

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

September 14, 2020

Approved October 19, 2020

Pursuant to recess, the Alger County Board of Commissioners convened via GoToMeeting at 4:05 p.m. on the above date.

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

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.

Commissioner VanLandschoot signed-in at 4:11 p.m.

Barbara Trombley was not present.

Dulcee Ranta was present to explain new changes requiring a designated county assessor with a minimum level 3 certification to negotiate fees and responsibilities to the local level.

Mike Greutz, from Anderson, Tackman & Co, PLC was present to review the 2019 Alger County audit.

Commissioner VanLandschoot signed off.

Steve Webber explained that the Magistrate is required to be available every other weekend to approve warrants via cell phone. A signal booster is needed to perform necessary functions. This item will be added to next week's agenda for further discussion.

It was the consensus of the board to authorize MATCP Drug Court Online Conference in the amount of \$2,840 (\$2,535 to come from the Liquor Tax and \$305 to come from the Drug Court Grant). This item will be added to the consent agenda.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to authorize the Notice of Contract Agreement between the Alger Correctional Facility and Alger County Sheriff's Department. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to authorize a new computer for the Crime Victims Advocate in the amount of \$1,495.35 monies are to come from the PA office to be reimbursed by the Crime Victims Grant. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Rondeau and seconded by Commissioner Mattson to approve the FY2021 County Veterans Service Fund Grant in the amount of \$51,268. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

Next week, Pam Johnson will further discuss hiring two part-time people with pay to come from the DTR. A letter from counsel is forthcoming.

Steve Webber will check with Joe Cilc if there is a preference of tires for the Building Codes truck.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to authorize new car light battery for the elevator from OTIS in the amount of \$541.00. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Rondeau and seconded by Commissioner Mattson to authorize transferring \$57,571.88 from the airport fund #295 to general fund airport – sale of timber in reimbursements 101-000-673.000 for monies spent on airport ownership. Motion

carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Rondeau and seconded by Commissioner Mattson to approve the Veteran’s millage rate at .10 mil. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Rondeau and seconded by Commissioner Mattson to approve the 911 millage rate at .50 mil. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

There were no cost saving ideas or revenue sources.

There was no unfinished business.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to approve LMAS District Health Department appropriation in the amount of \$20,049 (101-601-969.000). Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Doucette and seconded by Commissioner Mattson to approve payment of all board bills as recommended by the Audit Committee. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to approve Financial Reports for all funds (Trial Balance Report Available). Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to authorize the treasurer to set up new fund #282 CARES Act. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was decided to postpone authorizing the treasurer to transfer \$26,013.80 from other federal grants 101-000-528.000 to fund #282 CARES Act.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to authorize the clerk to amend general fund expenditures in the Probate Child Care budget in the amount of \$18,000. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to authorize the treasurer to amend general fund revenues in real estate transfer tax (101-000-615.000) in the amount of \$18,000. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to authorize the treasurer to transfer \$18,000 from the general fund Probate Child Care budget to Probate Child Care Fund #292. Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

There were no miscellaneous financial matters.

It was moved by Commissioner Rondeau and seconded by Commissioner Mattson to approve **Resolution #2020-08 Reject Appointment of Victoria Enyart:**

Whereas; all fifteen counties in the Upper Peninsula, who are members of the Upper Peninsula Association of County Commissioners (UPACC), have the responsibility for ensuring the health, safety, and welfare of Township residents and visitors; and,

Whereas; the financial resources necessary for the provision of such services are derived from taxable value assessment, collection, and distribution to reliant entities, and,

Whereas; such tax collection and distribution generally occur after services are committed or rendered to constituents; and,

Whereas; local County Assessors are required to apply provisions of the formal Assessors Manual as issued by the Michigan Tax Commission in determining said taxable values, and;

Whereas; the Michigan tax Tribunal is not required to apply the provisions of the formal Assessors Manual in their review of appeals; and,

Whereas; the Michigan Tax Tribunal is required to follow Michigan law contained in statute and in binding appellate court decisions and the Michigan Supreme Court has required the Tribunal to adhere to standard appraisal practices; and,

Whereas; the Michigan Tax Tribunal has accepted and applied the "dark store" theory in their decisions regarding commercial properties since 2010; with the most significant ruling yet in the recent Court of Appeals remand decision of the Menards Inc. v City of Escanaba case written by Victoria Enyart; and Preeti Gadola; and,

Whereas; in her opinion on remand Victoria Enyart rejected the Court of Appeals published and binding decision in Menard Inc. v City of Escanaba and determined that the Court of Appeals reliance on published and binding case law and the Court of Appeals analysis of legal precedent was error; and,

Whereas; in her opinion on remand Victoria Enyart rejected market analysis that is standard in the appraisal profession, that was required by the Court of Appeals and determined the market analysis would not be used at the Tribunal to determine the value of big box stores; and,

Whereas; in her opinion on remand Victoria Enyart rejected the Michigan Legislature's long-standing definition of "fee simple" and Michigan appellate court decisions interpreting that standard and instead determined that rental property could not be transferred in fee simple unless the property was first entirely vacant and had no tenant when transferred; and,

Whereas; Victoria Enyart has a long history of rendering "Dark Store" opinions, of rejecting standard appraisal methods, of rejecting standard assessment methods that have national consensus and rendering biased decisions; and,

Whereas; Victoria Enyart has no legal training or background, is not competent to render decisions on Michigan law, and is, historically, among the most frequently reversed members ever to be appointed to the tax tribunal, and

Whereas; the Michigan Senate is required to approve the appointment of Victoria Enyart as recommended by Governor Gretchen Whitmer ignoring the impacts to local governments, tax revenue reliant agencies, and all constituents;

Now Therefore Be It Resolved; that the Upper Peninsula Association of County Commissioners and its member counties, hereby resolve to respectfully ask Governor Whitener to withdraw the nomination or the Michigan Senate to reject the appointment of Victoria Enyart to the Michigan Tax Tribunal as proposed by Governor Gretchen Whitmer to the detriment of local governments, tax revenue reliant public agencies, and all constituent taxpayers.

Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

It was moved by Commissioner Rondeau and seconded by Commissioner Mattson to approve **Resolution #2020-09 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, as well as parks and recreation, in local budgets. There is currently no recourse for County governments to levy taxes that only impact visitors 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 amount 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 medical services and parks and recreation costs

Therefore, Be it resolved that, Alger County fully supports the passage of House Bill 4590 and that copies of this resolution be sent to Governor Gretchen Whitmer, Senate Majority Leader Mike Shirkey, Speaker Lee Chatfield, the Michigan Association of Counties (MAC) and the Upper Peninsula Commission for Area Progress (UPCAP).

Motion carried by the following vote: Ayes – Commissioners Mattson, Rondeau, and Doucette. Nays – none. Absent – Commissioners Pullen and VanLandschoot.

Commissioner Rondeau is pleased that the transfer of revenues from the airport timber harvest was approved. The Airport Committee is working on a five-year plan. The veteran's golf outing was a success. Commissioner Mattson attended an LMAS meeting and all four counties are seeing COVID-19 increases due to large gatherings and people ignoring quarantine orders. Commissioner Doucette expressed concerns over Victoria Enyart's appointment due to the Dark Store issue. Commissioner Doucette explained that the language of the HB4590 has been changed to include all counties that do not meet the current population requirements to implement local excise taxes.

Correspondence was briefly read.

Commissioner Rondeau said what was expected when Alger County with a population of 10,000 people is overrun by 400,000 tourists as it relates to COVID-19. Commissioner Doucette is continuing to hear more concerns about speed limits along M28 at the Au Train bridge as well Reindeer Run.

Steve Webber discussed: budget concerns; The new sheriff's department boat; generators for Mathias Township. Sheriff Brock noted the increases in law enforcement due to increases in tourism numbers. Sheriff Brock would like to implement human trafficking training. Mary Ann Froberg noted this election cycle has been quite the crunch. Pam Johnson will prepare a report to clarify current lawsuits regarding the foreclosure fund.

Public comment session was open. Topics of discussion include: pushing for rural broadband; over a million tourists this year in Alger County; speeding along M94; thanks to Sheriff Brock; and more "No Littering" signs. There was no further public comment from the floor; thus, the public comment session was closed.

The Chairman adjourned this meeting at 7:00 p.m.

Jerry Doucette, Chairman
Alger County Board of Commissioners

Mary Ann Froberg
Alger County Clerk