

The Chairman called the meeting to order by the Chairman at 9:00 a.m.

Members present: David Heeres, Joshua Watrous, Karen Bargy, Ed Boettcher, Terry VanAlstine, Brenda Ricksgers, Christian Marcus.

Absent: Dawn LaVanway, Jason Helwig.

The Pledge of Allegiance to the U.S. flag.

Moment of Silence.

The Chairman requested Public Comment. Fred Gulick addressed the Board on the ballot proposal for Milton Township: Farmland and Open Space Proposal and the Antrim County Farmland and Open Space Development Rights Ordinance. Ron Tschudy addressed the Board on climate change and our political system shaking itself from the fossil fuel industry's political muscle and principles. Public comment closed.

It was moved by VanAlstine, seconded by Ricksgers, to approve the agenda as presented. Motion carried – all present voting yes.

It was moved by Heeres, seconded by Watrous, to approve the minutes of June 20, 2019 meeting as corrected. Motion carried – all present voting yes.

Communications/Notices: County Administrator, Peter Garwood

- Michigan Public Service Communication – United Way (2-1-1)
- Fred Gulick – Request for information

Liaison Reports:

Commissioner Bargy – Drug & Sobriety Court

Commissioner Heeres – Antrim Creek Natural Area

County Administrator – M22 Corridor Plan Public Hearing: Warner Township and Elmira Township

Committee Reports: County Administrator, Peter Garwood

Veterans Affairs' Committee – Action

Antrim Creek Natural Area – Agreement amendment proposal

It was moved by Heeres, seconded by VanAlstine, to support the action of the Veteran's Affairs' Committee for succession plan of the Veterans Affairs' Director, Deborah Peters effective retirement notice effective September 27, 2019, and to adhere to the County Department of Veterans' Affairs Public Act 192 of 1953 and the Antrim County Veterans' Affairs Committee Bylaws adopted 11/08/2017; the committees intention is to fill the imminently vacant director's position by promoting Walter Bedell, Veterans Service Office 1 to the position of Director at the starting wage of the General Non-Union 2019 Wage/Salary scale. Motion carried as follows: Yes – Heeres, Watrous, Bargy, Boettcher, VanAlstine, Ricksgers, Marcus; No – None; Absent – LaVanway, Helwig.

It was moved by Heeres, seconded by VanAlstine, to authorize the Board Chair to execute the amendment to the agreement for services between Antrim County and the Antrim County Conservation District for trail maintenance work at Antrim Creek Natural Area; and to authorize the Finance Director, Chief Fiscal Officer, Deb Haydell to make a 2019 budget amendment in the amount of \$800.00 be paid to the Antrim County Conservation District. Motion carried as follows: Yes – Heeres, Watrous, Barga, Boettcher, VanAlstine, Ricksgers, Marcus; No – None; Absent – LaVanway, Helwig.

It was moved by Barga, seconded by _____, to **POSTPONE** Board action on the Building Departments Construction Code Policy. **FAILED NO SECOND.**

Discussion followed.

It was moved by Heeres, seconded by Marcus, to approve the proposed Construction Code Policy, which includes an exception to the permit requirements for ordinary repairs to structures, including re-siding and re-roofing of a residential structure, with the addition of language in the title that indicates it applies to Re-roofing and re-siding. Motion carried as follows: Yes – Heeres, Watrous, Boettcher, VanAlstine, Ricksgers, Marcus; No – Barga; Absent – LaVanway, Helwig.

The Chairman addressed the Networks Northwest Facilities Master Plan Survey Report seeking input for date and time to set up a Special Board meeting to review data and that the Chairman and County Administrator proceed in the search of a neutral person or group to act as a facilitator, to assist the Board and all shareholders moving forward.

It was moved by Ricksgers, seconded by Watrous, that the Claims and Accounts in the amount totaling \$74,158.62 be approved and paid. Motion carried as follows: Yes – Heeres, Watrous, Barga, Boettcher, VanAlstine, Ricksgers, Marcus; No – None; Absent – LaVanway, Helwig.

County Administrator, Peter Garwood provided an update on the status of the Bank Building Demolition Project.

- The first walk through with only one contractor and another walk through scheduled for July 9, 2019
- Mackinaw Environmental Technologies, Inc. – Asbestos & Lead report available on website
- The due date for the bids was extended to encourage additional bidders

It was moved by Barga, seconded by VanAlstine, to approve the agreement with Maximus for the development of a central services cost allocation plan (CAP) for the fiscal year 2018 at a cost of \$5,800.00 and that a change be made to Exhibit A – Scope of Services, Description of Services: **Exhibit A Part b) Assist with Negotiation, of the completed cost allocation plan, with the representatives of DHHS and/or the State when required.** Motion carried as follows: Yes – Heeres, Watrous, Barga, Boettcher, VanAlstine, Ricksgers, Marcus; No – None; Absent – LaVanway, Helwig.

It was moved by Heeres, seconded by VanAlstine, to accept the Antrim County Building Department 2018 Annual Report as written. Motion carried – all present voting yes.

It was moved by VanAlstine, seconded by Heeres, to accept the Antrim County Accounting Department 2018 Annual Report as written. Motion carried – all present voting yes.

It was moved by VanAlstine, seconded by Marcus, to accept the Antrim County Information Technology Department 2018 Annual Report as written. Motion carried – all present voting yes.

Peter Garwood, County Administrator addressed the Board to present his monthly report. Board members Questions/Input: Discussion followed.

Deb Haydell, Finance Director Chief Administrative Officer of the Budget addressed the Board.

- Revenue and Expenditure Report – May 2019
- 2nd Quarter Budget Amendment Report.
- Budget preparation for 2020 proposal
- Budget meeting proposed for dates and times.

Commissioner Bargo, Vice-Chair addressed the Board on proposed dates and times for the Fiscal Year Budget 2020 and the processes to complete budget proposal and resolution.

The Chairman, Ed Boettcher reported:

- Meeting held with County Administrator, Bellaire Village President, David Schulz. Meeting - Report/information was not yet available to the Village.
- Negotiations Sheriff Command Unit: Closed session to discuss proposal – Command Unit voting today.

It was moved by Bargo, seconded by VanAlstine, that the Board go into closed session to discuss strategy related to the Command Unit Collective Bargaining Agreement per the Open Meetings Act 267 of 1976, Section 8 (c) with the County Administrator, County Human Resource Director, County Sheriff and County Clerk to remain in closed session. Motion carried as follows: Yes – Heeres, Watrous, Bargo, Boettcher, VanAlstine, Ricksgers, Marcus; No – None; Absent – LaVanway, Helwig

The Board went into closed session at 11:16 a.m.
The Board returned to open session at 11:41 a.m.

Commissioner LaVanway arrived at 11:41 a.m.

VARIOUS MATTERS:

Commissioner Heeres: Letter from Torch Lake Township regarding noise complaints. No Ordinance for noise, not County jurisdiction, under General Law. Discussion followed.
Commissioner LaVanway – Antrim County Community Collaborative has recently had staff changes. Move Annual Report to next meeting.
Commissioner Marcus – Discussion: Good Works Award
County Administrator to address letter from Mr. Gulick with legal.
The Chair called for a break for lunch from noon to 12:50 p.m.

The Board reconvened at 12:50 p.m.

Robert Schlueter, Executive Director, Area Agency on Aging of Northwest Michigan presented the 2018 Annual Report.

It was moved by Ricksgers, seconded by Watrous, to accept the Area Agency on Aging of Northwest Michigan 2018 Annual Report as presented. Motion carried – all present voting yes.

RESOLUTION #20-2019 By Karen Bargy, seconded by Brenda Ricksgers

**AREA AGENCY ON AGING OF NORTHWEST MICHIGAN
FISCAL YEAR 2020-2022 MULTI-YEAR PLAN**

“BE IT RESOLVED that the Antrim County Board of Commissioners have reviewed the Fiscal Year 2020-2022 Multi-Year Plan of the Area Agency on Aging of Northwest Michigan and believe that the plan addresses the needs of the aging population in Region 10.

BE IT FURTHER RESOLVED that the Antrim County Board of Commissioners approves the Fiscal Year 2020-2022 Multi-Year Plan of the Area Agency on Aging of Northwest Michigan.”

Yes – David Heeres, Joshua Watrous, Karen Bargy, Ed Boettcher, Terry VanAlstine, Brenda Ricksgers, Dawn LaVanway, Christian Marcus;

No – None;

Absent – Jason Helwig.

RESOLUTION #20-2019 DECLARED ADOPTED.

It was moved by Ricksgers, seconded by VanAlstine, that the collective bargaining agreement with the Fraternal Order of Police representing the Command Unit be ratified for the term of three (3) years, 2019, 2020 and 2021 providing a pay increases for the unit in the amount of 3%, 3% and 3.25% and that each employee of unit receive a one-time off-schedule amount of \$600.00 and effective the first full payroll July 14, 2019 and that the Finance Director, Chief Administrative Officer, Deb Haydell; be authorized to make the corresponding 2019 budget amendments. Motion carried as follows: Yes – Heeres, Watrous, Bargy, Boettcher, VanAlstine, Ricksgers, LaVanway, Marcus; No – None; Absent – Helwig.

Kenneth Talsma, Anderson Tackman & Company, PLC Certified Public Accounts presented the 2018 Antrim County Audit Report.

It was moved by LaVanway, seconded by Heeres, that the 2018 Antrim County Audit Report be accepted. Motion carried – all present voting yes.

The Chairman requested Public comment. There was none.

The meeting adjourned at 2:17 p.m.

Board Chair, Edgar Boettcher, III

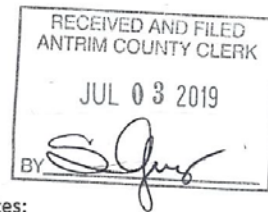
County Clerk, Sheryl Guy

TO: Antrim County Board

FROM: Fredrick Gulick

DATE: July 3, 2019

RE: Milton Township



PLEASE ENTER THIS CORRESPONDENCE IN YOUR MEETING MINUTES.

The Constitution of the State of Michigan of 1963 Art IV, Sec 29, Local or Special Acts states:

"The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district."

Article IV Sec 29 is about local laws and sets limits and procedures to pass local acts. Ordinances are local acts and without a charter local government possess very limited legislative power which is strictly related to conduct purely to public business (see Act 149 of 1911 sec 213.21).

Attorney General Opinion No. 7096, December 26, 2001, AG Jennifer M Grandholm states:

"You have asked whether a county board of commissioners in a non-charter county is authorized to adopt a county-wide noise control regulation ordinance. It is my opinion, therefore, that a county board of commissioners in a non-charter county lacks the authority to adopt a county-wide noise control ordinance".

If a non-charter county cannot legislate ordinances, then the township most certainly cannot legislate ordinances that would affect private property thus making it wrong to enforce an ordinance that is repugnant to the constitution and boarders on conspiracy, overreach and possibly fraud if not in accordance to the Michigan Constitution. We know there are ordinances in every Township in the State, but do they conform to the Constitution of the State of Michigan?

It has come to my attention that this Board and Clerk have overlooked the fact that ALL elected members and employees MUST take an Oath of Office. If a Judge fails to take his or her Oath of Office, every order or opinion is VOID. Public Act 22 of 1951, MCL 15.151; CONSTITUTIONAL OATH OF OFFICE (EXCERPT) Act 22 of 1951.

15.151 Constitutional oath of office; employees and persons in service of state, Sec 1:

"All persons now employed, or who may be employed by the state of Michigan or any government agency thereof, and all other persons in the service of the state or any governmental agency, shall, as a condition of their employment, take and subscribe to the oath or affirmation required of members of the legislature and other public officers by section 2 of article 16 of the constitution of 1908 of the state of Michigan."

Michigan Election Law (Excerpt) Act 116 of 1954, Chapter XVI, Township Offices

168.362 Township officers; terms; qualification; vacancy; election; commencement of duties; failure to take oath.

Sec. 168.362. (EXCERPT) (1) ".....All township officers' terms shall commence at 12 noon on November 20 next following their election and they shall qualify BEFORE assuming the duties of their office. Each township officer shall hold office until a successor is elected and qualified, but not beyond January 1 following the election. Failure of an elected township official to qualify by January 1 following the official's election shall create a vacancy which shall be filled as provided in section 370. All elective township officers, other than those listed in section 358**, shall be elected at the November election immediately preceding the expiration of their term and shall commence the duties of their office on November 20 but not before they qualify following their election.*

(2) A township officer elected in the general election shall remain in office for the full term if the officer failed to take the oath of office within the time prescribed by law and was subsequently appointed by the township board to the office for which the officer ran."

***Sec. 168.370 Elective or appointive township office; appointment to fill vacancy; temporary appointment; effect of resignation; special election; vacancy in office of township constable.**

Sec. 168.370 (2) "If one or more vacancies occur in an elective township office that cause the number of members serving on the township board to be less than the minimum number of board members that is required to constitute a quorum for the transaction of business by the board, the board of county election commissioners shall make temporary appointment of the number of members required to constitute a quorum for the transaction of business by the township board."

I am addressing you because there is no legitimate government in Milton Township. Since January 1, 2017 Milton Township has not had a quorum. Following are four township officers and the dates of their oaths of office. Thomas Cole 4/17/19, Brett Pharo 12/06/16, Lon Bargy 11/21/16 and Treasurer E Atkins 11/21/16. The officers have not been reinstated at the county level as required. The Milton Township board on April 17, 2019 appointed Thomas Cole as trustee and as a member of the planning board RETROACTIVELY, which is obviously not legal. None of these officers qualified on time and therefore **no timely oaths of office, no officers, no quorum.** The ordinances and all other board decisions passed by the Milton Township board since January 1, 2017 are not valid and should be expunged.

The ordinances I am most interested in expunging are the Milton Township Zoning Ordinance 117.320 Waterfront Property and Boat Dock Regulation which took control of my private property and placed a cloud on my deed. The second one is the 2004 Farmland Open Space and Development Rights Ordinance. On the August ballot is a request for 1 mil for support of this ordinance which would produce more than one million dollars within three years. Third, Milton Township Vacation Rental Ordinance impinges on my private property rights.

These are major ordinances, affecting private property rights of all of Milton Township. Not one of them went through the State Legislature and not one of them was voted on by the electorate. My FOIA's asking for the documents required by the Constitution in paragraph one above were answered with "No Such Documents Exist."

RE: Antrim County Farmland and Open Space Development Rights Ordinance, Antrim County, Michigan, Ordinance No. 01-04, 2004

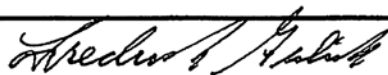
Please compare the final paragraph of this ordinance with paragraph one above from the Constitution of the State of Michigan.

"The Ordinance shall take effect upon publication of notice of adoption of the Ordinance. If within fifty (50) days after the County Board of Commissioners has adopted an ordinance a petition signed by not less than 20 percent (20%) of the electors residing in the district to be affected by the ordinance is filed with the County Clerk asking that the ordinance be submitted to the electors of the district to be affected by the Ordinance for approval or rejection, then the ordinance shall not take effect until it has been approved by a majority of the electors of the district voting on that issue at a regular or special election called for that purpose."

Signed by Laura Sexton

Antrim County Clerk

Fredrick Gulick



10220 East Elk Lake Drive

Rapid City MI 49676

(213) 322-2525

