

Don Edwards
Gary Girardin
Mary Hardies
Lloyd Peltier
Dell Bolser



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County of Montmorency Board of Commissioners

Regular Board Meeting

Agenda

April 6, 2023

9:00 a.m.

Boardroom/Courtroom B

.....
CALL TO ORDER

- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Approval of minutes from: March 16, 2023 and Special Meeting: March 29, 2023
- Claims and Accounts

PUBLIC COMMENT (Agenda Items Only)

DEPARTMENT WRITTEN REPORTS:

- Sheriff
- Treasurer
- Controller -
County Clerk

OLD BUSINESS

- Policies
- Easter Monday April 10th

NEW BUSINESS

- Resolution 2023-04 Financial Officers
- Resolution 2023-05 Multi-District Magistrate
- March BOR Final: Amber Woehlert

STANDING COMMITTEE REPORTS

PUBLIC COMMENT

ADJOURN SUBJECT TO CHAIRMAN

NEXT REGULAR BOARD MEETING WILL BE HELD ON Tuesday, April 18, 2023 at 1PM

THIS MEETING IS OPEN TO ALL MEMBERS OF THE PUBLIC UNDER OPEN MEETINGS ACT OF MICHIGAN, PURSUANT TO PUBLIC ACT 267 OF 1976 PLEASE SILENCE ALL CELL PHONES

**MONTMORENCY COUNTY BOARD OF COMMISSIONERS
MEETING HELD APRIL 6, 2023**

PRESENT: Don Edwards, Gary Girardin, Dell Bolser, Mary Hardies, Lloyd Peltier

ABSENT/EXCUSED: None

PLEDGE

ADD/DELETIONS:

Add: County Clerk Report

Delete: None

Motion by Peltier, seconded by Hardies approving the agenda with the addition. Yeas: 5 Nays: 0 Motion carried.

MINUTES:

Motion by Bolser, seconded by Girardin approving the regular meeting minutes of March 16, 2023. Yeas: 5 Nays: 0 Motion carried.

Motion by Peltier, seconded by Bolser approving the special meeting minutes of March 29, 2023. Yeas: 5 Nays: 0 Motion carried.

CLAIMS & ACCOUNTS:

Motion by Girardin, seconded Peltier approving claims. (Regular: \$89,180.20; Desk \$1,461,333.82; Not Entered: \$424.50; EFT's \$174,168.62 Total: \$1,725,107.14). Yeas: 5 (Roll call: Girardin, Hardies, Peltier, Bolser, Edwards) Nays: 0 Motion carried.

PUBLIC COMMENT:

None.

SHERIFF REPORT:

Sheriff Brown present. Attended the ARPA meeting. Checked with insurance on the cracked windshield that needs replaced (paying deductible vs just paying). Discussion. It was decided to turn it into the insurance; Part time front desk clerk going to be leaving, can advertise for a level 1 pay.

TREASURER REPORT:

Cheri Eggett, Treasurer present. Topics: Annual delinquent property tax \$1,390,282.38; 5 foreclosures going to sale; reported for Local and Tribal Consistency Funds \$50,000.00; ARPA meeting held, and funds allocated for SRO; Hiawatha Lake Special Assessment District bond documents.

Motion by Peltier, seconded by Hardies approving \$1,390,282.38 in expenditures to make whole the townships, millages, and levies for the 2022 property tax year. Yeas: 5 (Roll call: Hardies, Peltier, Bolser, Edwards, Girardin) Nays: 0 Motion carried.

Motion by Edwards, seconded by Peltier approving School Resource Officer funding of \$100,200.00 from ARPA for the cost of one SRO for years 2023-2025. Yeas: 5 (Roll call: Peltier, Bolser, Edwards, Girardin, Hardies) Nays: 0 Motion carried.

COUNTY CONTROLLER:

Aprille Williamson present. Opioid settlement and resolution needed.

Resolution #2023-06

RESOLUTION AUTHORIZING ENTRY OF PARTICIPATION AGREEMENTS IN PARTIAL SETTLEMENT OF THE NATIONAL PRESCRIPTION OPIATE LITIGATION AND ENTRY OF STATE LOCAL GOVERNMENT INTRASTATE AGREEMENT CONCERNING ALLOCATION OF SETTLEMENT PROCEEDS
Hardies/Bolser Yeas: 5 (Roll Call: Bolser, Edwards, Girardin, Hardies, Peltier) Nays: 0 Resolution passed.

Topics: meeting with IT companies and obtaining quotes; updated budget report sent to commissioners; still do not qualify for the pension grant funding; Security meeting and recommendations.

COUNTY CLERK:

Cheryl Neilsen, Clerk present. Passage of Proposal 2022-02 in November has created 9 days of early voting for any state and federal elections. Will be meeting with local clerks to try and produce a plan for next years elections. Need to have something in place by November. Court staff is having to learn and figure out the rules and laws for Automatic Set Aside of Convictions that is to begin April 11th.

OLD BUSINESS:

EASTER MONDAY: Had discussed possibly being closed for Easter Monday, however courts are open. County employees will be required to report to work on Monday, April 10th.

NEW BUSINESS:

RESOLUTION: Discussion on proposed resolution.

Resolution #2023-04

RESOLUTION ESTABLISHING THE "CHIEF AND COUNTY FINANCE" OFFICERS AND THE "CHIEF EXECUTIVE" OFFICER FOR THE COUNTY OF MONTMORNCY Hardies/Peltier Yeas: 4 (Roll call: Edwards, Girardin, Hardies, Peltier) Nays: 1 (Bolser) Resolution passed.

RESOLUTION: Requesting resolution for a magistrate who lives in Montmorency County but works in Otsego. Discussion.

Resolution #2023-05

RESOLUTION TO ESTABLISH A MULTIPLE DISTRICT PLAN FOR MAGISTRATES BETWEEN THE 87-A AND 88TH DISTRICT COURTS Hardies/Bolser Yes: 5 (Roll call: Girardin, Hardies, Peltier, Bolser, Edwards) Nays: 0 Resolution passed.

MARCH BOR FINAL: Amber Woehlert appears via zoom and goes over her report. Motion by Bolser, seconded by Edwards authorizing the Chair to sign L-4024 & L-4037. Yeas: 5 Nays: 0 Motion carried.

10:15 A.M. Break

10:24 A.M. Back in session

OLD BUSINESS CON'T:

POLICIES: Approved those items listed in Red in the Table of Contents. No other action taken.

COMMITTEE REPORTS:

Bolser: DHHS, Security
Girardin: Claims & Accounts, Finance
Hardies: None
Peltier: Thunder Bay Transportation; ARPA
Edwards: Claims & Accounts, Finance, ARPA

PUBLIC COMMENT:

Rob Pallarito, District Director for Senator Michele Hoytenga in the area, introduced himself.

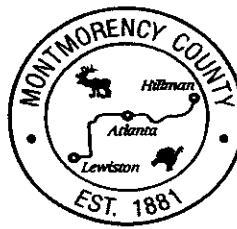
Clerk Neilsen is looking for policy on county website and authority to post or monitor what is being posted specifically by the County Controller. Comment by the Sheriff on this topic.

11:13 A.M. Motion by Bolser, seconded by Girardin to adjourn. All in favor.

Minutes submitted by:


Cheryl A. Neilsen, County Clerk

Don Edwards
Gary Girardin
Mary Hardies
Dell Bolser
Lloyd Peltier



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County of Montmorency Board of Commissioners

Resolution #2023-04

RESOLUTION ESTABLISHING THE “CHIEF AND COUNTY FINANCE” OFFICERS AND THE “CHIEF EXECUTIVE” OFFICER FOR THE COUNTY OF MONTMORENCY

At the meeting of the County of Montmorency Board of Commissioners held in the County of Montmorency Building located in Atlanta, Michigan on April 6, 2023.

PRESENT: Bolser, Girardin, Edwards, Hardies & Peltier

ABSENT: None

The following resolution was made by **Mary Hardies** and seconded by **Lloyd Peltier**, to-wit:

Whereas the duties of the Chief Financial Officer for the County of Montmorency include, but are not limited to, the following;

- 1) Serves as Custodian of all public funds;**
- 2) Maintains and monitors separate accounts for all budgeted appropriations and anticipated revenues;**
- 3) Prepares year end reports of all revenue and expenditures and provides the governing body with periodic status reports for all budget revenues and appropriations as they correspond to the annual adopted budget;**
- 4) Leads in helping the governing body develop fiscal policy, including preparing projections and calculations to support long-term plans concerning revenue, appropriations, surplus, the tax levy and caps thereon and, the municipal budget appropriations cap;**
- 5) Supervising and auditing start up and petty cash accounts;**
- 6) Ensure compliance with all statutes, rules, regulations, and directives pertaining to financial administration and such other duties as assigned by the County Board of Commissioners.**
- 7) Assists in preparation of annual budget and annual audit.**

Whereas the duties of the Chief Accounting Officer for the County of Montmorency include, but are not limited to the following;

- 1) Ensure the proper and accurate preparation, posting, maintenance, and reconciliation, as applicable, of all books, ledgers, schedules, statements, reports, and other records pertaining to county finances. All financial schedules and, as applicable, other records shall be prepared in such a manner as to facilitate audit review;**
- 2) Develop and implement a system of internal controls to safeguard assets and monitor**

compliance, including:

a) Documentation of internal accounting control processes, procedures and authorizations, with regular review and evaluation of the same;

b) Training all relevant personnel, including, but not limited to, department heads and/or others in positions of approval;

c) Administration and oversight of claim payment procedures.

3) Per statute all county officers or employees shall furnish such information respecting all county matters in their charge as the controller shall require.

Whereas the duties of the Chief Executive Officer for the County of Montmorency include, but are not limited to, the following;

1) Analyze, and/or review monthly reports of the Treasurer, Controller and all financial reports of other departments;

2) Review all investments;

3) Sign all ordinances and acts as approved by the County Board of Commissioners.

4) Reviews, signs, and delivers to Board all claims and accounts.

Whereas the County Board of Commissioners desires to follow all relevant laws and regulations and to not compromise the County's ability to receive funding from whatever the source, the County Board of Commissioners establishes the following;

NOW, THEREFORE BE IT RESOLVED

1) The County of Montmorency Board of Commissioners hereby names the sitting, elected Treasurer as Chief/County Finance Officer and directs the sitting Treasurer to sign all financial documents, to include contracts and grants requiring a Finance Officer signature as the Chief or County Finance Officer.

2) The County of Montmorency Board of Commissioners hereby names the appointed County Controller as the Chief Accounting Officer as stated by statute, Act 156 of 1851 MCL 46.13b and directs the County Controller to sign all financial documents, to include contracts and grants requiring a Finance Officer signature as the County Finance Officer.

3) The County of Montmorency Board of Commissioners hereby names the sitting Chairperson of the Board as the Chief Executive Officer and directs the Chairperson of the Board to sign all financial documents, to include all contracts and grants, as the Chief Executive Officer.

4) Any official or employee misrepresenting themselves as any of the preceding County Officers will be subject to disciplinary actions up to and including termination of employment.


YES: Edwards, Girardin, Hardies & Peltier

NO: Bolser

RESOLUTION DECLARED ADOPTED.


CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Board of Commissioners of the County of Montmorency at a regular meeting held on **April 6, 2023**, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the open meetings act.



Cheryl A. Neilsen, Clerk
County of Montmorency, Michigan

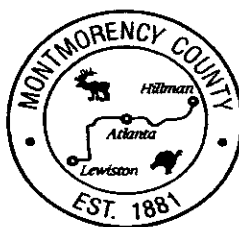
Dated: **April 6, 2023**



Donald Edwards, Chairperson
County of Montmorency, Michigan

Dated: **April 6, 2023**

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County of Montmorency Board of Commissioners

Resolution #2023-05

RESOLUTION TO ESTABLISH A MULTIPLE DISTRICT PLAN FOR MAGISTRATES BETWEEN THE 87-A AND 88TH DISTRICT COURTS

At the meeting of the County of Montmorency Board of Commissioners held in the County of Montmorency Building located in Atlanta, Michigan on April 6, 2023.

PRESENT: Bolser, Girardin, Edwards, Hardies & Peltier

ABSENT: None

The following resolution was made by **Mary Hardies** and seconded by **Dell Bolser**, to-wit:

WHEREAS, MCL 600.8320 authorizes two adjoining District Courts of the first class to create a multiple district plan; and

WHEREAS, Local Administrative Order D88-2023-05J established a multiple district plan encompassing the counties of Montmorency and Otsego; and

WHEREAS, the Judges of the 87-A District Court and the 88th District Court have appointed Maria K. Wyatt as the magistrate under MCL 600.8501, and have authorized her to perform specific duties within Otsego County; and

WHEREAS, Maria K. Wyatt will expressly perform her duties for the 87-A District Court and be subject to the superintending control of the Judge of the 87-A District Court; and

WHEREAS, Montmorency County assumes no liability, directly or indirectly, or any costs for the compensation, benefits, or the similar, that may arise from the employment of Maria K. Wyatt in the 87-A District Court; and

WHEREAS, MCL 900.8501(1) provides that a magistrate shall be appointed by the judges of the district subject to approval by the county board of commissioners; and

WHEREAS, the Montmorency County Board of Commissioners desire to approve the appointment of Maria K. Wyatt to the position of Magistrate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners for the County of Montmorency hereby approve the appointment of Maria K. Wyatt as

Magistrate to serve the 87-A District Court in accordance with MCL 900.8251, MCL 600.8320, and Local Administrative Order D88-2023-04, and said appointment shall be effective April 20, 2023.

YES: Bolser, Girardin, Edwards, Hardies & Peltier


NO: None

RESOLUTION DECLARED ADOPTED.

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Dated: April 6, 2023



Cheryl A. Neilsen, Clerk
County of Montmorency, Michigan

Dated: April 6, 2023



Donald Edwards, Chairperson
County of Montmorency, Michigan



County of Montmorency Board of Commissioners

Resolution #2023-06

RESOLUTION AUTHORIZING ENTRY OF PARTICIPATION AGREEMENTS IN PARTIAL SETTLEMENT OF THE NATIONAL PRESCRIPTION OPIATE LITIGATION AND ENTRY OF STATE LOCAL GOVERNMENT INTRASTATE AGREEMENT CONCERNING ALLOCATION OF SETTLEMENT PROCEEDS

At the meeting of the County of Montmorency Board of Commissioners held in the County of Montmorency Building located in Atlanta, Michigan on April 6, 2023.

PRESENT: Bolser, Girardin, Edwards, Hardies & Peltier

ABSENT: None

The following resolution was made by **Mary Hardies** and seconded by **Dell Bolser**, to-wit:

WHEREAS, the County of Montmorency filed a lawsuit to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants ("Settling Defendants"):

1. Teva Pharmaceuticals Industries Ltd. (a prescription opioids manufacturer);
2. Allergan Finance, LLC (a prescription opioids manufacturer);
3. CVS Health Corp. and CVS Pharmacy, Inc. (a prescription opioids distributor); and
4. Walmart, Inc. (a prescription opioids distributor);

AND WHEREAS the Settling Defendants have negotiated proposed national settlement agreements ("Proposed Settlements") with the State Attorneys General, and a Plaintiff Executive Committee-designated negotiating committee that represents approximately 4,000 local governments that have brought lawsuits similar to County of Montmorency's lawsuit;

AND WHEREAS the Proposed Settlements contain significant equitable and monetary relief, including:

1. An agreement to pay (a) up to \$3.34 billion over the next 13 years by Teva; (b) up to \$2.02 billion over 7 years by Allergan; (c) \$4.9 billion over the next ten years by CVS; and (d) \$2.74 billion within six years by Walmart. The bulk of each of these payments will be dedicated to funding abatement and prevention strategies associated with the opioids public nuisance;
2. An agreement by Teva and Allergan to abide by strict limitations on their marketing, promotion, sale, and distribution of opioids, including a ban on (a) promotion and lobbying; (b) rewarding or disciplining employees based on volume of opioid sales; and (c) funding or grants to third parties; and
3. An agreement by CVS and Walmart to implement changes in how they handle opioids, including requirements addressing: their compliance structures; pharmacist judgment; diversion prevention; suspicious order monitoring; and reporting on red-flag processes, as well as blocked

and potentially problematic prescribers.

AND WHEREAS County of Montmorency previously executed Participation Agreements for the Distributor and Janssen Settlements, which have conferred and continue to confer valuable benefits;

AND WHEREAS the Proposed Settlements each contain a “default” allocation method where settlement funds that are allocated to a particular state to resolve the claims asserted by state and local governments within that state are allocated as follows:

- 15% of settlement proceeds paid under the Proposed Settlements are allocable to the State;
- 15% of the settlement proceeds are allocable to local governments; and
- 70% of the settlement proceeds are allocable to an opioid abatement fund;

AND WHEREAS the Proposed Settlements enable the state and local governments within a State to negotiate alternative allocation methods to the “default” allocation method referenced above;

AND WHEREAS County of Montmorency desires to enter into an alternative allocation method which allocates settlement funds on a 50/50 basis to:

1. Participating Local Governments who have elected to participate in the Proposed Settlements; and
2. the State of Michigan.

AND WHEREAS County of Montmorency previously executed the Michigan State-Subdivision Agreement for Allocation of Distributor Settlement Agreement and Janssen Settlement Agreement, which allocated funds attributed to the State of Michigan in a streamlined and equitable manner;

NOW THEREFORE, County of Montmorency authorizes the execution of Participation Agreements for: (1) the Master Settlement Agreement with Teva Pharmaceuticals Industries Ltd.; (2) the Master Settlement Agreement with Allergan Finance, LLC; (3) the Master Settlement Agreement with CVS Health Corp. and CVS Pharmacy, Inc.; and (4) the Master Settlement Agreement with Walmart, Inc., each of which are listed and available to the public at <https://nationalopioidsettlement.com/>. Specimen copies of the material terms of the participation agreements are attached as Exhibit A to this resolution.

County of Montmorency also authorizes the execution of a new Michigan State-Subdivision Agreement For Allocation of Allergan, Teva, CVS, and Walmart Settlement Agreements substantially similar to the proposed agreement attached as Exhibit B to this resolution. County of Montmorency also authorizes execution of a similar state-subdivision agreement to the extent that it provides a substantially similar allocation of settlement or bankruptcy proceeds obtained from opioids litigation with any other entity.

For the avoidance of doubt, County of Montmorency also authorizes its continued participation in the Distributor Settlement Agreement, the Janssen Settlement Agreement, and the Michigan State-Subdivision Agreement for the Allocation of Distributor Settlement Agreement and Janssen Settlement Agreement, all previously executed.

YES: Bolser, Girardin, Edwards, Hardies & Peltier

NO: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

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Cheryl A. Neilsen, Clerk
County of Montmorency, Michigan

Dated: **April 6, 2023**



Donald Edwards, Chairperson
County of Montmorency, Michigan

Dated: **April 6, 2023**