

Commissioner Minutes of March 11, 2020

The Gladwin County Board of Commissioners met in Regular Session on Wednesday, March 11, 2020. The meeting was called to order at 9:00 a.m. by Chairperson Smith. The Pledge of Allegiance was recited and a short prayer was given. Roll call found all Commissioners present.

The Board reviewed the agenda. There will be one matter added under New Business: Undersheriff Hartwell's request to hire a new Corrections Officer due to a resignation. *Motion by Commissioner Vernier, supported by Commissioner Taylor, to proceed with the consent agenda as amended. Ayes carried, motion passed.*

The cash balances were then read by Commissioner Taylor. *General Fund – \$43,490.52.*

The regular minutes of February 25, 2020 were then reviewed. Motion by Commissioner Vernier, supported by Commissioner Rick Grove, to approve the minutes as drafted. Ayes carried, motion passed.

Public Comments –

Barry Thornsberry spoke on behalf of the resolution in support of the Second Amendment Sanctuary County and thanked the Board for their consideration.

Communications: Documents will be received and filed by the Board.

1. Emergency Management Report – February 2020.
2. City of Gladwin's 2020-2025 Parks and Recreation Plan.
3. Press release on the Coronavirus from Governor Whitmer.
4. Letter of confirmed reimbursement of State grant funds from Director Ken Roberts.

Motion by Commissioner Taylor, supported by Commissioner Vernier, to receive and file the various correspondence as noted. Ayes carried, motion passed.

Finance Matters – Commissioner Taylor:

1. Jail Administrator McGourty has requested to attend the Michigan Sheriff's Association Summer Seminar in Grand Rapids June 14-16, 2020. Total expenses are: registration - \$275.00, lodging - \$324.82, plus mileage and meals. All expenses can be paid from 264-000-860.000 upon approval. Motion by Commissioner Taylor, supported by Commissioner Vernier, to approve the training as outlined, with the use of the credit card to handle the lodging accommodations if needed. Ayes carried, motion passed.
2. County Clerk Laura Brandon-Maveal has submitted the registration information to attend the UCOA conference in Lansing April 5 – 8, 2020. Total expenses include: Registration - \$175.00, lodging - \$275.60 plus mileage and meals. All expenses can be paid from 263-000-860.000 upon approval. Motion by Commissioner Taylor, supported by Commissioner Rick Grove, to approve the training as requested. Ayes carried, motion passed.
3. Susan Walker, Sheriff's Office, has requested to attend the Michigan Sheriff's Association Summer Seminar in Grand Rapids June 14-16, 2020. Total expenses are: Registration - \$150.00, lodging - \$324.82, plus mileage and meals. All expenses can be paid from 264-000-860.000 upon approval. Motion by Commissioner Taylor, supported by Commissioner Rick Grove, to approve the training as outlined, with the use of the credit card to handle the lodging accommodations if needed. Ayes carried, motion passed.
4. Maintenance Supervisor Rick Ghent has supplied three quotes for the heating and air conditioning system in the Court Security office. Hurst - \$8,163.00 for a complete project including electrical.

- Foor's - \$5,991.00 with no electrical. Bonham - \$5,530.00 with no electrical. Maintenance Supervisor, Rick Ghent, has secured a quote from Adams Electric in the amount of \$1,450.00 for the electrical portion of the job. Once the bids are complete, the project can be paid from the 245 – Courthouse Preservation Fund. Motion by Commissioner Taylor, supported by Commissioner Rick Grove, to approve the job to be completed using Bonham in the amount of \$5,530.00, plus the electrical quote from Adams. Ayes carried, motion passed.
5. Magistrate Elizabeth Post has requested permission to allow Probation Officer Stacey Gasiciel to attend her annual conference on Mackinaw Island May 19-22, 2020. Total expenses are: Registration - \$150.00, lodging - \$537.10, mileage, meals and parking. This training satisfies half of Ms. Gasiciel's continuing education credits for the year and can be paid from 101-136-860.000 once approved. Motion by Commissioner Taylor, supported by Commissioner Kyle Grove, to approve the training as requested. Ayes carried, motion passed.
 6. Rick Ghent, Maintenance Supervisor, has requested payment of 108 unused vacation hours per his Unit #7 contract. Total expense of \$2,837.16 will be paid from 101-265-702.000 once approved. Motion by Commissioner Taylor, supported by Commissioner Rick Grove, to allow the Clerk to make the disbursement as outlined. Ayes carried, motion passed.
 7. Karee Barlow, Assistant 911 Administrator, has submitted a request to allow Mike Brubaker and herself to attend the "9-1-1 Hacked, Attacked and Where's That" training in Mt. Pleasant on June 2, 2020. Total cost is \$458.00 plus mileage and meals and will be paid from 282-000-804.000 upon approval. Motion by Commissioner Taylor, supported by Commissioner Vernier, to approve the training as requested. Ayes carried, motion passed.
 8. Karee Barlow, Assistant 911 Administrator, is requesting that Dispatcher Libby Zelt attend the "Basic 40-Hour Dispatch School" March 30 – April 3, 2020 in Hastings, Michigan. Total expenses are: Registration - \$699.00, lodging - \$480.00 plus mileage and meals. All expenses can be paid from 282-000-804.001 once approved. Motion by Commissioner Taylor, supported by Commissioner Vernier, to approve the training as outlined. Ayes carried, motion passed.
 9. Undersheriff Hartwell informed the committee that Deputy Paige Howe has left the department effective March 3, 2020. The Undersheriff is requesting permission to hire to replace the vacancy effective immediately. Motion by Commissioner Taylor, supported by Commissioner Rick Grove, to formally approve the hiring of a new deputy for Ms. Howe's vacancy. Ayes carried, motion passed.

Committee Meetings: Documents were received and filed by the Board.

- Committee of the Whole meeting of March 4, 2020
- Animal Shelter committee minutes of January 29, 2020
- VCIO meeting minutes of February 21, 2020

New Business:

1. The Remonumentation Plan has been submitted and approved by the Office of Land Survey and Regulations. Discussion. Motion by Commissioner Taylor, supported by Commissioner Kyle Grove, to allow the Chairman to sign the final draft agreement for filing. Ayes carried, motion passed.
2. The Board reviewed the Resolution Declaring Gladwin County a "Second Amendment Sanctuary County". Chairperson Smith noted that if the Board signs the document, it will represent merely an "emotional signing" and has no bearing on the State law. Motion by Commissioner Vernier, supported by Commissioner Taylor, to approve the resolution as drafted and to allow the Chairperson to sign upon presentation. Roll call vote as follows: Kyle Grove – yes, Ronald Taylor - yes, Joel Vernier – yes, Sharron Smith – yes, Rick Grove – yes. 5 yes, 0 no. Ayes carried, Resolution 2020-005 declared adopted.
3. County Attorney Tara Hovey came before the Board with a resolution and consent order for the DEQ/EGLE litigation. Attorney Hovey outlined the process that would be done in order to satisfy the judgement. Discussion on the costs to repair, noting five drains were minor with Davison and Burleson needing major repairs. Each drain will be assessed a fee of \$2,500 with Davison and Burleson

- assessed an additional \$10,000 each. Motion by Commissioner Vernier, supported by Commissioner Kyle Grove, to adopt the resolution as presented. Roll call vote as follows: Ronald Taylor – yes, Joel Vernier -yes, Sharron Smith - yes, Rick Grove -yes, Kyle Grove – yes. 5 yes, 0 no. Ayes carried, Resolution 2020-006 declared adopted.
4. The 2020 Annual Drain report has been submitted for review. Motion by Commissioner Taylor, supported by Commissioner Vernier, to approve the report as drafted. Ayes carried, motion passed.
 5. Undersheriff Hartwell has informed the Board that Correction Officer Jacob Reeves has resigned employment with the county and the department is requesting a replacement for his vacancy. Motion by Commissioner Taylor, supported by Commissioner Kyle Grove, to allow the Undersheriff to hire for the vacant position as requested. Ayes carried, motion passed.

Comments from the Chair: none currently.

Commissioner Reports by District –

Commissioner Kyle Grove reported:

- On attending the Planning Commission quarterly meeting.
- On the Committee of the Whole meeting.
- That he attended the “Michigan Backyard Campaign Rollout”. The website is coming and there is an active Facebook page. The committee is asking that when posting public events add the phrase, #MichiganBackyard to your post.
- That he has started to review the MOS contract with Commissioner Vernier and will be doing a walkthrough of the offices to address their needs.

Commissioner Taylor reported:

- On attending the Health Board meeting on February 25th, noting a lot of information on viruses and that most masks being used are ineffective.
- That he attended the Gladwin City Council meeting on March 2nd where they are discussing moving their committee meetings to a Committee of the Whole.
- On participating in the finance meeting, noting discussion on mandatory training and potential amendments that need to be made to the travel lines by department.

Commissioner Vernier reported:

- That he attended 23 meetings in the last month.
- On attending all his Board, Township and Committee meetings.
- That Grim Township is contracting with Billings and Secord for fire protection services.
- On the Health Board meeting and discussion on the Coronavirus. The Health Board has moved the time of transfer public meeting to May in hopes of greater participation. Commissioner Taylor commented that the Board is watching a bill that has been introduced that may make this a statewide effort.
- That the Complete Census Count Committee is looking for more volunteers and has actively launched ads, flyers and banners promoting the cause. After additional research, Gladwin County is believed to have lost \$90 million over the past 10 years with the incomplete census numbers from 2010.
- Mid-Michigan Community Action Agency still has their weatherization program available. If residents dial 2-1-1, they can be placed with Mid-Michigan Community Action for assistance in tax filings.

- On meeting with Mr. Brown with Region VII Area on Aging to fill the open board seat vacated by Linda Birgel. Motion by Commissioner Rick Grove, supported by Commissioner Taylor, to allow the Chairperson to appoint Commissioner Vernier to the Region VII Area on Aging board. Ayes carried, motion passed.

Chairperson Smith reported:

- On attending the Committee of the Whole meeting.
- That she attended the community event hosted by Councilperson Sara Kile at Pale Blue on Saturday. There was lots of interaction and discussion among the group.
- On attending the Tobacco Township meeting on Monday night, commenting their commitment to \$200,000 in road repairs in 2020.

Commissioner Rick Grove reported:

- On attending the Animal Control annual meeting at Northern Expresso on February 28th.
- That he was unable to attend the Grout Township meeting due to a change in the date. He has reviewed the minutes of the meeting and they will be planting a memorial tree to honor Linda Birgel.
- That he will be out of the state beginning March 16th for a couple of weeks, commenting that he will miss the meeting of March 24, 2020.

Public Comments – The Board discussed the honors of several young athletes. Kroening took first place in the State Wrestling Finals. Two wrestlers from Beaverton also qualified to attend. Kayla Van Tiem, Gladwin Schools Bowling team attended the State tournament.

*Motion by Commissioner Vernier, supported by Commissioner Rick Grove, to receive and file various correspondence and reports. Ayes carried, **motion passed.***

*Motion by Commissioner Taylor, supported by Commissioner Kyle Grove, to adjourn. Ayes carried, **motion passed.** Meeting adjourned at 9:43 a.m., until the next regularly scheduled Board meeting on March 24, 2020 at 9:00 a.m., unless otherwise ordered.*

Laura Brandon-Maveal
County Clerk

Sharron Smith
Chairperson

GLADWIN COUNTY BOARD OF COMMISSIONERS

2020-005

COUNTY OF GLADWIN

RESOLUTION TO DECLARE GLADWIN COUNTY TO BE A

“SECOND AMENDMENT SANCTUARY COUNTY”

THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF GLADWIN, STATE OF MICHIGAN, STATES:

WHEREAS, the County Board of Commissioners of the County of GLADWIN, State of Michigan, pursuant to Michigan statute, is vested with the authority of administering the affairs of the County government of GLADWIN County, Michigan, and is organized as a body corporate with powers and immunities provided by law, and to protect the health, safety, and welfare of the residents of GLADWIN County and the employees of the GLADWIN County government; and

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

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S.570 (2008), affirmed an individual’s right to possess a firearm, unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated to the States by the Due Process Clause of the Fourteenth Amendment; and

WHEREAS, the United States Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opined that possession or use of a firearm that has some reasonable relationship to the preservation of a well-regulated militia is protected by the Second Amendment; and

WHEREAS, Article I, Section 6 of the Michigan Constitution (1963) provides that “Every person has a right to keep and bear arms for the defense of himself and the state”; and

WHEREAS, it is the desire of this Board to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Michigan Constitution which protect GLADWIN County citizens’ individual rights to keep and bear arms; and

WHEREAS, each GLADWIN County Commissioner, as provided by Article IX, Section 1, of the Michigan Constitution (1963), took an oath to support the United States Constitution and the Michigan Constitution.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the GLADWIN County Board of Commissioners, that the County of GLADWIN, Michigan, be, and hereby is, declared to be a "Second Amendment Sanctuary County."

IT IS FURTHER RESOLVED, that this Board affirms its support for the GLADWIN County Sheriff and the GLADWIN County Prosecuting Attorney, in the exercise of their sound discretion to not enforce against any citizen an unconstitutional firearms law.

BE IT, FURTHER RESOLVED, that the Board directs it's staff to forward a copy of this resolution to the County's fellow county elected officials, the Michigan State Legislature (House of Representatives and State Senators), the Governor of Michigan and all of the Michigan U.S. Congressmen.

This Resolution was adopted by the GLADWIN County Board of Commissioners at a regular meeting held at the GLADWIN County Board Chambers, GLADWIN County Municipal Building, GLADWIN County, Michigan, by an affirmative vote of no less than three (3) of the members of the County Board of Commissioners who are elected and serving, on this 14th day of March, 2020.

This Resolution was offered by Commissioner Vernier and supported by Commissioner Taylor.

A roll call vote was taken and this Resolution was passed by a vote of: 5-0.

Those Commissioners voting in favor: K. Grove, R. Taylor, J. Vernier, S. Smith, R. Grove

Those Commissioners voting against: —

Those Commissioners abstaining: —

The Resolution Was Declared Adopted.

Sharon Smith
Sharon Smith, Chairman
GLADWIN County Board of Commissioners

ATTEST:

Laura Brandon-Maveal
~~Gayle Reid~~ Laura Brandon-Maveal
GLADWIN County Clerk

RESOLUTION 2020- 006

AT A MEETING OF THE BOARD OF COMMISSIONERS OF GLADWIN COUNTY, MICHIGAN, HELD AT 401 W. Cedar Avenue, ON MARCH 11, 2020.
Gladwin MI 48624

WHEREAS the Michigan Department of Environmental Quality, subsequently renamed the Michigan Department of Environment Great Lakes and Energy (EGLE) under executive Order 2019-16, has filed suit against Robert Evans, Gladwin County Drain Commissioner, Ingham County Circuit Court, Case #18-238-CE.

WHEREAS Gladwin County intervened in this case as an interested party because, as an elected official with governmental immunity, the Gladwin County Drain Commissioner is not personally liable for any fines, costs or enforcement expenses with said fines, costs and enforcement expenses passing directly to the drainage district.

WHEREAS the Gladwin County Drain Commissioner Robert Evans, pursuant to a Stipulated Consent Order entered in the matter of *Gladwin County, by and through the Gladwin County Board of Commissioners v Robert Evans, in his official capacity as Gladwin County Drain Commissioner*, filed in the Gladwin County Circuit Court, Case #18-9574-AW, delegated full authority to his Deputy Drain Commissioner to execute the duties of the Gladwin County Drain Office in his absence.

WHEREAS the Gladwin County Deputy Drain Commissioner, along with the Gladwin County Board of Commissioners, by their attorney, have negotiated a settlement and resolution of the litigation. A Consent Order setting forth the settlement and resolution and is attached to this Resolution.

WHEREAS the Gladwin County Commissioners finds the entry of the Consent Order the most appropriate means of resolving the matter without further litigation and

specifically agrees to, consents to and shall be bound by the terms and findings of the attached Consent Order.

NOW THEREFORE, be it RESOLVED by the Board of Commissioners of Gladwin County, Michigan, the attached Order is accepted as a final resolution of the underlying litigation and Gladwin County specifically agrees to, consents to and shall be bound by the terms and findings of the attached Consent Order.

IT IS FURTHER RESOLVED that Sharron Smith, Chair of the Gladwin County Board of Commissioners shall be authorized to sign said Consent Order.

Dated: March 11, 2020

Gladwin County Board of Commissioners,
Gladwin County, Michigan.

AYES: 5
NAYS: 0
ABSENT/ABSTAIN: 0

I, Laura Brandon-Maveal, Clerk of the County of Gladwin, Michigan certify that the above Resolution was adopted by the Gladwin County Board of Commissioners at a meeting held on the 11th day of March, 2020.

Dated: March 11, 2020

Laura Brandon-Maveal
Laura Brandon-Maveal, Clerk