

Board Conference Room
December 2, 2021
Board of Commissioners Minutes

The regular meeting of the Oceana County Board of Commissioners was called to order by Vice-Chairperson Erickson at 11:34 a.m.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Chairperson Erickson.

Roll was called by the County Clerk. Present: Mr. Morse, Ms. Meyette, Mr. Beggs, Mr. Christians, Mr. Walker, and Mr. Erickson. Mr. Hardy attended via Zoom.

Also present: Dr. Sobie, Oceana County Administrator, Ms. Anderson, Oceana County Clerk; Peggy Wittman, City of Hart resident; and Marilyn Morse, Benona Township resident.

Moved by Mr. Morse and seconded by Mr. Christians to approve the minutes from the November 10, 2021 meeting.

Voice vote. Motion carried.

Vice-Chairperson Erickson asked if any commissioners wished to declare a conflict of interest on the agenda items. No conflicts were declared.

Moved by Mr. Morse and seconded by Ms. Meyette to approve the agenda as amended.

Voice vote. Motion carried.

Public Comment

Peggy Wittman, City of Hart resident, reminded the board that the Medical Care Facility is still mandating vaccines.

Marilyn Morse, Benona Township resident, asked the board for clarification on the Medical Care Facility's (MCF) current mandate and strongly encouraged the Board to make a resolution to put a stay on what is happening at the MCF.

RESOLUTION NO. 1 – MEDICAL MARIHUANA OPERATION & OVERSIGHT GRANT APPLICATION SUBMISSION

Moved by Mr. Erickson and **seconded by** Mr. Walker to authorize the County Administrator to submit a grant application to the Michigan Department of Licensing and Regulatory Affairs' Marijuana Regulation Agency, for the purpose of funding the development of educational materials and outreach programs relating to the Michigan medical marihuana program. Funding for Oceana County is available in the amount of \$13,043 for Fiscal Year 2022. If the grant is awarded, the County Administrator is further authorized to accept the award on behalf of Oceana County and to contract with District Health Department #10 to expend the funds consistent with the requirements of the grant.

Roll call vote: Mr. Erickson – yes; Mr. Walker – yes; Mr. Beggs – yes; Mr. Morse –

yes; Ms. Meyette – yes; and Mr. Christians– yes. Absent: Mr. Hardy.

Motion carried.

RESOLUTION NO. 2 – APPROVING A THREE-YEAR AGREEMENT FOR SECURITY SERVICES IN THE COUNTY BUILDING

Moved by Mr. Beggs and **seconded by** Mr. Walker to authorize the County Administrator to sign a three (3) year security services agreement with H Security & Investigations LLC to perform security guard services in the Oceana County Building as described in the attached proposal. The three (3) year agreement shall take effect January 1, 2022 and remain in effect until December 31, 2024 unless terminated by either party with at least a 60-day notice.

Roll call vote: Mr. Beggs – yes; Mr. Walker – yes; Mr. Morse - yes; Ms. Meyette – yes; Mr. Christians – yes; and Mr. Erickson – yes. Absent: Mr. Hardy.

Motion carried.

RESOLUTION NO. 3 – MICHIGAN STATE POLICE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM POST APPROVED GRANT APPLICATION

Moved by Mr. Beggs and **seconded by** Mr. Morse to post-approve the County Administrator’s application to the Michigan State Police’s (MSP) Coronavirus Emergency Supplemental Funding grant program for Oceana County Courts in the amount of \$53,492.05. In accordance with MSP grant compliance requirements, grant funds shall only be used for the expenditures described in the grant application attached to this resolution.

Furthermore, the County Administrator is authorized to administer the grant and to sign all necessary grant documents; and to amend the fiscal year 2022 General Fund budget to establish a revenue and expenditure budget and to process and record financial activity related to the grant award.

Roll call vote: Mr. Beggs – yes; Mr. Morse – yes; Mr. Walker - yes; Ms. Meyette – yes; Mr. Christians – yes; and Mr. Erickson – yes. Absent: Mr. Hardy.

Motion carried.

RESOLUTION NO. 4 – AMENDING THE COUNTY’S PRE-PAYMENT OF CLAIMS ELIGIBILITY LIST

Moved by Mr. Morse and **seconded by** Mr. Beggs to pay the following claims, upon receipt of valid invoices, if the due date of the claim precedes the next Regular Meeting of the Board of Commissioners. This claims list takes effect immediately and shall remain in effect until otherwise amended.

1. Payroll and fringe benefits

2. Utilities
3. Fuel for the airport and all county vehicles
4. Prisoners' board allowance
5. District Health Department #10
6. **West Michigan Community Mental Health**
7. Authorized department head and employee training and education tuition fees, registration fees and lodging and meals (if required in advance)
8. C.O.D. and freight fees (if required in advance)
9. Travel advance - extradition
10. Narcotics "buys"
- ~~11. Ambulance Fund refunds~~
- ~~12. Ambulance Fund legal fees~~
- ~~13. Ambulance Fund training and education tuition fees~~
- ~~14. Ambulance Fund attendants' license fees~~
15. Bank deposit slips
16. Board authorized lease/purchase agreements and land contract payments
17. Credit card payments
- ~~18. All emergency services personnel vaccinations~~
19. Postage
20. **Veterinary and related animal care expenses**
21. **Eligible Parks and Recreation Commission expenses**
22. All claims where a discount can be taken
23. Recording **or** filing fees
24. Payment of Oceana County inmate medical, dental, pharmacy and related claims
25. Contractual fees for building, electrical, plumbing and mechanical inspectors (after review by the County Administrator)
26. All claims allowed by statute
27. When extenuating circumstances occur, other claims may be approved for pre-payment by the Oceana County Administrator

All claims are subject to post-audit by the Oceana County Board of Commissioners and the provisions of this resolution may be amended or revoked at any time by the Oceana County Board of Commissioners.

The Oceana County Clerk is also authorized to deny statements or work orders as claims for payment as each claim must be properly invoiced and validated; unless otherwise approved for payment by the Oceana County Administrator.

Roll call vote: Mr. Morse – yes; Mr. Beggs – yes; Mr. Christians - yes; Ms. Meyette – yes; Mr. Walker – yes; and Mr. Erickson – yes. Absent: Mr. Hardy.

Motion carried.

RESOLUTION NO. 5 – RESOLUTION AUTHORIZING ENTRY OF STATE LOCAL GOVERNMENT INTRASTATE AGREEMENT CONCERNING ALLOCATION OF SETTLEMENT PROCEEDS IN THE NATIONAL OPIOIDS LITIGATION

Moved by Mr. Erickson and **seconded by** Mr. Walker to adopt the following resolution:

WHEREAS, Oceana County filed a lawsuit in the United States District Court to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants (“Settling Defendants”):

1. Janssen Pharmaceuticals, Inc. (a prescription opioids manufacturer);
2. Amerisource Bergen Corporation (a prescription opioids wholesaler distributor);
3. Cardinal Health, Inc. (a prescription opioids wholesaler distributor);
4. McKesson Corporation (a prescription opioids wholesaler distributor); and

WHEREAS the lawsuit was subsequently transferred to the United States District Court in the Northern District of Ohio and centralized as part of *In re National Prescription Opiate Litigation*, MDL 2804; Case No. 1:17-md-2804, which is presided over by the Honorable Dan Aaron Polster, United States Federal District Court Judge; and

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

WHEREAS the Proposed Settlements 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;
- 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 Oceana County desires to enter into an alternative allocation method which allocates settlement funds solely to:

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

NOW THEREFORE BE IT RESOLVED, the Oceana County Board of Commissioners authorizes the Board Chairperson to execute a “Michigan State-Subdivision Agreement for Allocation of Distributor Settlement Agreement and Janssen Settlement Agreement” substantially similar to the proposed agreement attached to this resolution. The Oceana County Board of Commissioners also authorizes execution by the Board Chairperson 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.

Roll call vote: Mr. Erickson - yes; Mr. Walker - yes; Mr. Beggs - yes; Ms. Meyette - yes; Mr. Morse - yes; and Mr. Christians - yes. Absent: Mr. Hardy.

Motion carried.

RESOLUTION NO. 6 – RESOLUTION AUTHORIZING ENTRY OF PARTICIPATION AGREEMENTS IN PARTIAL SETTLEMENT OF THE NATIONAL PRESCRIPTION OPIATE LITIGATION

Moved by Mr. Erickson and **seconded by** Ms. Meyette to adopt the following resolution:

WHEREAS, Oceana County filed a lawsuit in the United States District Court to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants (“Settling Defendants”):

5. Janssen Pharmaceuticals, Inc. (a prescription opioids manufacturer);
6. Amerisource Bergen Corp. (a prescription opioids wholesaler distributor);
7. Cardinal Health, Inc. (a prescription opioids wholesaler distributor);
8. McKesson Corporation (a prescription opioids wholesaler distributor); and

WHEREAS the lawsuit was subsequently transferred to the United States District Court in the Northern District of Ohio and centralized as part of *In re National Prescription Opiate Litigation*, MDL 2804; Case No. 1:17-md-2804, which is presided over by the Honorable Dan Aaron Polster, United State Federal District Court Judge; 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 Oceana County’s lawsuit; and

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

1. An agreement by Janssen that it will discontinue the manufacture and distribution of prescription opioids products for at least the next ten years;
2. An agreement by Janssen that it will suspend any lobbying efforts that concern prescription opioids products;
3. The creation of a National Clearinghouse for wholesale distributors that will assist in the detection, suspension and reporting of suspicious orders of prescription opioids products;
4. The payment of up to \$26 billion (depending upon the level of participation of state and local governments in the Proposed Settlements) in funding installments over the next 18 years, the bulk of which will be dedicated to funding abatement and prevention strategies associated with the opioids public nuisance.

NOW THEREFORE BE IT RESOLVED, the Oceana County Board of Commissioners authorizes the Board Chairperson to execute Participation Agreements for:

1. The Master Settlement Agreement with Janssen Pharmaceuticals, Inc.; and
2. The Master Settlement Agreement with the three wholesale distributor defendants (Cardinal Health Inc., Amerisource Bergen Corporation, and McKesson Corporation), both 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 an exhibit to this resolution.

Roll call vote: Mr. Erickson - yes; Ms. Meyette - yes; Mr. Morse - yes; Mr. Beggs - yes; Mr. Christians - yes; and Mr. Walker - yes. Absent: Mr. Hardy.

Motion carried.

RESOLUTION NO. 7 – APPROVAL OF MASTER AGREEMENT AND EXECUTION OF PROJECT AUTHORIZATIONS BY AND BETWEEN MICHIGAN DEPARTMENT OF TRANSPORTATION AND OCEANA COUNTY BOARD OF COMMISSIONERS

Moved by Mr. Erickson and **seconded by** Mr. Morse to approve the following Resolution of Approval of Master Agreement No. 2022-0115 and Execution of Project Authorizations By and Between Michigan Department of Transportation and Oceana County Board of Commissioners:

WHEREAS, the Oceana County Board of Commissioners has the authority to contract with the Michigan Department of Transportation for State and/or Federal funds for passenger transportation related services; and

WHEREAS, the Oceana County Board of Commissioners does hereby approve Master Agreement No. 2022-0115; and

WHEREAS, this resolution shall also approve execution of Project Authorizations for any programs designated by the Oceana County Board of Commissioners and/or Project Authorizations for any amount determined by the Oceana County Board of Commissioners with the Michigan Department of Transportation which are issued under Master Agreement No. 2022-0115.

NOW THEREFORE BE IT RESOLVED, that the Chairperson of the Oceana County Board of Commissioners is authorized and directed to execute Master Agreement No. 2022-0115 and to enter into and execute on behalf of the Oceana County Board of Commissioners all such Project Authorizations with the Michigan Department of Transportation for passenger transportation related services for the Agreement period.

Roll call vote: Mr. Erickson - yes; Ms. Morse - yes; Mr. Christians - yes; Mr. Beggs - yes; Ms. Meyette -yes; and Mr. Walker - yes. Absent: Mr. Hardy.

Motion carried.

RESOLUTION NO. 8 – PAYMENT OF CLAIMS

Moved by Mr. Morse and **seconded by** Mr. Walker to approve the accounts payable and release of funds for December 2, 2021 in the tentative amounts as follows:

AMBULANCE FUND	\$272.29
FRIEND OF THE COURT FUND	1,933.31
GIS FUND	-0-
PUBLIC IMPROVEMENT	-0-
BUILDING DEPARTMENT	17,218.72

TECHNOLOGY	22,076.50
FORECLOSURE	600.00
K-9 UNIT	-0-
VETERANS AFFAIRS	5,845.37
MEDICAL RESERVE	-0-
AUTOMATION FUND – R.O.D.	-0-
PENTWATER HART TRAIL	-0-
SHELBY TWP COMMUNITY PARK	-0-
CDBG	-0-
ARPA	-0-
INDIGENT DEFENSE FUND	12,539.86
LOCAL CORR OFFICERS TRNG FUND	75.50
CRIMINAL JUSTICE TRNG	-0-
VICTIMS SERVICES	-0-
CAP PROJ-EQUIP REPLACEMENT	-0-
GENERAL FUND	302,051.98
TOTAL	\$362,613.53

Roll call vote: Mr. Morse – yes; Mr. Walker – yes; Mr. Beggs - yes; Ms. Meyette – yes
Mr. Christians – yes; and Mr. Erickson – yes. Absent: Mr. Hardy.

Motion carried.

Dr. Sobie began a roundtable discussion to select a “winning” design for the flag design contest. Each commissioner was asked to write down their top three choices and submit them to Dr. Sobie to tally.

Commissioner’s Reports

Mr. Morse reported that the workforce development group is working on their application to send to the EDA. Ms. Jody Nichols, who has been handling the application, has stepped down from her position, so Mr. Steve Bruch will be taking over the application process.

Mr. Christians reported that he was able to attend the Mason-Oceana 911 meeting in Mr. Hardy’s place, he indicated that there are good things happening and Sheriff Mast is doing a great job as the chair. He also attended the WMSRDC meeting with Mr. Morse and noted that the turnout was great.

Mr. Walker noticed on his way in today that the old farm house on the corner of M-20 and Oceana Drive is in the process of being torn down for the new McCormick gas station that will be built. He also reported that work is continuing at the old Barber Steel plant.

Mr. Beggs reported that he has attended meetings with the Stony Lake and Silver Lake Lake Improvement boards. Stony Lake is in good shape, but Silver Lake is having some water quality concerns that they are diligently working to resolve.

Ms. Meyette expressed that she thinks it is a mistake for the Oceana County Medical Care Facility’s director to implement a mask mandate.

Public Comment

Ms. Wittman continued, requesting that the board “do something” about the Medical Care Facility.

Vice-Chairperson Erickson asked if there was any further business to come before the Board. There being none, the meeting adjourned at 12:50 p.m.

Amy L. Anderson, Oceana County Clerk

Date

Mr. Erickson, Vice-Chairperson