

Commissioner Minutes of April 22, 2014

The Gladwin County Board of Commissioners met in Regular Session on Tuesday, April 22, 2014. The meeting was called to order at 7:00 p.m. by Chairman Walters. The Pledge of Allegiance was recited. Roll call found all Commissioners present. A short prayer was given before the meeting by Pastor Dave Amstutz.

Motion by Commissioner Smith, supported by Commissioner Aultman, to approve the regular and executive minutes of April 8, 2014 as written. Ayes carried, motion passed.

The **cash balances** were then read by Commissioner Birgel. *General Fund - \$22,496.67. Unallocated has a balance of \$79,812.70. There has been an advance from the 216 fund (911 millage funds) in the amount of \$400,000 to pay bills as approved in January.*

There were no changes or additions to the agenda. *Motion by Commissioner Birgel, supported by Commissioner Smith, to proceed with the agenda as prepared. Ayes carried, motion passed.*

Public Comments –

Tom Dunn, Grout Township, spoke on the Zoning Issues and gave a brief update to the new Commissioners. Mr. Dunn also spoke on property rights and the current lawsuit regarding the mud bog.

State Representative Joel Johnson commended the Board on their choice to hold night sessions and then spoke on issues that he is dealing with at the State level.

Lt. Lisa Speary, Emergency Management – Region 3, came before the Board with an update on the department's activities over the past few weeks. Lt. Speary spoke very highly of Marianne Hill who had been hired to fill the vacant director's position, noting Ms. Hill has taken initiative to request funding for projects, draft a local state of emergency asking for federal funding assistance to flood victims, and handled damage assessments. Lt. Speary commended the Board for hiring Ms. Hill and stated they are very lucky to have her in place. Discussion on grant funding. Lt. Speary then handled questions from the public on the position.

Dave Pettersch, New Manger/Gladwin County Road Commission, introduced himself to the Board and spoke on the opening of roads to ORVs. Mr. Pettersch also spoke on the current issue with the sinking of the culvert on Beaverton Clare Road and what it will take to make the repairs. Discussion on road closings.

Finance Matters – Commissioner Birgel:

1. **Cindy Teffner, 911, has requested payout of 100 hours of unused PTO time per her union contract. Total payment of \$1,668.00 to be paid from 101-422-704.000. Motion by Commissioner Birgel, supported by Commissioner Smith, to allow for the payment as outlined. Ayes carried, motion passed.**
2. **Two employees in the County Clerk's office would like to donate 34 hours each (68 total) to an employee in the Probate Court office who is going through medical treatments. This transfer has been approved by the Court Administrator and is allowable under the current policy. Motion by Commissioner Birgel, supported by Commissioner Smith, to allow the transfer of 68 hours from the respective employee accounts. Ayes carried, motion passed.**



Christy VanTiem, County Treasurer, brought before the Board a **resolution to borrow up to \$1.5 million for operations**. Ms. VanTiem discussed the loan origination fee of \$14,000 and the potential interest rates. Discussion. *Motion by Commissioner Birgel, supported by Commissioner Smith, to adopt the resolution for borrowing as prepared.* Roll call vote as follows: Carl – excused, Walters - yes, Aultman – yes, Smith –yes, Birgel –yes. 4 yes, 1 excused. Ayes carried, **resolution 2014-011 declared adopted**. The Treasurer then gave the Board an update on the Land Bank, noting that have acquired a building for cleanout and renovation.

Gina Conrad, GIS, reported with Commissioner Smith on the *revisions to the GIS pricing guide*. Commissioner Smith explained that there is interest in the purchase of the County's GIS data. Discussion on the process of the sale of data. *Motion by Commissioner Smith, supported by Commissioner Birgel, to adopt the new pricing guide as reviewed by the Board.* Ayes carried, **motion passed**. Ms. Conrad then spoke on the GIS program and the need to draft a **“Data Usage Agreement” for the sale of data**. Discussion. *Motion by Commissioner Smith, supported by Commissioner Birgel, to adopt the Data Usage Agreement with redistribution of rights of altered data.* Ayes carried, **motion passed**. Ms. Conrad then gave a brief overview of her upcoming spray program, commenting that land owners and their respective Townships have been notified of the spray date.

Bob Evans, Drain Commissioner, came before the Board to give an update to the FEMA project. Discussion. Mr. Evans handled questions from the public.

Commissioner Reports by District –

Commissioner Smith reported:

- On attending the Beaverton Area Business Association meeting on April 9th with the County Clerk to give a presentation on the need for the Headlee Restoration Rollback.
- That she attended the Land Bank meeting on April 10th.
- On attending the Hay Township meeting on April 10th, noting they appointed their election workers.
- That she attended the Legislative Breakfast on April 11th. Mike Hargrave reported that there will be drag races on May 17th and an airshow July 12-13th. The Chamber will be holding their annual golf outing on May 16th.
- On attending the Tobacco Township meeting on April 14th where the passing of Jim Andrist, a longtime Board trustee and Fire Board member. Township members asked that the Board write to our Senator and Congressman urging them to monitor Boyce Hydro to ensure that they have the money to repair the dam prior to the lowering of the lake level. This is a major concern to those who live on Wixom Lake.
- That she attended the April 15th Library Board meeting. The Friends of the Library will be holding their Book Sale May 15-17th. There was a detailed report given on the progress of the Beaverton Activity Center. There are currently 18,412 card carrying members and in March 4,709 patrons used the Library, 2,203 patrons used the computers and 11,616 materials were put into circulation.
- On attending the April 16th Data Committee meeting with Dan Eggleston from IT Right. Mr. Eggleston reviewed the process on how all IT problems were to be



addressed. The changes to the process will be discussed with the Department Heads on Thursday, April 24, 2014.

Commissioner Birgel reported:

- That he also attended the IT meeting with Commissioner Smith.
- On attending the Sports Complex meeting.
- That he attended the Clement Township meeting
- On attending the Airport meeting.
- That he attended the Butman Township meeting for Commissioner Carl.
- On the Beaverton Township meeting.
- On attending the Fair Board meeting.
- That he attended the Michigan Housing Commission meeting.
- On attending the Central Michigan District Health Department meeting, noting he would like to personally thank Joel Johnson for his assistance in collecting the past due Medicare payments that were owing to the Health Department.

Commissioner Birgel then noted that he also handled all questions and made a presentation at each committee meeting regarding the millage question.

Commissioner Aultman reported:

- That she attended all of her Township Board meetings where she listened to all issues voiced and made a presentation on the Headlee millage.
- On attending the April 9th EDC meeting where they discussed many issues, such as the full length movie that will be in Gladwin County, incoming businesses and Wi-Fi areas.
- That she attended the Youth Leadership graduation ceremony.
- On the April 16th BYRP meeting, where she spoke on the Headlee Rollback issue.
- That she attended the MAC meeting in Grayling on the 21st, noting many discussions on various topics and that she also passed the millage flyer out.
- That there was no Michigan Works meeting this month, but has made the most recent newsletter available to the Board.

Comments from the Chairman:

- That he attended the Central Dispatch on the March 27th to assist in the flooding issues.
- On attending the Beaverton Fire Hall ribbon cutting on March 29th.
- That he attended the FEMA meeting on April 2nd.
- On attending the Finance and Point Addressing committees on April 7th.
- That he attended both the Gladwin City and Grout Township meetings.
- The “Frozen Affair” will be held this weekend at the Ice Arena.
- The Council of Local Government will be held in the Commissioners’ Chamber Monday, April 28th at 7:00 p.m.

Veterans Lost –

Reginald Franklin – Butman Township, Vietnam
John Kelly – Sage Township, Korea
Gordon Hoffman – Billings Township, WWII
Walter Wiedmer – Billings Township, WWII
Harold Klamer – Grout Township, WWII
William Furlo – Tobacco Township, Korea
Allen McMall Sr. – Sage Township, WWII



Board Comments – Commissioner Smith reminded interested individuals that there will be a “Weather Spotter Training” May 12th in the Commissioners’ Chamber. There will also be a benefit for Jeannie Mercer, owner of the Peppermill Restaurant, on May 2nd at the Knights of Columbus.

Public Comments –

Bob Evans, Drain Commissioner, spoke on the repairs the dam at Wixom and the financing issues for the repairs that Boyce Hydro is facing.

Tab Faber, Tobacco Township, spoke on County Zoning and the current County Zoning Ordinance. Mr. Faber asked the Board to review the section of the ordinance that describes the duties of the Zoning Administrator, noting that the lawsuit needs to stop and the County does not have money to continue to pursue the issue.

Scott Pero, Buckeye Township, stated that he is an avid “mudbogger” and supports the Millers in the lawsuit.

Ryan Leghermo, Midland County, spoke on the distance people travel to attend these events and the money that is spent in the County because of the events.

Kelly Miller, Gladwin Township, asked that the Board revisit the issue on the lawsuit and move forward, as it has been a year. Mr. Miller also announced that he will be running for District #1 Commissioner.

Kim Hall, Buckeye Township, commented that she is a “mudbogger” and property owner and asked that the Board look into the information that has been given to them so that the matter can be resolved in a constitutional way.

Kurt Kocur, Beaverton Township, asked that the Board be responsible with the money that they have and the cuts that have been made. Discussion.

Motion by Commissioner Smith, supported by Commissioner Aultman, to receive and file various correspondence and reports. Ayes carried, **motion passed**.

Motion by Commissioner Aultman, supported by Commissioner Smith, to adjourn. Ayes carried, **motion passed**. Meeting adjourned at 8:17 p.m., until the next regular Board meeting on May 13, 2014 at 9:00 a.m., unless otherwise ordered.

Laura Brandon-Maveal
County Clerk

Terry Walters
Chairman



2014-011

At a regular meeting of the Board of Commissioners of the County of Gladwin (the "County"), State of Michigan, held on the 22nd day of April, 2014.

PRESENT: Walters, Aultman, Smith,
Birgel

ABSENT: Carl

The following resolution was offered by Birgel and seconded by Smith:

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") authorizes the County to borrow money and issue its notes in anticipation of the collection of the County's ad valorem taxes for its current fiscal year; and

WHEREAS, it is hereby determined that it is necessary to borrow the sum of One Million Five Hundred Thousand Dollars (\$1,500,000) in anticipation of the collection of the County's taxes for its current fiscal year, due and payable on July 1, 2014, for the purpose of obtaining funds to meet operating expenses of the County; and

WHEREAS, Act 34 authorizes the borrowing of money in anticipation of the collection of the unpaid operating taxes of the County for its current fiscal year for the above purpose in an amount not to exceed fifty percent (50%) of the operating tax levy for its preceding fiscal year, and

WHEREAS, there are presently no outstanding tax anticipation notes of the County issued against its operating taxes for its current fiscal year; and

WHEREAS, the County's operating tax levy for its fiscal year ending December 31, 2013, was \$4,112,867.11.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF GLADWIN, as follows:

1. AUTHORIZATION OF NOTE - PURPOSE. A short-term municipal security in the form of a note in the principal sum of One Million Five Hundred Thousand Dollars (\$1,500,000) (the "Note") shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, in anticipation of the collection of operating taxes of the County for its current fiscal year.
2. NOTE DETAILS. The Note shall be issued in the form of a single note, designated Note No. 1, in the principal amount of \$1,500,000, and shall be designated "Tax Anticipation Note, Series 2014" (the "Note"). The Note shall be dated as of the date of its delivery to the purchaser and shall bear interest from such date at a rate not to exceed 6% per annum, payable on the maturity date of the Note. The principal of the Note shall be due in full on December 1, 2014, which is the estimated time of collection of a sufficient amount of the operating taxes of the County for its current fiscal year to pay the Note in full, or such earlier date as designated by the Treasurer.
3. METHOD OF SALE. The Note shall be sold pursuant to a negotiated sale as provided in this Resolution. The Treasurer is hereby authorized to request proposals for the purchase of the Note from one or more financial institutions to be determined by the Treasurer after consultation with H.J. Umbaugh & Associates, the County's financial consultant for the

Note. After the receipt of bids, the Treasurer, if she shall determine that it is in the best interest of the County to do so, shall enter an order awarding the Note to the bidder whose bid produces the lowest net interest cost. It is hereby determined that this method of sale is in the best interests of the County and is calculated to provide the County with flexibility in the timing of the sale of the Note and the lowest costs of borrowing money through the issuance of the Note. The actions previously taken by the County Treasurer in connection with the request for proposal for the Note and the distribution thereof are hereby ratified and confirmed.

4. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the Note shall be payable in lawful money of the United States. Principal and interest shall be paid when due to the registered owner upon presentation and surrender of the Note to the Treasurer, who shall serve as note registrar and paying agent for the Note.

5. PREPAYMENT OF PRINCIPAL. Principal of the Note may not be prepaid prior to maturity.

6. EXECUTION, AUTHENTICATION AND DELIVERY OF NOTE. The Note shall be executed in the name of the County by the manual signatures of the Chairperson of the Board of Commissioners and the Clerk. After the Note has been executed, it shall be delivered by the Treasurer to the purchaser upon receipt of the purchase price of the Note.

7. FORM OF NOTE. The Note shall be in substantially the following form:

No. 1

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF GLADWIN

TAX ANTICIPATION NOTE, SERIES 2014

The County of Gladwin, Michigan (the "County"), acknowledges itself indebted to, and for value received, hereby promises to pay to _____, or registered assigns, on December 1, 2014, upon presentation and surrender of this note at the office of the Gladwin County Treasurer, Ithaca, Michigan, the note registrar and paying agent, the principal amount of \$ _____ and interest on such principal amount at the rate of _____% per annum. Principal and interest are payable in lawful money of the United States of America.

This note is issued by the County under and pursuant to and in full conformity with the Constitution and statutes of Michigan (especially Act No. 34, Public Acts of Michigan, 2001, as amended) and a note authorizing resolution (the "Resolution") of the Board of Commissioners of the County in anticipation of the collection of operating taxes of the County for its current fiscal year, which taxes are due and payable July 1, 2014 (the "Operating Taxes").

The County hereby irrevocable pledges for the payment of the principal of and interest on this note moneys to be received by it from the levy of the Operating Taxes. From the first collections of such taxes, there shall be set aside a portion of such taxes which is not less than 125% of the percentage that the principal of this note bears to such taxes, such that there will be a sufficient amount set aside to pay the principal of and interest on this note at maturity. As additional security, the County has irrevocably pledged its full faith and credit for the prompt payment of the principal of and interest on this note as the same become due. The principal of and interest on this note is payable as a first budget obligation of the County from its general funds. The ability of the County to raise such funds is subject to applicable statutory and constitutional limitations on the taxing power of the County. The County has reserved the right to issue additional notes of equal standing with the note, subject to the limitations provided by law.

This note is not subject to redemption prior to maturity.

This note is designated as a "qualified tax-exempt obligation" as described in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this note, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the County, including this note, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the County of Gladwin, Michigan, has caused this note to be executed in its name by the manual signatures of its Chairperson of the Board of Commissioners and its Clerk as of this 2nd day of April 2014.

COUNTY OF GLADWIN

By: Tony Walt
Chairperson, Board of Commissioners

And: Anna Brandon-Meyer
Clerk

8. SECURITY. The County hereby irrevocably covenants to collect the County's taxes for operating purposes for the current fiscal year, which taxes will be due and payable on July 1, 2014, in an amount not less than the amount of the Note and interest thereon, together with the principal and interest on any other notes issued in anticipation of the operating taxes for the current fiscal year, and hereby appropriates from the operating taxes for its current fiscal year sufficient taxes to repay the principal of and interest on the Notes.

9. COLLECTIONS TO SPECIAL FUND; ADDITIONAL NOTES. From the collections of the County's operating taxes for its current fiscal year, due and payable on July 1, 2014, there shall be set aside in a special fund (being a separate depository account), to be used solely for the payment of the principal of and interest on the Note, a portion of each dollar collected which is not less than 125% of the percentage that the principal amount of the Note bears to the amount of the County's operating taxes for its current fiscal year, until the amount set aside is sufficient to make payment of the principal of and interest on the Note and any additional notes issued by the County of equal standing. The County reserves the right to issue additional notes of equal standing with the Note as to the County's operating taxes for its current year, subject to the limitations provided by law.

10. PLEDGE OF FULL FAITH AND CREDIT. In addition, the County has irrevocably pledged its full faith and credit for the prompt payment of the principal of and interest on the Note as the same become due. In the event the taxes pledged to the payment of the principal of and interest on the Note shall be insufficient to make such payment, the County shall pay such principal and interest from any funds legally available therefore, as a first budget obligation, and if necessary, levy sufficient taxes on all taxable property in the County for the payment thereof, subject to applicable statutory and constitutional limitations on the taxing power of the County.

11. SALE, ISSUANCE, DELIVERY AND TRANSFER OF THE NOTE. The Chairperson of the Board of Commissioners, the Clerk, the Treasurer, the Administrator and the other officers, agents and employees of the County are authorized to execute such documents and certificates and to take all other actions necessary and convenient to facilitate the sale and delivery of the Note.

12. APPROVAL OF MICHIGAN DEPARTMENT OF TREASURY. The issuance and sale of the Note shall be subject to the County obtaining qualified status or permission being granted therefor by the Michigan Department of Treasury pursuant to Act 34, and, if necessary, the Treasurer is authorized and directed to make application to the Department of Treasury for prior approval to issue and sell the Note as provided by the terms of this Resolution and by Act 34 and to pay such fees related thereto.

13. TAX COVENANT. The County covenants to comply with all requirements of the Internal Revenue Code of 1986, as amended, necessary to assure that the interest on the Note will be and will remain excludable from gross income for federal income tax purposes. The Chairperson of the Board of Commissioners, the Clerk, the Treasurer and other appropriate County officials are authorized to do all things necessary to assure that the interest on the Note will be and will remain excludable from gross income for federal income tax purposes.

14. QUALIFIED TAX EXEMPT OBLIGATIONS. The Note is hereby designated as a Qualified Tax Exempt Obligation as described in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the "Code"); provided, however, that the Treasurer is authorized to determine by order that the Note shall not be sold as a Qualified Tax Exempt Obligation if the expected amount of tax-exempt obligations to be issued by the County and its subordinate entities in 2014 will exceed the amount permitted by the Code for such purpose.

15. REDUCTION OF PRINCIPAL AMOUNT OF NOTE. If the Treasurer determines that it is not necessary or advisable to issue the Note in the full principal amount authorized in this Resolution, then the Treasurer is hereby authorized to reduce such principal amount of the Note as set forth in a written order of the Treasurer.

16. CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

YEAS: 4

NAYS: 0


ABSENT: 1

RESOLUTION DECLARED ADOPTED

STATE OF MICHIGAN)
) ss
COUNTY OF GLADWIN)

I, the undersigned, the duly qualified and acting Clerk of the County of Gladwin, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of said County at a regular meeting held on the 22nd day of April 2014, the original of which is on file in my office. I further certify that notice of the meeting was given pursuant to and in compliance with the open meetings act, MCL 15.261 et seq.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 22nd day of April, 2014.


Clerk
County of Gladwin



Special Board Meeting
April 30, 2014
8:00 a.m.

Chairman Walters called the meeting to order at 8:00 a.m. The Pledge of Allegiance was recited. Roll call found Commissioners present, except Commissioner Carl who had been excused.

The Board then recessed to wait for Attorney Jacobson to arrive.

RECESS 8:02 – 8:08 a.m.

Motion by Commissioner Smith, supported by Commissioner Aultman, to go into Executive Session to discuss a current matter under litigation. Ayes carried, motion passed.

EXECUTIVE SESSION 8:08 – 9:02

Motion by Commissioner Smith, supported by Commissioner Aultman, to return to regular session. Ayes carried, motion passed.

Attorney Jacobson stated that he reviewed the settlement options with the Board members on the Gladwin County vs. Miller case and has received some general guidance for the settlement conference scheduled for May 6, 2014.

Motion by Commissioner Smith, supported by Commissioner Aultman, to adjourn. Ayes carried, motion passed. Meeting adjourned at 9:03 a.m.

Laura Brandon-Maveal, Clerk

