

**OFFICIAL PROCEEDINGS
OF THE
ALPENA COUNTY BOARD OF COMMISSIONERS
DRAFT - Full Board Meeting Minutes
Tuesday, March 28, 2023 – 5:30 p.m.
Howard Male Conference Room/Zoom Room**

CALL TO ORDER

The Alpena County Board of Commissioners met and was called to order by Vice Chairman Burt Francisco in the County Annex Building, Howard Male Conference Room, Alpena, Michigan and via Zoom on Tuesday, March 28, 2023 at 5:30 p.m.

PRAYER

Prayer was offered by Pastor John Shipman of St. Paul Lutheran Church.

PLEDGE OF ALLEGIANCE

Vice Chairman Burt Francisco called for the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Roll was called with the following Commissioners present: Jesse Osmer, District #2; Brenda Fournier, District #5; Travis Konarzewski, District #7; John Kozlowski, District #8; and Burt Francisco, District #6. Bill LaHaie, District #1; Dave Karschnick, District #3 and Bill Peterson, District #4, excused.

AGENDA

Moved by Commissioner Osmer and supported by Commissioner Konarzewski to adopt the agenda with the following addition under Closed Session: 1) Two Grievance Updates. Motion carried.

PUBLIC COMMENT

Edna Sorenson of Alpena shared her support for the Animal Control Shelter and Animal Control Officer Michelle Reid.

Kevin Ginter of Alpena expressed his thanks to Alpena County for taking care of the roads during a winter storm back in February.

Jennifer Newhouse of Ossineke showed her support Deputy Reid, her staff, and the unwanted and abused animals of our community and encouraged all to visit the shelter to see the good that happens there.

Beth Pelkey of Alpena expressed her concerns on the Animal Control Shelter and asked the Board to please leave the Animal Control Shelter as is.

Dawn Marwede of Ossineke expressed her concerns on any decisions that may be made on the Animal Control Shelter and showed her support for Deputy Michelle Reid.

CONSENT CALENDAR

- A) **Finance Ways & Means Committee Meeting Minutes – March 14, 2023 (*Minutes only)**

- B) **Facilities, Capital, & Strategic Planning Committee Meeting Minutes – March 15, 2023**

ACTION ITEM #FCSPC-1: The Committee recommends approval to pay for the cost of damage at the jail due to the tampering of a sprinkler head and not file an insurance claim with monies to come out of Building Maintenance Fund line item 101-351-932.000 as presented.

Commissioner Kozlowski requested more discussion on Action Item #FCSPC-1. Prosecutor Cynthia Muszynski reported that restitution would be part of the sentencing and are currently pursuing charges against the inmate that caused the damage to the sprinkler head at the jail.

Moved by Commissioner Kozlowski and supported by Commissioner Fournier to approve the Consent Calendar which includes actions as listed above and filing of all reports. Roll call vote was taken: AYES: Commissioners, Osmer, Fournier, Konarzewski, Kozlowski, and Francisco. NAYS: None. Commissioners LaHaie, Karschnick, and Peterson, excused. Motion carried.

BILLS TO PAY

Clerk Keri Bertrand presented the bills to be paid.

	SUBMITTED:	APPROVED:
General Fund & Other Funds	\$46,884.13	\$46,884.13

Moved by Commissioner Konarzewski and supported by Commissioner Fournier to pay all bills as submitted. Roll call vote was taken: AYES: Commissioners, Fournier, Konarzewski, Kozlowski, Osmer and Francisco. NAYS: None. Commissioners LaHaie, Karschnick, and Peterson, excused. Motion carried.

RESOLUTION #23-08 TELECOMMUNICATOR WEEK

EM/E911 Director Kim Elkie, presented Resolution #23-08 National Public Safety Telecommunicator Week April 9-15, 2023 for approval.

RESOLUTION #23-08

A Resolution Proclaiming April 9-15, 2023 as Public Safety Telecommunicator Week in Alpena County.

Whereas, on October 9th, 1991, the United States Congress took official legislative action designating the second week in April of each year as National Public Safety Telecommunicators Week; and

Whereas, on March 26, 1992, with 227 co-sponsors, House Joint Resolution 284 was adopted by the 102nd Congress to become Public Law 102-264 authorizing and requesting the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities; and

Whereas, on April 12, 1994, President Bill Clinton signed Proclamation 6667, paying tribute to the more than one-half million Public Safety Telecommunicators who answer desperate calls for help; and

Whereas, when those emergencies occur, the public dials 9-1-1 for assistance; and

Whereas, Telecommunicators at Alpena County Central Dispatch answer those calls for assistance and serve as the critical first contact our citizens and visitors have with emergency services; and

Whereas, Alpena County Central Dispatch Telecommunicators provide a critical link for our police officers, firefighters and emergency medical service personnel by monitoring their activity by radio, providing them with information and ensuring their safety; and

Whereas, Telecommunicators of Alpena Central Dispatch have assisted with saving many lives, the apprehension of many criminals, and prevention of property loss each year; and

Whereas, all Alpena County Central Dispatch 9-1-1 Telecommunicators regularly exhibit compassion, understanding, and professionalism during the performance of their job duties, and

Whereas, many unfortunate events in our national, state and local history have clearly demonstrated the essential role Telecommunicators play in the emergency services arena, and

NOW THEREFORE BE IT RESOLVED, that the Alpena County Board of Commissioners hereby proclaim the week of April 9-15, 2023 as Public Safety Telecommunicators Week in Alpena County, honoring the men and women whose diligence and professionalism keep our county, citizens and visitors safe.

BE IT FURTHER RESOLVED, that the Alpena County Board of Commissioners urges county residents to join with them in honoring and commending the Public Safety Telecommunicators of Alpena County who answer and dispatch our 9-1-1 calls for police, fire, and emergency medical assistance.

Moved by Commissioner Fournier supported by Commissioner Osmer to adopt Resolution #23-08 National Public Safety Telecommunicator Week as presented. Roll call vote was taken: AYES: Commissioners Konarzewski, Kozlowski, Osmer, Fournier, and Francisco. NAYS: None. Commissioners LaHaie, Karschnick, and Peterson, excused. Motion carried.

ACTION ITEM #2: Recommendation to adopt Resolution #23-08 National Public Safety Telecommunicator Week April 9-15, 2023 in Alpena County as presented.

AIRPORT 101 PRESENTATION

Airport Manager Steve Smigelski gave a 101 Presentation to the board on the Airport. Alpena County Regional Airport (APN) is a Class 4, FAA Part 139 airport which means they have scheduled passenger aircraft service for aircraft up to 50 seats. APN also supports daily cargo flights from FedEx and UPS and has the Alpena Combat Readiness Training Center as a military tenant. The Airport has land facility fees, passenger facility charges and ramp and landing fees as well.

David Joye with RS&H is the Airports engineering consultant and discussed the Airport Improvement Program which is operated by the FAA and provides 3.2 billion annually up to 3,300 eligible airports throughout the U.S. The money is distributed based on passenger enplanements and cargo operations.

Manager Smigelski spoke about the upcoming projects at the Airport. The biggest project will be refurbishing the main runway. Other projects include new LED runway lights, replacing the precision approach indicator, crack sealing, and replacing plow trucks.

REPORTS OF REGULAR COMMITTEES

Facilities, Capital & Strategic Planning Committee Update – Chair Travis Konarzewski reported the Committee met and discussed the fairboard with fair week on the fairboard agreement.

Courts & Public Safety Committee Update – Chair John Kozlowski reported that the Committee did not meet in March any items for the meeting will be put on the next agenda.

Personnel Committee Update – Commissioner Burt Francisco reported there was nothing of significance to report from the Personnel Committee at this time.

OTHER BOARDS

Health Department – Commissioner Brenda Fournier reported that COVID rates are up, and the Health Department is offering free COVID kits. The next meeting will not be in Hillman it will be in Atlanta.

Northern Michigan Regional Entity – Commissioner Burt Francisco reported the Committee did meet but barely had a quorum due to a snow storm and most of the significant activity has been tabled to the April meeting.

Target Alpena – Commissioner Osmer reported the last Target Alpena meeting was cancelled and the next one is scheduled for the 11th of April and will have more to report next month.

NMMMA – Administrator Mary Catherine Hannah reported that the Authority continues to work on moving its business into its own accounts and is continuing to press forward.

Veterans – Commissioner Burt Francisco reported they received the Michigan Veterans Affairs Association Grant. They are working to get a couple fishing trips in place for veterans that can be funded with this grant money. The rotating billboard in the County have once again been approved as well as the advertisement on WBKB to provide outreach to our veterans.

Parks – Vice Chair Francisco presented the Alpena County Parks Ordinance.

ACTION ITEM #4: Recommendation to approve the Alpena County Parks Ordinance as presented.

Motion was made by Commissioner Osmer and supported by Commissioner Fournier to recommend approval of the Alpena County Parks Ordinance as presented. Roll call vote was taken: AYES: Commissioners Kozlowski, Osmer, Fournier Konarzewski, and Francisco. NAYS: None. Commissioners LaHaie, Karschnick, and Peterson, excused. Motion carried.

CORRESPONDENCE

Vice Chair Francisco acknowledged Kelly Nowakowski from the Prosecutor's Office on her retirement with 15 years of service to Alpena County. Prosecutor Muszynski will present Kelly her letter of acknowledgement on her last day, this Friday.

NEW BUSINESS

County Administrator Mary Catherine Hannah presented an application for lot splits at the airport. The Huron Engineering study to divide the lots on the west side of Airport Road was done almost 12 years ago, but the splits have not yet been accomplished through Wilson Township. The splits need to occur so the County has legal description to write the lease for the recycling facility and for potential sale of the front lots for development and for utility improvements. Motion was made by Commissioner Fournier and supported by Commissioner Kozlowski to recommend approving the application for lot splits at the Airport as presented. Motion carried.

ACTION ITEM #5: Recommendation to approve application for lot splits at the Airport as presented.

CLOSED SESSION

Moved by Commissioner Osmer and supported by Commissioner Kozlowski to go into Closed Session for Litigation and Grievance Updates. Motion carried. Closed session at 6:19 p.m. and reopened at 6:55 p.m. Commissioners present: Osmer, Fournier, Konarzewski, Kozlowski, and Francisco. Commissioners LaHaie, Karschnick, and Peterson, excused.

COUNTY ADMINISTRATOR

Administrator Hannah presented Resolution #23-07 Participation Agreements for approval.

ALPENA COUNTY BOARD OF COMMISSIONERS RESOLUTION #23-07

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

WHEREAS, the County of Alpena 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 Alpena’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 Alpena 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 Alpena 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 Alpena 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 Alpena 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 Alpena 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 Alpena 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 Alpena 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.

ACTION ITEM #6: Recommendation to adopt Resolution #23-07 approving the participation agreements in partial settlement of the national prescription opiate litigation and the state local government intrastate agreement of allocation of settlement proceeds and authorizing the Chairman of the Board and/or the County Administrator to sign all pertaining documents as presented.

Motion was made by Commissioner Kozlowski and supported by Commissioner Fournier to adopt Resolution #23-07 Participation Agreements as presented. Roll call vote was taken: AYES: Commissioners Osmer, Fournier, Konarzewski, Kozlowski, and Francisco. NAYS: None. Commissioners LaHaie, Karschnick, and Peterson, excused. Motion carried.

PUBLIC COMMENT

Tom Adams of Alpena commented on the Animal Control facility and the way it is being operated and what it is costing the County.

Myra DeCaire of Alpena asked the Board to consider leaving Animal Control alone as there is a need for both animal control and protection shelters in Alpena County.

Nancy McSwain of Alpena commented on the confusion between what a control shelter and a protection shelter is. She expressed her support for Deputy Michelle Reid.

ADJOURNMENT

Moved by Commissioner Kozlowski and supported by Commissioner Fournier to adjourn. Motion carried. The meeting adjourned at 7:03 p.m.

Burt Francisco, Vice Chairman of the Board

Keri Bertrand, Clerk

kvm