



**Board of Trustee Meeting Attendance
August 2020**

Monthly Stipend:

Dr. Harold Ripple	\$100.00	
Shirley Younggren	\$100.00	
Jim Loman	\$100.00	
Carole LaPointe	\$100.00	
Cathy Wadaga	\$100.00	100
Courtney Jones	\$100.00	
Kate Beer	\$100.00	

Board Briefing of 8-12-20:

Dr. Harold Ripple	\$30.00	
Shirley Younggren	\$30.00	
Jim Loman	\$30.00	
Carole LaPointe	\$30.00	
Cathy Wadaga	\$30.00	180
Courtney Jones	ABSENT	
Kate Beer	\$30.00	

Regular Board Meeting of 8-18-20

Held Virtually:

Dr. Harold Ripple	\$30.00	
Shirley Younggren	\$30.00	
Jim Loman	\$30.00	
Carole LaPointe	\$30.00	210
Cathy Wadaga	\$30.00	
Courtney Jones	\$30.00	
Kate Beer	\$30.00	

Medical Control Authority Mtg - August:

Shirley Younggren **NO MEETING**

Checks Written 8/1/2020 to 8/31/2020

Printed 9/2/2020 2:37:21 PM

Number	Date	ID	Comment	Amount
1380	8/3/2020		97th District Court	\$120.00
1381	8/3/2020		97th District Court	\$300.00
1382	8/4/2020		97th District Court	\$500.00
1383	8/4/2020		Pepsi Cola of Houghton Inc.	\$1524.80
1384	8/5/2020		Consolidated Telecom, Inc.	\$1045.52
1385	8/7/2020		Stellar Services	\$83.48
1386	8/8/2020		97th District Court	\$500.00
1387	8/8/2020		97th District Court	\$300.00
1388	8/10/2020		Charter Communications	\$132.92
1389	8/11/2020		Pats Foods	\$140.73
1390	8/12/2020	5966		\$34.83
1391	8/13/2020		Stellar Services	\$138.85
1392	8/16/2020		97th District Court	\$620.00
1393	8/18/2020		97th District Court	\$300.00
1394	8/19/2020		LOST OR DAMAGED CHECK	\$0.00 VOID
1395	8/19/2020		DALCO	\$0.00 VOID
1396	8/19/2020		LOST OR DAMAGED CHECK	\$0.00 VOID
1397	8/19/2020		LOST OR DAMAGED CHECK	\$0.00 VOID
1398	8/19/2020		DALCO	\$160.66
1399	8/21/2020		Stellar Services	\$904.84
1400	8/24/2020		97th District Court	\$300.00
1401	8/25/2020		DALCO	\$40.90
1402	8/27/2020		Baraga County Treasurer	\$797.22
1403	8/28/2020		Bob Barker Company Inc.	\$327.49

Checks Written 8/1/2020 to 8/31/2020

Number	Date	ID	Comment	Amount
1404	8/29/2020		97th District Court	\$700.00
1405	8/30/2020		97th District Court	\$300.00
1406	8/31/2020		Stellar Services	\$103.65
1407	8/31/2020	5393		\$36.99
				<hr/> <hr/>
				\$9412.88

MEMORANDUM OF AGREEMENT

Between Great Lakes Recovery Centers & Baraga County Courthouse

This Agreement is made by and between Great Lakes Recovery Centers, hereinafter referred to as "GLRC", and Baraga County Courthouse, hereinafter referred to as "Employer."

For mutual considerations, the parties agree as follows:

SECTION 1. SERVICES PROVIDED

GLRC agrees to provide services as outlined in the Statement of Work (Attachment A). Initial access for such services is to be made through the GLRC Access Center: **Toll Free (855)906-4572**

GLRC will ensure that all collected data from or about clients relating to assessment and counseling services will be treated as confidential data, and disclosed only by following release of information procedures or as mandated by pertinent State and Federal reporting laws. Services are offered in compliance with HIPAA (Health Information Portability and Accountability Act).

SECTION 2. PERIOD OF PERFORMANCE and CANCELLATION

The term of the contract will be written for a period of one year unless terminated as described herein and shall be automatically renewed for successive 1-year terms. Either party may terminate this agreement at any time, with or without cause, by giving 60 days written notice thereof to the other party.

The effective date of this Agreement is: **October 1st, 2020 through September 30th, 2021**

SECTION 3. EMPLOYER RESPONSIBILITIES

The Employer shall:

- A. Provide a roster to GLRC, prior to annual renewal date. This roster will be used for purposes of determining the annual payment to GLRC. Employer further agrees to update said roster for purposes of verifying employee benefit coverage. It will then be adjusted quarterly based on the current number of employees at the end of each quarter.
- B. Provide payment in accordance with the terms of this Agreement as stated in Section 4, COMPENSATION.
- C. Advise the employee/client that it is the responsibility of the employee/client to adhere to the appointment schedule with GLRC. The Employer will also advise the employee/client that GLRC may charge a fee to the employee/client for non-adherence to GLRC's no-show and/or cancellation policy.

SECTION 4. COMPENSATION

This is a GLRC retaining Agreement. Payment for services shall be \$16.00 per full-time employee and \$9.00 per part-time employee. Payment in full is to be made within 30 days of the execution of this Agreement.

SECTION 5. LIABILITY

GLRC shall provide professional liability insurance in the amount of \$1,000,000/\$3,000,000 for services it renders herein for the term of this Agreement.

GLRC agrees to hold harmless Employer from any and all claims, costs, expenses (including attorney fees) or losses incurred as a result of all actions, omissions, or negligence of GLRC in providing services pursuant to this Agreement.

SECTION 6. ATTACHMENTS

All attachments to this Agreement are hereby made part of this Agreement. Any changes to this Agreement and/or its attachment(s) must be in writing and approved by both parties prior to implementation.

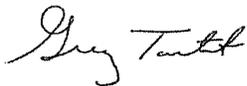
SECTION 7. RENEWAL CONDITION

This Agreement automatically renews for a period of thirty (30) days while a new Agreement is executed. The cancellation clause identified in Section 2 remains in effect as stated.

SECTION 8. SPECIAL CERTIFICATION

The individual or officer signing this Agreement certifies by his/her signature that he/she is authorized to sign this Agreement on behalf of the responsible governing authority, official, or agency.

Great Lakes Recovery Centers



Gregory M. Toutant, CEO

9/10/202
Date

Baraga County Courthouse

«First_Name» «Last_Name», «Title»

Date

ATTACHMENT A
Statement of Work

Employer: Baraga County Courthouse

GLRC, UNDER THE CONDITIONS LISTED IN THE ATTACHED AGREEMENT, AGREES TO PROVIDE THE FOLLOWING SERVICES FOR THE EMPLOYER AND ITS EMPLOYEES, WHERE REQUESTED BY THE EMPLOYER AND AGREED TO BY BOTH THE EMPLOYER AND GLRC:

- Screening, assessment and other services for employees and their immediate family members, defined as their spouse and dependent children*, with personal problems which may include, but are not limited to, substance abuse or mental health problems while they are in the employ of the Employer.
- Pre-paid counseling services up to a maximum of 4 sessions per contract per employee and their immediate family members while they are in the employ of the Employer.
- Provide information reviewing the benefits of your Employee Assistance Program.
- Provide crisis access information.
- Access to information and resources specific to behavioral health.

*A dependent child is covered until they reach their 18th birthday unless the child meets the State/Federal criteria as a permanent dependent.

SERVICE AGREEMENT

This Agreement for Services is between Baraga County, with primary offices located in L'Anse, Michigan and Ms. Cindy Larson, an independent contractor, of L'Anse, Michigan.

The Baraga County Equalization Department is the County Enforcing Agent in Baraga County for Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended (NREPA), and the rules promulgated under Part 91.

The County of Baraga is contracting with a qualified individual for the purpose of administration and enforcement of the Part 91 program from beginning September 14, 2020 (this includes, but is not limited to: review of permit applications and SESC plans, permit issuance, conduct inspections, and provide for compliance and enforcement efforts). Ms. Larson has several years of experience with this program, has agreed to provide these services for the County of Baraga, and has the current training certificates as required under Part 91, SESC:

1. Construction Storm Water Certified Operator/Soil Erosion Inspector
 - a. Certificate # 16268, Expires July 1, 2023
2. SESC Plan Review and Design Certification
 - a. Certificate # 00937, Expires July 1, 2023

The Baraga County Equalization Department remains the County Enforcing Agency for Part 91, as a county office is required to house this position. All responsibility and liability for providing an adequate Part 91, SESC program remains with Baraga County.

All permit fees will be deposited with the Baraga County Treasurer. Ms. Larson agrees to accept payment equal to permit fees, paid on a monthly basis, for the term of this contract.

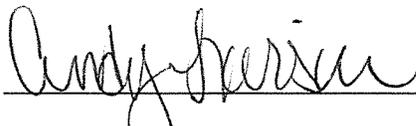
Termination of Contract: 60 days after written notice by either party.

Nothing contained in this Agreement shall be construed as creating an employer/employee, principle agent, partnership or joint venture arrangement between the parties, and it is further understood that the contractor is not entitled to any of the benefits or compensation afforded to county employees.

For Baraga County: _____ Date: _____

Mike Koskinen, Chairman
Baraga County Board of Commissioners

Contractor: _____


Ms. Cindy Larson

Date: 9/1/2020

Approved at Baraga County Board Meeting of 09/14/2020

ROBERT F. MIKESCH

PERSONAL SERVICES CONTRACT

THIS CONTRACT between the Baraga County Board of Commissioners, the **EMPLOYER**, and Robert F. Mikesch, the **EMPLOYEE**, provides that Robert F. Mikesch will perform certain accounting and consulting services for Baraga County, as a temporary employee, in accordance with the following terms and conditions:

1. Employment is temporary and the **EMPLOYEE** is subject to termination without notice and without cause at any time.
2. Employment is for the sole purpose of preparing Baraga County's September 30, 2020 general purpose financial statements in accordance with generally accepted accounting principles.
3. The **EMPLOYER** agrees to compensate the **EMPLOYEE** at the rate of \$30.00 per hour up to a maximum of 100 hours, in addition to providing the employer's share of social security and workers compensation insurance. There will be no other fringe benefits related to this employment.
4. The **EMPLOYER** agrees to the payment of mileage at the authorized County rate to the **EMPLOYEE** for a maximum of 14 round trips of 72 miles from his home in Hancock to L'Anse and return.
5. Any amendments or modifications of this contract shall be in writing signed by the Chairperson of the Baraga County Board of Commissioners and the **EMPLOYEE**.
6. To the extent that any provisions of the Baraga County Personnel Policy are inconsistent with this contract, the terms of this contract shall prevail.

Board Approved:

Chairperson, Baraga County Board of Commissioners

Robert F. Mikesch
Robert F. Mikesch

Date: _____

Date: 8/27/20



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GRETCHEN WHITMER
GOVERNOR

PAUL C. AJEGBA
DIRECTOR

August 17, 2020

Ms. Wendy Goodreau
Baraga County Board of Commissioners
6 North Main Street
L'anse, Michigan 49946

Dear Ms. Goodreau:

RE: MDOT Contract 2017-0011/P4/R2

Enclosed are two originals and one unsigned copy (for your records) of the above referenced contract between Baraga County Board of Commissioners and the Michigan Department of Transportation (MDOT). If this contract meets with your approval, please complete the following items:

- Secure the necessary signature(s) on **BOTH** original contracts. **PLEASE PRINT NAME AND TITLE OF SIGNER(S)** in the space provided. *Please note, if your authorized signer is not available due to the COVID-19 pandemic, MDOT will accept another authorized signature on the authorization; however, please provide a statement indicating the name of the authorized signer for the time period of the COVID-19 pandemic.*
- Please **DO NOT DATE, UNSTAPLE, OR MAKE ANY MARKS ON THE ORIGINAL CONTRACTS.** We will date the contracts when they are awarded. A contract is not awarded unless it has been signed by both parties.
- Include a **CERTIFIED SIGNATURE RESOLUTION.** The signature resolution should specifically name the officials who are authorized to sign contracts for your organization and be included with the signed agreements. If this is an amendment or revision, or if you already have a blanket signature resolution on file with us and there have been no changes, there is no need to include one with your signed agreements.
- Return **BOTH** original contracts to **MDOT – Mail Code B460, Attention: Brenda Allen, P.O. Box 30050, Lansing, Michigan 48909 BEFORE September 4, 2020** to meet the fiscal year 2020 funding deadline. If returning via overnight delivery, please send to **MDOT – Mail Code B460, Attention Brenda Allen, 425 West Ottawa, Lansing, Michigan 48933.** One original of the awarded contract will be forwarded to you.

Please contact your project manager if you have any questions. If your project manager is unavailable, feel free to contact Kelly Villarreal, Contract Administrator, at (517) 335-1833.

Enclosures

Please be sure to complete the necessary paperwork for a digital signature as soon as possible to ensure timely release of funds. If you have questions, email Kelly @ villarrealk@michigan.gov or your project manager.

Unsigned Copy
For Your Files

Date: June 15, 2020
Agreement No.: 2017-0011
Authorization No.: P4/R2
Job No.: 208133
Agenda: DIR

**REVISED PROJECT AUTHORIZATION
BARAGA COUNTY BOARD OF COMMISSIONERS
FY 2020 SPECIALIZED SERVICES
OPERATING ASSISTANCE PROGRAM**

This information is required by the Michigan Department of Transportation (MDOT) in order to record agreement of utilization of funds. The funds shall be used by the AGENCY in accordance with the above referenced Master Agreement.

Authorization Effective Date: October 1, 2019
Authorization Expiration Date: September 30, 2021

The AGENCY shall enter into contracts with all parties listed in this PROJECT AUTHORIZATION. An executed copy of these third party contracts must be submitted to MDOT.

In accordance with Section 8 of the Agreement, the dollar amount for third party contracts as identified in COMMISSION policy is \$25,000. All agencies that are not self certified must submit third party contracts over \$25,000 to MDOT for approval before payments will be processed. Please refer to Section 8 of the Agreement for competitive bidding requirements.

Up to one-fourth (1/4) of the funds provided by the STATE set forth in the PROJECT AUTHORIZATION will be payable each quarter contingent upon receipt of any outstanding reports from the previous quarter as required. ***Please note that Line 1 funding will be paid out at the original Funding Rate for the first and second quarters of fiscal year 2020. Line 2 funding will be paid out at the increased Funding Rate for the third and fourth quarters of fiscal year 2020 and fiscal year 2021.***

The AGENCY agrees to prepare and furnish to MDOT quarterly operating assistance reports via the Public Transportation Management System (PTMS). Said reports are due within forty (40) days after the end of each fiscal year quarter. Instructions for preparing the report are available in the "Specialized Services Manual." The manual is available on the web at www.michigan.gov/mdotptd by locating the resources box on the home page and opening the item listed "Audit/Accounting Information."

The purpose of Revision 1 is to provide additional funding for operating assistance, and extend the authorization term by 15 days.

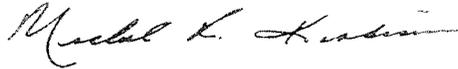
The purpose of Revision 2 is to provide additional funding rate language and extend the authorization term by approximately one year.

<u>Line No.</u>	<u>Agency/Subrecipient</u>	<u>Activity Code</u>	<u>Funding Rate</u>	<u>Maximum Funding</u>
1	Baragaland Senior Citizens, Inc.	898	\$1.20/mile	\$ 8,588
2	Baragaland Senior Citizens, Inc.	898	\$2.40/mile	<u>8,588</u>
	Total			\$17,176

Funding source:
2020/65150/1120 \$17,176 (S)

PRF Nos.: 2019-376
2020-11
2020-482

BARAGA COUNTY BOARD OF COMMISSIONERS



Signature

Michael R. Koskinen, (Chairman)
Print Name and Title

Signature

Print Name and Title

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title: Department Director

The meeting of the Baraga County Memorial Hospital Board of Trustees was held on July 21, 2020 at 6:00 PM remotely via Google Hangouts.

PRESENT: Carole LaPointe Jim Loman Shirley Younggren
Cathy Wadaga Dr. Harold Ripple Courtney Jones
Kate Beer Dr. Todd Ingram

ABSENT:

ADMIN IN Margie Hale Tom Van Ess Todd Peltola
ATTENDANCE: Gail Jestila Mike Drew Alecyn Sintkowski

GUESTS:

AUDIENCE: Katie LaCosse Kim Lawson Margie Makela
Laura Brogen

CALL TO ORDER:

The meeting was called to order at 6:00 PM by Mr. Loman.

APPROVAL OF CONSENT AGENDA:

Ms. Beer made a motion seconded by Ms. Wadaga to adopt the consent with the addition of 7a) Superior National Bank Liquid Money Account Resolution 9a) Auditors will perform an evaluation for the sale of Home Services. All in favor - motion carried.

APPROVAL OF MINUTES:

Board of Trustees Meeting of 6-16-20:

The minutes of the Board of Trustee meeting of June 16, 2020 were approved via the consent agenda. All in favor – motion carried.

QUALITY:

Quality Update:

Mr. Pelota discussed changes in the police reporting policy from the recommendation of Kitch Law Firm.

Reminder of quality committee meeting 07/23/2020 at 12:30pm via Google Meetings

FINANCIAL AND STATISTICAL REPORTS:

May 2020 Financial Statements:

Ms. Jestila reviewed financial statements for June 2020. Available cash remains strong at 211 days of \$10,923,540. AR days for entire organization increased 4.4 days to 68.5. Patient revenue increased \$732,363 to \$2,861,095 and operating revenue increased \$218,148 to \$1,775,049. Operating expenses increased \$143,220 to \$1,769,990. BCMH showed a net loss for the month of \$9,568; a net margin of -0.5% and an overall net loss for the year of \$1,158,226.

Ms. LaPointe made a motion seconded by Ms. Wadaga to approve the BCMH financial statements

for June 2020. All in favor – motion carried.

MEDICAL STAFF:

Medical Staff Meeting of 6-11-20:

Ms. Wadaga made a motion seconded by Ms. Beer to accept the minutes of the BCMH Medical Staff Meeting held on June 11, 2020 as written. All in favor - motion carried.

2nd quarter 2020 Peer Review- Motion to approve by Ms. Beer- 2nd by Ms. Wadaga.

Medical-Dental Staff Appointments/Reappointments:

See Agenda- Cathy Wadaga/Kate Beer

APPOINTMENTS:

Gerald Yutzy, MD:

Dr. Yutzy has been appointed to the roster of radiologists who provide services to BCMH through the contract with Virtual Radiologic. Virtual Radiologic does their own credentialing for their professionals, but his appointment needs medical staff and board approval. His file is complete with no issues of note.

Dr. Vickstrom made a motion seconded by Dr. Pynnonen to approve the appointment **Gerald Yutzy, MD** to the roster of Virtual Radiologic physicians who provide coverage to BCMH. All in favor – motion carried.

REAPPOINTMENTS:

None at this time.

DELETIONS:

None at this time.

STATUS CHANGE:

None at this time.

ADMINISTRATIVE ITEMS:

Superior National Bank Liquid Money Account Resolution:

Ms. Jestila requested a resolution to open a liquid money account, have BCMH's normal signature transferring funds with these stipulations: to be able to move all but \$100.00 per trust advisor. The fee will be stopped on the market fund.

Ms. LaPointe made a motion seconded by Ms. Beer to approve. All in favor – motion carried.

MANAGEMENT UPDATE AND DISCUSSION ITEMS:

The following reports were approved via the consent agenda:

- **Chief Executive Officer's Report**
 - Physician Group
 - Human Resources/Housekeeping
 - Corporate Compliance

- Employee Recognition
- **Chief Financial Officer's Report**
 - Revenue Cycle
 - Purchasing
 - Information Technology
 - Community Events
 - Fitness Center
 - BCECC Financials
- **Chief Nursing Officer's Report:**
 - Nursing
 - Home Care/Hospice/DME
 - Education/Telemedicine/Emergency Management
- **Ancillary Director's Report:**
 - Laboratory
 - Imaging
 - Respiratory Therapy
 - Pharmacy
 - Physical Therapy

INFORMATIONAL ITEMS:

BCMh has an interest party in purchasing Home Services (Home Care/Hospice/DME). BCMh will explore the option of selling Home Services with an evaluation performed by WipFi.

ADJOURN:

Ms. Wadaga made a motion seconded by Ms. Beer to adjourn the meeting at 6:22 PM.

NEXT MEETING:

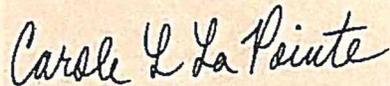
Tuesday, August 18, 2020

6:00 PM

Location to be announced

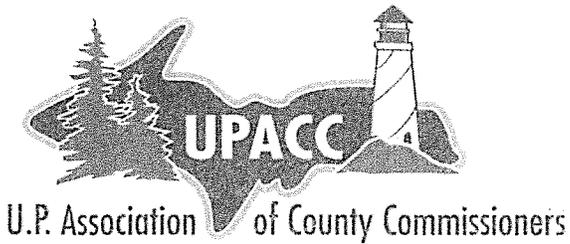
L'Anse, MI 49946

Respectfully submitted,



Carole LaPointe
Secretary

CL/prm



P.O. Box 606
2501 14th Avenue South
Escanaba, MI 49829

906.786.4701 • Fax 906.786.5853
www.upcap.org

September 9, 2020

Governor Gretchen Whitmer
PO Box 30013
Lansing, MI 48909

Dear Governor Whitmer,

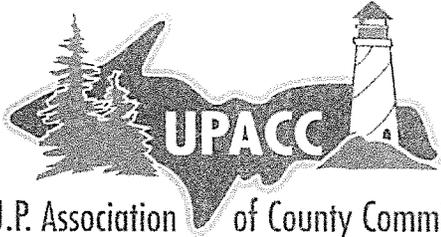
On behalf of the UP Association of County Commissioners (UPACC), we are expressing our unanimous opposition to the reappointment of Victoria Enyart to the Michigan Tax Tribunal. Her prior positions have been an obstacle to the Dark Store Reform and have resulted in a financial loss of millions from local and state government due to flawed interpretations of state tax laws.

As Michigan attempts to move forward in these financially unsure times, closing this tax loophole will be critical for Michigan's future. We respectfully request that you rescind your decision to reappoint Ms. Enyart to the Tax Tribunal.

Sincerely,

Jonathan Mead
Administrative Agent/Secretary

cc: Upper Peninsula State Legislators
MAC
UP County Clerks
Upper Peninsula Legislative Coalition Members



P.O. Box 606
2501 14th Avenue South
Escanaba, MI 49829

906.786.4701 • Fax 906.786.5853
www.upcap.org

Resolution on House Bill 4590

A bill to create a Tourism Reinvestment Excise Tax

Whereas, tourism rates have increased steadily across the Upper Peninsula in recent years. This growth is apparent in an almost 20 percent increase in visitor spending in the U.P. between 2011 and 2017, according to the Michigan Economic Development Corporation.

Whereas, while this growth in tourism results in positive economic impacts to the private sector and increased state tax revenue, local revenue growth is far more restricted. This local revenue growth is limited to local property taxes, any modest increase of which is insufficient to cover the costs of the growth in tourism.

Whereas, recreational activity by tourists result in measurable increased strain on local services. This is especially true of life-saving medical services that impact not only visitor safety but that of residents as well. Alger County has witnessed a 240 percent growth in non-residential emergency runs between 2012 and 2018. Additionally, the number of out-of-state tickets for traffic violations has more than doubled in the past five years.

Whereas, the geographic distances between local services, hospitals and the sites of emergency events can be very large. This places further strain on the ability of EMS to respond in a timely manner when multiple calls are received in one day, putting lives at risk.

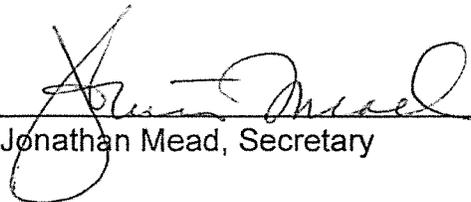
Whereas, large numbers of tourists impact the cost of emergency services, as well as parks and recreation, in local budgets. There is currently no recourse for County governments to levy taxes that impact visitors only in order to account for these increased costs.

Whereas, local residents should not be asked to subsidize with their own limited resources the increased costs of tourism. U.P. residents already pay relatively high property taxes, due in part to greater amounts of non-taxable and tax-restricted properties, which shifts the tax burden onto regular property owners. Local voters have also been asked to approve a greater number of special assessments in recent years, due to constrained local revenue in rural counties.

Whereas, House Bill 4590, introduced by State Representative Sara Cambensy, provides for a Tourism Reinvestment Excise Tax that, if approved by local voters, would allow Counties the option to tax local room rentals at rate not to exceed 5 percent of the total room rate. The revenue generated would be designated specifically for emergency medical services and parks and recreation.

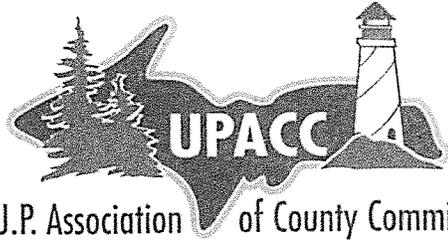
Be it therefore resolved that, the Upper Peninsula Association of County Commissioners (UPACC) fully supports the passage House Bill 4590 and that copies of this resolution be sent to Governor Gretchen Whitmer, Senate Majority Leader Mike Shirkey, Speaker Lee Chatfield, the Michigan Association of Counties (MAC) and the Upper Peninsula Commission for Area Progress (UPCAP).

Dated: 8/31/2020



Jonathan Mead, Secretary

Be it therefore resolved that, [County] fully supports the passage House Bill 4590 and that copies of this resolution be sent to Governor Gretchen Whitmer, Senate Majority Leader Mike Shirkey, Speaker Lee Chatfield, the Michigan Association of Counties (MAC) and the Upper Peninsula Commission for Area Progress (UPCAP).



P.O. Box 606
2501 14th Avenue South
Escanaba, MI 49829

906.786.4701 • Fax 906.786.5853
www.upcap.org

RESOLUTION TO REJECT APPOINTMENT of Victoria Enyart

Whereas; all fifteen counties in the Upper Peninsula, who are members of the Upper Peninsula Association of County Commissioners (UPACC), have the responsibility for ensuring the health, safety, and welfare of Township residents and visitors; and,

Whereas; the financial resources necessary for the provision of such services are derived from taxable value assessment, collection, and distribution to reliant entities, and,

Whereas; such tax collection and distribution generally occur after services are committed or rendered to constituents; and,

Whereas; local County Assessors are required to apply provisions of the formal Assessors Manual as issued by the Michigan Tax Commission in determining said taxable values, and;

Whereas; the Michigan tax Tribunal is not required to apply the provisions of the formal Assessors Manual in their review of appeals; and,

Whereas; the Michigan Tax Tribunal is required to follow Michigan law contained in statute and in binding appellate court decisions and the Michigan Supreme Court has required the Tribunal to adhere to standard appraisal practices; and,

Whereas: the Michigan Tax Tribunal has accepted and applied the "dark store" theory in their decisions regarding commercial properties since 2010; with the most significant ruling yet in the recent Court of Appeals remand decision of the Menards Inc. v City of Escanaba case written by Victoria Enyart; and Preeti Gadola; and,

Whereas; in her opinion on remand Victoria Enyart rejected the Court of Appeals published and binding decision in Menard Inc. v City of Escanaba and determined that the Court of Appeals reliance on published and binding case law and the Court of Appeals analysis of legal precedent was error; and,

Whereas; in her opinion on remand Victoria Enyart rejected market analysis that is standard in the appraisal profession, that was required by the Court of Appeals and determined the market analysis would not be used at the Tribunal to determine the value of big box stores; and,

Whereas; in her opinion on remand Victoria Enyart rejected the Michigan Legislature's long-standing definition of "fee simple" and Michigan appellate court decisions interpreting that standard and instead determined that rental property could not be transferred in fee simple unless the property was first entirely vacant and had no tenant when transferred; and,

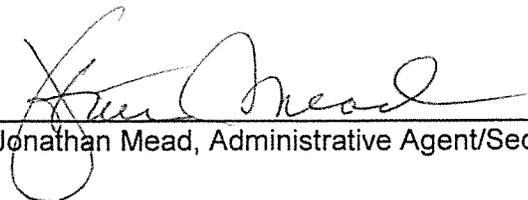
Whereas; Victoria Enyart has a long history of rendering "Dark Store" opinions, of rejecting standard appraisal methods, of rejecting standard assessment methods that have national consensus and rendering biased decisions; and,

Whereas; Victoria Enyart has no legal training or background, is not competent to render decisions on Michigan law, and is, historically, among the most frequently reversed members ever to be appointed to the tax tribunal, and

Whereas; the Michigan Senate is required to approve the appointment of Victoria Enyart as recommended by Governor Gretchen Whitmer ignoring the impacts to local governments, tax revenue reliant agencies, and all constituents;

Now Therefore Be It Resolved; that the Upper Peninsula Association of County Commissioners and its member counties, hereby resolve to respectfully ask Governor Whitmer to withdraw the nomination or the Michigan Senate to reject the appointment of Victoria Enyart to the Michigan Tax Tribunal as proposed by Governor Gretchen Whitmer to the detriment of local governments, tax revenue reliant public agencies, and all constituent taxpayers.

September 9, 2020


Jonathan Mead, Administrative Agent/Secretary