

**ALGER COUNTY BOARD OF COMMISSIONERS  
COMMITTEE OF THE WHOLE MEETING**

**October 15, 2019**

**Approved November 18, 2019**

Pursuant to recess, the Alger County Board of Commissioners convened in the conference room of the county building at 4:00 p.m. on the above date.

The meeting was called to order by Vice-Chairman Mattson with the following Commissioners present: Commissioners Mattson, Pullen and Rondeau. Absent – Commissioners VanLandschoot and Doucette.

The board of commissioners said the Pledge of Allegiance.

Public comment session was open. There was no public comment; thus, the public comment was closed.

It was the consensus of the board to accept the agenda as presented.

It was moved by Commissioner Pullen and seconded by Commissioner Rondeau to authorize the Agreement for MSU Extension Services for FY2020. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen and Rondeau. Nays – none. Absent – Commissioners VanLandschoot and Doucette. This item will be reaffirmed at the regular board meeting.

Discussion of the Equalization Department and the L-4029 was postponed until the Regular Board meeting.

It was moved by Commissioner Pullen and seconded by Commissioner Rondeau to authorize payment to Alger-Marquette Community Action for Third-Party Housing Rehabilitation projects in the amount of \$62,320.07. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen and Rondeau. Nays – none. Absent – Commissioners VanLandschoot and Doucette. This item will be reaffirmed at the regular board meeting.

It was moved by Commissioner Pullen and seconded by Commissioner Rondeau to authorize payment to U.P. 9-1-1 Authority in the amount of \$30,983.13 – funds to come from fund #264 Service Contracts. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen and Rondeau. Nays – none. Absent – Commissioners VanLandschoot and Doucette. This item will be reaffirmed at the regular board meeting.

Commissioner Rondeau will discuss the purchase of a laptop for the Veteran Service Officer with Veterans Affairs Committee.

It was moved by Commissioner Rondeau and seconded by Commissioner Pullen to authorize not going forward with LMAS building purchase. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen and Rondeau. Nays – none. Absent – Commissioners VanLandschoot and Doucette. This item will be reaffirmed at the regular board meeting.

It was moved by Commissioner Pullen and seconded by Commissioner Rondeau to authorize purchase of a new computer for Probate Court in the amount of \$988. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen and Rondeau. Nays – none. Absent – Commissioners VanLandschoot and Doucette. This item will be reaffirmed at the regular board meeting.

It was moved by Commissioner Rondeau and seconded by Commissioner Pullen to authorize purchasing two new software products for courtroom recordings in Probate Court and Circuit Court in the total amount of \$6,990 – funds for one to come from Probate Court and funds for one to be split between circuit court and district court. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen and Rondeau. Nays – none. Absent – Commissioners VanLandschoot and Doucette. This item will be reaffirmed at the regular board meeting.

Retiree health insurance payment policy was discussed.

It was the consensus of the board to authorize Commissioner Pullen to attend the U.P. Regional Recycling meeting. This item will be added to the consent agenda.

There were no cost saving ideas or revenue sources.

There was no unfinished business.

It was the consensus of the board to authorize payment to Pathways for their quarterly appropriation in the amount of \$8,305.00. This item will be added to the consent agenda.

It was the consensus of the board to authorize payment to LMAS for their quarterly appropriation in the amount of \$20,049.00. This item will be added to the consent agenda.

It was the consensus of the board to approve payment of all board bills as recommended by the Audit Committee. This item will be added to the consent agenda.

It was the consensus of the board approve Financial Reports for all funds (Trial Balance Report Available). This item will be added to the consent agenda.

It was the consensus of the board to authorize the treasurer to amend the general fund Transfer-In Foreclosure in the amount of \$6,857.58. This item will be added to the consent agenda.

It was the consensus of the board to authorize the clerk to amend the treasurer's budget in the amount of \$6,857.58. This item will be added to the consent agenda.

It was the consensus of the board to authorize the treasurer to transfer \$6,857.58 from the foreclosure fund #517 into general fund Transfer Into Foreclosure. This item will be added to the consent agenda.

There were no miscellaneous financial matters.

It was the consensus of the board to approve **Resolution #2019-21 Trial Court Funding Commission Interim Report:**

**WHEREAS**, the County Clerks in Michigan have a constitutional stake in the trial court funding question, but were excluded from participation in the Trial Court Funding Commission. The County Clerks have a unique relationship with the courts and a perspective that should be heard when making recommendations for substantial changes.

**WHEREAS**, the goal of Public Act 65 of 2017 was to create a Trial Court Funding Commission to "review and recommend changes to the trial court funding system in light of *People v. Cunningham*".

**WHEREAS**, the vast majority of the Interim Report deals with the consolidation of all local court staff and operations under state control but does not solve the funding problems that *Cunningham* created (simply moving collections of fines and costs and payment of court salaries/benefits to the state does not mitigate the fact that we will still not be funded adequately).

**WHEREAS**, centralized control of our court process does not necessarily serve the best interest of the public. The County Clerks believe that local judges and citizens are better served by local custodial control. It has been proven to be a more responsive method of serving their needs.

**WHEREAS**, research of other state-funded court systems has shown that state funding creates a culture of complacency that tolerates delay. Accountability is removed from the local level and placed in the hands of bureaucrats in state government who are less connected to the people.

**WHEREAS**, we are concerned that transferring funding to state control would tether the judicial branch to the short term whims of the legislative and executive branches even more than they exist already. In the event of a lack of state funding (government shutdown) this process would also force the shutdown of the court system, resulting in constitutional violation of due process.

**WHEREAS**, it is critical to note that the finding of 46th Circuit Trial Court v. County of Crawford, 2006:143 states directly: "In order for the judicial branch to carry out its constitutional responsibilities as envisioned by the Constitution of 1963, art3, SS 2, the judiciary cannot be totally beholden to legislative determinations regarding its budgets."

**WHEREAS**, this Interim Report recommends altering the Michigan Constitution to provide that circuit court clerks are employed by the court and under the supervision of state government rather than the County Clerk.

**WHEREAS**, County Clerks serve a critical role in the judicial system. They are constitutionally mandated to ensure the integrity of the records and protecting the best interests of our citizens. Removing County Clerks from the picture would serve as substantial disruption to the purpose that we serve.

**NOW, THEREFORE, BE IT RESOLVED**, the Alger County Board of Commissioners is opposed to the Trial Court Funding Commission Interim Report dated April 8, 2019. We believe that it is imperative to maintain local control and accountability because that is how our constituents are best served. We strongly oppose this Interim Report and possible pending legislation and encourage the other 82 Michigan counties to join us.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Governor Gretchen Whitmer, Senator Ed McBroom, Representative Sara Cambensy, the Michigan Association of Counties and the other 82 Michigan Counties.

This item will be added to the consent agenda.

It was the consensus of the board to approve **Resolution #2019-22 County Resolution on House Bill 4590, A Bill to Create a Tourism Reinvestment Excise Tax:**

**WHEREAS**, Tourism rates have increased steadily across the Upper Peninsula in recent years. This growth is apparent in an almost 20 percent increase in visitor spending in the U.P. between 2011 and 2017, according to the Michigan Economic Development Corporation.

**WHEREAS**, While this growth in tourism results in positive economic impacts to the private sector and increased state tax revenue, local revenue growth is far more restricted. This local revenue growth is limited to local property taxes, any modest increase of which is insufficient to cover the costs of the growth in tourism.

**WHEREAS**, Recreational activity by tourists result in measurable increased strain on local services. This is especially true of life-saving medical services that impact not only visitor safety but that of residents as well. Alger County has witnessed a 240 percent growth in non-residential emergency runs between 2012 and 2018. Additionally, the number of out-of-state tickets for traffic violations has more than doubled in the past five years.

**WHEREAS**, The geographic distances between local services, hospitals and the sites of emergency events can be very large. This places further strain on the ability of EMS to respond in a timely manner when multiple calls are received in one day, putting lives at risk.

**WHEREAS**, Large numbers of tourists impact the cost of emergency services, public safety, as well as county parks and recreation, in local budgets. There is currently no recourse for County governments to levy taxes that impact visitors only in order to account for these increased costs.

**WHEREAS**, local residents should not be asked to subsidize with their own limited resources the increased costs of tourism. U.P. residents already pay relatively high property taxes, due in part to greater amounts of non-taxable and tax-restricted properties, which shifts the tax burden onto regular property owners. Local voters have also been asked to approve a greater number of special assessments in recent years, due to constrained local revenue in rural counties.

**WHEREAS**, House Bill 4590, introduced by State Representative Sara Cambensy, provides for a Tourism Reinvestment Excise Tax that, if approved by local voters, would allow Counties the option to tax local room rentals at rate not to exceed 5 percent of the total room rate. The revenue generated would be designated specifically for emergency services, public safety, and county parks and recreation.

**BE IT THEREFORE RESOLVED** that, the Alger County Board of Commissioners supports the passage House Bill 4590 and that this resolution will be forwarded to State Representative Sara Cambensy, State Senator Ed McBroom, Governor Gretchen Whitmer, the Michigan Association of Counties and the other 82 Michigan Counties.

This item will be added to the consent agenda.

Committee reports were next. Commissioner Pullen had an Airport Committee meeting, attended the UPACC Conference, and will be attending a Pathways Conference. Commissioner Rondeau commented that the Alger County Resolution Committee is waiting for a Line 5 resolution to be agreed upon by all the U.P. counties.

Correspondence was briefly read.

It was moved by Commissioner Pullen and seconded by Commissioner Rondeau to authorize signing Alger County's L-4029. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen and Rondeau. Nays – none. Absent – Commissioners VanLandschoot and Doucette. This item will be reaffirmed at the regular board meeting.

Board comments were next. Commissioner Pullen discussed correspondence concerning swamp tax. Commissioner Rondeau is glad the board supported Resolution #2019-22.

Staff comments were next. Prosecuting Attorney Robert Steinhoff commented that the lack of Secondary Road Patrol funding has a negative impact on the community and leads to further dependency on Michigan State Police.

Commissioner Doucette arrived at 5:00 p.m.

Public comment session was open. There was no public comment from the floor; thus, the public comment session was closed.

The Vice-Chairman adjourned this meeting at 5:10 p.m.

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Jerry Doucette, Chairman  
Alger County Board of Commissioners

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Mary Ann Froberg  
Alger County Clerk