Commissioner Altman and seconded by Commissioner Shutes to adopt the following resolution:

WHEREAS, Michael Darga of Rogers City, Michigan has been elected to the Board of Commissioners for a term of two years effective January 1, 2019, and

WHEREAS, Mr. Darga is a the owner of Mike Darga Builders of Rogers City, Michigan, and

WHEREAS, Mr. Darga is an account member in Calcite Credit Union of Rogers City, Huron National Bank of Rogers City and Chemical Bank of Rogers City, and

WHEREAS, Calcite Credit Union, Huron National Bank and Chemical Bank are used as depositories for funds of said county;

THEREFORE, the Presque Isle County Board of Commissioners are fully cognizant of the fact that Mr. Darga is a the owner of Mike Darga Builders, and an account member in said credit union and banks and does desire to continue business as usual with said businesses, banks and credit union.

Ayes: Shutes, Gapczynski, Darga, Altman, Chappa

Nays: None

Motion carried by roll call vote.

**DISCLOSURE RESOLUTION – COUNTY CLERK**

Motion by Commissioner Darga and seconded by Commissioner Altman to adopt the following resolution:

WHEREAS, Ann Marie Main of Millersburg, Michigan has been elected Presque Isle County Clerk effective January 1, 2017 for a term of four years, and

WHEREAS, Ms. Main is an account member with the Calcite Credit Union of Rogers City, Huron National Bank of Rogers City and the Awakon Federal Credit Union, and

WHEREAS, the Calcite Credit Union, Huron National Bank of Rogers City and the Awakon Federal Credit Union are used as depositories for funds of said county;

THEREFORE, the Presque Isle County Board of Commissioners are fully cognizant of the fact that Mrs. Main is an account member with Calcite Credit Union, Huron National Bank and the Awakon Federal Credit Union and does desire to continue business as usual with said credit unions and bank.

Ayes: Gapczynski, Darga, Altman, Chappa, Shutes

Nays: None

Motion carried by roll call vote.

**DISCLOSURE RESOLUTION – COUNTY TREASURER**

Motion by Commissioner Darga and seconded by Commissioner Altman to adopt the following resolution:

WHEREAS, Bridget LaLonde of Rogers City, Michigan has been elected Presque Isle County Treasurer effective January 1, 2017 for a term of four years, and

WHEREAS, Ms. LaLonde is an account member with Huron National Bank of Rogers City, and

WHEREAS, Huron National Bank is used as a depository for funds of said county;

THEREFORE, the Board of Commissioners of Presque Isle County are fully cognizant of the fact that Mrs. LaLonde is an account member with Huron National Bank of Rogers City and does desire to continue business as usual with said bank.

Ayes: Darga, Altman, Chappa, Shutes, Gapczynski

Nays: None

Motion carried by roll call vote.

### **POSTING MEETING DATES – APPOINTMENT**

Motion by Commissioner Darga and seconded by Commissioner Altman to appoint the County Clerk to be responsible for posting regular meeting notices and committee meeting notices of the Presque Isle County Board of Commissioners for 2019.

Motion passed by majority vote.

### **WEATHER/EMERGENCY CLOSING – COUNTY OFFICES**

Motion by Commissioner Darga and seconded by Commissioner Altman that the chairman or the vice-chair be responsible for closing the county offices in case of a weather emergency or any other kind of emergency and to notify the rest of the board members and the radio and local TV station of their decision.

Motion passed by majority vote.

### **AMENDED DISCLOSURE RESOLUTION – COMMISSIONER SHUTES**

Motion by Commissioner Darga and seconded by Commissioner Altman to amend the Disclosure resolution of Commissioner Shutes to include that she is an account member at Straits Area Credit Union of Cheboygan, Michigan and add said credit union in the resolution.

Ayes: Altman, Chappa, Shutes, Gapczynski, Darga

Nays: None

Motion carried by roll call vote.

### **OUT-OF-STATE CONVENTIONS – FUNDING**

Motion by Commissioner Darga and seconded by Commissioner Altman that no out-of-state conventions, conferences or meetings will be funded during 2019, except by prior approval of the Board of Commissioners.

Ayes: Chappa, Shutes, Gapczynski, Darga, Altman

Nays; None

Motion carried by roll call vote.

### **SPENDING LIMITATIONS, BIDDING POLICY AND TRANSFERS**

Motion by Commissioner Darga and seconded by Commissioner Shutes that it shall be the policy of this Board that continuing for 2019, the limit for spending on supplies will be \$1500.00 for any one item or group of items and if the cost exceeds \$1500.00, authorization must first be obtained from the Finance Committee or the full Board. Food and medical supplies for the jail are an exception to this directive.

Any amount in excess of \$1,500.00 must be presented to the Finance Committee in the form of a written request and must have approval by a majority of the Board of Commissioners.

It shall be the policy of this Board that two of the three members listed: the Chairperson, Vice-Chair or Finance Chairperson can authorize emergency maintenance repairs or replacements up to \$8,000.00.

No adjustment or transfer of funds shall be allowed which will adjust any employee's salary, bonus, compensation, or benefits, without the approval of the Board of Commissioners.

No adjustment or transfer will be allowed so as to co-mingle funds, and no department adjustment or transfer will be allowed that requires the transfer of funds from other separate funds, either into the department budget, or out of the department budget, without prior approval of the Finance Committee. The transfer or movement of funds does not apply to separate funds established through grant monies received in accordance with grant requests prepared by each department.

Ayes: Shutes, Gapczynski, Darga, Altman, Chappa

Nays; None

Motion carried by roll call vote.

### **INVITATION TO BID – LEGAL FORM**

Motion by Commissioner Darga and seconded by Commissioner Chappa to adopt the following proposed form of "Invitation to Bid" which meets legal requirements:

#### **INVITATION TO BID**

Notice is given that sealed proposals will be received at the Office of the Presque Isle County Clerk, P.O. Box 110, 151 E. Huron Avenue, Rogers City, Michigan 49779, on or before \_\_\_\_ (date) \_\_\_\_ at the hour of \_\_\_\_ o'clock \_\_\_\_ p.m., to be opened \_\_\_\_ (specify date and time) \_\_\_\_ for:

(Specifications)

\*Optional – a certified check in the amount equal to 10% of the total bid and made payable to Presque Isle County must accompany each bid as evidence of good faith and as guarantee that the bidder will comply with terms of the bid.

\*Optional – the plans and specifications of the work may be examined at the Office of the County Clerk weekdays from \_\_\_\_ (time) \_\_\_\_.

The Presque Isle County Board of Commissioners reserves the right to reject any and all bids (when appropriate add: or to accept any bid as a whole or in part) as in the exercise of discretion the Board may deem to be in the best interest of the County.

Motion carried by majority vote.

### **COMMITTEE APPOINTMENTS**

Chair Gapczynski made the following committee appointments and special appointments. First named is committee chairperson.

Executive Committee	Gapczynski, Altman, Darga (alternate)
Finance and Auditing Committee	Gapczynski, Altman, (alternate)
Personnel Committee	Gapczynski, Shutes, (alternate)
Courthouse & Grounds Committee	Chappa, Darga, (alternate)
Public Health & Safety Committee	Darga, Chappa, (alternate)
District Health Board	Altman, Gapczynski, Darga and Shutes (alternates)

Motion by Commissioner Darga and seconded by Commissioner Chappa to ratify the above committee appointments as presented by Chair Gapczynski for 2019.

Ayes: Gapczynski, Darga, Altman, Chappa, Shutes

Nays: None

Motion carried by roll call vote.

### SPECIAL APPOINTMENTS

Chair Gapczynski made the following special appointments:

Chief Administrative Officers	Gapczynski
53 <sup>rd</sup> Circuit Court Advisory Committee	Gapczynski, Altman
Northern Counties Association	Altman, Gapczynski (alternate)
Michigan Works (Consortium)	Darga, Shutes (alternate)
MI Townships Association	Darga, Shutes, Chappa (alt)
Multi County Authority for Solid Waste	Darga
Department of Human Services	Shutes
Mental Health	*Nowak – *Citizen Appointment
Community Corrections Advisory Bd.	Gapczynski, Altman,
NEMCOG	Altman, Gapczynski (alternate)
CDC/EDC/Tourism	Chappa, Darga (alternate)
Transit Authority	Shutes
Recycling Alliance	Darga
Conservation District	Chappa, Darga, (alt)
Senior Citizens	Darga, Shutes (alternating members)
NEMCSA	Chappa, Altman (alternate)
Road Commission Liaison	Chappa, Shutes (alternate)

Motion by Commissioner Chappa and seconded by Commissioner Darga to ratify the special appointments as presented by Chairman Gapczynski for 2019.

Ayes: Darga, Altman, Chappa, Shutes, Gapczynski

Nays: None

Motion carried by roll call vote.

**CHIEF ADMINISTRATIVE OFFICER AND FINANCE AND AUDITING COMMITTEE**

Chairman Gapczynski appointed the Chair of the Board as Chief Administrative Officer for Presque Isle County for 2019 and he appointed Commissioner Altman and Chairman Gapczynski to the Finance and Auditing Committee for 2019

Motion by Commissioner Darga and seconded by Commissioner Chappa to ratify the appointments of Chief Administrative Officer and the Finance and Auditing Committee for 2019 as presented by Chairman Gapczynski.

Ayes: Altman, Chappa, Shutes, Gapczynski, Darga

Nays: None

Motion carried by roll call vote.

**PUBLISHING OF MINUTES**

Motion by Commissioner Darga and seconded by Commissioner Altman to post the minutes of the Board of Commissioner's minutes according to Rules of Order adopted by this Board.

Ayes: Chappa, Shutes, Gapczynski, Darga, Altman

Nays:

Motion carried by roll call vote.

**PAYROLL**

Motion by Commissioner Darga and seconded by Commissioner Altman to authorize per diem and mileage for this meeting.

Ayes: Shutes, Gapczynski, Darga, Altman, Chappa

Nays: None

Motion carried by roll call vote.

**ADJOURN**

Motion by Commissioner Darga and seconded by Commissioner Chappa to adjourn until Thursday, January 10, 2019 at 4:00 p.m., subject to the call of the chair.

Motion carried by a majority vote.

Thereupon the Board adjourned at 2:08 p.m.

DATE: January 2, 2019

\_\_\_\_\_  
, Chairman  
\_\_\_\_\_



Ann Marie Main, County Clerk

SAMPLE

January 10, 2019 Workshop

The Board of Commissioners for the County of Presque Isle met in the Commissioner's room of the Courthouse in the City of Rogers City on Thursday, January 10, 2019 at 2:45 p.m. to conduct a work session regarding the County recycling program.

Chairman Gapczynski declared the work session open at 2:48 p.m.

Commissioners present: Lee Gapczynski, Carl Altman, Nancy Shutes, John Chappa and Michael Darga.

Commissioner Darga spoke with Chris Gee from GFL (f/k/a Republic Waste) and possible options to cut back some costs. This could include removing 5 cans from around the county or condensing the drop off locations.

Wayne Vermilya, Allis Township resident, commented on the county Solid Waste plan. There is a meeting in Alpena Friday, January 18, 2019 at 9:30 a.m. at the Alpena Township Office regarding recycling matters and he is willing to attend to listen to the information being presented. Commissioner Chappa will try to attend as well.

Commissioner Darga will set up a meeting with Chris from GFL.

The session ended at 3:50 p.m.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lee Gapczynski, Chair

\_\_\_\_\_  
Ann Marie Main, Clerk

The Board of Commissioners for the County of Presque Isle met in the Commissioner's Room of the Courthouse in the City of Rogers City on Thursday, January 10, 2019, at 4:00 p.m.

Chairman Gapczynski called the meeting to order and Commissioner Darga led the Board in the Pledge of Allegiance. Commissioner Altman gave the prayer and the Clerk called the roll.

Commissioners present: Lee Gapczynski, Michael Darga, Carl Altman, John Chappa and Nancy Shutes.

Commissioners excused: None

Motion by Commissioner Darga and seconded by Commissioner Altman to approve the agenda with two additions.

1. Add to item 4 – 40 Mile Point Caretaker agreement
2. Approve Qualifying letter – Treasurer's office

Motion carried by a majority vote.

Motion by Commissioner Darga and seconded by Commissioner Shutes to approve the minutes of December 28, 2018, as printed.

Motion carried by a majority vote.

Motion by Commissioner Darga and seconded by Commissioner Shutes to approve the minutes of January 2, 2019.

After discussion the matter was tabled until next meeting to review some language in the Adopted Rules of the Board.

### **CLAIMS AUDIT**

Motion by Commissioner Darga and seconded by Commissioner Altman to approve the Claims Audit of January 09, 2018 in the amount of \$97,988.55.

Ayes: Darga, Altman, Chappa, Shutes, Gapczynski

Nays: None

Motion carried by roll call vote.

### **CITIZENS APPEARING BEFORE THE BOARD**

Wayne Vermilya, Allis Township resident, commented on new meeting time. Mr. Vermilya handed the board members a letter (not provided to clerk for packet). An appeal of a FOIA request previously denied.

Rachel Goodstein, Rogers City resident, commented on the new meeting time.

**ENGAGEMENT LETTER- ATTORNEY CHARLES LAWLER**

Motion by Commissioner Shutes and seconded by Commissioner Chappa to authorize the Chairman on behalf of the Board and the County Treasurer on behalf of the Treasurer to sign an engagement letter with Charles Lawler from Clark Hill for services regarding 18-0591-26-CZ Bryan Zettel v. County of Presque Isle, et al lawsuit filed against the County Board and the County Treasurer.

Ayes: Altman, Chappa, Shutes, Gapczynski, Darga

Nays: None

Motion carried by roll call vote.

**RESOLUTION OF AGENCY**  
**PURSUANT TO SECTION 87c OF ACT 206**

The following resolution was offered by Commissioner Altman and seconded by Commissioner Chappa.

WHEREAS, the Board of Commissioners of this County has heretofore adopted a resolution establishing the Presque Isle County Delinquent Tax Revolving Fund, pursuant to Section 87b of Act No. 206, Public Acts of Michigan, 1893, as amended ("Act 206"); and

WHEREAS, this Fund has been designated as the 100% Tax Payment Fund (the "Fund") by the County Treasurer; and

WHEREAS, pursuant to Act 206, upon creation of the Fund the County Treasurer is to act as agent for the County to administer the Fund; and

WHEREAS, the Board of Commissioners of the County has adopted a Resolution to Borrow Against Anticipated Delinquent 2018 Real Property Taxes to continue the Fund for 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF PRESQUE ISLE, STATE OF MICHIGAN, as follows:

1. Pursuant to Section 87c of Act 206, the County Treasurer's office shall receive for delinquent tax administrative expenses in connection with the Fund and the issuance of General Obligation Limited Tax Notes, Series 2019 by the County such sums as are provided by law.
2. As agent for the County, the County Treasurer shall act pursuant to Act 206 and as further provided in the Resolution to Borrow Against Anticipated Delinquent 2018. Real Property Taxes heretofore adopted by the County Board of Commissioners.

After discussion, the vote was:

Ayes: Chappa, Shutes, Gapczynski, Darga, Altman

Nays: None

Motion carried by roll call vote.

A sufficient majority having voted therefor, the Resolution of Agency Pursuant to Section 87c of Act 206 was adopted.

**RESOLUTION TO BORROW AGAINST  
ANTICIPATED DELINQUENT 2018 REAL PROPERTY TAXES**

Commissioner Darga offered the following resolution and moved its adoption. The motion was seconded by Commissioner Altman.

WHEREAS, the Board of Commissioners of the County of Presque Isle (the "County") has heretofore adopted a resolution establishing the Presque Isle County Delinquent Tax Revolving Fund (the "Fund") pursuant to Section 87b of Act No. 206, Public Acts of Michigan, 1893, as amended ("Act 206"); and

WHEREAS, the purpose of the Fund is to allow the Presque Isle County Treasurer (the "County Treasurer") to pay from the Fund any or all delinquent real property taxes that are due and payable to the County, the State of Michigan and any school district, intermediate school district, community college district, city, township, special assessment district or other political unit for which delinquent tax payments are due; and

WHEREAS, it is hereby determined to be necessary for the County to borrow money and issue its notes for the purposes authorized by Act 206, particularly Sections 87c, 87d and 87g thereof; and

WHEREAS, it is estimated that the total amount of unpaid 2018 delinquent real property taxes (the "delinquent taxes") outstanding on March 1, 2019, will be approximately \$ \_\_\_\_\_, exclusive of interest, fees and penalties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Presque Isle, State of Michigan, as follows:

**Authorization of Borrowing**

1. Pursuant to and in accordance with the provisions of Act 206, Public Acts of Michigan, 1893, as amended, and especially Sections 87c, 87d and 87g thereof, the County shall borrow the sum of not to exceed Two Million Dollars (\$2,000,000.00) and issue its notes (the "notes") therefor for the purpose of continuing the Fund for the 2018 tax year. The exact amount to be borrowed shall not exceed the amount of delinquent taxes outstanding on March 1, 2019, exclusive of interest, fees and penalties. The County Treasurer shall designate the exact amount to be borrowed after the amount of the 2018 delinquent taxes outstanding on March 1, 2019, or the portion of the 2018 delinquent taxes against which the County shall borrow, has been determined.

Note Details

2. Pursuant to provisions of applicable law and an order of the County Treasurer, which order is hereby authorized, the notes may be issued in one or more series; shall be known as "General Obligation Limited Tax Notes, Series 2019" with a letter designation added thereto if the notes are issued in more than one series; shall be in fully registered form in denominations not exceeding the aggregate principal amounts for each maturity of the notes; shall be sold for not less than 98% of the face amount of the notes; shall bear interest at fixed or variable rates not to exceed the maximum interest rate permitted by applicable law; shall be dated, payable as to interest and in principal amounts, be subject to redemption in whole or in part prior to maturity, including any redemption premiums, and be subject to renewal, at such times and in such amounts, all as shall be designated in the order of the County Treasurer. Notes or portions of notes called for redemption shall not bear interest after the redemption date, provided funds are on hand with the note registrar and paying agent to redeem the same. Notice of redemption shall be given in the manner prescribed by the County Treasurer, including the number of days' notice of redemption and whether such notice shall be written or published, or both. If any notes of any series are to bear interest at a variable rate or rates, the County Treasurer is hereby further authorized to establish by order, and in accordance with law, a means by which interest on such notes may be set, reset or calculated prior to maturity, provided that such rate or rates shall at no time be in excess of the maximum interest rate permitted by applicable law. Such rates may be established by reference to the minimum rate that would be necessary to sell the notes at par; by a formula that is determined with respect to an index or indices of municipal obligations, reported prices or yields on obligations of the United States or the prime rate or rates of a bank or banks selected by the County Treasurer; or by any other method selected by the County Treasurer.

#### Payment of Principal and Interest

3. The principal of and interest on the notes shall be payable in lawful money of the United States from such funds and accounts as provided herein. Principal shall be payable upon presentation and surrender of the notes to the note registrar and paying agent when and as the same shall become due, whether at maturity or earlier redemption. Interest shall be paid to the owner shown as the registered owner on the registration books at the close of business on such date prior to the date such interest payment is due, as is provided in the order of the County Treasurer. Interest on the notes shall be paid when due by check or draft drawn upon and mailed by the note registrar and paying agent to the registered owner at the registered address, or by such other method as determined by the County Treasurer.

#### Note Registrar and Paying Agent

4. The County Treasurer shall designate, and may enter into an agreement with, a note registrar and paying agent for each series of notes that shall be the County Treasurer or a bank or trust company that is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The

County Treasurer may from time to time designate a similarly qualified successor note registrar and paying agent. Alternatively, the County Treasurer may serve as note registrar and paying agent if so designated by written order of the County Treasurer.

#### Disposition of Note Proceeds

5. The proceeds of the sale of the notes shall be deposited into a separate account in the Fund and shall be used to continue the Fund. The County Treasurer shall pay therefrom and from unpledged funds in the Fund, uncommitted funds in the County General Fund and/or any other legally available funds, the full amount of the delinquent tax roll against which the County has borrowed, delivered as uncollected by any tax collector in the County and that is outstanding and unpaid on or after March 1, 2019, in accordance with the provisions of Act 206. If the notes are sold at a premium, the County Treasurer shall determine what portion of the premium, if any, shall be deposited in the 2019 Collection Account established in Section 6 hereof.

#### 2019 Collection Account

6. There is hereby established as part of the Fund an account (hereby designated the "2019 Collection Account") into which account the County Treasurer shall place delinquent taxes against which the County has borrowed, and interest thereon, collected on and after March 1, 2019, or such later date as determined by the County Treasurer, all County property tax administration fees on such delinquent taxes, after expenses of issuance of the notes have been paid, any premium as determined pursuant to Section 5 hereof, and any amounts received by the County Treasurer from the County, State of Michigan and any taxing unit within the County, because of the uncollectibility of such delinquent taxes. The foregoing are hereby established as funds pledged to note repayment. The County Treasurer shall designate the delinquent taxes against which the County shall borrow for each series of notes.

#### Note Reserve Fund

7. There is hereby authorized to be established by the County Treasurer a note reserve fund for the notes (the "2019 Note Reserve Fund") if the County Treasurer deems it to be reasonably required as a reserve and advisable in selling the notes at public or private sale. The County Treasurer is authorized to deposit in the 2019 Note Reserve Fund from proceeds of the sale of the notes, unpledged moneys in the Fund, uncommitted funds in the County General Fund and/or any other legally available funds, an amount not exceeding ten percent (10%) of the face amount of the notes.

#### Security for Payment of Notes

8. All of the moneys in the 2019 Collection Account and the 2019 Note Reserve Fund, if established, and all interest earned thereon, relating to a series of notes

are hereby pledged equally and ratably as to such series to the payment of the principal of and interest on the notes and shall be used solely for that purpose until such principal and interest have been paid in full. When moneys in the 2019 Note Reserve Fund, if established, are sufficient to pay the outstanding principal of the notes and the interest accrued thereon, such moneys may be used to retire the notes. If more than one series of notes is issued, the County Treasurer by order shall establish the priority of the funds pledged for payment of each such series. In such case the County Treasurer may establish sub-accounts in the various funds and accounts established pursuant to the terms of this resolution as may be necessary or appropriate.

#### Additional Security

9. Each series of notes, in addition, shall be a general obligation of the County, secured by its full faith and credit, which shall include the County's limited tax obligation, within applicable constitutional and statutory limits, and its general funds. The County budget shall provide that if the pledged delinquent taxes and any other pledged amounts are not collected in sufficient amounts to meet the payments of principal and interest due on each series of notes, the County, before paying any other budgeted amounts, will promptly advance from its general funds sufficient moneys to pay that principal and interest. The County shall not have the power to impose taxes for payment of the notes in excess of constitutional or statutory limitations. If moneys in the 2019 Collection Account and the 2019 Note Reserve Fund, if established, are not sufficient to pay the principal of and interest on the notes, when due, the County shall pay the same in accordance with this Section, and may thereafter reimburse itself from the delinquent taxes collected.

#### Release of Pledge of 2019 Collection Account

10. Upon the investment of moneys in the 2019 Collection Account in direct non-callable obligations of the United States of America in amounts and with maturities that are sufficient to pay in full the principal of and interest on the notes when due, any moneys in the 2019 Collection Account thereafter remaining may be released from such pledge created pursuant to Section 8 hereof and may be used to pay any or all delinquent real property taxes that are due the County, the State of Michigan and any school district, intermediate school district, community college district, city, township, special assessment district or other political unit to which delinquent tax payments are due for any year or for any other purpose permitted by law.

#### Sale of Notes

11. The County Treasurer is hereby authorized to offer the notes at public or private sale as determined by order of the County Treasurer and to do all things necessary to effectuate the sale, delivery, transfer and exchange of the notes in accordance with the provisions of this resolution. Notes of one series may be offered for sale and sold separately from notes of another series. If the notes are to be sold publicly, sealed proposals for the purchase of the notes shall be



received by the County Treasurer for such public sale to be held at such time as shall be determined by the County Treasurer and notice thereof shall be published in accordance with law once in *The Bond Buyer*, which is hereby designated as being a publication printed in the English language and circulated in this State that carries as a part of its regular service, notices of sale of municipal bonds. Such notice shall be in the form prescribed by the County Treasurer.

The County Treasurer is hereby authorized to cause the preparation of an official statement for the notes for the purpose of enabling compliance with SEC Rule 15c2-12 (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the notes, the County will provide copies of a final official statement (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the successful bidder or bidders to enable such successful bidder or bidders to comply with paragraphs (b)(3) and (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board. The County Treasurer is authorized to enter into such agreements as may be required to enable the successful bidder or bidders to comply with the Rule.

#### Continuing Disclosure

12. The County Treasurer is hereby authorized to execute and deliver in the name and on behalf of the County (i) a certificate of the County to comply with the requirements for a continuing disclosure undertaking of the County pursuant to paragraph (b)(5) or (d)(2) of the Rule, as applicable, and (ii) amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

#### Execution and Delivery of Notes

13. The County Treasurer is hereby authorized and directed to execute the notes for the County by manual or facsimile signature and the County Treasurer shall cause the County seal or a facsimile thereof to be impressed or imprinted on the notes. Unless the County Treasurer shall specify otherwise in writing, fully registered notes shall be authenticated by the manual signature of the note registrar and paying agent. After the notes have been executed and authenticated, if applicable, for delivery to the original purchaser thereof, the County Treasurer shall deliver the notes to the purchaser or purchasers thereof upon receipt of the purchase price. Additional notes bearing the manual or facsimile signature of the County Treasurer and upon which the seal of the County or a facsimile thereof is impressed or imprinted may be delivered to the note registrar and paying agent for authentication, if applicable, and delivery in connection with the exchange or transfer of fully registered notes. The note registrar and paying agent shall indicate on each note that it authenticates the

date of its authentication. The notes shall be delivered with the approving legal opinion of Dickinson Wright PLLC.

#### Exchange and Transfer of Fully Registered Notes

14. Any fully registered note, upon surrender thereof to the note registrar and paying agent with a written instrument of transfer satisfactory to the note registrar and paying agent duly executed by the registered owner or his or her duly authorized attorney, at the option of the registered owner thereof, may be exchanged for notes of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered note.

Each note shall be transferable only upon the books of the County, which shall be kept for that purpose by the note registrar and paying agent, upon surrender of such note together with a written instrument of transfer satisfactory to the note registrar and paying agent duly executed by the registered owner or his or her duly authorized attorney.

Upon the exchange or transfer of any note, the note registrar and paying agent on behalf of the County shall cancel the surrendered note and shall authenticate, if applicable, and deliver to the transferee a new note or notes of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered note. If, at the time the note registrar and paying agent authenticates, if applicable, and delivers a new note pursuant to this Section, payment of interest on the notes is in default, the note registrar and paying agent shall endorse upon the new note the following: "Payment of interest on this note is in default. The last date to which interest has been paid is [place date]."

The County and the note registrar and paying agent may deem and treat the person in whose name any note shall be registered upon the books of the County as the absolute owner of such note, whether such note shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such note and for all other purposes, and all payments made to any such registered owner, or upon his or her order, in accordance with the provisions of Section 3 hereof shall be valid and effectual to satisfy and discharge the liability upon such note to the extent of the sum or sums so paid, and neither the County nor the note registrar and paying agent shall be affected by any notice to the contrary. The County agrees to indemnify and save the note registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of notes, the County or the note registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The note registrar and paying agent shall not be required to transfer or exchange notes or portions of notes that have been selected for redemption.

### Book Entry System

15. At the option of the County Treasurer and notwithstanding any provisions of this resolution to the contrary, the County Treasurer is hereby authorized to enter into an agreement with a custodian or trustee for the purpose of establishing a "book entry" system for registration of notes to be fully registered. Pursuant to the provisions of such agreement, the notes may be registered in the name of the custodian or trustee for the benefit of other persons or entities. Such agreement shall provide for the keeping of accurate records and prompt transfer of funds by the custodian or trustee on behalf of such persons or entities. The agreement may provide for the issuance by the custodian or trustee of certificates evidencing beneficial ownership of the notes by such persons or entities. For the purpose of payment of the principal of and interest on the notes, the County may deem payment of such principal and interest, whether overdue or not, to the custodian or trustee as payment to the absolute owner of such note. Pursuant to provisions of such agreement, the book entry system for the notes may be used for registration of all or a portion of the notes and such system may be discontinued at any time by the County. The note registrar and paying agent for the notes may act as custodian or trustee for such purposes.

### Issuance Expenses

16. Expenses incurred in connection with the issuance of the notes, including without limitation any premiums for any insurance obtained for the notes, note rating agency fees, travel and printing expenses, fees for agreements for lines of credit, letters of credit, commitments to purchase the notes, remarketing agreements, reimbursement agreements, purchase or sales agreements or commitments, or agreements to provide security to assure timely payment of the notes, fees for the setting of interest rates on the notes and bond counsel, financial advisor, paying agent and registrar fees, all of which are hereby authorized, shall be paid by the County Treasurer from County property tax administration fees on the delinquent taxes, from any other moneys in the Fund not pledged to the repayment of notes and general funds of the County that are hereby authorized to be expended for that purpose.

### Replacement of Notes

17. Upon receipt by the County Treasurer of satisfactory evidence that any outstanding note has been mutilated, destroyed, lost or stolen, and of security or indemnity complying with applicable law and satisfactory to the County Treasurer, the County Treasurer may execute or authorize the imprinting of the County Treasurer's facsimile signature thereon and thereupon, and if applicable, a note registrar or paying agent shall authenticate and the County shall deliver a new note of like tenor as the note mutilated, destroyed, lost or stolen. Such new note shall be issued and delivered in exchange and substitution for, and upon surrender and cancellation of, the mutilated note or in lieu of and in substitution for the note so destroyed, lost or stolen in compliance with applicable law. For the

replacement of authenticated notes, the note registrar and paying agent shall, for each new note authenticated and delivered as provided above, require the payment of expenses, including counsel fees, which may be incurred by the note registrar and paying agent and the County in the premises. Any note issued under the provisions of this Section in lieu of any note alleged to be destroyed, lost or stolen shall be on an equal basis with the note in substitution for which such note was issued.

#### Chargebacks

18. For any principal payment date of the notes on or after January 1, 2022, the delinquent taxes on property foreclosed and sold pursuant to the provisions of Act 206 and against which the County has borrowed shall, if necessary to ensure full and timely payment of principal of and interest on the notes when due, be charged back to the taxing jurisdictions in such manner as determined by the County Treasurer. The proceeds of such chargebacks shall be deposited in the 2019 Collection Account as security for payment of the notes as described in Section 8 hereof. The provisions of this Section shall not limit the authority of the County Treasurer under the laws of the State of Michigan to charge back delinquent taxes under other circumstances or at other times.

#### Purchase of Notes by County

19. All or any portion of the notes may be purchased or otherwise acquired by the County if the County Treasurer by order deems such purchase or acquisition to be in the best interest of the County. In such case, the County Treasurer is authorized to take such actions to effectuate the purchase or acquisition, including without limitation entering into an agreement to purchase or repurchase the notes. The purchase or other acquisition of notes by or on behalf of the County does not cancel, extinguish or otherwise affect the notes and the notes shall be treated as outstanding notes for all purposes of this resolution until paid in full.

#### Issuance of Refunding Notes

20. The County shall refund all or part of the notes authorized hereunder and/or notes previously issued by the County to continue the Fund for prior tax years if and as authorized by order of the County Treasurer through the issuance of refunding notes (the "Refunding Notes") in an amount to be determined by order of the County Treasurer. Proceeds of the Refunding Notes may be used to redeem such notes and to pay issuance expenses of the Refunding Notes as authorized and described in Section 16 hereof. The County Treasurer shall have all the authority with respect to the Refunding Notes as is granted to the County Treasurer with respect to the notes by the other Sections hereof, including the authority to select a note registrar and paying agent, to apply to the Michigan Department of Treasury for approval to issue the Refunding Notes, if necessary, to cause the preparation of an official statement and to do all other things necessary to sell, execute and deliver the Refunding Notes. The Refunding Notes

shall contain the provisions, shall be payable as to principal and interest and shall be secured as set forth herein and as further ordered by the County Treasurer. The Refunding Notes may be sold as a separate issue or may be combined in a single issue with other obligations of the County issued pursuant to the provisions of Act 206 as shall be determined by the County Treasurer. The County Treasurer is authorized to prescribe the form of Refunding Note and the form of notice of sale, if any, for the sale of Refunding Notes.

#### Form of Notes

21. The notes shall be in the form approved by the County Treasurer, which approval shall be evidenced by the County Treasurer's execution thereof.

After discussion, the vote was:

Ayes: Shutes, Gapczynski, Darga, Altman, Chappa

Nays: None

Motion carried by roll call vote.

A sufficient majority having voted therefor, the Resolution to Borrow Against Anticipated Delinquent 2018 Real Property Taxes was adopted.

#### **AIRPORT MANAGER APPOINTMENT**

Motion by Commissioner Darga and seconded by Commissioner Altman to appoint Alan Stiller as the Airport Manager for Presque Isle County and to pay the salary of \$300.00 per month and hourly rate of \$12.00 for agreed labor items.

Ayes: Gapczynski, Darga, Altman, Chappa, Shutes

Nays: None

Motion carried by roll call vote.

#### **40 MILE POINT LIGHTHOUSE CARETAKER AGREEMENT**

Motion by Commissioner Darga and seconded by Commissioner Gapczynski to enter into an agreement with Eric and Lisa Klein as caretakers for the 40 Mile Point Lighthouse and sign said agreement when presented.

Ayes: Darga, Altman, Chappa, Shutes, Gapczynski

Nays: None

Motion carried by roll call vote.

#### **EXECUTIVE COMMITTEE APPOINTMENTS**

Chairman Gapczynski updated the following Executive Committees to add alternates to the committees.

Executive: Gapczynski, Altman, Darga (alternate)

Finance & Audit; Altman, Gapczynski, Chappa (alternate)  
Courthouse & Grounds: Chappa, Darga, Shutes (alternate)  
Personnel Committee: Gapczynski, Shutes, Altman (Alternate)  
Public Health & Safety: Darga, Chappa, Shutes (Alternate)  
District Health Board: Altman, Gapczynski, Shutes and Darga (Alternates)

Motion by Commissioner Darga and seconded by Commissioner Chappa to adopt the changes as presented by the chair.

Ayes: All, motion carried by roll call vote.

Nays: None

Motion carried by majority vote.

### **QUALIFIING LETTER ACCEPTANCE**

Motion by Commissioner Darga and seconded by Commissioner Shutes to authorize the Chair to sign the Qualifying letter presented by the Michigan Department of Treasury for the County Treasurer to file in the County Treasurer's office.

Ayes: All, motion carried by roll call vote.

### **FINANCE COMMITTEE**

Commissioner Altman gave a report on the finance committee meeting of January 9, 2019

### **UPCOMING COMMITTEE MEETING DATES**

Public Health and Safety, Courthouse and Grounds, and Airport and Parks will be held on Tuesday, January 22, 2019 beginning at 8:30 a.m. and running consecutively.

### **OTHER GOVERNMENT OFFICIALS**

Register of Deeds Vicky Kowalewsky welcomed new board members.

Sheriff Joseph Brewbaker reported on a new hire for the road, the resignation in the kitchen staff, the vacancy of the DARE officer, progress with the new vehicles, and an issue they are facing with the jail / department roof

### **DISTRICT COMMISSIONER REPORTS**

Darga – no report

Chappa – no report

Shutes – no report

Gapczynski - reported on attending the NEMCSA meeting

Altman – no report

**COMMISSIONER COMMENT**

Commissioner Altman commented on the new meeting time and adding an additional public comment item at the end of the agenda.

Commissioner Darga commented on the new meeting time and having the press present at the new time that we haven't had regularly at the 7 p.m. meeting.

Commissioner Chappa commented the new meeting time and would like to see more public attend.

**CORRESPONDENCE**

Correspondence from Wayne Vermilya regarding the appeal of a denied Freedom of Information request.

**PAYROLL**

Motion by Commissioner Darga and seconded by Commissioner Altman to authorize per diem and mileage for this meeting.

Ayes: Altman, Chappa, Shutes, Gapczynski, Darga

Nays: None

Motion carried by roll call vote.

**ADJOURN**

Motion by Commissioner Darga and seconded by Commissioner Altman to adjourn until Friday, January 25, 2019 at 9:30 a.m., subject to call of the chair.

Motion carried by a majority vote.

Thereupon the Board adjourned at 5:10 p.m.

DATE \_\_\_\_\_

\_\_\_\_\_  
Lee Gapczynski, Chair

\_\_\_\_\_  
Ann Marie Main, County Clerk

The Board of Commissioners for the County of Presque Isle met in the Commissioner's Room of the Courthouse in the City of Rogers City on Friday, January 25, 2019, at 9:30 a.m.

Chairman Gapczynski called the meeting to order and Commissioner Darga led the Board in the Pledge of Allegiance. Commissioner Altman gave the prayer and the Clerk called the roll.

Commissioners present: Michael Darga, Carl Altman, John Chappa, Nancy Shutes, and Lee Gapczynski.

Commissioners excused: None

Motion by Commissioner Darga and seconded by Commissioner Altman to approve the agenda with one deletion and three additions

Deletion: Agenda item #6 – Marijuana in the Workplace policy

Additions:

1. Bank signatory's – Clerk's office
2. Prosecutor's budget (witness fees)-
3. Recreational Marijuana ordinance - amendment

Motion carried by a majority vote.

Motion by Commissioner Altman and seconded by Commissioner Darga to approve the minutes of January 10, 2019 as printed.

Motion carried by a majority vote.

Motion by Commissioner Darga and seconded by Commissioner Shutes to approve the minutes of the January 10, 2019 workshop as printed.

Motion carried by a majority vote.

Motion by Commissioner Darga and seconded by Commissioner Shutes to approve the minutes of the January 02, 2019 Organizational meeting as printed.

Motion carried by a majority vote.

### **TREASURERS REPORT**

Motion by Commissioner Darga and seconded by Commissioner Shutes to receive and file the Treasurer's report for the finances ending December 31, 2018 as presented.

Motion carried by a majority vote.

### **ADD-ON #2 - PROSECUTOR'S BUDGET (WITNESS FEES)**

Prosecutor Radzibon addressed the board regarding the line item "witness fees" as he has a trial coming up that will put the line item over. They may be able to move funds from within



the budget to cover but wanted to have the board aware. No amendments to the budget were done at his time, they will adjust accordingly if needed at end of the fiscal year.

**CITIZENS APPEARING BEFORE THE BOARD**

Wayne Vermilya, Allis Township resident, commented on the conflicts disclosure agenda item.

Theresa Krist, Rogers City resident, commented on the meeting time change.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**NEW BANK ACCOUNT – HURON NATIONAL**

Motion by Commissioner Darga and seconded by Commissioner Altman to allow the County Treasure to open a new bank account at Huron National Bank for the Register of Deeds E-recording payments.

Ayes: Altman, Chappa, Shutes, Gapczynski, Darga

Nays: None

Motion carried by roll call vote.

**COMMITTEE APPOINTMENT**  
**ROAD COMMISSION**

Commissioner Darga nominated Lloyd Dullack. Commissioner Chappa nominated Stephen Lang. Commissioner Shutes nominated Adam LaLonde, Commissioner Gapczynski nominated Norm Quaine. After three calls for further nominations and there being none a motion was made by Commissioner Darga and seconded by Commissioner Chappa to close nominations.

Roll call votes:

Chappa –	Lang
Shutes -	LaLonde
Gapczynski-	Quaine
Darga -	Dullack
Altman -	Lang

Not having a majority vote of the board present the chair opened the floor for nominations again.

Commissioner Darga nominated Lloyd Dullack. Commissioner Chappa nominated Stephen Lang. Commissioner Gapczynski nominated Norm Quaine. After three calls for further nominations and there being none a motion was made by Commissioner Darga and seconded by Commissioner Chappa to close nominations.

Roll call votes:

Shutes - Lang  
Gapczynski- Quaine  
Darga - Dullack  
Altman - Lang  
Chappa - Lang

Stephen Lang is appointed to fill the remaining term expiring 12-31-2022

### **CELL PHONE REIMBURSEMENT**

Motion by Commissioner Darga and seconded by Commissioner Shutes to reimburse Collette Welch up to \$40.00 per month for the use of her cell phone and to make it retroactive to July 2018 with proof of invoices.

Ayes: Chappa, Shutes, Gapczynski, Darga, Altman

Nays: None

Motion carried by roll call vote.

### **AWOS MAINTENANCE CONTRACT**

Commissioner Chappa left the room at 1024 during and returned prior to vote at 1024 during the discussion of the AWOS Contract.

Motion by Commissioner Darga and seconded by Commissioner Shutes to authorize the chair to sign the AWOS Maintenance contract (2019-0102) between the Michigan Department of Transportation and Presque Isle County Board of Commissioners for the Rogers City Airport.

Ayes: Shutes, Gapczynski, Darga, Altman, Chappa

Nays: None

Motion carried by roll call vote.

### **FREEDOM OF INFORMATION ACT (FOIA) APPEAL**

Motion by Commissioner Chappa and seconded by Commissioner Altman to receive the Appeal of a denied Freedom of Information request filed by Wayne Vermilya.

Ayes: Gapczynski, Darga, Altman, Chappa, Shutes

Nays: None

Motion carried by roll call vote.

County Civil Counsel Joseph Kwiatkowski addressed the board regarding the request. He is recommending the board uphold the denial based on the statutes.

## **RESOLUTION UPHOLDING DENIAL OF FOIA REQUEST OF WAYNE VERMILYA**

At a regular meeting of the Presque Isle County Board of Commissioners, said commissioners adopted a resolution denying the FOIA Request submitted by Wayne Vermilya. The Presque Isle County Board of Commissioners reviewed the original FOIA Request dated January 1, 2019 requesting pursuant to the Michigan Freedom of Information Act MCL 15.232, a disclosure of the 2017 tax return and/or any other documents indicating each member's total household annual income and the sources of that income for 2017 of each County Commissioner for Presque Isle County. That matter was presented to the County Clerk who is the designated FOIA coordinator in Presque Isle County and a response to Mr. Vermilya's request of January 1, 2019 was issued by Ann Marie Main, Presque Isle County Clerk on January 7, 2019 indicating that the request was denied for the reasons that the records were not public records.

MCL 12.232 defines a public record as a writing prepared, owned, used, in possession of, or retained by a public body in the performance of an official function from the time it is created. Public record does not include computer software.

MCL 15.243 also describes records that are exempt from disclosure and includes subsection (1)(a) information of a personal nature if the public disclosure would constitute a clearly unwarranted invasion of an individual's privacy.

The Board of Commissioners has determined that the personal tax returns and related financial information of their households are not public records. First these documents are not a writing prepared, owned, used, in possession or retained by the public body in the performance of any official function. Moreover, the Board of Commissioners believes this is an unwarranted invasion of privacy, for the above recited reasons, the decision of the Presque Isle County Clerk, Ann Marie Main, on January 7, 2019 is upheld and the FOIA request filed by Mr. Vermilya is denied under the Michigan Freedom of Information and the reasons stated herein.

Motion by Commissioner Chappa and seconded by Commissioner Darga to adopt the above resolution denying the appeal request.

Ayes: Gapczynski, Darga, Altman, Chappa, Shutes

Nays: None

Motion carried by roll call vote.

## **COUNTY RECYCLING PROGRAM**

Information in optional changes in number of cans and route pickups were discussed. Additionally the Emmet County DPW contract will be renewed with some changes, but no written contract was presented for approval. No action taken regarding changes at this time.

### **BANK SIGNATORY'S – CHEMICAL BANK**

Motion by Commissioner Darga and seconded by Commissioner Altman to remove Kayla Beaver and add Melody Hincka, an employee of the County Clerk's Office, as a signatory for all accounts held at Chemical Bank on behalf of Presque Isle County.

Ayes: All, Motion carried by majority vote.

### **RECREATIONAL MARIJUANA ORDINANCE AMENDMENT**

Motion by Commissioner Darga and seconded by Commissioner Altman to direct the Planning Commission to form a subcommittee to review and submit a proposed update to the Recreational Marijuana Ordinance back to the Board of Commissioners for consideration.

Ayes: All, Motion carried by majority vote.

### **COMMITTEE REPORTS**

Commissioner Altman reported on the Health Department, NEMCOG and Hunt meeting.

Commissioner Darga reported on the Public Health and Safety, Courthouse and Grounds and the Airport and Parks meetings held Tuesday, January 22, 2019.

Commissioner Gapczynski reported on the Personnel meeting held Tuesday, January 22, 2019

### **VACATION EXTENSION**

Motion by Commissioner Darga and seconded by Commissioner Altman to allow Renee Szymanski to carry over any unused hours of vacation time past her anniversary date. All unused time must be used within 30 days from her anniversary.

Ayes: All, motion carried by majority vote.

### **OTHER GOVERNMENT OFFICIALS**

Vicky Kowalewsky, Register of Deeds, spoke of the Housing Emergency Repair program. Joseph Brewbaker, Sheriff, reported on a recent resignation, they are working on getting the new cars on the road and officers preparing for the upcoming inclement weather.

### **COMMISSIONER COMMENT**

None.

**DISTRICT COMMISSIONER REPORTS**

Darga – no report  
Chappa – commented on the meeting time and the recycling program he attended in Alpena.  
Shutes – reported on the Straits Regional Ride meeting.  
Gapczynski – reported on a NEMSCA ad hoc committee meeting.  
Altman – no report

**CORRESPONDENCE**

- Alpena Chamber Newsletter

**PAYROLL**

Motion by Commissioner Darga and seconded by Commissioner Lang to authorize per diem and mileage for this meeting.

Ayes: Altman, Chappa, Shutes, Gapczynski, Darga  
Nays: None  
Motion carried by roll call vote.

**ADJOURN**

Motion by Commissioner Darga and seconded by Commissioner Lang to adjourn until Wednesday, February 14, 2018 at 7:00 p.m., subject to call of the chair.

Motion carried by a majority vote.

Thereupon the Board adjourned at 11:25 a.m.

DATE \_\_\_\_\_

\_\_\_\_\_  
Lee Gapczynski, Chairman

\_\_\_\_\_  
Ann Marie Main, County Clerk