

**Cheboygan County Board of Commissioners
Committee of the Whole Meeting
January 28, 2020**

The regular meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson John Wallace at 9:33 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Mary Ellen Tryban, Richard Sangster, Michael Newman, Cal Gouine, Roberta Matelski, John Wallace and Steve Warfield.

ABSENT: None

Commissioner Wallace gave the invocation and led the Pledge of Allegiance.

Commissioner Wallace read Temporary Rules of Cheboygan County Commissioners Unusual Circumstances.

Motion by Commissioner Gouine, seconded by Commissioner Tryban, to approve the agenda as presented. Motion carried with 7 yes, 0 no, and 0 absent.

CITIZENS COMMENTS

Joseph Chimner, citizen of the City of Cheboygan, commented that he was here to support the Second Amendment Sanctuary Resolution because he would like to know where the politicians stand with the election coming up.

Jamie Chimner, citizen of the City of Cheboygan, commented that she supported the resolution for the Second Amendment Sanctuary and hoped the Board would sign it.

Joe Knight, citizen of the City of Cheboygan, commented on his support for the Second Amendment Sanctuary Resolution and suggested the following paragraph be added to the resolution: "Whereas, a Sanctuary County is defined as a place of refuge for lawful gun owners and citizens under the Second Amendment of the United States Constitution and the State of Michigan's Constitution."

William Burnell, citizen of Benton Township, commented on his support for the Second Amendment Sanctuary Resolution and hoped that the Board of Commissioners would support this amendment.

Chuck Leady, citizen of Benton Township, commented on his support for the Second Amendment to have the right to bear arms. He wanted everybody to keep in mind that the Line 5 pipeline doesn't just end at the Straits of Mackinaw, but it also goes all the way down under the inland waterways to Indian River on its way to Sarnia, Ontario. The concern for potential damage to the environment would not just effect what is going on under the Straits.

Leonard Page, citizen of Grant Township, commented that he had no problem with the Second Amendment Resolution. The operative language is directing law enforcement not to enforce any unconstitutional gun laws, which is consistent with their oath of office. In his mind, this resolution creates no legal exposure for the county. There is no request in the resolution to

ignore any laws passed by the state legislature. He gave an update on Line 5 stating that yesterday there were groups in Lansing giving the governor approximately 14,000 signatures on a petition to shut down Line 5. Today, there was an oral argument at the EGLE Headquarters on the anchor appeal support permit case with a decision possibly by this summer.

SCHEDULED VISITORS/DEPARTMENT REPORTS

Joe Klein, citizen of Benton Township, presented on the Secondary Amendment Sanctuary County and gave the Board a handout on what was actually going on in our state and around the country. The Constitution of the State of Michigan of 1963 Article 1, Section 6: Bearing of arms. “Every person has a right to keep and bear arms for the defense of himself and the state.” Governor Northam of Virginia declared a state of emergency ahead of gun rights rally. During this rally 22,000 people were armed to the teeth and there were no incidents. In an article dated February 28, 2019, red-flag bills introduced in Lansing puts law enforcement at risk. In another article dated September 11, 2019, Governor Gretchen Whitmer calls for tighter gun control laws, which urges the passage of Red Flag Laws, universal background checks, outlawing assault weapons and strengthening mental health screening for those looking to buy a firearm. Governor Whitmer sent a letter to 11 other governors from different states to call on President Trump and Senator Mitch McConnell to pass common sense gun legislation. As of January 21, 2020 lawmakers pushed to make Michigan a ‘sanctuary state’ for legal gun owners and also in other states such as Colorado and New Mexico, which are prime hunting areas. According to the DNR records, there were 550,000 hunters from this past year who applied for hunting licenses. If the Board doesn’t sign this resolution, the Board would be cutting a lot of Cheboygan people’s throats.

Roger Gauthier, citizen of Benton Township, and officer of the Straits of Mackinac Alliance, a group of shore property interests across Michigan gave a power point presentation on “Is Cheboygan Ready for an Oil Spill?” He introduced Bobbie Crongeyer who is an active member of the Straits Area Concerned Citizens for Peace, Justice and the Environment and also lives in Benton Township near the Cheboygan River. They have been working together for the last five (5) years to identify the risk of pipeline operations across the region. The interest was to focus exclusively on the emergency readiness of governmental agencies to address a catastrophic oil spill in the Straits or elsewhere along the route of Enbridge Line 5 in Cheboygan County. Line 5 included 43 miles between Mackinaw City and Indian River Pump Stations. These segments could contain up to 8 million gallons of oil between pump stations (eight times larger than the Marshall, MI spill). Spills could drain into French, Paradise, Munro, Douglas, Burt or Mullett Lakes. Shut-off valves can separate segment north and south of Indian River. There are numerous legal actions currently underway affecting the continued operations of Line 5. The focus was on the emergency readiness directly related to the two U.S. Federal lawsuits initiated by the National Wildlife Federation. Conventional oil spill containment/clean-up methods only work when: Winds less than 15 knots and waves are less than 3 feet – 40% of year; surface currents less than 1 knot – 80% of the year and ice free (no solid, patchy or moving ice) – 75% of the year. Hence: 88 days of ideal conditions (or only 25% of the year), daytime – 50% of an average day and booms also cannot be anchored in water deeper than 50 feet. The University of Michigan oil spill modeling illustrated the complexity of spill directions in the Straits. Lake Huron evacuation planning includes permanent contamination of shallow groundwater wells, logistical nightmare of the evaluation of Mackinac and Bois Blanc Islands and Cheboygan County governmental agencies may have to absorb a significant fraction of expenses to respond to a major oil spill in the Straits of Mackinaw. The Indian River crossing spill containment: first responders could be on site within a few minutes to assess conditions; 1-2 hours to start evacuation, manage traffic and set up staging areas; containment and clean-up

crews would likely require at least six (6) hours to mobilize and arrive on site; a worst-case oil spill would take 3 – 5 hours to reach Mullett Lake (approximately 3 miles), completely despoiling “The Spreads”; only 30-40% of the crude oil would likely be recovered; leaving some residual oil throughout Mullett Lake and the Cheboygan and lower Black Rivers. Bobbi Crongeyer reported on the adequacy of pre-positioned assets and trained personnel regarding the National Transportation Safety Board Accident Report for the Marshall, Michigan spill and the adequacy of emergency response plans from Enbridge; the U.S. Coast Guard and the Charlevoix, Cheboygan and Emmet County, Michigan Hazard Mitigation Plan. Mr. Gauthier suggested the Cheboygan County Board of Commissioners take three (3) actions: Address realistic oil spill hazards; secure funding from Enbridge for first responders to get hazardous material equipment and have the Tri-County Emergency Management Team conduct a full scale emergency response exercise for Indian River and the City of Cheboygan.

Chuck Leady, citizen of Benton Township, commented that his background was also in engineering, but a little different variety than Roger Gauthier’s background, but when you do a risk analysis of any adverse situation, two things are looked at such as what the probability of failure and all things connected to the probability of the failure and also what the consequences are should the failure occur.

Jack Fritz, citizen of Tuscarora Township, commented that he came here to support the Second Amendment and wasn’t going to comment on Line 5. He stated that he was a little old and could remember when his parents had a bomb shelter because they were worried about nuclear war. There were some risks, but it has to be valued. He questioned how much money was going to be spent for something that may never happen. It has never happened so far. This pipeline services millions of people in this state along with jobs and the economy. Safety is involved in the whole state, not just in this county. The water is very important to all us. Mr. Gauthier’s recommendations were good, but he thought that they were slighted a little bit too heavy on the preparedness side. He wants to be prepared, but not to the extent that he was asking for the state and the community to put money into.

ADMINISTRATOR’S REPORT

Administrator Jeff Lawson gave an update on the City of Cheboygan Commercial Rehabilitation District. Communication has been received from the City of Cheboygan Rehabilitation District No. 2. The Act does not require the County to approve the district, but does permit the County to reject the district within 28 days of receiving a copy of the resolution from the City establishing the district.

Administrator Jeff Lawson gave an update on the Marina. The County has received permit approval from EGLE and approval from the Army Corp of Engineers for the marina fuel dock project. The engineer will be sending the plans to the MI Waterways Division for approval. The plan is to get the specs out by the end of February for bids.

Administrator Jeff Lawson gave an update on the County Building Repair. Staff has signed the agreement with MacMillan Associates, the structural engineer that prepared the preliminary inspection report, to repair the vault walls in the Treasurer’s Office. MacMillan Associates will be here on site next month to do some more work with a target to begin by April 1st for sending out bids.

OLD BUSINESS - None

NEW BUSINESS

County Surveyor James Granger presented the 2020 Revised Cheboygan County Remonumentation Plan. The State Survey and Remonumentation Act, 1990 PA 345 was revised on June 12, 2014 by 2014 PA 1661. The revisions, among other things, reinstated the State Survey and Remonumentation Commission and required them to formalize a REVISED County Plan. Issues identified in the law and by the Commission to be specifically addressed are:

- A. A plan to remonument all of the original Public Land Survey corners, property Controlling corners and protracted corners and shall list any corners to be Excluded or included;
- B. A perpetual monument maintenance plan;
- C. A Peer Review Group;
- D. Geodetic coordinates to be collected;
- E. Agreements, if any, for active geodetic control sites (CORS units);
- F. LCRC forms to be recorded at the County Register of Deeds Office and with The Office of Land Survey and Remonumentation

Motion by Commissioner Sangster, seconded by Commissioner Tryban, to approve the 2020 Revised Cheboygan County Remonumentation Plan and authorize the Chair to sign. A roll call vote was taken. Motion carried with 7 yes, 0 no, and 0 absent.

Administrator Jeff Lawson presented Resolution 20-01 Second Amendment Sanctuary County.

Motion by Commissioner Gouine, seconded by Commissioner Newman, to adopt

RESOLUTION #20-01 TO DECLARE CHEBOYGAN
COUNTY TO BE A

"SECOND AMENDMENT SANCTUARY
COUNTY"

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

WHEREAS, the County Board of Commissioners of the County of CHEBOYGAN, State of Michigan, pursuant to Michigan statute, is vested with the authority of administering the affairs of the County government of CHEBOYGAN 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 CHEBOYGAN County and the employees of the CHEBOYGAN 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

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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 CHEBOYGAN County citizens' individual rights to keep and bear arms; and

WHEREAS, each CHEBOYGAN 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 CHEBOYGAN County Board of Commissioners, that the County of CHEBOYGAN, 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 CHEBOYGAN County Sheriff and the Cheboygan 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 its 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. Congress members.

This Resolution was adopted by the CHEBOYGAN County Board of Commissioners at a regular meeting held at the CHEBOYGAN County Board Chambers, CHEBOYGAN County Courthouse, CHEBOYGAN County, Michigan, by an affirmative vote of no less than four (4) of the members of the County Board of Commissioners who are elected and serving, on this 28th day of January 2020.

A roll call vote was taken. Motion carried with 6 yes, 1 no (Commissioner Matelski), and 0 absent.

Finance Director James Manko presented the Budget Adjustments – Raise Revenues and Expenditures. On January 7, 2020, the Sheriff's Department received a grant award from the Nova Southeastern University to be used for drug investigation. This grant was not included in the original budget. This budget adjustment raises the Sheriff-Local Grant revenue line item and the Drug Investigation expenditures line item by \$350.

Motion by Commissioner Warfield, seconded by Commissioner Sangster, to approve the budget adjustments to raise revenues and expenditures for \$350 in the line items provided. A roll call vote was taken. Motion carried with 7 yes, 0 no, and 0 absent.

Finance Director James Manko presented the Budget-Adjustment – Inter-budget Transfer – Payroll Related. The following inter-budget transfer request is requesting transfers related to a personal services (payroll) line item: The amount of Fringe and Full-Time budgeted for 2020 exceeded the budgeted figures per the MDCGP Grant by \$697. This amount needs to be transferred to the Local Share 267-131 department instead of the State Grant 267-134 department. This budget adjustment decreases the Fringe and Full-Time expenditure line items and increases the Transfer Out expenditure line item by \$697.

Motion by Commissioner Sangster, seconded by Commissioner Warfield, to approve the inter-department budget transfer provided. A roll call vote was taken. Motion carried with 7 yes, 0 no, and 0 absent.

BOARD MATTERS FOR DISCUSSION

Commissioner Wallace recommended attending the Pipeline Emergency Response Training scheduled for 5:30 P.M. on March 17th at the Treetop Resort in Gaylord. He also suggested taking a look at the National Terrorism Advisory System Bulletin from the U.S. Department of Homeland Security that was handed out and also recommended the Board to go online to review what Marquette County Board did regarding the “Second Amendment Sanctuary County:” resolution.

Finance Director James Manko stated the he was stepping down as Financial Director for Cheboygan County and had tendered his resignation effective February 21st. He was leaving to accept another position to serve as Deputy Treasurer for the City of Boyne City. This decision was not an easy one and with much time and thoughtful consideration he believes this fits into his future plans. He is confident that this new position possesses a position step towards fulfilling his career goals. He thanked the Board of Commissioners, Administrator Lawson, Election Officials and Department Heads for their support with serving in this position. He has served in this position as Finance Director for over 22 months and has learned a lot. He has been employed with Cheboygan County for over 11 years serving as Accountant, Chief Deputy Treasurer and currently Finance Director. Administrator Jeff Lawson thanked James Manko for all his hard work and late nights.

CITIZENS COMMENTS

Cynthia Curtis citizen of the City of Cheboygan commented that it is hard to see the entrances into the county building from Huron Street and was wondering if they could be marked. Administrator Lawson stated that he thought they were, but would check with maintenance.

BOARD MEMBER COMMENTS - None

Motion by Commissioner Sangster, seconded by Commissioner Warfield, to adjourn to the call of the chairperson. Meeting was adjourned at 10:52 a.m.

Karen L. Brewster
Cheboygan County Clerk/Register

John B. Wallace
Chairperson Board of Commissioners